

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P1705.10</b>	
<b>WARD :</b>	Harold Wood	<b>Date Received:</b> 26th November 2010
<b>ADDRESS:</b>	Ashlea View Tomkyns Lane Upminster	
<b>PROPOSAL:</b>	Stationing of three caravans for residential occupation by Gypsy family and storage of fourth caravan.	
<b>DRAWING NO(S):</b>	Plan 1 Location Plan; Plan 2 Site Location Plan	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

## **BACKGROUND**

This application was deferred from Committee on 17th March 2011 to enable Officers to provide further photos of the current site in particular to show views of the additional mobile home including a view from access/entrance and to clarify details of waste and sewage disposal arrangements.

Photos and aerial photos are now available to show the residential compound from the highway and from above and the hardstanding and gates at the entrance from Tomkyns Lane.

The applicant has written to confirm that refuse and household waste are removed by the Council, as has been the case for the last 13 years or so. Sewage disposal is dealt with via an on-site cesspool which is emptied every six to 9 months by a local contractor (details supplied).

The remainder of the report remains unaltered with the exception of a reference to gates/access widening, which does not form part of this proposal.

## **SITE DESCRIPTION**

The application site is located on the eastern side of Tomkyns Lane and is within the Metropolitan Green Belt. The site has an overall area of 2.1 hectares, although the application relates only to a small part of the overall site area, referred to later in this report as the residential compound. It is only the residential compound and the access driveway which are included in the application site boundary. The compound area consists of an area of hardstanding in a central part of the site, adjacent to its western boundary with Suttons Farm, which is occupied by 3 mobile homes. There is also a touring caravan and a stables.

The remainder of the site is in use for dog breeding and livestock rearing with a large pond located to the north-west of the residential compound, this is not included within the application site.

The residential compound is linked to the highway at Tomkyns Lane. At the site visit it was noted that some works have been undertaken to widen the vehicular access and erect gates. This work is likely to require planning permission (subject to further investigation) but does not form part of this application and is not therefore under consideration. A possible playhouse does also not form part of this current planning application.

The surrounding area is within the green belt and along Tomkyns Lane is mainly comprised of well separated mainly detached residential properties to road frontages with many having

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

commercial uses (agriculture/farming) on the remainder of the land in the plot. To the north and east of the application site are mainly open fields although there are further frontage residential properties to Warley Lane to the north-east of the application site.

### **DESCRIPTION OF PROPOSAL**

The proposal follows the temporary approval of the site to retain the use of the land as a caravan site for a Gypsy family and for the retention of the existing mobile home and a static caravan, together with a touring caravan. The current application is for the stationing of 3 caravans for residential occupation by Gypsy family and storage of a 4th caravan on a permanent basis. At the site visit it was ascertained that the 3 caravans are of the mobile home variety with the 4th caravan being a touring caravan.

A statement of very special circumstances has been submitted in support of the application. In summary, this raises the following issues:

- It is recognised that the proposal is for inappropriate development in the Green Belt and that PPG2 therefore requires that very special circumstances exist
- The applicants have now occupied the application site for some 13 years dealing in livestock and dog breeding. There have been three previous planning consents, for temporary periods of five and three and two years respectively, for a mobile home and touring caravan on the site (for the latter there were 2 mobile homes). The earlier consents were temporary consents, issued pending the outcome of the Council's Travellers Needs Assessment; the latter pending the adoption of the LDF and the related DPD.
- the needs assessment has since been completed but no suitable new Gypsy sites have been identified. Despite policy changes, without changes to the Green Belt boundary, sufficient suitable sites are unlikely to become available.
- there is no material harm to the character and appearance of this part of the Green Belt. This is supported by the Planning Inspector in considering the 2004 appeal when he indicates that the 2 caravans were well set back from the road and screened by vegetation such that they "marginally reduce the general openness of the area" and that no other harm was identified. No additional harm would arise from the stationing of 3 caravans and a touring caravan.
- Both Planning Inspectors (in 1998 and 2004) concluded that a second temporary permission should not normally be granted (in line with Circular 11/95) and that as the Council's decisions regarding the provision of a site for travellers has not been meaningfully progressed, that a further temporary period was warranted. The applicants indicate that as this is now the fourth application for the same land for use by a Gypsy-Traveller and that the only change is the provision of a 3rd caravan for a married son, such that permanent permission is now warranted as the Council has had long enough to assess the impact of the proposal and to find a suitable alternative location for the family.
- the proposal is essentially compliant with the requirements of Policy DC8 which, as amended, introduces some relaxation in the approach to Green Belt issues. A needs assessment has been undertaken and a site allocation DPD is to be produced. No land has been found that is not within the Green Belt in Havering.
- other new or enlarged residential dwellings have been allowed to Tomkyns Lane and Warley Lane which are visible from the applicants property, this sets a precedent for the applicants

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

proposal for residential use/stationing mobile homes.

- the special circumstances of the applicants include their Gypsy status, the lack of alternative sites to meet an identified need and personal circumstances relating to the educational needs of the children, age and medical condition of the applicant which has reduced the applicants activity level, the need to tend livestock kept on the site and the absence of any alternative sites.

- a personal permission would be acceptable to the applicant

- the only change between this and the last temporary approval is the addition of a 3rd mobile home.

3 Appeal Decisions have been submitted in support of the application: 2 relates to sites in neighbouring Brentwood District Council and one in Cannock in the West Midlands all of which were granted permanent permission for Gypsy Sites in Green Belts.

The proposal does not include the erection of gates or the widening of the access onto the highway, which will be investigated as to whether this requires a separate grant of planning permission.

#### **RELEVANT HISTORY**

P0916.97 Change of use from agriculture to residential and retention of one mobile home and a touring caravan - Refused; Subsequent appeal allowed for a temporary period of five years.

P0820.03 Change of use from agriculture to residential and retention of one mobile home and a touring caravan - Refused; subsequent appeal allowed in 2004 for a temporary period of three years.

P0185.08 Retention of one mobile home plus caravan - Refused 15/4/08 on the grounds of in principle harm, and physical harm to the character and openness of the Metropolitan Green Belt and the lack of very special circumstances to outweigh the resultant harm to the Green Belt.

P1115.08 Retention of mobile home, static caravan and touring caravan - Granted 2-year temporary consent on 1/9/08.

#### **CONSULTATIONS/REPRESENTATIONS**

The application has been advertised on site and in the local press as a departure from Green Belt policies. Neighbour notification letters have also been sent to 4 adjoining and nearby properties. 9 letters of representation have been received objecting to the proposals on the following grounds:

- increase from one mobile home to 3 is unacceptable
- loss of screen hedgerows means that the proposal is more visible and has an unacceptable impact on visual amenity
- the proposal more than marginally reduces general openness
- the site is within the green belt which should be preserved at all times
- the entrance to the property has been enlarged and gates erected without planning permission
- a large lake was constructed causing flooding during heavy rainfall which is a hazard to highway users
- the applications for mobile homes have been retrospective and this may happen again
- the applicant's family is restricted by planning condition but this is open to abuse as it could

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

- allow expansion over time, requiring more caravans
- no further/additional development should be allowed
- travellers should not be allowed to have a permanent site as they should "travel"
- if the applicants want a permanent place they can buy a "legal house"
- the reasons given by the applicant are not of any relevance
- this is not residential land
- the scheme is particularly visible from the highway and is a blight
- increase in noise from occupation and animals is noise pollution
- the applicants have threatened people
- the applicant owns other sites and could move elsewhere
- dogs at the site have escaped and caused problems for users of the highway
- the schooling needs and age and medical condition of the applicant and his family are not unusual for many Havering residents and do not give reasons for planning permission to be granted
- while the applicants indicate that they are respected by their neighbours this is unsubstantiated
- restricting the site to members of the family will fail as the number of family members is likely to increase requiring more and more caravans at the application site
- landscaping has been removed
- the allowance of this use on a temporary basis does not set a precedent for permanent permission as each time the applications are for more caravans and are normally made retrospectively
- conditions of the temporary consents in respect of the number of caravans have been broken
- the caravans are clearly visible from the land as landscaping has been removed
- the Council should not have sole responsibility to find the applicants an alternative site
- other works have blocked drainage channels
- the Council have failed to be decisive in their actions to deal with problems associated this development
- the applicant should not be allowed to remove hedging on his property

The Campaign for the Protection Of Rural England have written to object on the grounds that the proposal is inappropriate development in the Green Belt, does not satisfy Green Belt criteria in Policy DC8 and that the lack of an official Council-owned Gypsy/Traveller site should not justify a claim of very special circumstances, the Council does not have sole responsibility to find a site for the applicant and there is no evidence that the applicant has searched for an alternative within the urban fringe abutting fields suitable for livestock. This is contrary to Policy DC45 of the LDF. The special circumstances offered do not amount to very special circumstances if they are commonly experienced by families without recourse to specialist treatment which requires a permanent base (old age and diabetes do not require very specialist treatment). If permission is considered it should only be temporary, should require the removal of the additional living accommodation and limited to the individuals named in the existing temporary approval.

### **RELEVANT POLICIES**

Policies DC8, DC45 and DC61 of the Development Control Policies Development Plan Document are relevant.

Interim Planning Guidance on Provision for Travellers is also a material consideration.

Policy 3D.9 of the London Plan and the provisions of PPG2 (Green Belt) are also material considerations.

Articles 1 and 8 of the first Protocol of the European Court of Human Rights are also relevant.

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

In addition to the above, Circular 1/06 'Planning for Gypsy and Traveller Caravan Sites' is material in the determination of this application. The main intentions of the current Circular are:

- \* To create and support sustainable, respectful and inclusive communities;
- \* To reduce the number of unauthorised encampments and developments and to make enforcement more effective;
- \* To increase significantly the number of Gypsy and Traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3-5 years;
- \* To recognise, protect and facilitate the traditional travelling way of life of Gypsies and Travellers, whilst respecting the interests of the settled community;
- \* To underline the importance of assessing accommodation needs at all levels;
- \* To identify and make provision for the resultant land and accommodation requirements;
- \* To ensure Development Plan Documents include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- \* To promote more private Gypsy and Traveller site provision in appropriate locations through the planning system; and
- \* To help to avoid Gypsies and Travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.

The Circular explains that the planning process in relation to Gypsy and Traveller accommodation assessment and provision will begin by Local Authorities assessing the level of need and identifying approximate pitch requirements. These figures will then be passed to the Regional Planning Board (RPB) to assist in the production of the Regional Spatial Strategy (RSS). The RSS will consider need from a regional perspective before, where appropriate, specifying pitch numbers for each local administrative area. The Local Planning Authority is then required to translate that allocation into specific sites by way of a Development Plan Document (DPD) on Gypsy and Traveller Site Provision, as part of its Local Development Framework (LDF).

The Circular provides guidance on the transitional arrangements in advance of consideration of required accommodation by the RPB. In this circumstance, particularly where there is a clear and immediate need for Gypsy and Traveller site provision (evidenced, for example, through the presence of significant numbers of unauthorised encampments or developments in a Borough/District), the Circular advises that Local Planning Authorities should bring forward its site allocation DPD either in parallel with, or in advance of the Core Strategy.

The Core Strategy Development Plan Document gives a commitment to the production of a DPD on Gypsy and Traveller site provision. Preparation of the DPD is currently subject to the outcome of the GLA London-wide study of traveller need, which will inform the content of the DPD. Adoption of a Gypsy and Traveller DPD is not currently anticipated before the end of 2011.

The Circular advises that Local Planning Authorities must have regard to the findings of any associated DPD or any initial assessment work carried out before determining a planning application for a gypsy or traveller site, particularly if it decides to refuse such an application. Where a formal, up-to-date accommodation assessment has yet to be undertaken, the Circular notes that other sources of information can be used to evaluate need.

## **STAFF COMMENTS**

The issues arising from this application are whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development; the impact on the character and openness of the Green Belt, the impact on local amenity,

parking and highway issues.

## **BACKGROUND**

In 2004, a temporary three year planning permission was granted on appeal for the continued residential occupation of the site. In granting permission, the Inspector concluded:

"The proposal would cause intrinsic harm to the Green Belt by reason of inappropriateness and would marginally reduce its openness. Gypsy status in itself is not sufficient to amount to very special circumstances but the appellant is within a minority group that is subject to specific national advice that recognises their need for accommodation. This has a bearing on the weighing up exercise that has to be performed.

I have found a number of material considerations that support the proposal. These include the strong general need for gypsy sites in the Borough and the lack of suitable alternatives whether public or private. In addition, the appellant's need for a settled base to enable him to keep his livestock and ensure the continuing education of his children assumes greater force given the absence of a credible option to life on the road. However, matters are in a state of flux awaiting the traveller needs assessment.

The policy objections to residential development in the Green Belt are considerable. However, I judge that the shortage of potential gypsy sites in Havering is severe with little immediate prospect that this will be remedied. Coupled with the particular circumstances of the appellant [financial inability to purchase an alternative site, the need for an operational base for livestock trading and the educational needs of the children] I conclude that there are, in aggregate, material considerations which would clearly outweigh the totality of harm. At the present time, they amount to very special circumstances sufficient to justify permitting the proposal.

The position may change after the traveller needs assessment is produced. It would therefore be wrong in my view to grant a permanent position when this site may not form part of the consultation and final list of the Gypsy/Traveller Site Allocation DPD. Circular 11/95 indicates that a second temporary permission should not normally be granted. However, in this case, the primary reason for the previous Inspector's decision was to allow the situation to be reviewed in light of the Council's decisions regarding the provision of a site for travellers. As this has not been meaningfully progressed, I consider that a further temporary period is warranted."

It is recognised that this is the 4th time the applicant has applied for permission for caravans to be sited at the application site. Nonetheless the number of caravans has increased and this is not simply a renewal or 2nd, 3rd consent based on the same scheme. This is the first application for 3 caravans and a touring caravan and it is to be considered on its merits.

## **PRINCIPLE OF DEVELOPMENT**

PPG 2 sets out in full those developments deemed to be appropriate within the Metropolitan Green Belt. Policy DC45 reasserts the content of PPG 2 in this regard. The proposed retention and occupation of the mobile homes and touring caravan does not fall within the categories of development deemed to be appropriate. Very special circumstances are therefore required to justify what would be a departure from policy should planning permission be granted. Such circumstances will only exist where the inappropriateness, together with any other harm (such as visual impact), are clearly outweighed by other considerations.

Prior to appraising those very special circumstances therefore, an examination of the proposal's impact upon the character, appearance and openness of the Green Belt is needed, together with

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

consideration of the impact upon residential amenity and the highway.

### **GREEN BELT IMPLICATIONS**

As identified above, in considering the appeal for the continued use of the land for residential purposes, the Inspector considered that the mobile homes and touring caravan marginally reduced the general openness of the area. While the applicant has removed some boundary vegetation (which does of itself not require consent) allowing an increase in the direct view of the small grouping of caravans from the vehicular access to the site, the caravans are tightly grouped in a well set back position within the existing small compound area.

Little has therefore changed visually on the site since 2008 as the additional mobile home appears to have replaced an earlier building and is behind the static caravan (when viewed from the highway) which was considered acceptable for a temporary period in 2008. Staff consider that the low level of harm arising remains the same as that previously identified in the report to Committee in 2008.

### **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The group of caravans, particularly those to the northern end of the compound area would be visible in the streetscene, in particular due to the removal of some hedging adjacent to the highway around the driveway access. The removal of boundary hedging does not of itself require planning permission, nonetheless it does expose the development to a slight increase in public viewpoints at the vehicular access from the highway.

Nonetheless the single-storey flat roof caravans are located nearly 70m from the highway, such that given that there are a number of two-storey houses located significantly closer to the public highway onto Tomkyns Lane, Staff do not consider that there would be any significant adverse impact on visual amenity in the streetscene.

Also, there are no other impacts arising to the streetscene or garden scene above those already identified in 2008.

### **IMPACT ON AMENITY**

In line with the Inspector's previous conclusions, there are no other impacts arising to residential amenity over and above those previously identified.

Councillors requested that information is provided regarding the existing cess pit. Details have been requested from the applicant and an oral report will be made at the Committee meeting.

### **HIGHWAY/PARKING**

There are no specific parking requirements for mobile homes, nonetheless there is sufficient hardstanding within the compound for between 4 and 8 vehicles which is considered to provide acceptable parking and turning space for the proposed residential use.

Waste details have not been provided on the submitted plans. The applicant has been asked to provide details and an oral report will be made at the Committee meeting.

It is noted that some works have taken place to the vehicular access onto Tomkyns Lane, in particular the removal of hedging and the laying of hardstanding together with new gates. While the hardstanding and gates are likely to require permission, this does not form part of the current proposal.

## **OTHER ISSUES**

The Case for Very Special Circumstances:

The development applied for is broadly similar to that previously granted temporary approval, save for the addition of a further mobile home bringing the total up to 3 mobile homes and a touring caravan. The current application is supported by a statement setting out factors in support of the proposals, including further details of the personal circumstances of the applicant. This statement is broadly summarised elsewhere in this report.

Staff consider that the arguments put forward in support of the case for very special circumstances are materially similar to those considered by the Inspector under the 2004 appeal (and the 2008 approval) which, in the Inspector's view, constituted, in aggregate, material considerations which would clearly outweigh the totality of harm. It is therefore considered that the case put forward, combined with the marginal impacts of the development on the openness of the Green Belt, would be sufficient to amount to the very special circumstances sufficient to justify the proposal.

However, in granting a temporary planning permission for three years, the Inspector did so principally to enable the Council to progress its review on gypsy and traveller accommodation needs. As detailed above, the production of a Development Plan Document on Gypsy and Traveller site provision has begun following the findings of the GLA London-wide study of need. The DPD is at an early stage and it is therefore unlikely that a DPD would be adopted before the end of 2011.

Arguably therefore, the policy position has changed little since 2004. It is considered that it would not be appropriate to grant a permanent permission until the Gypsy and Traveller DPD has been adopted, as this may provide alternative solutions to the needs of Gypsies within the Borough. However, it is considered that a temporary permission for a period of two years, personal to the applicants, would be reasonable covering the interim period between now and the adoption/implementation of measures that will be identified in the DPD.

## **KEY ISSUES/CONCLUSIONS**

The main issues in this case are the principle of the development and its impact upon the character, appearance and openness of the Green Belt at this point. The proposed retention of the mobile homes and touring caravan constitutes inappropriate development. It is considered that they are prejudicial to the openness of the Green Belt. It is considered that very special circumstances have been put forward by the applicant which would justify an exception from established policy. However, it is considered that a temporary permission only would be appropriate pending the future adoption of a Gypsy and Traveller DPD.

## **RECOMMENDATION**

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

1. S SC32 (Accordance with plans)
8. S SC16 (Temporary permission) INSERT DATE

This permission shall be for a limited period only expiring on 30th June 2013 on or before which date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

**2.** Non standard condition

The occupation of the land, 3 mobile homes and touring caravan shall be restricted to persons defined as gypsies in section 24 (8) of the Caravan Sites and Control of Development Act 1960, or any equivalent definition in any Act revoking and re-enacting that Act.

Reason: The development is only considered to be acceptable in view of the Gypsy status of the applicant, together with the very special circumstances of the application.

**3.** Non standard condition No 2

The land, 3 mobile homes and touring caravan shall only be occupied by Mr. Foley, his dependant partner and his children and their families.

Reason: The personal circumstances of the applicant and his children are considered to constitute very special circumstances to justify the development.

**4.** Non standard condition

When Mr. Foley and his immediate family i.e. is dependant partner and children and grandchildren cease to occupy the land or at the end of two years from the date of this decision, whichever is the sooner, the residential use of the land shall cease and the mobile home, static caravan and touring caravan and all materials brought onto the site in connection with the use shall be removed.

Reason: The development is only acceptable on a temporary basis and to ensure that there is no permanent harm to the character of the Green Belt.

**5.** Non standard condition

Not more than 3 mobile homes and one touring caravan shall be stationed on the land at any one time.

Reason: In the interests of amenity and to maintain the character and openness of the Green Belt.

**6.** Non standard condition

No commercial activity shall take place on the site including the external storage of goods, materials, plant or machinery in connection with any commercial activity.

Reason: In the interests of amenity and the character and openness of the Green Belt.

**7.** Non standard condition

No storage of cars, lorries or other vehicles, other than those for the personal use of the applicant, shall be stored on the site.

Reason: In the interests of amenity and the character and openness of the Green Belt.

**1** INFORMATIVE:

Reason for approval:

**REGULATORY SERVICES COMMITTEE**

**30th June 2011**

**OUTSIDE STATUTORY PERIOD**

The proposed development is considered to be inappropriate development in principle within the Green Belt. However, it is considered that very special circumstances exist which would justify the development for a temporary period. This accords with the provisions of PPG2. The proposal is considered to be acceptable in respect of its impact on neighbouring amenity and complies with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document in this respect. The proposal is also compliant with Policy DC33 of the Core Strategy and Development Control Policies Development Plan Document.

---

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0072.11</b>	
<b>WARD :</b>	South Hornchurch	<b>Date Received:</b> 14th March 2011
<b>ADDRESS:</b>	147 Rainham Road Rainham	
<b>PROPOSAL:</b>	Demolition of the existing commercial building and construction of a three storey building with a retail unit (A1) at ground floor. Four 1 bedroom flats on the first and second floors and adaption of existing storage building to rear to provide car parking, storage and refuse/bike store.  Revised Plans Received 19.04.11 &16.06.11	
<b>DRAWING NO(S):</b>	OS Plan C09117/03 Revision B C09117/6 Revision B C09117/02 Revision F C09117/04 Revision C C09117/01 Revision B	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

## **RECOMMENDATION**

That planning permission is approved.

## **SITE DESCRIPTION**

The site comprises a single storey building used as a DIY retail shop entitled 'Direct DIY - Trade Outlet' located to the south western side of Rainham Road. The site has vehicular access with an informal car parking area to the forecourt of the property. There is vehicular access to the rear of the site from Hubert Road. There is a two storey flat roofed storage building to the rear of the site, which would remain. No. 145 Rainham Road comprises of 'Rainham Super Store, off licence and grocers' and following a site visit, it was noted that it is numbered 145A. No. 149 Rainham Road comprises of 'New Cherries Rainham' which offers Chinese cuisine and fish and chips and has residential accommodation on the first floor. The surrounding area is characterised by two storey commercial premises and is located in a Minor Local Centre.

## **DESCRIPTION OF PROPOSAL**

The application seeks permission for the demolition of the existing commercial building and construction of a three storey building with a retail unit (A1) at ground floor and four one bedroom flats on the first and second floors with a front entrance. The proposal includes terraces to the rear of Flats 1, 3 and 4.

The development would measure 12.5 metres in width and would be between 18 and 22.7 metres in depth. The building would be 7.7 metres in height with four roof lights to the front. There is a recessed balcony and three roof lights on the rear elevation. There would be four car parking spaces to the front. There would be a right of way through the building with three parking spaces to the rear.

One shopfront is provided to the front elevation of the building. Any signage displayed on this

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

shopfront would be subject to a separate application for Advertisement Consent.

The proposal includes external changes to the two storey outbuilding to the rear of the site, including new windows and doors to provide car parking and a bin and bike store at ground floor and storage at first floor.

It is noted that there is a discrepancy on the plans, as there is a window on the rear façade of Flat 4 instead of a roof light, although this has not affected the determination of this application.

### **RELEVANT HISTORY**

There is extensive history, the most relevant of which is:

608/75 - 2 shops and 2 shops above - Approved.

608/A/75 - Amendments - Approved.

2132/78 - Ground floor sales unit - car sales on first floor. Two self contained 2 bed flats - Refused. Appeal dismissed.

A/67/80 - Internally illuminated fascia sign - Withdrawn.

A/74/80 - Internally illuminated fascia sign - Approved.

P1496.10 Demolition of the existing commercial building and construction of a 3 storey building with a retail unit (A1) at ground floor and 5 one bedroom and 1 two bedroom flat on the first and second floors Refused.

### **CONSULTATIONS/REPRESENTATIONS**

The occupiers of 38 neighbouring properties were notified of this proposal. Three letters of objection were received with detailed concerns that have been summarised as follows:

- The development would be an eyesore and would not blend in with surrounding buildings.
- Traffic, congestion and parking problems.
- Insufficient parking including a lack of provision for customers of the retail unit.
- The existing access in Hubert Road is unsafe.
- The access to the site is narrow.
- Lack of amenity space for Flat 2.
- Loss of light.
- The entrance to the flats is not considered to be safe as it is located to the side of the development, which is a shared access for vehicles, residents and potential commercial deliveries.
- No mention in the application of the impact of commercial deliveries.
- Noise and smell from the adjoining takeaway may affect the proposed development.
- The proposal for four flats would replace a single storey retail property.
- The Design and Access Statement is incorrect as it refers to a proposal for six flats.
- Sections 16 and 19 of the application form are incorrect.
- No reference to commercial waste storage on the plans.
- Overdevelopment.
- The proposal would reduce the existing gap between No. 147 and 149 and give rise to a terracing effect.

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

Crime Prevention Design Advisor - Recommends a condition and informative if minded to grant planning permission. The proposed shared bin and bike store would not meet the principles of the Secured by Design scheme, as cycles would need a dedicated secure storage facility.

The Highway Authority objects to the proposals due to insufficient provision of off street parking

spaces for the retail unit (A1).

London Fire and Emergency Planning Authority Access to the ground floor commercial unit is considered satisfactory. Access to the flats should comply with 16.3 of ADB volume 2.

In response to the above, the side entrance to the flats has changed to a front entrance. The existing two storey storage building would remain to the rear, which would prevent vehicle access from Hubert Road. The remaining issues are addressed in the following sections of this report.

## **RELEVANT POLICIES**

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

Residential Extensions and Alterations Supplementary Planning Document

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

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'

## **STAFF COMMENTS**

This proposal follows a previous planning application, P1496.10, for the demolition of the existing commercial building and construction of a 3 storey building with a retail unit (A1) at ground floor and 5 one bedroom and 1 two bedroom flat on the first and second floors that was refused planning permission for the following reasons.

1) The front dormers are not contained well within the roof space and would, by reason of their siting, excessive width and flat roofs, have a squat appearance and appear unduly bulky harmful to the character and appearance of the streetscene contrary to Policy DC61 of the LDF Development Control Policies DPD.

2) The proposed development would by reason of its excessive depth, height, scale, bulk, mass and proximity to neighbouring properties, result in a loss of amenity in terms of loss of light and outlook to adjacent occupiers, particularly No. 145A and 145C Rainham Road, contrary to Policy DC61 of the LDF Development Control Policies DPD.

3) The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policies DC2 and DC33 of the LDF Development Control Policies DPD.

4) The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to the requirements of the Residential Design Supplementary Planning Document and Policy DC4 of the LDF Development Control Policies

DPD.

5) In failing to deliver a high quality of design and layout through the deficiencies described in the reasons above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance Note 3 - Housing.

This proposal has been revised following a previously refused scheme, P1496.10. In this respect, the current application differs from the previously refused scheme in the following key areas:

- 1) The four dormers on the front elevation have been replaced with roof lights.
- 2) There is a separation distance of 1.7m at first and second floor between No. 147 and 149 Rainham Road.
- 3) The proposal has changed from 5 one bed flats and 1 two bed flat to 4 one bed flats. Therefore, the density has reduced from 133 dwellings per hectare to 88 dwellings per hectare.
- 4) Terraces have been provided for Flats 1, 3 and 4.
- 5) There would be a right of way through the building with three parking spaces to the rear.
- 6) The proposal includes the adaption of the existing storage building to the rear to provide car parking, storage and refuse/bike store.
- 7) Part of the rear façade of Flat 1 has been set back so it is flush with the rear façade of No. 145A Rainham Road.
- 8) A large proportion of the crown roof of the proposed development has been replaced with a pitched roof.
- 9) The window and two roof lights on the north western flank of the development have been removed.

### **PRINCIPLE OF DEVELOPMENT**

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

Policy DC16 states that planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Minor Local Centres will be granted at ground floor level.

It is considered that a retail A1 use would be acceptable and adhere to policy. Indeed, a retail unit currently occupies the site.

Council policy supports the principle of residential development above existing ground floor commercial development.

In land use terms therefore, a mixed use scheme comprising retail and residential uses is

considered to be acceptable.

### **DENSITY/SITE LAYOUT**

The site is located within a Public Transport Accessibility Level Zone (PTAL) of 1-2, as defined by Policy DC2 on Housing Density, within a minor local centre. Within this zone and part of the borough housing density of between 30-50 units per hectare is anticipated. The site identified comprises an area of 0.045 hectares and the proposal would produce a density of 88 dwellings per hectare, which is outside of the range identified, although this is one element of the assessment. The density has reduced from 133 dwellings per hectare to 88 dwellings per hectare.

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

In this instance, Flat 1 has approximately 18 square metres of amenity space in the form of an external terrace. Flat 3 has approximately 14 square metres of amenity space in the form of an external terrace. The first floor terrace area would be enveloped by a frosted glass balustrade on its perimeters to provide privacy for the future residents but also to provide a screen from the adjacent storage building and 145A Rainham Road. It is considered that the terraces for Flats 1 and 3 would be private, screened from general public view and access, and are in a conveniently usable form.

Flat 4 has approximately 5 square metres of amenity space in the form of a recessed balcony, which would be enveloped by a frosted glass balustrade on its perimeters to provide privacy for the future residents.

There is no amenity space for Flat 2. (The land to the rear of the retail unit is labelled on the plans as an open forecourt area and therefore, would be used in connection with the shop). Given that the scheme has been revised to provide amenity space for three out of four flats, it is Staff's view that the amenity space provision is within the realms of acceptability, particularly as the flats are located above a retail unit, although this is an element of judgement for members.

### **DESIGN/IMPACT ON STREET/GARDEN SCENE**

The existing building on the site, which is one storey in height (height of 4.1m) is not considered to be of any special architectural merit and there are no objections in principle to its demolition.

Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

It is Staff's view that infilling the gap between No. 145B and 147 Rainham Road is acceptable and would not adversely affect the streetscene. The plans have been revised by introducing a separation distance of 1.7m at first and second floor between No. 147 and 149 Rainham Road, which is deemed to be acceptable and reduces some bulk and mass.

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

Although the application site is a commercial property, it is considered that the principles of the Residential Extensions and Alterations Supplementary Planning Document can be applied to the proposed development. The four front dormer windows have been replaced with roof lights which has addressed the first reason for refusal for P1496.10.

A large proportion of the crown roof of the proposed development has been replaced with a pitched roof, which has improved its appearance. It is noted that the rear of the building would be visible at an oblique angle from Hubert Road. It is considered that the rear elevation of the building would not be harmful to the streetscene, as it would be partly screened by No. 149 Rainham Road and it would only be visible at an oblique angle from Hubert Road.

It is considered that the external changes to the outbuilding would not be harmful to the streetscene.

### **IMPACT ON AMENITY**

No. 145A Rainham Road comprises of 'Rainham Super Store, off licence and grocers' with a flat on the first floor, 145C Rainham Road. No. 145 Rainham Road comprises of Gable Recruitment Network with a flat on the first floor, 145B Rainham Road. It is noted that there is a first floor terrace which projects beyond the rear façade of Nos 145C and 145B, which is accessed via an external staircase. No. 145C has two first floor windows on its rear façade, which serve bedrooms and are primary light sources. There is an entrance door on the rear façade.

The existing retail unit on the application site has a depth of 15 metres. The new retail unit at ground floor would have a depth of 22.7 metres. The first and second floors of the proposed development would have a maximum depth of 18 metres and 15.1 metres respectively. It is considered that the ground floor element of the proposed development would not result in a significant loss of amenity to Nos 145A and 145C, as there is a single storey timber structure, which projects 6.8 metres beyond the rear façade of the existing retail unit at No. 147 Rainham Road.

It is considered that the proposed development would not result in a significant loss of amenity to No. 145A Rainham Road, as the part of the rear façade of Flat 1 has been set back so it is flush with the rear façade of this neighbouring property. It is considered that a 1.7m high matt frosted glass balustrade on the side boundaries of the amenity space at first floor would mitigate any overlooking.

During a site visit, the Case Officer undertook an internal inspection of No. 149 Rainham Road. No. 149 has one ground floor single pane window that is obscure glazed and serves a stairwell, which is not a habitable room. There is a two pane ground floor window that is obscure glazed and serves a W.C., which is not a habitable room. No. 149 has four first floor windows on its south eastern flank. There are two windows per bedroom, which are primary light sources.

It is considered that the proposed development would not result in a significant loss of amenity to No. 149 Rainham Road, as it does not impede a 45 degree notional line taken from the window cill of the flank bedroom windows. In addition, there is a separation distance of 1.7m at first and second floor between No. 147 and 149 Rainham Road. Also, the roof has been hipped adjacent to No. 149 Rainham Road, which has reduced its bulk and mass.

It is considered that the proposal would not result in any undue overlooking or loss of privacy, as the window and two roof lights on the north western flank of the development have been

removed.

It is considered that a 1.7m high matt frosted glass balustrade on the perimeter of the first floor terrace area and frosted glass balustrade on the recessed balcony on the second floor would help to mitigate any over/interlooking between No.'s 145A, 145B, 145C, 147 and 149 Rainham Road.

It is noted that No. 149 Rainham Road has two extraction flues adjacent to the proposed development, one for the Chinese cuisine and one for the fish and chips. The owner of No. 149 advised that their opening hours are between 11.30am to 2pm and 4.30pm to 11.30pm every day. Consideration has therefore been given as to whether the extraction flues and the operation of No. 149 as a takeaway would be harmful to the residential amenity of future occupiers of the flats. Environmental Health has recommended two conditions regarding sound insulation and construction hours for the proposed development. Environmental Health advised that no complaints have been received from other dwellings about noise or odours from No. 149. An additional condition could be placed stating that before any development is commenced, a scheme for protecting the proposed dwelling from noise and odours from the adjacent commercial premises shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

It is considered that the first floor windows of the existing outbuilding would not result in any undue overlooking of neighbouring properties, given that the first floor of the building would be used for storage purposes.

## **HIGHWAY/PARKING**

In respect of parking, Policy DC33 seeks to ensure that the proposal provides adequate car parking on site. The site is located within a Public Transport Accessibility Level Zone (PTAL) of 1-2, as defined by Policy DC2 on Housing Density, within a minor local centre. For the proposed ground floor retail (A1) unit, a maximum of 7 spaces are required. Parking provision at a range of 2-1.5 spaces per unit is anticipated for the proposed flats (10 to 8 spaces). The proposal makes provision for a total of 6 off-street parking spaces to the front and rear of the development.

In comparison with the previous planning application, P1496.10, three additional off-street car parking spaces have been provided to the rear of the site, of which two are for the flats and one is for the retail unit. On balance, it is Staff's view that the level of provision for the flats is acceptable and no objection has been raised by the Highway Authority in this regard. The acceptability of the level of provision made for off-street car parking is a matter of judgement, given the maximum nature of the standards.

Given that there is a pay and display car park on the corner of Rainham Road and South End Road, the shortfall of parking provision for the retail unit is deemed to be acceptable and did not constitute a reason for refusal previously.

Servicing for the retail unit and the flats would take place from Rainham Road and this is considered to be satisfactory.

Refuse bags would need to be carried to the front of the building on collection days, which is deemed to be acceptable.

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

**KEY ISSUES/CONCLUSIONS**

The proposal for the retail unit at ground floor with A1 use is acceptable in principle having regard to Policy DC16. The proposed residential use of the site at first and second floor is acceptable in principle.

It is considered that the proposal would not be harmful to the character and appearance of the streetscene. It is considered that the proposal would not result in a significant loss of amenity to neighbouring occupiers.

There is no amenity space for Flat 2. However, given that the scheme has been revised to provide amenity space for three out of four flats, it is Staff's view that the amenity space provision is within the realms of acceptability, particularly as the flats are located above a retail unit, although this is an element of judgement for members.

It is considered that there is sufficient provision of off street parking for the flats. Given that there is a pay and display car park on the corner of Rainham Road and South End Road, the shortfall of parking provision for the retail unit is deemed to be acceptable. It is considered that the proposal does not create any highway issues.

For the reasons outlined in the report, the application is recommended for approval.

**RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. M SC11 (Landscaping)
12. M SC62 (Hours of construction)
13. S SC06 (Parking provision)
15. S SC48 (Balcony condition)
16. S SC58 (Storage of refuse)
17. M SC59 (Cycle Storage)
18. M SC63 (Construction Methodology)
19. S SC20 (Ancillary use)

The existing building to the rear of the site hereby permitted shall only be used for car parking and a refuse/bike store at ground floor in connection with the flats hereby permitted and the first floor of the building shall only be used for the purposes of storage in connection with the retail unit (A1) and not for any other purpose or use unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

**6.** Non standard condition

Prior to the commencement of the development, all details of boundary screening and screen walling shall be submitted to and approved in writing by the Local Planning Authority and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

**7.** Non standard condition

Before any development is commenced, a scheme for protecting the proposed flats from noise and odours from the adjacent commercial premises shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

Reason: To protect residential amenity.

**8.** Non standard condition

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

a) A Phase 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

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

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.

**9. Non standard condition**

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

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

**10. Non standard condition**

The flats shall be so constructed as to provide sound insulation of 45 DnT, w+Ctr dB (minimum values) against airborne noise and 62 L<sub>n</sub>T, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

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

**11. Non standard condition**

Before any development is commenced, a scheme for protecting the proposed dwellings from noise from adjacent commercial uses shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

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

**14. Non standard condition**

The two parking spaces shown on drawing C09117/03 Revision B to the rear shall be provided for visitors in connection with the four flats permitted. One parking space

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

adjacent to the south eastern boundary to the rear of the site shall be provided for the retail unit (A1). The parking spaces at the front of the site shall be allocated for the four flats hereby permitted. All parking spaces shall be retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

**20.** Non standard condition

Prior to the first occupation of the development hereby permitted, an obscure glazed glass balustrade shall be erected on all side and rear boundaries of the terraces for Flats 1 and 3 in accordance with Drawing's C09117/03 Revision B and C09117/02 Revision F.

Reason:-

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

**21.** Non standard condition

Prior to the first occupation of the development hereby permitted, an obscure glazed glass screen shall be erected on the side and rear boundaries of the recessed balcony area for Flat 4 in accordance with Drawing's C09117/03 Revision B and C09117/02 Revision F.

Reason:-

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

**22.** Non standard condition

The retail unit (A1) shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 18:30 on Mondays to Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

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.

**2**      **INFORMATIVES:**

1. Reason for approval:

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

2. In aiming to satisfy condition 9 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

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

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0332.11</b>	
<b>WARD :</b>	St Andrew's	<b>Date Received:</b> 1st March 2011
<b>ADDRESS:</b>	17-19 Station Lane Hornchurch	
<b>PROPOSAL:</b>	Extensions to create second floor and roof garden. Alterations to the shopfront including bi-fold doors to the ground floor and access ramp, and render finish to first floor  Revised Plans Received 25.05.2011	
<b>DRAWING NO(S):</b>	VLRG-P-M-202 VLRG-P-M-203 VLRG-E-M-203 VLRG-E-M-201 VLRG-P-M-201 A VLRG-P-M-204 A	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

#### **CALL-IN**

No call in.

#### **SITE DESCRIPTION**

The site lies to the south of Station Lane, within the designated retail fringe of Hornchurch.

The site comprises a terraced, two storey commercial building, currently vacant, but with planning consent for a change of use from A1 to A3/A4. Directly adjacent either side of the building are two, four storey buildings, one comprising a cafe at ground floor with 7 flats above and the other a bank at ground floor with offices above. Directly opposite the site is the Hornchurch island which incorporates A3 units with residential flats above.

The site has a highly unusual shape, wide at the entrance which tapers towards the middle and widens again at the rear, resembling a number 8 shape when viewed from above or on plan form.

The surrounding locality is commercial in nature with some residential flats on upper floors. There is a mixture of uses in the locality from A1-A5 plus D1 uses.

To the rear of the site is a car park, accessed from Mavis Grove, this has a pedestrian link to Station Lane.

#### **DESCRIPTION OF PROPOSAL**

Permission is sought for a the construction of a second floor and roof garden, alterations to the shop front including installation of bi-fold doors to the ground floor and access ramp and render finish to first floor.

The extension is set back 3.4m from the front elevation and measures 7.3m deep, a maximum

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

of 9m wide and 2.4m high, although a glass roof lantern takes the maximum height to 3.2m.

This application follows the grant of P1725.10 which granted a change of use from A1 to A3/ A4.

### **RELEVANT HISTORY**

P1725.10 - Change of use from A1 to A3/A4 - approved.

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 59 properties. Two representations were received stating the following objections:

- Objection to the opening of a bar in Hornchurch
- Glass facade would lead to overlooking of neighbouring property
- Roof garden would lead to increased noise
- Property is next to a very busy pedestrian crossing
- No rear access
- Should not consider this application before conditions are discharged on P1725.10
- Property could be difficult to service from additional deliveries and volumes of waste.
- Servicing is impractical, no off street parking, Nearest parking is too far away.
- Plans show no provision for storage and recycling storage
- People smoking outside will cause a disturbance, blocking the narrow pavement.
- Increase in noise to adjacent flats (13-15 Station Lane)
- Loss of privacy to No. 13-15 who all have flank windows facing No. 17.
- Smells from the kitchen would lead to loss of amenity
- Hours of operation are too late for this location, adjacent to flats.

### **RELEVANT POLICIES**

Policies DC16, DC32, DC33, DC36, DC55, DC61, DC63 of the LDF Core Strategy and Development Control Policies DPD are considered relevant.

### **STAFF COMMENTS**

The issues for Staff to consider relate to the impact that extensions and alterations to the shop front would have upon the character and function of Hornchurch Town Centre, the streetscene, amenity of neighbouring occupiers, highway and parking.

Principle of Development.

This application follows P1725.10 which sought approval for a change of use from A1 to A3/ A4, which was approved at the Regulatory Services Committee on 24th February 2011. This application originally sought to include the revisions to the shop front and roof extensions, however, following discussions these were omitted so that the applicant could revise their design proposals. These revisions have produced this current planning application.

LDF Policy DC61 states that permission will only be given for development which preserves or enhances the character of the area and respects the scale, massing and height of the surrounding context. There is in principle no objection to a roof terrace or extension provided it accords with DC61.

## **DESIGN/IMPACT ON STREET/GARDEN SCENE**

It is proposed to make alterations to the shop front by way of the installation of bi-fold doors, replacement of the glass panels at first floor and render the existing painted panels with white render. No details of signage have been submitted; this however, would require separate advert consent.

The shop front has a prominent position on Station Lane, within Hornchurch Town Centre and currently appears dated when compared to the new frontages of No. 13-15 and 21 Station Lane. There is an ongoing regeneration effort in Hornchurch under the Hornchurch Town Centre Urban Strategy which seeks to improve the physical and environmental condition of the town centre through revised signage and removal of street clutter, highway and planting improvements for example. It is considered that improvements to a prominent shop front would contribute to the ongoing efforts of this regeneration plan.

The green cladding of the existing shop front and arched window frames do not relate to their wider surroundings and it is considered that the replacement glass windows to the first floor and bi-fold doors at ground floor are more contemporary appearance and fitting of the desired improvements to the town centre.

An entrance ramp would improve access into the site, this is a minor addition to the building which is not considered to appear intrusive or overbearing.

In addition to the shop front, it is also proposed to extend the property at roof level with a second floor extension. This would be set back from the front elevation by 3.4m, with a roof terrace in front enclosed by a glass balustrade to provide outside seating. The extension is a simple flat fronted extension with large doors and windows with a glass lantern above.

The extension would be visible from the street via several public viewpoints and read as part of the street scene. At present the site is of a two storey construction with the adjacent sites either side being four storeys in height. This creates a significant change in building heights in an area of otherwise consistent building heights. The tapered nature of the site, narrowing from the frontage also means that the two flank elevations of the adjacent buildings also appear highly prominent within a streetscene characterised by frontage development. The creation of a second floor is considered to improve the appearance of the streetscene, firstly by raising the roof height so it is more consistent with surrounding properties and also by drawing attention away from the flank elevations of the adjacent buildings back to the frontage of the building. When viewed from a distance this would improve the rhythm of this part of the Station Lane and reinforce the notion of the active edge.

The extension would also be visible from the rear of the site when viewed from Mavis Grove. The extension is only proposed to cover the front portion of the site, extending backwards to where the site is its most narrow. An emergency fire exit door would then be installed. This would be visible from the rear car park, however, as the extension here would be relatively narrow, it is considered to appear minor in nature when compared to the buildings directly adjacent.

As it is proposed to alter the external appearance of the building with different finishing materials, samples are requested to ensure that the extensions and external alterations are of an acceptable quality and appearance.

There is currently no roof garden facility in Hornchurch and with views across the Town Centre, the improvements here are considered to add to the vibrancy and vitality of Hornchurch.

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

**IMPACT ON AMENITY**

Representations received, objected on the grounds that a bar use adjacent to residential flats would create an unacceptable levels of noise and disturbance. This issue has been previously considered under P1725.10 and a change of use to A3/A4 was subsequently granted at the Regulatory Services Committee on 24/02/2011. The proposals here for a roof terrace and second floor would intensify the A3/A4 use on site, and Staff will need to consider the additional impact upon residential amenity.

Staff have attached weight to representations from Environmental Health which do not raise objection to the grant of planning permission, provided that conditions are attached for the restriction of amplified music and adequate insulation.

It is proposed as part of the construction of the second floor; to create a roof terrace at the front of the site with views across Hornchurch island and Station Lane. Concern has been raised from representations received that this would create excessive noise levels in close proximity to residential flats. Staff consider that in principle in this town centre location, there is no objection to a roof terrace, however, given the proximity of residential apartments at No. 13-15, conditions should be attached to any consent, restricting the playing of music or film outside.

Representations received objected on the grounds that the enlarged glazing at first floor would lead to overlooking of neighbouring property, however, the existing first floor is largely glazed and there is an element of overlooking at present, the revised shop front is not considered to add significantly to this. As a further measure to alleviate the impact of the roof terrace, a raised planter section has been incorporated into the terrace, effectively cutting off a 1.5m section nearest the Juliette balcony windows of the adjacent flat at 13-15 Station Lane. This planted section would also restrict any possibility of overlooking to the adjacent flats.

In terms of hours of operation, the A3/A4 use is permitted hours of between 10:00 - 23:00 Monday- Sunday. The roof terrace, by nature of being open would create additional levels of disturbance, and as such it is recommended that this area has further restricted hours of operation. It is considered that hours of between 10:00 and 07:00 are acceptable in this instance, after which the terrace is to be vacated. Those wishing to smoke for example, would need to leave the premises. Representations received raise concern over groups of smokers on the highway in close proximity to residential flats. No. 13-15, the nearest and most affected building has a restaurant at ground floor level, where customers would need to smoke on the highway. Similarly in terms of noise, there would be a certain level of noise emanating from the existing restaurant within their own building, in a wider town centre location residents would expect a certain level of noise. With conditions, excessive noise levels can be suppressed by way of insulation and conditions on hours. Appropriate conditions relating to noise are suggested to be attached to any consent.

It is proposed to install bi-fold doors at ground floor which would open out the entire frontage into the street. There is no objection to large bi-fold doors, however, given the proximity of neighbouring residential flats, a condition is recommended that these doors remain closed between the hours of 20:00 and 10:00 every day to ensure that noise levels are contained during the evenings.

The upper floor flats of No. 13-15 have flank windows which open out onto the air space above No. 17-19 Station Lane, which were installed as part of application P0052.05. Plans submitted for this development do not annotate if these windows should remain shut, and neither has any subsequent planning condition required this. As such, there has been a long running dispute between both properties. Representations received object to the loss of privacy and risk of overlooking, but do not make specific reference to the blocking up of the windows.

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

Ongoing correspondence between the occupants of No. 13-15, No. 17-19 and officers from the Councils Planning and Building Control departments have not been successful at resolving a long running dispute between the two parties. Submitted plans for No. 13-15 (drawing no. IMP/OO/12E) show that these flank windows either serve kitchens or bathrooms, or secondary windows to bedrooms and that the building is additionally mechanically ventilated in the event that if No. 17-19 was ever developed in the future there would still be adequate ventilation for those flank units. It has been suggested from the Council during ongoing correspondence that in the event that No. 17-19 ever came up for redevelopment, it may be the case that these flank windows may be blocked up, this has been acknowledged on the approved plans for No. 13-15 with an annotations on plan IMP/OO/12E. There is also an outstanding issue as to whether these flank windows of No. 13-15 meet Building Regulations.

These flank windows would be blocked off partially by the extension itself, which would be built up against, rather than attached to the windows and by a screen above. The blocking up of the windows would inevitably lead to a complete loss of natural light. Although these windows are largely in shade due to the proximity of the Sterling House, as these are not habitable rooms, there is no objection to this. At first floor, a window to a flat within No. 13-15 serves a living room, this windows however, is not shown on the approved plan and does not have consent. This would however, be screened by the planter on the roof terrace.

Full details of the screen have not been submitted and further details are requested via condition, to ensure that it is of an appropriate appearance in terms of material and structural integrity.

Staff recognise that the proposals here would result in a material impact upon the occupiers of no. 13-15 Station Lane. Although, for the reasons outlined above, it is considered that this would not result in significant harm. Members are invited to apply their judgement to this issue however.

### **HIGHWAY/PARKING**

LDF Policy DC33 refers to car parking and states that in district centre (there is no differentiation between the retail core and fringe within Hornchurch) one parking spaces should be provided per 10 square meters of floor area, equating to spaces. Policy CP10 states that car parking levels should be consistent with the level of public transport access the site enjoys, in this case the site does not provide any off street parking, but is located within central Hornchurch, which has bus and rail links into Romford and Upminster and is therefore easily accessible by public transport, for those travelling by car, there are additionally several pay and display car parks within Hornchurch Town Centre which are within easy reach of the site.

A change of use from A1 to A3/A4 was approved without the site having car parking, and no further objection is raised in this instance. Plans for outside seating on the highway were raised as part of an objection from the Highways Authority; this element of the scheme has now been removed. There is no objection to the access ramp.

The site does not have any separate rear access, and concerns have been raised through received representations. A condition requiring details to be submitted and agreed has been attached on a previous application P1725.10 which related to the change of use of the premises.

### **OTHER ISSUES**

A representation received objected on the grounds that a decision should not be issued on this permission until all conditions relating to P1725.10 have been discharged, relating to noise, refuse storage and ventilation equipment etc. At the present time these conditions have not been

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

discharged and no application to do so has been submitted to the Council. However, applications are all determined on their own merit and Staff do not consider it appropriate to withhold the determination of an application due to the conditions not being discharged on a prior application. The conditions relating to ventilation and extract equipment, CCTV installation and servicing are all part of the basic infrastructure of the property when the use is implemented, and do not directly relate to this application for shop front improvements or the extension which would not house any cooking facilities for example, unlike the main bar.

**KEY ISSUES/CONCLUSIONS**

In conclusion, it is considered that the proposed alterations to the shop front are acceptable and would improve the outward appearance of the streetscene. The second floor extension and roof terrace is also considered to be of an acceptable appearance and contribute towards the regeneration efforts within Hornchurch. Although the extension would block up the flank windows of the adjacent building, it is not considered to result in an unacceptable loss of residential amenity, given that the building is mechanically ventilated and windows affected are kitchens and bathrooms which do not require natural day light.

There would be no impact upon the highway or parking. The proposed opening hours of the terrace would be controlled separately to the main premises in order to control noise levels. As such it is recommended that planning permission be granted in this case, subject to conditions.

**RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. SC27A (Hours of use)

The outside roof terrace shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 19:00 on Mondays to Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. S SC32 (Accordance with plans)
5. M SC62 (Hours of construction)
6. Non standard condition

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

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

7. Non standard condition  
No amplified music, speech or film shall be played or reproduced in the roof terrace.

Reason:-

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

8. Non standard condition  
Before any of the development hereby permitted is commenced, full details of the screen proposed on the flank of no. 13-15 Station Lane 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.

9. Non standard condition  
The proposed bi-fold doors shall be closed between 20:00 and 10:00 each day.

Reason:-

To protect residential amenity in accordance with Policies DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

**3** **INFORMATIVE:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC55, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

- 4 The applicant is reminded that the conditions on P1725.10 have not yet been discharged.
-

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0517.11</b>	
<b>WARD :</b>	Elm Park	<b>Date Received:</b> 6th April 2011
<b>ADDRESS:</b>	39 Wood Lane Hornchurch	
<b>PROPOSAL:</b>	Infill extension of existing patients entrance, relocation of patients entrance with front canopy, single storey rear extension with external alterations  Additional Plan Received 18.05.2011	
<b>DRAWING NO(S):</b>	11.0026 X03 11.0026 PL01 Revision A 11.0026 X01	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be REFUSED</b> for the reasons: given at the end of the report.	

### **CALL-IN**

This application has been called in by Councillor Kelly on the grounds that No. 39 Wood Lane is a Medical Centre, which needs to be developed and expanded. The single storey rear extension would not be intrusive on neighbouring properties. The Medical Centre has short opening hours, as it is closed from 7pm until 9am.

### **RECOMMENDATION**

That planning permission should be refused.

### **SITE DESCRIPTION**

The site comprises of a two storey semi-detached property, which is located on the northern side of Wood Lane, which is utilised as Wood Lane Medical Centre. The attached dwelling, No. 41 Wood Lane, is in residential use. There are blocks of flats to the west of the site. The surrounding area comprises of two storey semi-detached properties and flats.

### **DESCRIPTION OF PROPOSAL**

The proposal is for an infill extension of the existing patients entrance, the relocation of the patients entrance with a front canopy and a single storey rear extension with external alterations.

The existing patients entrance would be in filled. The new patients entrance would be located on the western flank of the building leading directly into the waiting room.

The front canopy would have a depth of 3.5 metres, a width of 3.5 metres and a height of 3.5 metres.

The single storey rear extension would have a depth of 11.3 metres and a maximum width of 4.2 metres. The pitched roof would vary in height from 4.1 to 3.25 metres. The space created would be utilised to enlarge the existing treatment room (with a velux window) and create a new treatment room and consulting/examination room.

## **RELEVANT HISTORY**

P0495.90 Change of use to GP surgery and erection of side extension Approved.  
P0274.96 Ground floor side and rear extensions Approved.

## **CONSULTATIONS/REPRESENTATIONS**

A total of 11 neighbouring occupiers were notified of the proposal. No letters of representation have been received. One letter of objection was received with detailed comments that have been summarised as follows:

- The extension would appear an eyesore and would extend along the whole length of the garden.
- Loss of light.
- Parking.

These comments will be addressed in the following sections of the report.

## **RELEVANT POLICIES**

Residential Extensions and Alterations Supplementary Planning Document  
CP17, DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

## **STAFF COMMENTS**

The issues arising from this application are the principle of development, the impact on the streetscene, amenity implications and any highway or parking issues.

## **PRINCIPLE OF DEVELOPMENT**

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and indeed, falls within a mainly residential area. The proposal does not involve a change of use and the principle of extensions and alterations is acceptable in this instance, subject to an acceptable design and appearance with no harmful impact on the amenities of neighbouring properties.

## **DESIGN/IMPACT ON STREET/GARDEN SCENE**

Although 39 Wood Lane has a community use as a Medical Centre, it is considered that the principles of the Residential Extensions and Alterations SPD can still be applied to this semi-detached property.

It is Staff's view that infilling the existing patients entrance is acceptable and would not be harmful to the streetscene.

Policy DC61 of the LDF seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

The Residential Extensions and Alterations SPD states that large front extensions are generally unacceptable in Havering due to the adverse effect they can have on the appearance of the original house and the character of the street. In the exceptional circumstance of a front extension being acceptable, for example, in the case of a detached house set well back from the street or where the street comprises an irregular building line, it should not project more than one metre forward of the main building line and must be designed to appear as part of the original house through employing matching finishing materials and roof style. The Council will

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

closely scrutinise applications of this kind to ensure that the proposal does not detrimentally affect the character of the house and immediate surroundings.

In this instance, the front canopy would have a depth of 3.5 metres. It is Staff's view that the front canopy has not been designed in sympathy with the application property and would fail to integrate with the existing property. It is considered that the front canopy would, by reason of its excessive depth, design, bulk and mass, appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 and the Residential Extensions and Alterations SPD.

### **IMPACT ON AMENITY**

The Residential Extensions and Alterations SPD states that generally houses can be extended from the rear wall of the original dwelling by up to 4 metres in depth for a semi-detached dwelling. This is to ensure the extension is subordinate to the original dwelling. Any greater depth required should be within an angle of 45 degrees, taken from the 3 metre or 4 metre dimension on the property boundary, in order to ensure a reasonable level of amenity is afforded to neighbouring properties.

The single storey rear extension has a depth of 11.3 metres, which is contrary to the SPD.

It is considered that the single storey rear extension would have a detrimental impact on the rear garden environment of the adjoining property at No. 41 Wood Lane. It is Staff's view that the scale, bulk and mass of the rear extension with a depth of 11.3 metres along the flank boundary and spanning almost the entire length of the rear garden of this neighbouring property, would be an unneighbourly development and result in an undue sense of enclosure to No. 41 Wood Lane.

It is noted that No. 41 Wood Lane has a single storey rear extension, although this would not mitigate the impact of the proposal, as the extension would span almost the entire length of this neighbouring garden. The single storey rear extension would result in a significant loss of amenity to No. 41 Wood Lane, including loss of light, as it significantly impedes a 45 degree notional line contrary to the SPD.

It is Staff's view that the single storey rear extension would by reason of its excessive depth, height, scale, bulk, mass and position close to the boundaries of the site, appear dominant, visually intrusive and overbearing in the rear garden environment and result in a loss of amenity to No. 41 Wood Lane contrary to Policy DC61 and the Residential Extensions and Alterations SPD.

### **HIGHWAY/PARKING**

The agent confirmed that Wood Lane Medical Centre has three full time staff and seven part time staff (which equate to 3 full time staff). At present, there is space for five vehicles on hardstanding at the front of the site. The front canopy would result in the loss of one parking space. Taking into account that the Development Control standards may be relaxed in cases of primary health care facilities, the Highway Authority has no objections to the proposals. In addition, there are no parking restrictions in the immediate vicinity of the site. It is considered that the proposal would not create any parking or highway issues.

### **KEY ISSUES/CONCLUSIONS**

It is Staff's view that infilling the existing patients entrance is acceptable and would not be harmful to the streetscene.

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

It is considered that the front canopy would, by reason of its excessive depth, design, bulk and mass, appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 and the Residential Extensions and Alterations SPD.

It is Staff s view that the single storey rear extension would by reason of its excessive depth, height, scale, bulk, mass and position close to the boundaries of the site, be an unneighbourly development, appear dominant, visually intrusive and overbearing in the rear garden environment and result in an unacceptable sense of enclosure and loss of amenity including loss of light to No. 41 Wood Lane contrary to Policy DC61 and the Residential Extensions and Alterations SPD.

**RECOMMENDATION**

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

**1. Reason for refusal**

The front canopy would, by reason of its excessive depth, design, bulk and mass, appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

**2. Reason for refusal**

The single storey rear extension would by reason of its excessive depth, height, scale, bulk, mass and position close to the boundaries of the site, be an unneighbourly development, appear dominant, visually intrusive and overbearing in the rear garden environment and result in an unacceptable sense of enclosure and loss of amenity including loss of light to No. 41 Wood Lane contrary to Policy DC61 of the LDF Core Strategy and Development control Policies DPD and the Residential Extensions and Alterations SPD.

---

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0583.11</b>	
<b>WARD :</b>	Rainham & Wennington	<b>Date Received:</b> 11th April 2011
<b>ADDRESS:</b>	Rear of 14-16 Woodside Close Rainham	
<b>PROPOSAL:</b>	Construction of one 3bed detached bungalow with garage & two semi-detached 1bed bungalows with parking spaces (outline)	
<b>DRAWING NO(S):</b>	Block plan & general layout	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **CALL-IN**

No call in.

### **RECOMMENDATION**

That planning permission is granted subject to conditions.

### **SITE DESCRIPTION**

The site lies to the south of Woodside Close and is bordered by the gardens of No. 14-16 to the north and the gardens of no. 101-103 Lambs Lane South to the south. Currently the site is heavily overgrown with very restricted access.

The surrounding locality is residential in nature, typified by two storey semi-detached and detached properties.

### **DESCRIPTION OF PROPOSAL**

Outline consent is sought for No.1, 3 bed bungalow with garage and No. 2, semi detached 1 bedroom bungalows with parking. Approval is being sought for the access, layout and scale, leaving appearance and landscaping as reserved matters.

This application follows similar approvals given for two detached 3 bedroom bungalows under reference P1403.08 and P0325.03.

The detached 3 bedroom bungalow measures 15m deep, 8.2m wide with a 3m wide garage attached to the side.

The semi-detached 1 bedroom bungalows measure a maximum of 13.6m wide at the rear with the front of the building inset to reduce the width to 8.4m. The length of the building is 15m.

The maximum height of the bungalows would be 5.5-6m.

The buildings are set 1m from shared boundary. The semi-detached block is set 1m from the boundary with the garden of no. 99 Lambs Lane South. The flank elevation of the detached bungalow is set 3.2m from the eastern boundary which faces No. 54 Woodside Close.

Access into the site is via Woodside Close via an existing turning head with a driveway leading

to 4 car parking spaces, 1.5 for each one bedroom bungalow and 1 with the garage for the detached bungalow.

### **RELEVANT HISTORY**

P0325.03 - Two detached residential units - allowed on appeal

P1403.08 - Two detached bungalow residential units - outline - approved.

### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters were sent to 16 properties. 3 representations were received stating the following objections:

- ensure suitable landscaping
- concerns over the road access, so that all possible residents can safely reach the dwellings
- design and access statement is misleading with regard to the proximity to the A13.
- Dwelling nearby has been subject to arson attack, so fire access is important.
- Use of access would mean a loss of parking
- Rise in disturbance from 3 bungalows instead of 2 as previously proposed.

### **STAFF COMMENTS**

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC20 (Access to recreation and Leisure Including Open Space), DC33 (Car Parking), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Control Policies Development Plan Document, the Supplementary Planning Document for Residential Design and government guidance contained in Planning Policy Statement 3 (Housing) are considered relevant to the determination of this application.

### **PRINCIPLE OF DEVELOPMENT**

Policy CP1 indicates that a minimum of 535 new homes need to be built each year on sites which are not designated for other purposes. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for housing development in principle subject to the detailed design of proposals. PPS3 encourages high quality residential development with access to a good range of facilities. Re-use of previously developed land is also encouraged.

Policy DC2 states that housing should reflect its locality; the dwellings proposed here are a mixture of 1 and 3 bedroom bungalows, covering an area of between 80 and 120 square metres, with off street parking. This type of housing is considered to reflect the character of local housing stock.

The proposal is considered to be in accordance with Policy 3A.1 of the London Plan which seeks to increase London's supply of housing.

### **DENSITY/SITE LAYOUT**

Policy DC2 states that development in this location should have a density between 30-50 dwellings per hectare. The site covers an area of 0.09 hectares. The dwellings proposed represent a density of 32 dwellings per hectare, which is within the acceptable ranges.

The layout of the 3 dwellings proposed is largely the same as the previous approvals on site

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

which. However, a garage has been omitted and one building made larger so it can accommodate two dwellings.

The Residential Design Supplementary Planning Document does not provide prescribed levels of amenity space, but instead encourages development to provide single, enclosed, non overlooked blocks which benefit from both natural sunlight and shading.

The 1 bedroom bungalows both have 60 square metres of amenity space, located to the rear of the properties in a single block; these would be south facing and are considered acceptable for the size of the unit proposed.

The 3 bedroom bungalow would have 170 square metres of amenity space, again with a southerly aspect and provided in a single block. This arrangement does not raise any concern from Staff.

### **DESIGN/IMPACT ON STREET/GARDEN SCENE**

As this is an outline application no details as to the design and appearance of the proposed dwellings have been submitted. Therefore, the impact on the streetscene cannot be assessed in this respect.

The Design and Access Statement however states that the dwellings would be of single storey height with pitched tiled roof and brick rendered walls. Seperate confirmation from the application has confirmed that the maximum height parameters are between 5.5m and 6m. Without any elevational plans the assessment of the bulk of proposed development and the possible impact on the area is reserved for future assessment. However, in determining the previous appeal, the Inspector limited the height of development to single storey only. Given the set back from the adjacent street and proposed single storey height, no significant impact on the appearance of the streetscene is expected.

### **IMPACT ON AMENITY**

The proposed dwellings are shown to be located at a distance of approximately 18m from the rear elevation of No.'s 14 and 16 Woodside Close and a back to back distance of approximately 26m from No. 103 Lambs Lane South. A review of the surrounding locality shows that there are varied back to back distances between properties. For example No. 16 Woodside Close is set only 8m back from the rear elevations of no. 48-50 Woodside Close. Previous guidance required a 30m back to back distance. However, on appeal the Inspector felt on the original application (P0325.03) a distance less than 30m could be acceptable subject to screen fencing and landscaping conditions to mitigate the impact on the occupiers of any adjoining properties, and restriction of development to single storey only. Now the Residential Design SPD has been adopted which does not prescribe fixed back to back distances, it is considered that the current proposal is acceptable, subject to a restriction on the height and the buildings being of a single storey nature only.

The proposed dwellings would be located adjacent to No.'s 52 and 54 Woodside Close. However, it is considered that the proposed dwellings could be situated a sufficient distance from these properties to prevent any significant loss of amenity.

The proposed dwellings would require vehicular access to the front of the curtilage which adjoins the relatively short rear gardens of no.'s 14 and 16 Woodside Close. Although there are no existing vehicular movements in this location, the Inspector considered that future vehicle movements would be very small and unlikely to cause a significant noise and disturbance to

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

neighbouring properties. Staff consider this would also be the case for the proposed development, despite the additional property.

Subject to the imposition of condition requiring the restriction on use of the loft space and building height, along with appropriate screening methods, it is not considered that a loss of privacy would result. In light of these circumstances, it is not considered that an objection could be substantiated on amenity grounds.

### **HIGHWAY/PARKING**

The density matrix of Policy DC2 requires that new development makes off street parking provision for between 2-1.5 spaces per dwelling. The plans show 4 parking spaces within the shared access drive. The detached bungalow would have 1 parking space with the additional garage to provide 2 spaces, and the semi-detached bungalows would have the remaining three spaces to equate to the required 1.5 spaces per unit.

The bungalows would be accessed via the existing turning area from Woodside Close, which is the same as previously approved. Representations received queried the suitability of the access, which measures 5.2m wide and provides a turning area within the development. This is considered acceptable, as it is in excess of the minimum 3.7m wide fire path required by highways. There are no Highways objections in this instance.

A representation received objected on the grounds that the access to the development would result in the loss of 4 on street parking spaces. However, without any Highways objection, Staff consider that a refusal could not be substantiated on these grounds.

### **KEY ISSUES/CONCLUSIONS**

In conclusion, it is considered that the proposals are acceptable. In principle the use of the land for residential dwellings does not raise any objection. There is adequate parking and access and it is not considered that the proposals would result in a loss of amenity to neighbouring occupiers, as the dwellings would be of a single storey construction and are set suitable distances from the boundary.

### **RECOMMENDATION**

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

1. M SC01 (Approval of details)
2. S SC02 (Time limit for details) 3yrs
3. S SC03 (Time limit for commencement) 2yrs
4. S SC5 (Parking standards)
5. S SC08 (Garage) - restriction of use
6. M SC09 (Materials)
7. M SC11 (Landscaping)
8. M SC13 (Screen fencing)

Before any of the buildings hereby permitted is first occupied, screen fencing of a type

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

**9.** M SC45A Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent revisions Article 3, Schedule 2, Part 1, Classes A, B, C, D or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwelling shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

**10.** SC46 (Standard flank window condition)

**11.** S SC58 (Storage of refuse)

**12.** M SC59 (Cycle Storage)

**13.** M SC62 (Hours of construction)

**14.** Non standard condition

The residential units hereby approved shall be single storey only between a height of 5.5m to 6m to the roof ridge and shall have no living accommodation within the roof space unless otherwise submitted to and agreed in writing by the Local Planning Authority.

Reason:-

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

**15.** Non standard condition

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

a) A Phase 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:

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

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.

**5**      **INFORMATIVE:**

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC33, DC36, DC55, DC61, 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.

**6**      1. The developer, their representatives and contractors are advised that planning approval does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which

**REGULATORY SERVICES COMMITTEE**  
**30th June 2011**  
**OUTSIDE STATUTORY PERIOD**

involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

3. The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

4. The developer is advised that is construction materials are to be kept on the highway during construction works then they will need to apply for a licence from the Council.

5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where a developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

---