



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
25 August 2011**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
Sandra Binion
Jeffrey Brace
Robby Misir
Frederick Osborne
Garry Pain

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

For information about the meeting please contact:

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

The Chairman will announce the following:

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 20)

To approve as a correct record the minutes of the meetings of the Committee held on 21 July and 4 August 2011 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS (Pages 21 - 28)

6 P1803.10 - 178 CROW LANE ROMFORD (Pages 29 - 38)

- 7 **P1804.10 - 178 CROW LANE ROMFORD** (Pages 39 - 48)

- 8 **P0980.11 - SOUTH ESSEX CREMATORIUM, OCKENDON ROAD, UPMINSTER**
(Pages 49 - 58)

- 9 **P1062.11 - HILLDENE SERVICE STATION, HILLDENE AVENUE, ROMFORD**
(Pages 59 - 66)

- 10 **P1070.11 - LAND BETWEEN VIKING WAY AND UPMINSTER ROAD SOUTH, RAINHAM** (Pages 67 - 86)

- 11 **C0001.11 - RAPHAEL PARK, ROMFORD** (Pages 87 - 92)

- 12 **P0770.11 - RAPHAEL PARK, ROMFORD** (Pages 93 - 100)

- 13 **P1068.11 - 17 BRIAR ROAD, HAROLD HILL** (Pages 101 - 106)

- 14 **P1036.11 - LAND TO THE REAR OF NOS 1-13 HAMILTON DRIVE, HAROLD WOOD** (Pages 107 - 120)

- 15 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS OUTSIDE STATUTORY LIMITS** (Pages 121 - 152)

- 16 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

Ian Buckmaster
Committee Administration and
Member Support Manager

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Agenda Item 4

MINUTES OF A MEETING OF THE REGULATORY SERVICES COMMITTEE Thursday 21 July 2011 (7.30pm – 10:40pm)

Present:

COUNCILLORS:	11
Conservative Group	Barry Oddy (in the Chair), Sandra Binion, Jeff Brace, +Steven Kelly, Fred Osborne, Garry Pain and Barry Tebbutt
Residents' Group	Linda Hawthorn Ron Ower
Labour Group	Paul McGeary
Independent Residents' Group	+David Durant

An apology for absence was received from Councillors Robby Misir and Mark Logan.

+ Substitute Member: Councillor Steven Kelly (for Robby Misir) and Councillor David Durant (for Mark Logan).

Councillors Rebecca Bennett, Andrew Curtin, Eric Munday and John Mylod were also present for the parts of the meeting.

Approximately 30 members of the public and a representative of the Press were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

38 DECLARATIONS OF INTERESTS

Councillor Sandra Binion declared a personal and prejudicial interest in reports P0322.11 and P0301.11. Councillor Binion advised that a family member worked for the applicant. Councillor Binion left the room during the discussion of the reports and took no part in the voting.

Councillor Ron Ower declared a prejudicial interest in respect of item P0004.11 Former Harold Wood Hospital through predetermination as he had publically declared his opposition to the proposal. Councillor

Ower left the room during the discussion of the report and took no part in the voting.

39 MINUTES

The minutes of the meeting held on 23 June 2011 were agreed as a correct record subject to an amendment. It was incorrectly shown that Councillor Eagling was present for the meeting. The minute was corrected to show that Councillor Ower was present. The minutes were subsequently signed by the Chairman.

The minutes of the meeting held on 30 June 2011 were agreed as a correct record and signed by the Chairman.

40 P0746.11 - LAND ADJACENT TO THE FORMER CHERRY TREE PUBLIC HOUSE, 119 RAINHAM ROAD, RAINHAM - Erection of restaurant with drive thru facility (Class A3/A5), parking and associated works

The report before members detailed an application which sought full planning permission for the construction of a new KFC restaurant including drive thru facility with associated parking and access road.

It was noted that the proposed single storey building would be aligned with the main façade of the adjoining public house on the Cherry Tree Lane frontage. To the rear of the restaurant was an enclosed storage and service yard. Both pedestrian and vehicular access would be via Cherry Tree Lane with 11 parking spaces provided in front of the building for patrons of the restaurant. A drive through lane would be provided running around the building which would also have two individual parking bays for vehicles awaiting food collection.

It was reported that 7 staff parking spaces would be provided. This area would also be utilised by service vehicles. The applicant had advised that servicing would only occur outside of opening hours. Cycle parking would be provided for customers adjacent to the main façade. Cycle parking for staff could be provided within the secure rear service yard.

The applicant had advised that the development would provide in the region of 25 full time and 15 part time new jobs. These would be advertised via the local job centre so as to be accessible to local people. The application sought hours of opening between 1100 and 2300 hours seven days a week.

It was noted that 25 letters of representation had been received which included representations from 3 local Ward Councillors, one of which was summarised at the meeting by staff as it had been received on the

day of the committee meeting. The Committee also noted that comments from 5 statutory consultees had been received.

In accordance with the public participation arrangements, the Committee was addressed by an objector, with a response by the applicant.

With its agreement, Councillors Rebecca Bennett and Pat Murray addressed the Committee.

Councillor Bennett remarked that the proposal, if approved, would have a detrimental impact upon the amenity of local residents through increased noise and disturbance. She added that a condition within the report recommended that CCTV be installed at the premises which highlighted crime and disorder that the area within the immediate vicinity of the premises suffered from. Councillor Bennett commented that the local Safer Neighbourhood Policing Team had worked hard to reduce crime and anti-social behaviour levels within the area and feared that such a proposal would undermine that. Councillor Bennett was also concerned that the proposal would have a detrimental impact on the vibrancy of the local economy. She urged the Committee to refuse the application.

Councillor Murray, speaking on behalf of Councillor Breeding who was unable to attend the meeting, echoed many of the sentiments raised by Councillor Bennett and added that the junction of Cherry Tree Lane where the proposal was located had been the site of a number of road traffic accidents and that the proposal would increase the chances of further accidents occurring at that junction.

During the debate, members discussed the impact of the proposal on the amenity of local residents with specific attention focussed on the expected increase in the number of vehicular movements on and off the site, and the potential for increased anti-social behaviour within the immediate vicinity. Mention was also made of the high number of take-away restaurants already operating within the locality.

The report recommended that planning permission be granted but following a motion it was **RESOLVED** that planning permission be refused for the following reasons:

- The proposal would, by reason of the likely noise and general disturbance caused by vehicles manoeuvring through the drive thru lane, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of 268 Cherry Tree Lane and to nearby surroundings including Cherry Tree Walk contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- The proposal would result in an adverse impact on crime and disorder

The vote for the motion to refuse planning permission was passed by 10 votes to 1. Councillor Oddy voted against the motion. The substantive motion to refuse planning permission was passed unanimously.

41 P0019.11 – 395-405 BRENTWOOD ROAD, ROMFORD – Change of use of part of former car showroom to Class A1 retail, change of use of first floor to form 3 residential units and construction of second floor extension to form 2 residential units together with alterations to the front façade of the building

The report before members detailed an application for the partial change of use of a former car showroom to form an A1 retail unit; a change of use of the first floor to form 3 residential units, and the construction of a second floor extension to form 2 residential units. A total of 6 parking spaces would be provided for the residential accommodation.

The application also sought permission for alterations to the façade of the building and an alteration to the front forecourt layout to provide a lay-by.

It was noted that 6 letters of representation had been received along with comments from 3 statutory consultees.

The report explained that consideration of the application had been deferred at a meeting of the committee in May in order that staff could invite the applicant to submit revised plans. It was noted that revised plans had since been submitted and that the retail unit would be occupied by Tesco, with a separate application granted for hours of use from 0700 to 2300 on any day.

In accordance with the public participation arrangements, the Committee was addressed by an objector, with a response by the applicant.

With its agreement, Councillor Eric Munday addressed the Committee. Councillor Munday commented that the proposal would result in overlooking into neighbouring residential properties. He requested the application be refused.

A member of the Committee, who had called the application in for consideration by members, commented that the report failed to mention nearby developments which had recently been granted planning permission with a similar, if not greater, height. He added that the proposal would not look overly dominant in the street scene.

A motion was proposed that planning permission be granted; however, following legal advice, that motion was withdrawn and a further motion was proposed that consideration of the report be deferred to enable staff to draft a further report in the form of a Chief Executive's report which could incorporate heads of terms of a Section 106 legal agreement. It was **RESOLVED** that consideration of the application be **DEFERRED**.

The vote for the motion to defer consideration was passed 10 votes to 1. Councillor Oddy voted against the motion to defer consideration. The substantive motion to defer was passed unanimously.

42 P0612.11 – 15 PRINCES ROAD, ROMFORD – Single storey rear extension

The Committee considered the report detailing an application for a single storey rear extension, noting that 10 letters of representation had been received.

It was noted that Councillor Thompson had called the application in before the Committee on the grounds of insufficient off street parking for the likely increase in inhabitants following the extension, diminished amenity space at the rear and poor natural lighting in the kitchen/diner area.

In accordance with the public participation arrangements, the Committee was addressed by an objector, with a response by the applicant.

With its agreement, Councillor Andrew Curtin addressed the Committee. Councillor Curtin commented that the relatively high number of representations was in response to a general concern among residents that the premises was being sub-divided into a number of residential units. Councillor Curtin added that the proposed extension would be detrimental to neighbouring amenity and increase parking problems already present within the area. He urged the Committee to refuse the application.

In response to the comments raised by Councillor Curtin, the Chairman reminded members that they had to consider the application before them and that matters relating to the multiple occupancy status of the premises were not pertinent to the application.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. The vote was 10 votes to nil with one abstention. Councillor Hawthorn abstained from voting.

43 P0322.11 – 63 PETTITS LANE, ROMFORD - Revised parking layout to create additional parking spaces with relocated boundary fencing

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

As stated at the beginning of the minutes, Councillor Sandra Binion declared a personal and prejudicial interest the application. Councillor Binion advised that a family member worked for the applicant. Councillor Binion left the room during the discussion of the reports and took no part in the voting.

44 P0301.11 – 63 PETTITS LANE, ROMFORD - Variation to condition 4 of P2091.04 to increase the number of children on site from 20 to 30

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

As stated at the beginning of the minutes, Councillor Sandra Binion declared a personal and prejudicial interest the application. Councillor Binion advised that a family member worked for the applicant. Councillor Binion left the room during the discussion of the reports and took no part in the voting.

45 P0748.11 – 115 HIGH STREET, HORNCHURCH – Change of use from retail (Class A1) to licensed betting office (use Class A2) with external alterations to the rear elevation

The report detailed an application which sought planning permission for the change of use of a ground floor unit from a retail store to a licensed betting office.

It was reported that the proposing opening hours would be from 08:30 until 22:00 Mondays to Saturdays and from 10:00 until 19:00 on Sundays.

It was noted that 2 letters of representation had been received.

With its agreement, Councillor John Mylod addressed the Committee. Councillor Mylod remarked that there were a number of similar establishments trading within the immediate vicinity of the application site. He added that the number of non-retail uses in the shopping district already exceeded policy levels and that to simply ignore policy

even further and increase the number could not be justified. He urged members to refuse the application.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was passed by 7 votes to 3 with 1 abstention. Councillors Hawthorn, Ower and Durant voted against the resolution to grant planning permission. Councillor Brace abstained from voting.

46 P0596.11 – 145 HIGH STREET, HORNBURCH – Change of use from retail (A1) to adult amusement centre (sui generis)

The Committee considered the report noting that 1 letter of representation and comments from 3 statutory consultees had been received.

With its agreement, Councillor John Mylod addressed the Committee. Councillor Mylod commented the application was unsuitable given its close proximity to a primary school and a youth centre. Councillor Mylod also suggested that the proposal would be a magnet for anti-social behaviour.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was passed by 6 votes to 4 with 1 abstention. Councillors McGeary, Hawthorn, Ower and Durant voted against the resolution to grant planning permission. Councillor Binion abstained from voting.

47 P0851.11 – 315 COLLIER ROW LANE, ROMFORD – Refurbishment of the first and second floors from office accommodation to 3 residential flats with amenity. New dormer window to front elevation. Part demolition of first and second floors

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

48 THE PROPOSED STOPPING UP OF ADOPTED HIGHWAY AT LAND BETWEEN 52 AND 64 DAVENTRY ROAD, HAROLD HILL

The Committee considered the report and **RESOLVED** that, subject to the developer paying the Council's reasonable charges in respect of the making, advertising and confirmation of the stopping up order

pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000:

1. The Council make a Stopping Up Order under the provisions of S.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway hatched blue on the attached plan to the report as the Land was required to enable development for which the Council had granted planning permission granted under planning reference P1732.10.
2. In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
3. In the event that relevant objections were made by other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the order.
4. In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination.

49 A0031.11 – BOOTS OPTICIANS, 16 FARNHAM ROAD, HAROLD HILL - Installation of 2 illuminated fascia signs

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

50 P0877.11 - 5 SLEWINS LANE AND LAND ADJACENT, THE DRILL ROUNDABOUT, HEATH PARK - Demolition of existing dwelling & the construction of a residential development comprising 8 2-bed flats including external works & access

The Committee considered the report, noting that 1 letter of representation had been received along with comments from 4 statutory consultees including a late response from the London Fire and Emergency Planning Authority who raised no objections to the proposals.

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A restriction on residents of the development, save for blue badge holders, applying for parking permits within the local area.

Staff were authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report and an additional condition requiring obscured glazing to rear dormer windows.

In the event that the applicant refused to enter into a Section 106 agreement or the agreement was not completed by the expiry of this application on 2 August 2011, the Head of Development and Building Control be authorised to refuse planning permission for the following reason:

The proposed development would, by the reason of the likely overspill of vehicles onto the highway, inhibit the free and safe flow of traffic, to the detriment of highway safety, contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.

The vote for the resolution to grant planning permission was passed by 10 votes to nil with 1 abstention. Councillor Durant abstained from voting.

51 PROPOSED VARIATION OF SECTION 106 AGREEMENT IN CONNECTION WITH PLANNING PERMISSION P0086.11 SNOWDON COURT, ELVET AVENUE, GIDEA PARK: Demolition of existing Snowdon Court buildings and the erection of two, new four storey buildings providing 38 sheltered flats and 60 extra care flats (total 98) with support facilities together with associated external landscaping.

The Committee considered the report and **RESOLVED** that the variation of the Section 106 agreement dated 29 March 2011 to change the tenure mix to that set out below by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved:

The provision of 78 units for social rented accommodation, comprising 38 one-bed flats and 40 two-bed flats and the provision of 20 shared equity flats, comprising 10-one bed units and 10 two-bed units. Such units to be managed by the Registered Social Landlord or Registered Provider with the Council to receive 100% of the nomination rights which shall be subject to the sub regional nomination arrangements confirmed by the East London Housing Partnership (or its successor).

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 29 March 2011 and all

recitals, terms, covenants and obligations in the said Section 106 agreement dated 29 March 2011 remain unchanged.

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

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

52 P0905.11 – GARAGE SITE AT OAKLEY DRIVE, HAROLD HILL, ROMFORD - Extension of time application to P0888.08 for demolition of 16 disused garages and the construction of 2 3-bed family houses

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

53 P0004.11 – FORMER HAROLD WOOD HOSPITAL, GUBBINS LANE, HAROLD WOOD - Phase 1A of the development of the former Harold Wood Hospital. To include: Demolition of existing buildings and the construction of 20 residential units and associated infrastructure and landscaping

It was **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to:

1. The applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) to secure the Heads of Terms set out in Annex 1 to the report as required under planning application P0702.08.
2. Staff were authorised to enter into such agreement and upon completion of it, to grant planning permission subject to the conditions as set out in the report with Condition 24 being deleted and with amendments to Conditions 13 and 23 to read the following:

Condition 13 – Delete bullet point ii) Reason – the site does not include any of these catchments.

Condition 23 – Amend wording,

Prior to the commencement of development adjacent to the Spine Road, a scheme detailing the measures to be taken to ensure “reasonable” (as defined in BS8233) internal noise levels with closed windows inside living and bedrooms which directly face the Spine Road, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall give details of double glazing and passive acoustic ventilators on affected facades in so far as such measures are appropriate. The scheme shall be fully implemented in each dwelling before the occupation of the relevant residential units and shall be permanently retained thereafter.

Reason: To protect future residents against the impact of road noise in accordance Development Control Policies Development Plan Document policy DC61 and DC55, and Planning Policy Guidance Note PPG24, “Planning and Noise.”

The vote for the resolution to grant planning permission was passed by 9 votes to nil with 1 abstention. Councillor Durant abstained from voting.

As stated at the beginning of the minutes, Councillor Ron Ower declared a prejudicial interest the application by virtue of predetermination. Councillor Ower advised that he had voiced opposition to the proposal. Councillor Ower left the room during the discussion of the reports and took no part in the voting.

54 P0229.11 – THE MOORHENS, ACACIA GARDENS, UPMINSTER – Hardstanding for access to stables for delivery of hay and food; access to stables for vet and emergency services

The Committee considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

55 P0369.11 – RYDAL MOUNT, NORTH ROAD, HAVERING-ATTE-BOWER – Proposed orangery to rear elevation and decking

The Committee considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

56 P0554.11 – BUSINESS INNOVATION CENTRE, CEME CAMPUS, MARSH WAY, RAINHAM – Change of use of c. 160sq.m. of Business Innovation Centre from B1 (Business) use to D1 (Education) use

The Committee considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

57 SUSPENSION OF STANDING ORDERS

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Meeting Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Thursday 4 August 2011 (7.30pm – 8.40pm)**

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair), Sandra Binion, Jeff Brace, +Steven Kelly, Fred Osborne, Garry Pain and Barry Tebbutt

Residents' Group Linda Hawthorn
Ron Ower

Labour Group Paul McGeary

**Independent
Residents' Group**

An apology for absence was received from Councillor Mark Logan

Councillors Wendy Brice-Thompson, Steven Kelly, Billy Taylor and Frederick Thompson were also present for the parts of the meeting.

12 members of the public and a representative of the Press were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

58 DECLARATIONS OF INTERESTS

Councillor Fred Osborne declared a personal interest in report P0930.11. Councillor Osborne advised that he was a friend of the applicant. Councillor Osborne left the room during the discussion of the reports and took no part in the voting.

59 P0056.11 – 72-74 SOUTH STREET, ROMFORD - Aluminium composite and glazed barrier for an external seating area

It was noted that Councillor Curtin had called the application in before the Committee due to concerns regarding the proliferation of external seating areas in South Street, the impact of their visual appearance on

the character and quality of the town centre and his preference to see a more strategic approach.

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

60 P0681.11 - SOVEREIGN HOUSE 16-22 WESTERN ROAD ROMFORD - Change of use of part of the carpark into data storage facility and supporting plant at ground floor level with generator and chillers/pumps at roof level

The report before members detailed an application for permission for the change in use of the car park into a data storage facility and supporting plant at ground floor with generator and chillers/ pumps at roof level.

It was noted that the application had been called in by Councillor Curtin on the grounds that the chillier cabinets would result in excessive noise levels for the occupants of Hylands Court, directly adjacent to the site.

With its agreement, Councillor Frederick Thompson addressed the Committee on behalf of Councillor Curtin.

Councillor Thompson remarked that the proposal, if approved, would have a detrimental impact upon the amenity of local residents through increased noise and disturbance as the pumps would be operating twenty four hours a day. Councillor Thompson urged the Committee to refuse the application.

During the debate, members discussed the impact of the proposal on the amenity of local residents with specific attention focussed on the landscaped area to the front of Sovereign House which was in a general state of untidiness. Officers advised that the applicant did not own all of the land associated with the building. It was agreed that an informative be included in the proposal regarding the general upkeep and general tidiness of the area surrounding the building.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and with the addition of an informative covering the maintenance and upkeep of the surrounding area to the premises. The vote was 8 votes to 2. Councillors Hawthorn and Ower voted against the resolution to grant planning permission.

61 P0019.11 – 395-405 BRENTWOOD ROAD, ROMFORD – Change of use of part of former car showroom to Class A1 retail, change of use of first floor to form 3 residential units and construction of second floor extension to form 2 residential units together with alterations to the front façade of the building

The report before members detailed an application for the partial change of use of a former car showroom to form an A1 retail unit; a change of use of the first floor to form 3 residential units, and the construction of a second floor extension to form 2 residential units. A total of 6 parking spaces would be provided for the residential accommodation.

The application also sought permission for alterations to the façade of the building and an alteration to the front forecourt layout to provide a lay-by.

It was noted that 3 letters of representation had been received.

Members noted that consideration of the application had been deferred at two previous meetings of the committee in May and July in order that staff could firstly invite the applicant to submit revised plans and secondly to enable staff to draft a further Chief Executive's report which contained details of a Section 106 legal agreement.

A member of the Committee commented that the report failed to mention nearby developments which had recently been granted planning permission with a similar, if not greater, height. He added that the proposal would not look overly dominant in the street scene.

During the debate members discussed the possible waste removal arrangements from residential properties and asked that if planning permission was granted that a condition be inserted to ensure that no waste bins were placed at the front of the property.

A motion was proposed by Councillor Tebbutt and seconded by Councillor Ower that planning permission should be granted on the basis that the proposal would be in accordance with planning policy DC61 but that motion was lost on the Chairman's casting vote after the voting record was 5 in favour and 5 against. Councillors Brace, Hawthorn, McGeary, Ower and Tebbutt voted for the motion to grant planning permission. Councillors Binion, Misir, Pain, Oddy and Osborne voted against the motion to grant planning permission.

It was **RESOLVED** that planning permission be refused as per officer recommendation.

The vote for the resolution to refuse planning permission was carried on the Chairman's casting vote after the voting record was 5 in favour and 5 against. Councillors Binion, Misir, Pain, Oddy and Osborne

voted for the motion to refuse planning permission. Councillors Brace, Hawthorn, McGeary, Ower and Tebbutt voted against the motion to refuse planning permission.

62 P0930.11 – 68 BIRKBECK ROAD, ROMFORD – 2 storey side and single storey rear extensions

It was noted that the planning application had been called in by Councillor Robert Benham due to the history of the site and the surrounding location.

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

As stated at the beginning of the minutes, Councillor Fred Osborne declared a personal interest the application. Councillor Osborne advised that he was a friend of the applicant. Councillor Osborne left the room during the discussion of the report and took no part in the voting.

63 P0976.11 – FORMER RAINHAM POLICE STATION 1-6 NEW ROAD, RAINHAM - Change of Use and external alteration from former Police Station to 6 three bedroom dwellings with off street parking and private amenity.

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

64 P0886.11 – DYCORTS SCHOOL, SETTLE ROAD, HAROLD HILL - Demolition of existing mini-bus garage and erection of new mini bus garage

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

65 P0478.08 – UPPER FLOORS 25 TO 31 SOUTH STREET, ROMFORD - proposed variation of section 106 agreement in connection with planning permission change of use of second and third floors to form 12 apartments together with alterations to ground floor entrance and rear emergency escape stairs

The Committee considered the report and without debate, **RESOLVED** that the variation of the S106 agreement dated 11 July 2008 to change

the tenure mix, to that set out below by bilateral Deed of Variation under Section 106 of the Town and Country Planning Act (as amended), be agreed

The provision of at least six units for shared ownership purposes. Such units to be managed by the Registered Social Landlord or Registered Provider with the Council to receive 100% of the nomination rights which would be subject to the sub regional nomination arrangements confirmed by the East London Housing Partnership (or its successor) and that if the affordable housing units were no longer available for eligible users any subsidy was recycled for alternative affordable housing provision in accordance with PPS 3 Housing June 2011.

Save for the variation set out above and necessary consequential amendments the S106 agreement dated 11 July 2008 and all recitals, terms, covenants and obligations in the said Section 106 Agreement would remain unchanged.

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

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

66 WILLOUGHBY DRIVE, RAINHAM, ADJACENT TO NO.1 - Alleged breach of planning control at land on the north side of

The Committee considered the report and without debate **RESOLVED** that it was expedient that an Enforcement Notice be issued and served to require within 6 months:

- i) Stop using the land for residential purposes.
- ii) Remove from the land all mobile homes, caravans and vehicles.
- iii) Remove from the land all building materials, debris and rubbish from the site resulting from compliance with (i) and (ii).

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

67 P0781.11 – BUDDHA LOUNGE, GROUND FLOOR 36-38 & FIRST FLOOR 30-34 NORTH STREET, ROMFORD - Proposed 5yr extension of existing planning permission P1110.08 granted for a limited period expiring on 1st October 2011 and being a variation of planning conditions with approved application P0823.96 to allow extended opening hours

The report before the Committee detailed a variation of condition to extend the hours of use from those approved in 1996 (planning approval P0823.96). The hours approved in 1996 for the night club were between 9am and 11pm every day (Condition 2). In 2006 an application sought the extension of those hours delaying morning opening until 11am but varying closing time to between 3am and 5am the following day. This was granted temporary consent for two years. In 2008 approval (P1110.8) for the same extended hours was granted for a temporary period until October 2011. The current application sought to retain the 2008 extended hours for a further period of 5 years.

Officers explained that the main concern was the impact of the extended hours upon residential amenity for a period of 5 years would be excessive, in part as building works had now begun at the site in North Street. Officers considered that in order to confirm that the proposed later hours would not result in significant harm to residential amenity, that a period of 3 years would be needed to enable evaluation of the later hours.

During the debate discussion centred on the fact that the nightclub had been in situ before the residential development had taken place and that this was impeding the applicant from obtaining the length of planning permission that had been applied for.

Several members felt that in the current economic climate it was expedient to help local businesses and a motion was proposed by Councillor Brace which was seconded by Councillor Tebbutt to grant planning permission for 5 years but that motion was lost on the Chairman's casting vote after the voting record was 5 in favour and 5 against. Councillors Brace, Misir, Osborne, Pain and Tebbutt voted in favour of granting planning permission for 5 years. Councillors Binion, Hawthorn, McGeary, Oddy, and Ower voted against granting planning permission for 5 years.

It was **RESOLVED** that planning permission be granted as per officer recommendation.

The vote for the resolution was 9 votes to 0 with 1 abstention. Councillor McGeary abstained from voting.

**68 P0801.11 – 2 FEN LANE, NORTH OCKENDON, UPMINSTER –
Single storey rear extension**

The Committee considered the report and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

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Havering

LONDON BOROUGH

Regulatory Services Committee

25 August 2011

ITEM 5

WITHIN STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-6	P0991.11	Romford Town	21 Richmond Road Romford

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REGULATORY SERVICES COMMITTEE

25th August 2011

WITHIN STATUTORY PERIOD

APPLICATION NO:	P0991.11	
WARD :	Romford Town	Date Received: 4th July 2011
ADDRESS:	21 RICHMOND ROAD ROMFORD	
PROPOSAL:	Change of Use to part of site to reinstate autoservice use (B2)	
DRAWING NO(S):	03	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

The application has been called to committee by Councillor Thompson on the basis that the development is unsuitable within a residential area.

RECOMMENDATION

That planning permission be granted subject to conditions.

SITE DESCRIPTION

The site has a frontage onto Richmond Road and borders Moss Lane to the south and currently comprises a car servicing station and warehousing to the rear. The surrounding locality is of a mixed character with residential properties lining Richmond Road and George Street with commercial properties to the rear along Moss Lane and Brentwood Road.

The application site had previously been used as a car salvage yard, and has been converted into an MOT station, however, works are not as yet completed, as the roof extension remains unfinished. The site comprises a two storey detached office building to the front with access from Richmond Road. Within the site a deep rear single storey canopy extension adjoins the full length of the common boundary with no. 23 Richmond Road and links to a rear single storey outbuilding.

DESCRIPTION OF PROPOSAL

The proposal is for a part change of use of the site in order to reinstate vehicle servicing. The site is currently in operation as an MOT testing station which would remain. The servicing elements proposed would be contained to two existing workshops, both set to the rear portion of the site.

RELEVANT HISTORY

ES/ROM/434/54 - Rebuild of store - Approved

434A/54 - Lavatory accommodation at rear - Approved

381/56 - Storage building: tyres - Approved

A/ROM69/62 - Projecting box sign - Approved

L/HAV235/71 - Alterations to existing office and store - Approved (appeal allowed)

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P1673.09 - Use of site as MOT services and raised roof area - approved.

P1487.10 - change of use to operation MOT servicing and formation of MOT bay including raising roof level over bay - approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 63 properties. 3 representations were received, stating the following objections:

- traffic has increased on Richmond Road since the site has been in use
- car parks on the street without permits
- there are a number of vehicle servicing companies in the area already
- increase in noise through the repair of vehicles
- current owners ignored planning conditions

RELEVANT POLICIES

Policies CP3, CP17, DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC36 (Servicing), DC52 (Air quality), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) 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 the MOT centre would have upon the character and amenity of neighbouring residential occupiers and the wider locality, the streetscene and highway and parking implications.

Principle of Development.

Policy DC11 indicates that for sites outside designated employment areas, town centres and the green belt, there will be a general resistance to change of use to industrial and business uses where these would conflict with housing or environmental policies and that redevelopment will generally be required for housing. If housing is not feasible, the main concerns would be to encourage environmental improvements in conjunction with a commercial redevelopment of the site.

A Ministerial statement released on the 23/3/11 states that Local Authorities can play a part in rebuilding the economy. When determining planning applications Authorities should support enterprise and facilitate development where it could create jobs and business productivity. Staff recognised that the site makes a contribution to local employment.

The site has a history for being used for vehicular repairs with associated offices to the front and therefore the reuse of the site is judged to be acceptable in principle. The installation of a single MOT bay has been approved on site (ref: P1437.10), as this has similar characteristics to the vehicle repairs previously carried out on site. This application to incorporate B2 (vehicle servicing into the site) has arisen due to the way in which the MOT bays were applied for, which effectively changed the use of the entire site, meaning that vehicle servicing could no longer take place.

As the site currently has an MOT bay installed, with planning permission, Staff consider that vehicle servicing would be acceptable in principle, as these are similar uses.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposals seek to use the site for vehicle repairs alongside the MOT bay. No physical alterations to the site are proposed and there would be no impact within the streetscene.

The existing MOT bay with raised roof height was approved under planning application reference P1437.10. Condition 2 of this permission required the roof extension to be externally finished with painted render within 1 month of the date of decision. This has not yet been carried out, whilst the applicants re-apply for planning permission, and the site therefore remains unfinished in appearance. Staff consider that it would be reasonable to re-attach this planning condition in the event of planning approval so that the building has an acceptable appearance.

IMPACT ON AMENITY

The proposed use would integrate with a comparable use in that it relates to general vehicle repairs/ servicing/ testing. The building is located in close proximity to residential properties facing Richmond Road to the front where previously in connection with the former activities on the site some form of noise and general disturbance would have occurred.

The servicing and combined MOT bay would be located within the rear of the site enclosed within an existing building and 24m from the nearest residential property. It could therefore be expected that some noise impact would occur. Similarly the MOT centre to the rear of the premises on Brentwood Road and other commercial premises along Moss Lane already cause some form of noise within the rear environment. It would nonetheless be expected that the introduction of the vehicle servicing along side the MOT bay would cause additional noise to that existing at present. It should however, be acknowledged that the previous use for vehicle salvage and repair already caused a form of impact in terms of noise and general disturbance.

Policy DC55 states that planning permission will not be granted if a development results in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. Representations received from Environmental Health recommend conditions that require the submission of a scheme for any new machinery to reach certain noise standards, have a certain level of insulation and restriction on construction hours.

Recognised that there would be an element of noise from the activities on site, an hours of operation condition is considered necessary, to allow works between 9-6 Monday-Friday and 9-1 on Saturdays with no operation on Sunday or Bank or Public holidays.

A site visit undertaken shows that there is no machinery currently in place on site (other than the MOT bays), and only areas set aside for tools. The workshops combined have space for 4 vehicles to be kept inside and worked on and conditions can be attached which require any activity to be carried out internally, rather than the car park which could result in higher noise levels.

The existing site has a Class 4 MOT bay, in which typical equipment could include jacking beams, brake testers, headlamp tester, gas analysers, lifting equipment etc. It could be also expected that cars would be revved and other noise could emanate from tests been carried out. However, Class 4 MOT bays normally involve servicing mainly of smaller vehicles and it is unlikely that commercial vehicles would be serviced. Although noise would occur from vehicles entering and leaving the site via the existing access of Richmond Road, this access is in existence and has previously been used for vehicles entering the site. Given that smaller vehicles would make use of the proposed services, the general noise and disturbance associated with larger salvage lorries previously in use at the site would decrease to some

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extent.

The open aspect of the parking areas within the canopy to the southern-west boundary of the site would be as before and no additional impact is expected at this point as this would not be utilised for vehicle servicing.

With the conditions suggested from Environmental Health, Staff consider that it would be unreasonable to refuse the application on amenity grounds.

HIGHWAY/PARKING

The sites only access is via Richmond Road. Representations received objected on the grounds that since the site has been re-used for MOT purposes there has been a significant increase in traffic and that vehicles in connection with the site park without permits. Richmond Road is a controlled parking zone with residents bays along its entire frontage, although representations state that cars ignore this, there are systems and controls in place for vehicles which park in unauthorised parking spaces. The presence of the bays are considered to be a sufficient scheme in which on street parking is reduced. Surrounding streets are also controlled parking zones.

There is no specific parking standard which applies to the proposed use. Policy DC33 Annex 5 states that in determining appropriate parking for B2 employment uses applicants should have a regard to B1 standards although a degree of flexibility may be required to reflect different trip generation characteristics. The site makes provision for 14 in curtilage parking spaces. As there is only 1 MOT bay and the size of the workshops limit the numbers of cars which can be worked on, it is considered that the parking available on site is sufficient, especially in the absence of a highways objection.

Given the intensified use of the site, it is considered appropriate to attach a condition requiring the submission of a management plan to be approved in writing by the Local Planning Authority. The management plan would provide details of on site manoeuvring of vehicles and details of a booking system in order to ensure that no car parking overspill would occur in future and that on site parking would be suitable managed. The integration of vehicle servicing into the existing use does not result in the loss of parking spaces, nor alter turning area and does not encroach upon the access from Richmond Road. As such, there are no Highways objections in this instance, Staff consider that there are no sufficient grounds to base a refusal.

KEY ISSUES/CONCLUSIONS

The proposal would introduce a further vehicle related use onto the site which lies outside any designated employment site. Measures are needed to manage traffic entering, leaving and circulating within the premises to deal with any impact on highway safety. These measures include a suitable system contained within a Management Plan. Noise insulation is also required in order to ensure that no significant impact on neighbouring amenities would occur. There would be no physical alterations to the buildings on site.

The intensified commercial use is bordered by residential properties on Richmond Road and Members are asked to apply their judgement in this instance. It is therefore considered that the proposal would be acceptable in principle and complies with the relevant LDF policies.

RECOMMENDATION

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

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1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. S SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be for vehicular servicing with single MOT bay only and shall be used for no other purpose(s) whatsoever unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

4. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 18:00 on Mondays to Fridays, 09:00 and 13:00 on Saturdays and not at all on 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.

5. M SC37 (Noise insulation)
6. S SC39 (Activities within buildings) ENTER DETAILS

The vehicle servicing and MOT services shall not take place anywhere on the application site except within the identified buildings, as shown on '03' dated 29-06-2011 to the satisfaction of the Local Planning Authority.

Reason:-

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

7. M SC62 (Hours of construction)
8. S SC58 (Storage of refuse)
9. Non standard condition

Within 3 months of the date of this permission hereby permitted, a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels (expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90-10db. The development shall be carried out in accordance with the agreed scheme and maintained thereafter to the satisfaction of the

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Local Planning Authority.

Reason:-

To protect neighbouring occupiers against the impact of noise in accordance with Planning Policy Guidance Note 24, "Planning & Noise" 1994 and in order that the development accords with the LDF Core Strategy and Development Control Policies DPD Policies DC55 and DC61.

10. Non standard condition

Within 3 months of the date of this permission hereby permitted, a Management Plan outlining details of the proposed Booking System and on-site parking arrangements shall be submitted and agreed in writing by the Local Planning Authority and thereafter fully implemented and maintained until the use ceases.

Reason:-

In the interests of highway and pedestrian safety.

11. Non standard condition

Within 1 month of the date of the permission hereby granted the roof extension over the MOT bay shall be externally finished with painted render.

Reason:-

To safeguard the appearance of the premises and character of the immediate area.

1 INFORMATIVE:

Reason for approval:

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



6

**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 August 2011

Subject Heading:	P1803.10 – 178 Crow Lane Romford steel clad building (received 24 January 2011)
Report Author and contact details:	Helen Oakerbee Planning Control Manager (Applications) helen.oakerbee@havering.gov.uk 01708 432800
Policy context:	Local Development Framework The London Plan National Planning Policy Statements/ Guidance
Financial summary:	None

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

Clean, safe and green borough	[x]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[]
High customer satisfaction and a stable council tax	[]

SUMMARY

This report concerns an application for a steel clad building which is partially completed. The application has been referred to Committee as there is extensive, relevant planning, planning enforcement and appeals history and the applicant is a relative of a Councillor. Staff consider that the proposal would be contrary to Green

Belt Policy DC45 contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and PPG 2 (green belts) and refusal is therefore recommended.

RECOMMENDATIONS

It is recommended that planning permission is refused for the following reason:

1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework Policy DC45 and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new buildings will only be permitted outside the existing built up areas in the most exceptional circumstances. The special circumstances submitted in this case are not considered to amount to the very special circumstances needed to over-ride the presumption against inappropriate development in the green belt and the proposal is therefore contrary to Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPG2 (green belts).

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the northern side of Crow Lane and comprises No. 178 Crow Lane and land to the rear of this building. It forms part of a larger site which includes 188 Crow Lane and is in a commercial use for the storage of containers in connection with a removals business. In addition to the frontage building, the application site contains a number of buildings which provide ancillary office accommodation together with some storage. This application is one of two submitted for buildings at the application site (the other having planning reference P1804.10); both of which are visible on site, if not entirely complete. The site has direct access onto Crow Lane. The site is within the Metropolitan Green Belt.
- 1.2 The surrounding area is a mixture of residential (mainly to the road frontage), many with commercial activities behind and a purely commercial area to the east of the application site beyond No. 158 Crow Lane. There are also open vegetated areas along Crow Lane to the West and to the north of the application site, beyond which lies the London – Southend Railway Line.

2. Description of Proposal

- 2.1 The proposal is for a steel clad building which has been partly constructed. While the steel frame and roofing and two roller-shutter doors had been completed at the time of the site visit, the remaining walls had yet to be clad with steel walling. The building is located adjacent to the eastern boundary, at its nearest point some 84m or so from the back edge of the public highway to Crow Lane. The building is 16.25m deep and 14.6m wide. It has a pitched roof with a ridge height of 8.8m above ground level (eaves height 6m above ground level) and gables to the western and eastern elevations. It faces west with the two roller shutter doors located centrally with two pedestrian doors flanking them.
- 2.2 The applicant indicates that the Company was established in 1847 and since then transportation connected with the removals company has changed such that there are many historical artefacts including lorries and carts retained by the company. The applicant indicates that these artefacts need to be accommodated within a dry and weatherproof environment before they are lost forever. These artefacts are currently housed within the site complex but most are open to the elements, with temporary storage either outside but covered with tarpaulin, in containers and/or within the steel clad structure or under the open-sided canopy.
- 2.3 The applicant has submitted a case for very special circumstances which in summary, in addition to the above, are as follows:
- the artefacts proposed to be housed are company artefacts acquired over many years in the removal industry
 - the artefacts include many items which are priceless to the Company and if not housed in the proper manner, will deteriorate and be lost forever
 - items saved can be traced back to 1847 when the Company was established

3. History

The planning history relating to 178 Crow Lane and 188 Crow Lane are inextricably linked due to them being in the same ownership and as they have a physical connection. There is extensive planning history relating to the application site/sites and the following are the relevant applications:

- 3.1 P1402.90 (178) – erection of a storage building - refused; subsequent appeal dismissed
P1177.94 (178) – retention of a building for use as a museum – refused 6/1/95; subsequent appeal dismissed
P1012.95 (178) – building for use as a museum – refused 11/10/95; subsequent appeal dismissed

P1451.98 - buildings for vehicle maintenance, workshop, store, office and WC (at 178-188 Crow Lane) – granted 28-05-99

P0384.00 (188) – repair and refurbishment of existing building for storage and museum – lapsed 7/11/02; appeal made (not determined)

P0158.01 (188) - replacement building for museum, offices, workshop and storage – refused Jan 2002; appeal dismissed 29/7/02

P1513.02 (188) – replacement building for museum, offices, storage and workshop at rear. This application was called-in by the Secretary of State who decided to refuse planning permission.

4. Consultation/Representations:

- 4.1 23 neighbouring and nearby properties were notified of the application. A site notice was posted and a press notice was issued. No replies have been received.
- 4.2 The London Fire and Emergency Planning Authority have written to advise that as a site currently in use by large vehicles the access is satisfactory for their emergency vehicles.
- 4.3 The London Fire Brigade (water supply) has written to advise that no additional, or alterations to the existing, fire hydrants are required for the site.

5. Staff Comments

- 5.1 This application is being referred to committee as there is significant planning history in relation to development, in terms of planning applications, enforcement and appeals. In addition, this proposal is put forward before the committee due to the applicant being a direct relative of an elected councillor. This report has been passed to the Monitoring Officer, who has confirmed that pursuant to the requirements of the Council's Constitution, the application has been processed in accordance with standard procedure.
- 5.2 The issues in this case are the principle of the development, its impact in the Green Belt and the street scene, impact on the amenities of nearby residential occupiers and highways/parking. Policies DC33, DC36, DC45, DC55 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are relevant. Also relevant are London Plan Policies 2.7 and 7.16 and PPG2: Green Belts and PPS7 Sustainable Development in Rural Areas. Also relevant are the comments made by Planning Inspectors in dismissing earlier schemes.
- 5.3 The proposal is for a steel clad building of approximately 240 sq. m and with a volume of approximately 1,800 cubic metres to be used for the storage and display of historical removals-related artefacts. Previous applications for storage buildings or museum buildings at this site have been refused at appeal principally on green belt grounds. The applicant on this occasion has

asked for two buildings to be considered, one for a museum and the other as a stand-alone canopy (the latter is the subject of Planning Application No. P1804.10). This proposal is nonetheless considered on its own planning merits.

Principle of development

- 5.4 Policy DC45 of the LDF Core Strategy and Development Control Policies DPD indicates that planning permission for development in the Green Belt will only be granted if it is for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction and Park and Ride facilities. This is the list drawn from national planning guidance, PPG2 “Green Belts”.
- 5.5 The existing use of the application site is a commercial removals depot which does not fall within any of the listed categories. The proposed development of a steel clad building is therefore inappropriate development in the Green Belt, by definition harmful in principle to the purpose of the green belt.
- 5.6 In addition, the proposal may create other additional harm caused by the physical impact on openness, on visual amenity in the streetscene, on residential amenity etc.
- 5.7 The reasoned justification to Policy DC45 refers to Planning Policy Guidance Note 2 – Green Belts which states a general presumption against inappropriate development. By its very nature, inappropriate development is considered to be harmful to the Green Belt, in principle. In order to outweigh such harm, together with any additional harm caused by the physical impact of the building on the setting and openness of the Green Belt, very special circumstances must be clearly demonstrated. If not, the application should be refused.
- 5.8 Policy DC45 clarifies that in order to achieve improvement to both the open nature and Green Belt environment at existing authorised commercial /industrial sites, it may be justifiable to grant permission for a use which would not normally be acceptable in terms of Green Belt policy. Any such proposal would need to be the subject of the Departure procedure. This proposal is not for redevelopment and would not result in a substantial decrease in the amount of building on the site or any improvement to the local Green Belt environment, such that this proposal has not been considered as falling under that aspect of the policy.
- 5.9 The applicant has submitted a supporting statement which he wishes to be taken as a “very special circumstances” case sufficient to outweigh the harm caused to the green belt. First it is necessary to consider what harm arises from the proposed development.

Impact on the character and appearance of the green belt

- 5.10 The five purposes of the green belt are to check the unrestricted sprawl of large built-up area; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.11 The Planning Inspector in his decision letter dated 25th September 2003 in relation to the application site indicated that the site has a role in restricting the growth of the built-up area and in preventing the coalescence of Romford and Dagenham which meet the first two purposes of the green belt. In his view the site in this part of Crow Lane “retains a distinct open and low-density character, and it appeared to me to continue to perform the roles of separating neighbouring settlement and restricting urban sprawl”.
- 5.12 The Planning Inspector further noted that “The appeal site is part of a narrow finger of Green Belt that links areas to the north and south of Crow Lane” such that “I consider it to be a sensitive part of the Green Belt. If the openness of the land were to be further reduced, an undesirable fragmentation of the Green Belt could result.”
- 5.13 The status of the application site in green belt terms has not diminished since the Planning Inspector made his comments. The site continues to fulfil the first two purposes of the green belt even though the use of the site itself does not fall within the range of appropriate uses of land in the green belt.
- 5.14 The structure at 8.8m high would not be particularly visible from Crow Lane. This is partly because the steel clad building is located nearly 90m from the back edge of the highway to Crow Lane and as there are intervening existing storage buildings and 2-storey office/ancillary buildings closer to the highway. In addition as containers cover much of the remainder of the site and are stacked at least 4 high in rows, the new structure is not particularly visible to this aspect.
- 5.15 The containers are also stacked along the northern boundary of the application site. It is clearly a historic feature of the current use, which is of itself an inappropriate use in the green belt, that there are containers at the application site. The structure would therefore not be visible from public viewpoints immediately adjacent on open land to the north of the application site. Also with the high container stacks to the northern boundary, although the railway is elevated it is not currently possible to see the from this public viewpoint.
- 5.16 Nonetheless containers can be removed from the application site and moved around the site in connection with the applicant’s business such that they would not provide a permanent physical screen. Notwithstanding that the site’s established and historic use which pre-dates Planning (i.e. before

1948) causes some harm to the green belt by its very nature, the height and location of the containers currently do reduce the visibility of the structure.

- 5.17 If the use were to cease, while the containers would be removed, any structures including the steel-clad building would remain permanently on the land. It is therefore considered that it would be capable of being visible from public viewpoints and therefore, due to its size, scale and inappropriateness in the green belt, would have an adverse impact on the openness of the green belt and purposes of including the site within it.
- 5.18 The replacement of an area for the storage of containers by a permanent building would not increase openness at the application site and no other area within the application site is proposed to be retained as open to compensate.
- 5.19 The Planning Inspector clarified that the fundamental aim of Green Belt policy is to prevent urban sprawl by “keeping land permanently open”. Staff therefore consider that the development of this nearly 1,800 cubic metre permanent building results in harm to the open character and appearance of this part of the green belt and the purposes of including land within it, contrary to Policy DC45 and PPG2.

Impact in the Street Scene

- 5.20 The structure would not be visible from Crow Lane. This is partly because the steel clad building is located nearly 90m from the back edge of the highway to Crow Lane and as there are intervening existing storage buildings and 2-storey office/ancillary buildings closer to the highway.
- 5.21 The structure would be visible from the adjoining industrial site and would appear to be similar in scale and form to other industrial buildings, albeit in newer materials. However the adjoining industrial area lies outside the green belt.
- 5.22 It is therefore considered that there would be no adverse impact on visual amenity in the streetscene.

Impact on Residential Amenity

- 5.23 There are residential properties opposite the application site and along both sides of Crow Lane to the east and west of the application site. Of itself it is not considered that the building would have any significant impact on the adjoining neighbouring occupiers amenity, in part as the building is located some distance away (approximately 45m from the rear elevation of the nearest residential property) and it is not proposed that there would be any visitors to the collection and no increase in noise and disturbance beyond that existing.

Highways

- 5.24 There is no change proposed to the highway accesses to the application site. The London Fire and Emergency Planning Authority indicate that the access should meet particular requirements.
- 5.25 The proposed buildings would not reduce the existing internal “road” width and there are no objections on highway safety grounds.

The Case for Special Circumstances

- 5.26 As set out above, in cases where in principal and actual harm has been identified, very special circumstances must be demonstrated in order for the proposal to be considered favourably. The applicant’s special circumstances case will now be considered below. For ease, each strand of the case is highlighted in italics with staff comments given underneath:
- 5.27 *The artefacts to be housed are company artefacts acquired over many years in the removal industry*

Staff comments:

- Apart from ownership of both the collection and the application site, the applicant has given no reason why the collection can only be housed at the application site and nowhere else, including in land/buildings which do not conflict with Green Belt policy.

- 5.28 *The artefacts include many items which are priceless to the Company and if not housed in the proper manner, will deteriorate and be lost forever*

Staff comments:

- During a site visit the applicant indicated that Romford Museum was unable to take the vehicles in the collection as they are too big and would cause the collection to be broken up. The applicant has not provided any evidence that he has contacted other Museums about whether they could take the collection or how to appropriately house his existing collection, although he has indicated that in his view leaving the vehicles covered but outside would eventually result in their ruin.

- 5.29 *The items saved can be traced back to 1847 when the Company was established*

Staff comments:

- The applicant has been refused planning permission 5 times between 1995 and 2002/04 for a building to house this collection on green belt grounds (as well as other buildings). The only difference now is that

the two concurrent applications are for buildings which have already been erected.

- Staff have considered whether a temporary or personal permission would be appropriate. However, Staff consider that the circumstances raised by the applicant are no different from those put forward to Planning Inspectors and the Secretary of State who all concluded that a museum or storage building, even if ancillary to the main use of the site as a removals company and mainly only visited by the applicant and his employees, is inappropriate and harmful development in the green belt. They also considered that neither the applicant's wish for his collection to be housed on his land in the green belt, nor the precious nature of the artefacts, provide very special circumstances to outweigh that harm. The principle of a building to house a museum/museum items has been tested several times previously and Staff consider that there has been no fundamental change in Green Belt policy since the last appeal decision in 2004.
- As the structure(s) are already at the application site they would need to be removed if permission is not forthcoming. Whilst these buildings are relatively large, they are of simple construction and could easily be removed.

5.30 In the light of the previous appeal decisions and that the case put forward by the applicant does not appear to differ from that put forward previously, Staff do not consider that the special circumstances case put forward in relation to the steel-clad building proposed amounts to the very special circumstances needed to outweigh the harm identified.

6. **Conclusions**

6.1 Staff consider that this proposal in the green belt is inappropriate in principle. It is further considered that there would be harm to the open character and appearance of the green belt.

6.2 Members may apply judgment to the merits or otherwise of the very special circumstances case but the extensive appeal history is an important material consideration to which significant weight should be attached. Staff consider that there is demonstrable harm and that the reasons promoted do not constitute the very special circumstance needed to outweigh that harm. Staff therefore recommend that planning permission be refused.

6.3 In the event that Members reach a different conclusion about 1) the nature and degree of harm and/or 2) the merits of the applicant's very special circumstances case in outweighing such harm, any resolution to grant planning permission would need to be referred to the Secretary of State as a departure in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None

8. **Legal Implications and risks:**

8.1 The applicant is a direct relative of an elected councillor. This report has been passed to the Monitoring Officer and the Monitoring Officer is satisfied that the application has been processed in accordance with standard procedure.

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

10.1 The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.



**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 August 2011

Subject Heading:	P1804.10 – 178 Crow Lane Romford canopy (received 24 January 2011)
Report Author and contact details:	Helen Oakerbee Planning Control Manager (Applications) helen.oakerbee@havering.gov.uk 01708 432800
Policy context:	Local Development Framework The London Plan National Planning Policy Statements/ Guidance
Financial summary:	None

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

- Clean, safe and green borough [x]
- Excellence in education and learning []
- Opportunities for all through economic, social and cultural activity [x]
- Value and enhance the life of every individual []
- High customer satisfaction and a stable council tax []

SUMMARY

This report concerns an application for a canopy which is partially completed. The application has been referred to Committee as there is extensive, relevant planning, planning enforcement and appeals history and the applicant is a relative of a Councillor. Staff consider that the proposal would be contrary to Green Belt Policy DC45 contained in the Local Development Framework Core Strategy and

Development Control Policies Development Plan Documents and PPG 2 (green belts) and refusal is therefore recommended.

RECOMMENDATIONS

It is recommended that planning permission is refused for the following reason:

1. The site is within the area identified in the Local Development Framework as Metropolitan Green Belt. The Local Development Framework Policy DC45 and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belt) is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new buildings will only be permitted outside the existing built up areas in the most exceptional circumstances. The special circumstances submitted in this case are not considered to amount to the very special circumstances needed to over-ride the presumption against inappropriate development in the green belt and the proposal is therefore contrary to Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPG2 (green belts).

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the northern side of Crow Lane and comprises No. 178 Crow Lane and land to the rear of this building. It forms part of a larger site which includes 188 Crow Lane and is in a commercial use for the storage of containers in connection with a removals business. In addition to the frontage building, the application site contains a number of buildings which provide ancillary office accommodation together with some storage. This application is one of two submitted for buildings at the application site (the other having planning reference P1803.10); both of which are visible on site, if not entirely complete. The site has direct access onto Crow Lane. The site is within the Metropolitan Green Belt.
- 1.2 The surrounding area is a mixture of residential (mainly to the road frontage), many with commercial activities behind and a purely commercial area to the east of the application site beyond No. 158 Crow Lane. There are also open vegetated areas along Crow Lane to the West and to the north of the application site, beyond which lies the London – Southend Railway Line.

- 1.3 At the site visit the applicant pointed out a number of old vehicles under the newly constructed canopy but otherwise there was no activity taking place under the canopy.

2. Description of Proposal

- 2.1 The proposal is for the retention of the canopy. The canopy is located in a central location beyond the existing frontage buildings, at its nearest point, 56m or so from the back edge of the public highway to Crow Lane. The canopy is comprised of steel uprights and roof beams with a plywood/canvas roof covering. The canopy structure is 37m long and 15m wide. It has a pitched roof with a ridge height of 9.2m above ground level (eaves height 6.5m above ground level) with gables to the southern and northern elevations. Retractable shutters are present on the southern elevation.
- 2.2 The applicant indicates that the Company was established in 1847 and that the canopy provides an ancillary building which provides a much needed dry environment for the unloading of lorries using the company's forklift truck; the height of the building being determined by the size of the forklift truck. The dry environment is, according to the application, required for Health and Safety reasons. This forms the case for very special circumstances.

3. History

The planning history relating to 178 Crow Lane and 188 Crow Lane are inextricably linked due to them being in the same ownership and as they have a physical connection. There is extensive planning history relating to the application site/sites and the following are the relevant applications:

- 3.1 P1402.90 (178) – erection of a storage building - refused; subsequent appeal dismissed
P1177.94 (178) – retention of a building for use as a museum – refused 6/1/95; subsequent appeal dismissed
P1012.95 (178) – building for use as a museum – refused 11/10/95; subsequent appeal dismissed
P1451.98 - buildings for vehicle maintenance, workshop, store, office and WC (at 178-188 Crow Lane) – granted 28-05-99
P0384.00 (188) – repair and refurbishment of existing building for storage and museum – lapsed 7/11/02; appeal made (not determined)
P0158.01 (188) - replacement building for museum, offices, workshop and storage – refused Jan 2002; appeal dismissed 29/7/02
P1513.02 (188) – replacement building for museum, offices, storage and workshop at rear. This application was called-in by the Secretary of State who decided to refuse planning permission

4. Consultation/Representations:

- 4.1 23 neighbouring and nearby properties were notified of the application. A site notice was posted and a press notice was issued. No replies have been received.
- 4.2 The London Fire and Emergency Planning Authority have written to advise that as a site currently in use by large vehicles the access is satisfactory for their emergency vehicles.
- 4.3 The London Fire Brigade (water supply) has written to advise that no additional, or alterations to the existing, fire hydrants are required for the site.

5. Staff Comments

- 5.1 This application is being referred to committee as there is significant planning history in relation to development, in terms of planning applications, enforcement and appeals. In addition, this proposal is put forward before the committee due to the applicant being a direct relative of an elected councillor. This report has been passed to the Monitoring Officer, who has confirmed that pursuant to the requirements of the Council's Constitution, the application has been processed in accordance with standard procedure.
- 5.2 The issues in this case are the principle of the development, its impact in the Green Belt and the street scene, impact on the amenities of nearby residential occupiers and highways/parking. Policies DC33, DC36, DC45, DC55 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are relevant. Also relevant are London Plan Policies 2.7 and 7.16 and PPG2: Green Belts and PPS7 Sustainable Development in Rural Areas. Also relevant are the comments made by Planning Inspectors in dismissing earlier schemes.
- 5.3 The proposal is for a canopy to be used to provide dry working conditions to workers loading/unloading containers. Previous applications for buildings at this site have been refused at appeal principally on green belt grounds. The applicant on this occasion has asked for two buildings to be considered, one for a museum (P1804.10) and the other is this stand-alone canopy. This proposal is nonetheless considered on its own planning merits.

Principle of development

- 5.4 Policy DC45 of the LDF Core Strategy and Development Control Policies DPD indicates that planning permission for development in the Green Belt will only be granted if it is for agriculture and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction and Park and Ride facilities. This is the list drawn from national planning guidance, PPG2 "Green Belts".

- 5.5 The existing use of the application site is a commercial removals depot which does not fall within any of the listed categories. The proposed development of a canopy of approximately 255 sq. m is therefore inappropriate development in the Green Belt, by definition harmful in principle to the purpose of the green belt.
- 5.6 In addition, consideration is made as to whether the proposal creates other additional harm caused by the physical impact on openness, on visual amenity in the streetscene, on residential amenity etc.
- 5.7 The reasoned justification to Policy DC45 refers to Planning Policy Guidance Note 2 – Green Belts which states a general presumption against inappropriate development. By its very nature, inappropriate development is considered to be harmful to the Green Belt, in principle. In order to outweigh such harm, together with any additional harm caused by the physical impact of the building on the setting and openness of the Green Belt, very special circumstances must be clearly demonstrated. If not, the application should be refused.
- 5.8 Policy DC45 clarifies that in order to achieve improvement to both the open nature and Green Belt environment at existing authorised commercial /industrial sites, it may be justifiable to grant permission for a use which would not normally be acceptable in terms of Green Belt policy. Any such proposal would need to be the subject of the Departure procedure. This proposal is not for redevelopment and would not result in a substantial decrease in the amount of building on the site or any improvement to the local Green Belt environment, such that this proposal has not been considered as falling under that aspect of the policy.
- 5.9 The applicant has submitted a supporting statement which he wishes to be taken as a “very special circumstances” case sufficient to outweigh the harm caused to the green belt. First it is necessary to consider what harm arises from the proposed development.

Impact on the character and appearance of the green belt

- 5.10 The five purposes of the green belt are to check the unrestricted sprawl of large built-up area; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.11 The Planning Inspector in his decision letter dated 25th September 2003 in relation to the application site indicated that the site has a role in restricting the growth of the built-up area and in preventing the coalescence of Romford and Dagenham which meet the first two purposes of the green belt. In his view the site in this part of Crow Lane “retains a distinct open and low-

density character, and it appeared to me to continue to perform the roles of separating neighbouring settlement and restricting urban sprawl”.

- 5.12 The Planning Inspector further noted that “The appeal site is part of a narrow finger of Green Belt that links areas to the north and south of Crow Lane” such that “I consider it to be a sensitive part of the Green Belt. If the openness of the land were to be further reduced, an undesirable fragmentation of the Green Belt could result.”
- 5.13 The status of the application site in green belt terms has not diminished since the Planning Inspector made his comments. The site continues to fulfil the first two purposes of the green belt even though the use of the site itself does not fall within the range of appropriate uses of land in the green belt.
- 5.14 The structure would, although 9.2m high, 37m long and 15m wide would not be particularly visible from Crow Lane although it is visible from directly adjacent to the vehicular access onto Crow Lane. In addition as containers cover much of the remainder of the site and are stacked at least 4 high in rows, this new structure is not particularly visible to this aspect.
- 5.15 The containers are also stacked along the northern boundary of the application site. It is clearly a historic feature of the current use, which is of itself an inappropriate use in the green belt, that there are containers at the application site. The structure would therefore not be visible from public viewpoints immediately adjacent on open land to the north of the application site. Also with the high container stacks to the northern boundary, although the railway is elevated it is not currently possible to see the canopy from this public viewpoint.
- 5.16 Nonetheless containers can be removed from the application site and moved around the site in connection with the applicant’s business such that they would not provide a permanent physical screen. Notwithstanding that the site’s established and historic use which pre-dates Planning (i.e. before 1948) causes some harm to the green belt by its very nature, the height and location of the containers currently do reduce the visibility of the structure.
- 5.17 If the use were to cease, while the containers would be removed, any structures including the canopy would remain permanently on the land. Notwithstanding the open sides of the structure, it encloses a space and has a roof covering of over 550 sq.m in area raised between 6.5m and 9.2m above ground level. It is therefore considered that it would have greater visibility from public viewpoints and therefore, due to its size, scale and inappropriateness in the green belt, would have an adverse impact on the openness of the green belt and purposes of including the site within it.
- 5.18 The replacement of an area for the storage of containers by a permanent building would not increase openness at the application site and no other area within the application site is proposed to be retained as open to compensate.

- 5.19 The Planning Inspector clarified that the fundamental aim of Green Belt policy is to prevent urban sprawl by “keeping land permanently open”. Staff therefore consider that the development of this permanent structure results in harm to the open character and appearance of this part of the green belt and the purposes of including land within it, contrary to Policy DC45 and PPG2.

Impact in the Street Scene

- 5.20 The structure would not be visible from Crow Lane. This is partly because the steel clad building is located some 50m from the back edge of the highway to Crow Lane and as there are intervening existing storage buildings and 2-storey office/ancillary buildings closer to the highway.
- 5.21 The structure would be partly visible from the adjoining industrial site and would appear to be similar in scale and form to other industrial buildings, albeit in newer materials. However the adjoining industrial area lies outside the green belt.
- 5.22 It is therefore considered that there would be no adverse impact on visual amenity in the streetscene.

Impact on Residential Amenity

- 5.23 There are residential properties opposite the application site and along both sides of Crow Lane to the east and west of the application site. Of itself it is not considered that the canopy would have any significant impact on the adjoining neighbouring occupiers amenity, in part as it is located some distance away (approximately 55m from the rear elevation of the nearest residential property)
- 5.24 Given the current use of the site for container storage, it is considered that the canopy of itself would not be likely to increase the level of activity on site, although clearly workers would be able to work under the canopy’s dry/sheltered conditions more than during normally wet or colder periods, such as during the winter, when work may be limited to shorter periods or not at all during inclement weather. There is, nonetheless, no suggestion that the canopy would increase either the number of the current workforce or the number of containers currently handled at the application site. It is therefore considered that there would be no significant increase in noise and disturbance beyond that existing.

Highways

- 5.25 There is no change proposed to the highway accesses to the application site. The London Fire and Emergency Planning Authority indicate that the access should meet particular requirements.

- 5.26 The proposed buildings would not reduce the existing internal “road” width and there are no objections on highway safety grounds.

The Case for Special Circumstances

- 5.27 As set out above, in cases where in principal and actual harm has been identified, very special circumstances must be demonstrated in order for the proposal to be considered favourably. The applicant’s special circumstances case will now be considered below. For ease, each strand of the case is highlighted in italics with staff comments given underneath:

- 5.28 *The canopy is required to provide a dry environment for workers to meet Health and Safety*

Staff comments:

- The removals company has operated without the need for a dry environment/covered area at the application site for a significant period of time. There is no suggestion raised by the applicant that the industry has undergone some specific and significant change which means that this covered/dry area is required by legislation. Staff recognise that the provision of such an area would be desirable given the outdoor nature of the work, however, no evidence has been submitted to demonstrate that this is an essential operating requirement such that it amounts to very special circumstances to over-ride the presumption against inappropriate development in the green belt.

- 5.29 *The canopy needs to be at this height to accommodate machinery including the fork-lift*

Staff comments:

- The applicant indicates that the height is required for their forklift truck. The proposed height of the canopy is 9.2m at its apex and 6.5m at eaves level and it is likely that this would be needed to accommodate a fork-lift truck with its mast raised. Nonetheless, as no details have been submitted of the actual dimensions, a smaller building height may also work.

- 5.30 *The canopy needs to be this size to accommodate more than one operation at a time*

Staff comments:

- No details have been submitted regarding the size of the forklift truck(s), the size of the container lorries, numbers of staff involved or why the canopy needs to be of a scale to accommodate more than one operation at a time.

5.31 In the light of the detail set out above, Staff do not consider that the special circumstances case put forward in relation to the canopy amounts to the very special circumstances needed to outweigh the harm identified.

5.32 Staff have considered whether a temporary or personal permission would be appropriate. However, Staff consider that the circumstances raised by the applicant are similar to those put forward to Planning Inspectors and the Secretary of State, in previous appeal cases, who all concluded that the additional buildings, even if ancillary to the main use of the site as a removals company, would be inappropriate and harmful development in the green belt. They also considered that the applicant's wish for additional buildings neither provided very special circumstances to outweigh that harm. The principle of additional buildings at this site has been tested several times previously and Staff consider that there has been no fundamental change in Green Belt policy since the last appeal decision in 2004.

6. **Conclusions**

6.1 Staff consider that this proposal in the green belt is inappropriate in principle. It is further considered that there would be harm to the open character and appearance of the green belt.

6.2 Members may apply judgment to the merits or otherwise of the very special circumstances case but the extensive appeal history is an important material consideration to which significant weight should be attached. Staff consider that there is demonstrable harm and that the reasons promoted do not constitute the very special circumstance needed to outweigh that harm. Staff therefore recommend that planning permission be refused.

6.3 In the event that Members reach a different conclusion about 1) the nature and degree of harm and/or 2) the merits of the applicant's very special circumstances case in outweighing such harm, any resolution to grant planning permission would need to be referred to the Secretary of State as a departure in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 as the application by reason of its scale, nature and location would have a significant impact on the openness of the Green Belt.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

7.1 None

8. **Legal Implications and risks:**

8.1 The applicant is a relative of an elected councillor. This report has been passed to the Monitoring Officer and the Monitoring Officer is satisfied that the application has been processed in accordance with standard procedure.

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

10.1 The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

**REGULATORY
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REPORT

25 August 2011

Subject Heading:	P0980.11 – South Essex Crematorium, Ockendon Road, Upminster
	Single storey garage/workshop and single storey demountable building for use of staff office/mess room (Application received 28th June 2011)
Report Author and contact details:	Helen Oakerbee (Planning Control Manager) 01708 432800
Policy context:	Local Development Framework
Financial summary:	None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application is a resubmission of a previously approved scheme, P0906.09, for the erection of two single storey buildings within the grounds of the South Essex Crematorium. The buildings are to be used for the storage of ground maintenance vehicles and as welfare/office accommodation for staff. The planning issues are set out in the report below, which focuses on the differences between the current proposal and the previous application as well as issues relating to the principle of development, impact on the character and appearance of the Green Belt, impact on amenity and parking/highway issues. Staff are of the view that the proposal is

acceptable and it is recommended that permission be granted subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Restricted use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the buildings hereby permitted shall be used as welfare accommodation, offices and for storage purposes only and shall be used for no other purpose(s) whatsoever including any other use in Class B1 or B8 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

6. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC31, DC32, DC33, DC35, DC36, DC61 and DC63 of the LDF Development Control Policies Development Plan Document. Other material considerations, namely that the existing buildings on the site have been removed and the need for such a facility in this location, justify exception in this case to the strict application of Policy DC45 and are considered to constitute the very special circumstances necessary to comply with PPG2.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the northern side of Ockendon Road within the grounds of the South Essex Crematorium. The site is situated towards the centre of the Crematorium site approximately 150 metres north of Ockendon Road and to the west of the existing Crematorium Chapel building. The site is presently utilised as a compound for the storage of vehicles and materials required for the maintenance of the Crematorium grounds. The ground area within the compound is presently uneven and covered with a mixture of concrete and tarmac. There are no trees within the compound area. The compound is bounded by a dense hedge with an average height of 2 metres.

- 1.2 The application site and surrounding open fields is designated as being Metropolitan Green Belt land in the Local Development Framework. The area surrounding the site is characterised by the gardens.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 2 No. single storey buildings for the storage of ground maintenance vehicles and welfare/office accommodation for crematorium staff. The ground surrounding the proposed buildings would also be resurfaced with tarmac.
- 2.2 The proposal would see the construction of two single storey buildings. One of the buildings would be situated to the northern end of the compound area and measure 28.3 metres in width by 4.3 metres in depth and have a mono-pitched roof 3.8 metres in height. The building would be used for the storage of ground maintenance vehicles and a workshop. The second building would be situated towards the southern end of the site and measure 9.5 metres in width by 7.6 metres in depth and have a flat roof 3.5 metres in height. The building would be used for office and welfare purposes.
- 2.3 The garage/workshop building would be brick built with a sheet steel roof. The office/mess room building would be a prefabricated building with rendered walls and a timber fascia board roof. The proposal would not result in a change to the existing parking and access arrangements.

3. Relevant History

P0906.09 – Erection of 2 No. single storey buildings for the storage of ground maintenance vehicles and welfare/office accommodation for crematorium staff – Approved.

4. Consultations/Representations

- 4.1 The application has been advertised and a site notice was displayed. Neighbour notification letters have also been sent to adjoining occupiers. No letters of representation were received.

5. Staff Comments

- 5.1 The main differences between this proposal and the previously approved application, P0906.09, are summarised as follows:
- The use of the two buildings has alternated. The building at the northern end of the compound area will be used for the storage of ground maintenance vehicles and a workshop. The building towards the southern end of the site will now be used for office and welfare purposes.
 - The dimensions and roof of the garage/workshop building have changed. Its width has increased from 24m to 28.3m, its depth has reduced from 6m to 4.3m and its flat roof with a height of 3.1m has changed to a mono-pitch roof with a height of 3.8m.

- The dimensions of the office/mess room have changed. Its width has increased from 9m to 9.5m and its depth has reduced from 9m to 7.6m. (Its height remains the same at 3.5m).
- The garage/workshop building has changed from a modular construction to a higher quality traditional brick built building.

5.2 The issues raised by this application are: the impact on the Green Belt, design and visual impact, impact upon amenity, and parking and highways issues. Policies DC31, DC32, DC33, DC35, DC36, DC45, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant to the determination of the application as are policies 7.16 (Green Belt) and 7.23 (Burial spaces) of the London Plan July 2011 and Government guidance contained within PPS1 (Delivering Sustainable Development) and PPG2 (Green Belts) are also material considerations.

5.3 Impact on the Green Belt

5.3.1 Policy DC45 of the LDF states a presumption against new development unless it is for one of a range of uses specified by the Policy as appropriate. The proposed development does not fall within one of the range of uses identified by Policy DC45 as acceptable in principle within the Green Belt.

5.3.2 PPG2 (Green Belts) also states a general presumption against inappropriate development within the Green Belt, both in respect of "in principle" harm and any other resultant harm to the character and openness of the Green Belt. Paragraph 3.4 of PPG2 states that the construction of new buildings within the Green Belt is inappropriate development unless it falls within the categories of development specified within the PPG. The proposed development does not fall within any of these specified categories and is therefore unacceptable in principle within the Green Belt.

5.3.3 PPG2 provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. It therefore falls to be considered whether such very special circumstances exist in respect of this application, failing which it should be refused.

5.3.4 The applicants have submitted a statement setting out the very special circumstances they consider weigh in favour of the proposals. The applicant has advised that the Environmental Protection Act has introduced a legislative requirement which dictates that all crematoriums are to install new filtration equipment by 2012. The filtration equipment to be installed is of a large size and will completely fill up the workshop area in the proposed garage/workshop building. The applicant has advised that failure to comply with the legislation would result in the Crematorium being prosecuted and ultimately forced to close. The Crematorium has a number of ground maintenance, vehicles, machines, equipment and materials which are used for ground maintenance purposes. In order to implement the requirements

of the Environmental Protection Act there is an urgent need to develop secure storage for these.

- 5.3.5 The Crematorium currently employs eighteen gardeners who carry out ground maintenance to the Upminster Cemetery and the Crematorium's grounds through out the year. The gardeners are currently using staff welfare facilities in the Crematorium. The new office/mess room building needs to comply with current legislation for Health and Safety at Work.
- 5.3.6 Members may agree that the demonstrated need for new welfare and workshop/garaging facilities as a result of new legislative requirements amounts to very special circumstances that outweigh the degree of harm that the proposed development would cause to the Green Belt.
- 5.3.7 The Crematorium compound area has been previously developed with various buildings and is predominantly hard surfaced. The site does not therefore display the usual characteristics of an undeveloped "Greenfield" site within the Green Belt. Although the width of the garage/workshop has increased from 24m to 28.3m, this is partly mitigated by a reduction in depth from 6m to 4.3m. Although the flat roof of the garage/workshop building has changed to a mono-pitched roof with a height of 3.8m, its design and appearance is deemed to be an improvement when comparing the modular construction to a higher quality traditional brick built building. Although the width of the office/mess room building has increased from 9m to 9.5m, this is partly mitigated by a reduction in depth from 9m to 7.6m. The proposed buildings would occupy a large proportion of the compound area, although the size of the buildings has been dictated by the necessary space required to provide modern welfare facilities and suitable storage space for the Crematorium's vehicles. The proposed buildings have been designed to be as low as possible with a maximum height of 3.8 metres. The perimeter of the compound is presently bounded by a substantial evergreen hedge with an average height of 2 metres. It is intended that the hedge would be retained thus screening a significant proportion of the proposed buildings. Beyond the compound area the Crematorium grounds are extensively landscaped with gardens and mature planting. As a matter of judgement Members may agree that the proposal would not materially harm the character of this part of the Green Belt.
- 5.3.8 The proposal would also see the resurfacing of the existing compound area with tarmac. Staff are of the view that the extent of hard surfacing would not be materially harmful in the context of the overall site.
- 5.3.9 Having regard to these factors, whilst it is acknowledged that there will be some impact on the existing character of the site, staff do not consider that material harm to the character and openness of the Green Belt will arise from these proposals. Furthermore the proposal is not considered to be a material departure from LDF policies relating to the Green Belt or PPG2, and it is not considered that referral to the Secretary of State is necessary in this case.

5.4 Design/Street scene

- 5.4.1 The proposed buildings are considered to be acceptable in terms of siting and design. The buildings would be sited a significant distance from Ockendon Road and, as such, would not be visible from the street scene.

5.5 Impact on Amenity

- 5.5.1 The proposed buildings would not have an adverse impact on the amenity of adjoining occupiers taking into account the alternation of their use. The nearest residential property to the compound area is situated at Redcrofts Farm to the south of the Crematorium at a distance in excess of 155 metres. Given the location of the proposed buildings and the existing screening afforded to the site boundaries, it is unlikely that the proposed buildings would be visible from outside of the Crematorium site.

5.6 Highway/Parking

- 5.6.1 In considering the car parking and highways implications of the application, Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The proposed buildings would provide welfare accommodation for staff and a garage/workshop for Crematorium vehicles. No additional car parking is proposed as part of this application, with staff continuing to utilise the existing Crematorium car park which is situated to the south of the compound area. Access into the compound area would remain unaffected by this proposal. The proposal is considered to be acceptable in respect of parking and highways issues.

5.7 Other matters

- 5.7.1 A large area of the Crematorium's land is consecrated grass land. The location of the proposed buildings within the existing compound is not on consecrated ground.

6. Conclusion

- 6.1 Having regard to all relevant factors, material planning considerations and revisions to the previously approved application, P0906.09, staff are of the view that this proposal to provide new welfare facilities and a storage building for Crematorium vehicles is acceptable. Staff are of the view that the proposal would not be harmful to the character and appearance of the Green Belt, the street scene or residential amenity. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form and plans received on 28th June 2011.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 August 2011

Subject Heading:	<p>P1062.11 – Hilldene Service Station, Hilldene Avenue, Romford</p> <p>Vacant petrol filling station and mechanical car wash, to a hand car wash and valeting service (Application received 12th July 2011)</p>
Report Author and contact details:	<p>Helen Oakerbee (Planning Control Manager) 01708 432800</p>
Policy context:	<p>Local Development Framework</p>
Financial summary:	<p>None</p>

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

Clean, safe and green borough	[]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks full planning permission for a change of use from a vacant petrol filling station and mechanical car wash, to a hand car wash and valeting service. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Number of parking spaces – Before the use hereby permitted is first commenced, provision shall be made within the site for the 5 bays for general use car parking, 7 bays for people waiting, 4 bays for vehicles to be collected and 12 bays for the collection of trade vehicles and thereafter such provision shall be made permanently available for use. There shall be no parking elsewhere within the site, except in the marked bays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is adequate off street car parking provision in the interests of highway safety.

4. Hours of operation – The application site shall be closed to all activity associated with the use hereby permitted except between the hours of 08:00 and 19:00 on Mondays to Saturdays and between 10:00 and 17:00 on Sundays and Bank Holidays.

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

5. No washing or cleaning of HGVs – No washing or cleaning shall take place in relation to HGVs.

Reason: In the interests of highway safety and residential amenity in accordance with Policies DC32 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

6. Marking of parking bays – Prior to the commencement of the hand car wash and valeting service hereby permitted, markings to indicate directions through the site and demarcate all parking bays shown on drawing No. 5630/D/01 shall be undertaken on site.

Reason: In the interests of highway safety and residential amenity in accordance with Policies DC32 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

7. Washing and valeting – Washing and valeting of all vehicles shall only take place underneath the existing canopy shown on drawing No. 5630/D/01.

Reason: In the interests of highway safety and residential amenity in accordance with Policies DC32 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

8. Foul and surface water drainage – The hand car wash and valeting service hereby permitted shall not be commenced until details of the foul and surface water drainage system has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To prevent pollution of the water environment.

9. Hand car wash only - The use hereby permitted shall be a hand car wash only and no power tools or machinery shall be used other than jet washers and vacuum cleaners unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of neighbouring amenity.

Reason for Approval

The proposal is considered to accord with the aims and objectives of Policies DC55 and DC61 of the LDF Development Core Strategy and Development Control Policies DPD.

Informative

Car wash liquid waste is classed as trade effluent. It must not be discharged to a surface water sewer or watercourse untreated. Before it is discharged to a sewer you must always get a trade effluent consent or enter into a trade effluent agreement with your water and sewerage company or authority. If you are not able to discharge effluent to the foul sewer it will be classed as waste and you must then comply with your duty of care responsibilities. More information regarding the discharge of trade effluent can be found at

REPORT DETAIL

1. Site Description

- 1.1 The site is located in Harold Hill Minor District Centre. The site is on the junction of Hilldene Close and Hilldene Avenue and comprises of a vacant petrol filling station and mechanical car wash. There is Harold Hill Evangelical Free Church and The Bridge Over Resource Centre (also known as LBH Adult College) to the west and Harold Hill library to the east. There are residential properties surrounding the site. There is vehicular access onto Hilldene Avenue.

2. Description of Proposal

- 2.1 The proposal is for a change of use from a vacant petrol filling station and mechanical car wash, to a hand car wash and valeting service. There is a range of car wash options, starting from a basic wash to a full valet.
- 2.2 It is proposed that there would be five bays for general use car parking, seven bays for people waiting, four bays for vehicles to be collected and 12 bays for the collection of trade vehicles. The bays labelled as 'general use car parking' would be utilised by members of the public leaving vehicles which would be washed/valeted under the canopy and parked in the collection bays.
- 2.3 The agent advised that the majority of the business would be hand car wash/valeting services for the local community, with a small percentage of trade business e.g. cleaning vehicles for local garages, mini cab firms and cars to be sold at auction. The trade collection bays would be used for the parking of vehicles only. All vehicles would be washed and valeted under the existing canopy. It is proposed to employ five full time and three part time valeters.
- 2.4 The existing buildings would be utilised for a waiting room, offices, staff room and store room. Existing ingress and egress for the site would be from Hilldene Avenue.

3. Relevant History

P0823.98 – Change of use to MOT repair garage – Approved.

P0939.95 – Installation of jet wash, portico, screens and vacuum facility – Refused. Allowed on appeal.

P1336.92 – Demolition and development of sales building, forecourt canopy, underground tank, jet wash and associated works – Approved.

P1430.91 – Redevelopment involving erection of new sales building, jet wash, forecourt canopy, installation of five underground tanks – Approved.

4. Consultations/Representations

- 4.1 Notification letters were sent to 40 neighbouring properties. No letters of representation were received. At the time of drafting this report the neighbour notification period has yet to expire. Members will be verbally updated on the evening of any representations received.

5. Relevant Policies

- 5.1 Policies DC16 (Core and Fringe Frontages in District and Local Centres), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Development Control Policies Development Plan Document and PPS4 (Sustainable Economic Growth) are material planning considerations.

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application will be addressed under the headings principle of the development, its impact on the streetscene and on residential amenity and parking and highways implications.

7. Principle of development

- 7.1 The proposal would be for an employment use within the Harold Hill Minor District Centre. The site comprises of a vacant petrol filling station and mechanical car wash, so the proposal would not result in the loss of any retail uses. It is considered that the hand car wash and valeting service would be acceptable in principle in relation to Policy DC16.

8. Design/impact on street scene

- 8.1 It is considered that the proposal would not result in any significant adverse impact on the streetscene, as it would utilise existing buildings, a canopy and hardstanding. All equipment would be stored in existing buildings.

9. Impact on amenity

- 9.1 It is noted that residential properties located to the north of the application site in Bridgwater Road have been demolished. It is considered that the proposal would not result in a significant loss of amenity to other properties in Bridgwater Road, as the ingress and egress to the site is from Hilldene Avenue and the vehicles would be washed and valeted to the south of the site, behind the former sales building.

- 9.2 There are residential properties above some shop units in Hilldene Avenue. It is considered that residential properties opposite the site would not be adversely affected by the proposal as there is a separation distance of approximately 54 metres between the southern boundary of the site and these dwellings in Hilldene Avenue.
- 9.3 It is considered that the proposal would not result in a significant loss of amenity to residential dwellings to the west of the site, as there is a separation distance of approximately 35 metres between the eastern boundary of No. 151 Hilldene Avenue and the western boundary of the site.
- 9.4 It is considered that the proposal would not result in a significant loss of amenity to residential dwellings to the east of the site, as there is a separation distance of approximately 89 metres between the western boundary of No. 253-257 Hilldene Avenue and the eastern boundary of the site.
- 9.5 It is recognised that occupiers of adjacent residential properties would, at least to a degree, be able to see and hear the proposed activity at the application site, particularly when they walk or drive along Hilldene Avenue and Hilldene Close. However, this should be balanced against the fact that the residential premises are situated particularly close to Harold Hill Minor District Centre, and that levels of residential amenity would therefore be lower than in a quiet residential street away from the high level of commercial activity associated with this Minor District Centre.
- 9.6 When considering the merits of this application, consideration was given to the fact that the application site was previously used as a petrol filling station and mechanical car wash.
- 9.7 The proposed opening hours are between 8am until 7pm every day including Sundays and Bank Holidays. Following a telephone conversation with the agent on 9th August 2011, it was agreed that the opening hours on Sundays and Bank Holidays would be reduced to 10am to 5pm in the interests of neighbouring amenity.
- 9.8 Staff therefore consider that subject to appropriate conditions to limit noise from any equipment, noise and general activity at the application site would not cause any significant harm to residential amenity. In particular as Hilldene Avenue is a relatively busy public highway located on bus routes and that the site is a former petrol station and mechanical car wash. Staff consider that the proposal would have an acceptable impact on residential amenity.

10. Highway/parking issues

- 10.1 There would be no change to the access to the highway and parking for vehicles that are waiting to be washed and/or valeted would be located within the site boundaries.

10.2 There are no specific servicing requirements indicated in connection with the proposal as there would be sufficient space within the site boundaries for this to be undertaken.

10.3 There are no highways objections to the proposed development. The Highway Authority require that markings are shown to indicate directions through the site and a parking area marked out for vehicles waiting to be washed/valeted, in order to prevent any congestion from the business causing queues onto Hilldene Avenue. A condition is required that dirty water from the business does not drain onto the public highway.

11. Other issues

11.1 The Environment Agency have requested a condition to be attached requiring submission of details of the foul and surface water drainage system in order to prevent pollution of the water environment. A condition will be attached to any grant of planning permission. The Environment Agency recommended an informative regarding car wash liquid waste.

12. Conclusion

12.1 The proposal is for a change of use from a petrol filling station and mechanical car wash to a hand car wash and valeting service. Staff consider that the proposal would not result in any harm to visual amenity in the streetscene. Staff consider that the proposal would also be acceptable in terms of its impact on residential amenity of adjoining occupiers and that the proposal is acceptable and in accordance with Local Development Framework Policies.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form and plans received on 12th July 2011.



10

REPORT

REGULATORY SERVICES COMMITTEE

25 August 2011

Subject Heading:

P1070.11 – Land between Viking Way and Upminster Road South, Rainham

Construction of a new road linking Viking Way and Upminster Road South to enable the introduction of a one-way system through Rainham Village. Alterations of access arrangements to Tesco together with the reconfiguration of the store car park layout (Application received 14th July 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application relates to the construction of a new roadway including a shared pedestrian/cycle pathway on land between Viking Way and Upminster Road South. This application forms part of a wider project, which will enable the introduction of a one-way traffic management system through Rainham Village. This application stems from the Council's vision for the area, and is an integral part of the Rainham Compass strategy and Rainham Village Public Realm Masterplan. Members will recall that planning permission for the new road was granted in December 2010. This application varies from that previously approved in that the access arrangements to Tesco would be altered together with the reconfiguration of the store car park layout.

The planning issues are set out in the report below and include issues relating to the principle of the development, design and visual impact, impact on the town centre and Rainham Conservation Area, impact on residential amenity and highways matters. Staff are of the view that the proposal is acceptable and it is recommended that permission be granted subject to conditions.

RECOMMENDATION

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

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

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

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

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

3. Materials - Before any of the development hereby permitted is commenced, details of all materials to be used in the external construction of the new road and footways shall be submitted to and approved in writing by the

Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

5. External play area - Prior to the first use of the new roadway hereby approved, details of the proposed relocated external play area, including details of any play equipment and boundary fencing, shall be submitted to and agreed in writing by the Local Planning Authority. The play area shall then be provided in accordance with the agreed details within a period to be agreed and retained thereafter.

Reason: In order that the development provides access to good quality, well-designed, secure and stimulating play provision in accordance with Policy 3D.13 of the London Plan.

6. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

7. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud

being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

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

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

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

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

9. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to and approved in writing by the Local Planning Authority):

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

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

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

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

10. Stage 2 Road Safety Audit - Prior to the commencement of any works pursuant to this permission the applicant shall submit for the written approval of the Council a Stage 2 Road Safety Audit as set out in the technical standard HD19/03 Road Safety Audit as contained in the Design Manual for Roads and Bridges and any recommendations arising shall be reasonably dealt with. The findings of the Audit shall be implemented in accordance with the approved details prior to the opening of the Viking Way and associated works, or as otherwise allowed in the audit.

Reason: To ensure the interests of the travelling public and are maintained and to comply with Policies CP10, CP15, CP17 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

11. Stage 3 Road Safety Audit - Prior to the opening of the Viking Way extension pursuant to this permission, the applicant shall submit for the written approval of the Council a Stage 3 Road Safety Audit as set out in the technical standard HD19/03 Road Safety Audit as contained in the Design Manual for Roads and Bridges and any recommendations arising shall be reasonably dealt with. The findings of the Audit shall be implemented in accordance with the approved details prior to the opening of the road and associated works, or as otherwise allowed in the audit.

Reason: To ensure the interests of the travelling public and are maintained and to comply with Policies CP10, CP15, CP17 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

12. Stage 4 Road Safety Audit - At 12 and 36 months following opening of any route pursuant to this permission, the developer shall submit for the written approval of the Council a Stage 4 Road Safety Audit as set out in the technical standard HD19/03 Road Safety Audit as contained in the Design Manual for Roads and Bridges and any recommendations arising shall be reasonably dealt with.

Reason: To ensure the interests of the travelling public and are maintained and to comply with Policies CP10, CP15, CP17 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

13. Accordance with the Flood Risk Assessment - The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Plan and Flood Risk Assessment (FRA) Viking Way, Rainham, Flood Risk Assessment, Final, November 2010, Job No. JC90599A0, Revision 0 and the following mitigation measures detailed within this FRA: Limiting the surface water run-off generated by the 1 in 100 year critical storm, taking the effects of climate change into account, so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding elsewhere.

Reason: To prevent increased flooding by ensuring satisfactory storage and disposal of surface water from the site and to protect water quality.

14. Scheme to deal with risks associated with contamination - Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

(1) A preliminary risk assessment which has identified: - all previous use - potential contaminants associated with those use - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The site is on a Secondary Aquifer (Taplow Gravels) in an area with urban and potentially contaminating historic activities. No preliminary risk assessment (PRA) has been submitted to assess risk to controlled waters. A PRA is required as per point 1 above to identify any potentially unacceptable risks arising from contamination at the site. The PRA should also consider if any aspects of the proposed development (e.g. deep foundations, drainage) will pose a risk of polluting the groundwater. Additional work as per points 2 to 4 above may be required depending on the outcomes of the PRA.

15. Submission of a verification report - Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To confirm that any remediation (if required) is completed to an acceptable standard.

16. Discovery of additional contamination - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that any contamination that is not identified during site investigation is dealt with appropriately if encountered.

17. No infiltration of surface water drainage - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant

unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Drainage or soakaways may mobilise and pollutants/contamination present into the groundwater.

INFORMATIVES

1. To aid the delivery of safer, stronger, sustainable development the services of the local Police Crime Prevention Design Advisor are available free of charge through Havering Development and Building Control or Romford Police. He is able to provide developers with impartial professional designing out crime advice, which takes account of local conditions and risks.
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 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 432574 to commence the Submission/Licence Approval process.
3. The applicant is advised that the proposed landscaped bund between the new section of road and the Rainham Recreation Ground may require separate planning permission.
4. Reason for Approval:

The proposal is considered to be in accordance with Policy SSA14 of the LDF Site Specific Allocations Development Plan Document, Policies CP7, CP9, CP10, CP15, CP17, CP18, DC18, DC32, DC34, DC35, DC36, DC48, DC49, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC63, DC68 and DC70 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Policies 2.8, 2.15, 5.12, 5.21, 6.2, 6.4, 6.7, 6.9, 6.10, 6.11, 6.12, 7.1, 7.3, 7.4, 7.5, 7.8, 7.18, 7.19 and 7.21 of the London Plan.

REPORT DETAIL

1. Site Description

- 1.2 The application site encompasses Viking Way, which currently operates as a two-way link between the roundabout junction of Bridge Road and Lamson Road and the Tesco's store. As well as the store, Viking Way also provides access to the Tesco petrol filling station to the south west of the roundabout and to the Royals Youth Centre to the south. Viking Way serves as the only vehicular access for shoppers into and out of the shared Council and Tesco

car park. The existing bus stop area to the northern side of Viking Way is included within the application site boundary.

- 1.2 The application site also includes a portion of the Rainham Recreation Ground which is located to the east of the Tesco store and to the north of Upminster Road South. Rainham Recreation Ground is a public parkland including footpaths and children's play area.
- 1.3 The application site is located within Rainham Village with the surrounding area comprising a variety of commercial and residential land uses. The northern side of Viking Way is presently dominated by the Tesco store and car park with the southern side being formed of the Tesco filling station, Royals Youth Centre and the rear of those buildings fronting Parkway and Upminster Road South.

2. Background Information

- 2.1 The London Borough of Havering and London Thames Gateway Development Corporation are working together to deliver key regeneration projects in Rainham. The Council has secured £1.6m from Transport for London and the London Development Agency to improve traffic management within Rainham Village. With its partners the Council has been working to introduce the Rainham Traffic Management Scheme. The Rainham Traffic Management Scheme involves the extension of Viking Way to Upminster Road South to enable the introduction of a one-way system through Rainham Village. The scheme also involves various works to the existing public highway using the Council's powers as Highway Authority. These works are focused upon Upminster Road South and include the widening of footways, the creation of additional on street parking and loading bays, together with the relocation of the existing bus stand adjacent to the War Memorial to within the forthcoming public transport interchange at Rainham Station.
- 2.2 This application stems from the Council's vision for the area, and is an integral part of the Rainham Compass strategy. This vision seeks to bring together ambitious goals and aspirations for Rainham as an important part of the Council's 20 year Living Ambition to improve quality of life across the whole borough. This application is also an integral part of a masterplan, which has been produced for Rainham Village.
- 2.3 Planning permission for the construction of the new roadway to link Viking Way with Upminster Road South was granted in December 2010. As Members may recall the proposed works involve some land owned by Tesco Stores. Following the grant of planning permission for the new road negotiations with Tesco have resulted in the proposed access and egress arrangements to the Tesco car park being re-planned. This change has also resulted in the need to reconfigure the Tesco car park and the Council owned pay and display car park. It is for this reason that a revised planning application has been made.

3. Description of Proposal

- 3.1 This application seeks full planning permission for the construction of a one-way road, incorporating a footway to the southern side and a shared pedestrian/cycle pathway to the northern side, linking Viking Way with Upminster Road South. The application also seeks permission for a new road junction on Viking Way to provide access into the Tesco store car park together with the reconfiguration of the Tesco store car park and the existing council owned car park. The proposal also includes the reconfiguration of the bus stop area to the north side of Viking Way, adjacent to the southern flank of the Tesco store.
- 3.2 The proposal would see Viking Way extended east of the entrance to Tesco and the existing public car park to join up with Upminster Road South east of Rainham Village. The new section of road would be one-way in an eastbound direction and require land-take from the existing public car park and the Rainham Recreation Ground. The existing public car park would be retained and reconfigured. A new priority junction with dedicated left turn lane into Tesco would be provided and the existing public car park access relocated to allow for the better distribution of parking spaces within it. The Council's existing parks maintenance car park currently accessed from Upminster Road South would be removed as part of this proposal and the land returned to landscaping. A new vehicular access for parks vehicles to enter Rainham Recreation Ground would be provided from the new section of Viking Way. It is proposed that the carriageway width of the Viking Way extension would be 4 metres. A 2 metre wide footway is proposed to the south side and 3 metre wide shared pedestrian\cycle facility to the north side. At the point where the new section of Viking Way meets with Upminster Road South a new build-out junction is proposed with Upminster Road South becoming one-way through the Village in a westbound direction.
- 3.3 The existing bus stop adjacent to the southern flank wall of the Tesco store would also be altered as a result of this proposal with the road widened and the central island increased in size. Bus shelter facilities would be re-provided in this location although these do not specifically require planning permission and do not form part of this application.

4. Relevant History

- 4.1 P1514.10 - Construction of a new road linking Viking Way with Upminster Road South to enable the introduction of a one way system through Rainham Village – Approved 17th December 2010

5. Consultations/Representations

- 5.1 The application has been advertised and neighbour notification letters sent to 184 local addresses with no letters of representation being received.
- 5.2 The Borough Crime Prevention Design Advisor considers that the proposal does not present any material crime prevention issues.

- 5.3 The London Fire Brigade are satisfied with the proposal in respect of access for fire appliances and the provision of water.
- 5.4 Thames Water raises no objection to the proposals.
- 5.5 The Environment Agency raises no objection to the proposals subject to conditions.
- 5.6 English Heritage advises that no archaeological mitigation strategy is required as little undisturbed ground would be affected by the proposal.
- 5.7 The Council's StreetCare Service raises no objections to the proposals and has provided the following comments:
- The Highway Authority has considered the loss of car parking from within the existing public car park and has concluded that there will be no detrimental impact on the Public Highway.
 - The additional loading and car parking on Upminster Road South are welcomed as they would provide much needed facilities for local shops.
 - The Highway Authority has no objection to the alignment of the extension of Viking Way and its connections with the public highway and Tesco store.
 - The Highway Authority has no objection to the principle of the new alignment and one way working of Upminster Road South, and concludes that the detail will be established through the statutory process required by the implementation of new Traffic Regulation Orders.

6. Relevant Policies

6.1 LDF Core Strategy Development Plan Document

CP7 – Recreation and leisure
CP9 – Reducing the need to travel
CP10 – Sustainable transport
CP15 – Environmental management
CP17 – Design
CP18 – Heritage

6.2 LDF Development Control Policies Development Plan Document

DC18 – Protection of public open space, recreation and sports facilities
DC32 – The road network
DC34 – Walking
DC35 – Cycling
DC36 – Servicing
DC48 – Flood risk
DC49 – Sustainable design and construction
DC52 – Air quality

DC53 – Contaminated land
DC55 – Noise
DC58 – Biodiversity and geodiversity
DC60 – Trees and woodland
DC61 – Urban design
DC62 – Access
DC63 – Delivering safer places
DC68 – Conservation Areas
DC70 - Archaeology and Ancient Monuments

6.3 LDF Site Specific Allocations Development Plan Document

SSA14 - Rainham traffic management system

6.4 LDF Supplementary Planning Documents

Sustainable Design and Construction
Protecting and Enhancing the Borough's Biodiversity
Protection of trees during Development
Heritage

6.5 London Plan

2.8 – Outer London transport
2.15 – Town centres
5.12 – Flood risk management
5.21 – Contaminated land
6.2 – Providing public transport capacity and safeguarding land for transport
6.4 – Enhancing London's transport connectivity
6.7 – Better streets and surface transport
6.9 – Cycling
6.10 – Walking
6.11 – Smoothing traffic flow and tackling congestion
6.12 – Road network capacity
7.1 – Building London's neighbourhoods and communities
7.3 – Designing out crime
7.4 – Local character
7.5 – Public realm
7.8 – Heritage assets and archaeology
7.18 – Protecting local open space and addressing local deficiency
7.19 – Biodiversity and access to nature
7.21 – Trees and woodland

London Plan SPG 'Accessible London'
London Plan SPG 'Land for Transport Functions'
London Plan SPG 'Sustainable Design and Construction'

6.6 Government Guidance

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 5 – Planning for the Historic Environment
Planning Policy Statement 9 - Biodiversity and Geological Conservation
Planning Policy Guidance Note 13 – Transport
Planning Policy Statement 25 – Development and Flood Risk

7. Staff Comments

7.1 The issues arising from this application are: the principle of the development, design and visual impact, impact on the town centre and Rainham Conservation Area, impact on residential amenity and highways matters.

7.2 Principle of Development

7.2.1 As part of the adoption process of the Local Development Framework a number of sites have been identified which the Council considers are necessary in order to deliver the vision, objectives and policies of the Core Strategy. Within the Site Specific Allocation Development Plan Document (DPD) Policy SSA14 identifies sections of Bridge Road, Viking Way, Bridge Road, Upminster Road South and a portion of land through the Rainham Recreation Ground for the purposes of implementing the Traffic Management Scheme. Policy SSA14 advises that in order to improve traffic management through Rainham a new traffic management system will be introduced. Staff are of the view that the proposal would accord with the objectives of Policy SSA14 in that the proposed new roadway between Viking Way and Upminster Road South would enable the introduction of the aforementioned one-way system.

7.2.3 The proposed extension of Viking Way would pass through the Rainham Recreation Ground to link with Upminster Road South. The routing of the roadway would follow a different route to that envisaged when the Site Specific Allocation DPD was written. The plan included in the Site Specific Allocation DPD indicates that the new road would be routed further north eating into a greater portion of the existing open space. The proposal would see the new road follow a straighter and more southerly course through the recreation ground.

7.2.4 In terms of the loss of open space approximately 800 square metres would be lost by the construction of the proposed road. This equates to approximately 5% of the total area of Rainham Recreation Ground. This figure remains unchanged from the previous application. Although the proposed road would follow a different route to that indicated in the Site Specific Allocation DPD, staff consider that the loss of open space would be comparable to that which would have been lost by the road following its originally intended route. Policy DC18 outlines that the Council will seek the retention and enhancement of all public open space. In this case the loss of open space is considered to be acceptable having regard to the provisions of Policy SSA14, which in turn will enable the Council to fulfil the core objectives of the Local Development Framework. Members may also wish to give weight to the fact that this proposal would enable the implementation

of the wider Traffic Management Scheme and the associated benefits this would bring to the quality of the environment within Rainham Village.

7.2.5 Having regard to the above, staff are of the view that this application is consistent with the objectives of Policy SSA14 and would assist in meeting wider regeneration objectives for Rainham.

7.3 Design/Impact on Street scene

7.3.1 Policy DC61 advises that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The proposed roadway and associated works would be undertaken as part of the wider Traffic Management System. In designing the extension of Viking Way the applicant has sought to play down the presence of the roadway as much as possible, while maintaining a safe pedestrian and vehicular environment. The visual impact of the roadway would be reduced by the use of high quality materials and landscaping. Public realm enhancements are planned for the new length of Viking Way and along Upminster Road South, using the Council's highway powers, which will be commensurate with the recommendations of the Rainham Village Public Realm Masterplan. At this stage the exact materials to be used in the construction of the footways is still under consideration. Staff are of the view that the proposed roadway and associated works, to form the new priority junction and enlarged bus stop area, would have an acceptable impact on the street scene. In the event that Members are minded to grant planning permission staff recommend that planning conditions are imposed to require the submission of a final landscaping scheme and details of surfacing materials.

7.3.2 The section of new roadway forming the extension of Viking Way would be adopted by the Council as public highway and as such the road would be lit using conventional street columns. The lighting columns do not specifically require planning permission as they would be installed using the Council's highway powers.

7.4 Heritage Implications

7.4.1 Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Despite significant modern development surrounding Rainham Village, the Conservation Area retains a village character. The application site falls outside of the Conservation Area and staff are of the view that the proposals would not have an adverse effect on its special character and appearance. The proposed extension of Viking Way would enable the introduction of a one-way traffic management system through the village. With vehicular traffic in an eastbound direction being redirected via Viking Way the amount of traffic passing through the village centre would substantially decrease. Staff are of the view that the removal of some of the traffic from the centre of village has the potential to improve the quality of the historic environment and enhance the character of the Conservation Area. Although not part of this planning application the proposed related highway works to Upminster Road South would

significantly improve the quality of the public realm. Staff therefore consider that the impact of the proposed development meets the test of preserving the character of the Rainham Conservation Area. In this respect it is not therefore considered that there is a conflict with the provisions of Policy DC68 or PPS 5.

7.4.2 The desk based cultural heritage assessment submitted in support of this application concludes that the site has a low potential for the survival of archaeological features dating from the Palaeolithic period to the post Medieval period. Furthermore based upon available evidence, the development of the site is assessed to have a low potential for unknown archaeological remains. English Heritage advises that no archaeological mitigation strategy is required as little undisturbed ground would be affected by the proposal.

7.5 Impact on Amenity

7.5.1 The proposed works to the existing bus stop in Viking Way and the creation of a new priority junction with Tesco would not in staff's view have a harmful impact upon amenity.

7.5.2 To the rear of nos. 1 to 16 Parkway the existing portion of Viking Way and the existing public car park would be reconfigured to provide a new priority junction with Tesco, space for the extension of Viking Way and a new public car park. The proposed works in this location would be fairly minor given that the majority of the site is already hard surfaced. The proposal would result in the loss of some landscaping features from within the application site to the rear of nos. 1 to 12 Parkway. Notwithstanding this staff are of the view that the proposed works would not be harmful to visual amenity.

7.5.3 The proposed extension of Viking Way would pass through Rainham Recreation Ground to the south of which is a terrace of residential dwellings fronting onto Upminster Road South (nos. 55 to 73). The outlook from the rear of these properties would clearly change as a result of this proposal. Notwithstanding this the proposed road would be separated from the rear boundary of these properties by between 9 and 23 metres. In addition to this the existing established landscaping to the rear boundary of these properties within the recreation ground would be retained thus providing a degree of screening.

7.5.4 The proposal would see the existing eastbound traffic from Upminster Road South being directed along Viking Way. The proposal would therefore introduce additional traffic and consequently noise along Viking Way. In respect of the impact this would have on adjoining residential properties fronting Parkway and Upminster Road South staff are of the view the overall level of noise in the locality would not increase as a result of this proposal. The existing portion of Viking Way is already subject to a large number of vehicle movements to and from the Tesco store and filling station which both open 24 hours a day Monday to Saturday. It is acknowledged that the proposal would result in additional noise to the rear of nos. 55 to 73 Upminster Road South as these properties presently back onto the Rainham

Recreation Ground. These properties are however already subject to traffic noise from the existing two way traffic which runs along Upminster Road South. This proposal would affectively shift vehicular noise from the front of these properties only to be both to the front and rear. The site is located within a town centre where a certain amount of activity is to be expected. In view of the above staff are of the view that the impact in terms of potential noise disturbance would be acceptable. The relationship between the proposed road and these neighbouring properties remains unchanged from the previous application.

7.6 Highways Implications

- 7.6.1 Upminster Road South is presently the main route through Rainham Village. It joins Bridge Road and Broadway in the west just south of the Viking Way roundabout with residential areas to the east. The primary purpose of the proposed Viking Way extension is to provide access for traffic wishing to travel in an eastbound direction from Bridge Road to Upminster Road South, which in turn allows for the introduction of one-way working on Upminster Road South.
- 7.6.2 Through the introduction of one-way working to Upminster Road South the volume of traffic entering Viking Way from Bridge Road would increase due to the reallocation of traffic that previously travelled eastbound on Upminster Road South. It is estimated that between 50% and 60% of the total weekday traffic on Upminster Road South travels in an eastbound direction, and on the weekends the volume is closer to 70%. As this traffic would be redirected to Viking Way it would result in a considerable traffic volume reduction in this section of Upminster Road South.
- 7.6.3 Staff are of the view that the proposed improvements to the layout and operation of Viking Way and Upminster Road South would assist in easing the movement of all road users through the area, simplifying usage and increasing visibility. In order to counteract any detrimental effects of the increased traffic on Viking Way, raised tables are proposed to encourage pedestrians to cross in the most appropriate and safe locations, increase the awareness of drivers and to reduce traffic speeds. In addition to the raised tables, the geometry of the Viking Way extension has been planned in such a manner that would contribute to calming traffic speeds along it.
- 7.6.4 The proposal would assist in improving pedestrian access to and from the Tesco store with the creation of new footways to either side of the proposed road. The existing zebra crossing at the entrance to the Tesco would be retained. A shared use pathway would be provided to the northern side of the Viking Way extension which staff consider would improve conditions for cycling. The proposed redirection of eastbound car and bus traffic to Viking Way would in turn enable pedestrian access and cycling conditions through Rainham Village to be improved. Although not forming part of this planning application footway improvements are proposed in the form of additional crossing points, footway widening and the pedestrianisation of the existing slip road at the junction of Upminster Road South and the Broadway.

- 7.6.5 The Council's Highway Engineers are satisfied with the proposals in respect of pedestrian and highway safety subject to planning conditions requiring the new road to be subject to the full road safety audit procedure. Staff are of the view that the proposed roadway is fully consistent with Policy DC32 in that it would improve public transport accessibility, contribute to regeneration objectives and have net environmental benefits. The proposed extension of Viking Way would also enable conditions to be improved for walking and cycling, which meets with the objectives of the Local Development Framework and the provisions of London Plan policies 6.9 and 6.10.
- 7.6.6 The proposed introduction of the Rainham Traffic Management System would enable in the re-routing of buses on routes 165 and 287. Those buses travelling in an eastbound direction would be re-routed via Viking Way and over the new portion of road to Upminster Road South. Those buses travelling in a westbound direction would continue to travel along Upminster Road South. At the present time buses travelling along Upminster Road South can be delayed by traffic congestion caused by illegal parking. Staff are of the view that the proposed extension of Viking Way would improve the flow of buses through the village and potentially enable faster journey times to be completed.
- 7.6.7 In order to facilitate the routing of buses on routes 165 and 284 via Viking Way this application proposes the alteration of the existing bus stop on the northern side of Viking Way adjacent to the Tesco store. The proposal would see the existing carriageway serving the bus stop widened and the central island area enlarged. Although not specifically requiring planning permission waiting shelters would be re-provided in consultation with London Buses. Staff are of the view that this proposal would improve conditions for buses which would meet the objectives of London Plan Policy 6.2.
- 7.6.8 The proposal would see the reconfiguration of the existing Tesco car park together with the reconfiguration of the existing Council owned public car park. The reconfiguration of the Tesco car park would involve the existing centrally located access road (which runs through the centre of the car park) relocated to the eastern side of the Tesco site. The proposed reconfiguration of the car park would enable an increase in parking bays to be facilitated from 839 existing to 855. The existing Council owned public car park, which is located in the south east corner of the Tesco site would be reconfigured as a result of this proposal. This car park presently holds 54 cars and would be reduced in size to hold 32 cars. At the present time this car park is underutilised and as such staff are of the view that a reduction in the number of spaces available would not be harmful. As a result of the highway works being undertaken forward separately from this planning application 14 additional parking bays are to be provided along Upminster Road South which would help to mitigate against the loss of parking.

7.7 Biodiversity

- 7.7.1 The proposed extension of Viking Way and associated works would result in the loss of some amenity grassland, trees and shrubbery. The areas of landscaping which would be removed are however judged to be of low ecological value. A tree survey submitted in support of this application gives a detailed account of the health of each tree within the application site. The document explains that in order for the new roadway to be successfully developed a number of trees need to be removed. The majority of the trees, which would be affected by the proposal, were provided as part of the development of the site by Tesco and as such are predominantly young trees. None of the trees which would be affected are judged to be of sufficient quality to justify protection by a tree preservation order.
- 7.7.2 The proposed loss of some of the existing trees on the site would reduce the habitat value of the site. In granting planning permission previously Members acknowledged this but gave weight to the wider benefits of the proposals in terms of improving traffic management through the village and accessibility for pedestrians and cyclists. The proposals would provide an opportunity for the replacement of some trees and landscaping and it is recommended that details of this is secured via planning condition.

7.8 Flood Risk and Drainage

- 7.8.1 The application site is situated within flood zones 1, 2 and 3a (Tidal) and zone 2 (Fluvial) as identified in Havering's Strategic Flood Risk Assessment. A site specific Flood Risk Assessment has therefore been submitted in support of this application. Government guidance contained within PPS25 requires that a risk based sequential test is applied at all stages of the planning process with the aim of steering new development to areas with the lowest possibility of flooding. Given the nature of the proposal the roadway can only reasonably be located in the location proposed and as such the sequential test is considered to be satisfied. The Environment Agency has been consulted on this application and raise no objection to the proposal subject to conditions.
- 7.8.2 Policy DC48 requires that sustainable urban drainage systems are considered as part of development proposals. The proposed development includes an increase in the total amount of impermeable area therefore the application proposes measures to mitigate against potential increased flood risk. A sustainable drainage system in the form of soakaways is proposed, which would seek to mimic the existing site drainage by draining runoff into the ground. Runoff from a small portion of the existing hardstanding is also proposed to drain into the soakaway providing betterment compared to the existing condition for runoff into the existing piped drainage system. Staff are of the view that the proposal complies with the requirements of Policy DC48 in respect of sustainable drainage and flood risk.

7.9 Other matters

- 7.9.1 Members will be aware that sustainability is high on the Council's agenda as part of its growing commitment to the wider 'green' agenda. Staff are of the view that this proposal would contribute to the Council's aspirations for sustainable transport in the Borough by reducing congestion within Rainham Village and enabling faster journey times for local buses.
- 7.9.2 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect.
- 7.9.3 The proposed extension of Viking Way would necessitate the relocation of the existing children's play area within the Rainham Recreation Ground. It is proposed that the play area be relocated approximately 10 metres further north of its current location. At this stage the exact siting and nature of the play area has not been decided although it is likely that the existing equipment will be reused. In view of this a planning condition is recommended to require the submission of the final details. In order to reduce potential conflict with the proposed road the relocated play area would be enclosed by fencing. It is also proposed that a bund is constructed between the road and the recreation ground although the bund is not being specifically applied for as part of this application.
- 7.9.4 The proposal has the potential to result in some disruption, particularly to vehicular traffic, during construction of the new junction with Tesco and the extension of Viking Way. The applicant has advised that they will seek to keep such disruption to a minimum by providing a temporary access to the Tesco car park through the layby previously used for recycling drop-off on Viking Way. The movement of vehicles through the Tesco car park would continue in a similar manner to the existing arrangements. Deliveries to Tesco should not be affected given that there is a separate access from Bridge Road for this purpose. Staff raise no objections to the temporary access and are of the view that this would be sufficient to ensure that Tesco is able to operate successfully whilst the proposed works are undertaken.

8. Conclusion

- 8.1 In conclusion, there is no objection in principle to the proposals having regard to Policy SSA15. The proposal is considered to be acceptable in terms of design and would not have an adverse impact on the Rainham Conservation Area. Staff are of the view that the proposal would contribute to improved traffic management through Rainham Village and assist in delivering the Council's vision for the borough as set out in the Local Development Framework. The loss of open space and impact of the proposal on neighbouring properties is judged to be acceptable. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as applicant and partial owner of the site. A deed of variation to an existing legal agreement completed at the time the Tesco store was approved will be required.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposed development would improve accessibility through Rainham Village for all members of the local community.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 14th July 2011.



**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 August 2011

Subject Heading:

C0001.11 – Raphael Park, Romford

Conservation Area Consent for the demolition of the existing café and toilet block and restoration of land to park (Application received 24th May 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

- Clean, safe and green borough □
- Excellence in education and learning □
- Opportunities for all through economic, social and cultural activity □
- Value and enhance the life of every individual □
- High customer satisfaction and a stable council tax □

SUMMARY

The Council has been successful in securing funding from the Heritage Lottery Fund under the Parks for People Programme to be used towards the restoration of Raphael's Park. Several planning applications have been made seeking consent

for the provision of new park facilities in connection with the funding award. This application seeks conservation area consent for the demolition of the existing toilet block and café building. A separate planning application has been submitted to re-provide these facilities elsewhere within the former park keeper's lodge building adjacent to the park's Main Road entrance.

The planning issues are set out in the report below and include issues relating to the Gidea Park Conservation Area. Staff are of the view that the proposal is acceptable and it is recommended that conservation area consent be granted subject to conditions. As the land is in Council ownership, it must be referred to the Secretary of State for decision.

RECOMMENDATIONS

It is recommended that the Committee delegate to the Head of Development and Building Control authority to grant Conservation Area Consent subject to referral of the application to the Secretary of State under the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and no contrary determination by the Secretary of State being received, subject to the following conditions:

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

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

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

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

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP18 and DC68 of the LDF Core Strategy and Development control Policies Development Plan Document as well as the provisions of Planning Policy Statement 5 and Policy 7.8 of the London Plan. It is considered that the proposal is in conformity with guidance in PPS 5: Planning for the Historic Environment Historic Environment Planning Practice Guide.

REPORT DETAIL

1. Site Description:

- 1.1 The application site comprises two separate parcels of land within Raphael Park. The application site comprises the brick built toilet block and café. Both of these buildings are relatively recent additions to the park and are of modern construction. Raphael Park is bounded by Main Road to the south and runs in a northerly direction to Brook Road. The park is bounded predominantly by 20th century suburban housing. The southern half of the park is dominated by Black's Lake with its two islands and promenade along the eastern edge. The landscape of the southern portion of the park, known as the Pleasure Grounds, comprises areas of grass, shrubs and trees. The northern portion of the park comprises an area of woodland, various sports pitches, tennis courts and a children's play area.

2. Background Information:

- 2.1 The Council has been successful in securing funding from the Heritage Lottery Fund under the Parks for People Programme to be used towards the restoration of Raphael's Park. The money will fund a complete refurbishment of the park and will involve improving and restoring the entrance gates, benches, walkways and protecting the parkland and the wildlife. The proposed works would also see the alteration and extension of the former park keeper's lodge building to accommodate a new café, park offices and community facilities. Three separate planning applications have been made in connection with the Heritage Lottery Fund works for various aspects within the park as outlined within the history section of this report.

3. Description of Proposal:

- 3.1 This application seeks conservation area consent for the demolition of the existing public toilet block and café building. A separate planning application has been submitted for the alteration and extension of the former park keeper's lodge building to form a new café and toilet facilities. In the event that planning permission is granted then the existing facilities would no longer be required hence this application has been made for their demolition.
- 3.2 The toilet block and café buildings are located to the south of the bandstand adjacent to the park's pedestrian access from Gidea Close. The toilet block is a brick built flat roof building, which covers an area of 7.6 metres in width by 6.3 metres in depth. The building is constructed on sloping ground level and as such its overall height varies between 2.4 and 2.9 metres. The café is a brick built building with a clay tiled pitched roof. The building has a serving hatch in the north east elevation. The building measures 7.8 metres in width by 4.1 metres in depth and is 2.2 metres in height to the eaves and 4.8 metres to the ridge. The land to the north of the building is presently

concrete and is used for the siting of tables and chairs. To the rear of the building is a metal storage container, which is also, to be removed.

- 3.3 Following the demolition of the toilet block and café it is proposed that the ground be restored to parkland. The concrete foundations of the buildings would be removed and the ground levelled for soft landscaping.

4. Relevant History:

- 4.1 The following planning applications are currently under consideration:

P0768.11 - The construction of a new kiosk housing public toilets, and a refreshment serving hatch adjacent to the children's play area

P0769.11 - Restoration and extension of the former park keepers lodge to form a facility for park visitors, including a cafe, toilets, community meeting space and accommodation for park staff

P0770.11 - The construction of a timber pedestrian bridge over Black's Brook adjacent to the Parkland Avenue entrance to Raphael Park to replace the existing concrete culvert. Associated soft landscaping and footpath realignment

5. Consultations/Representations:

- 5.1 Neighbour notification letters have been sent to 31 local addresses and the application advertised. A site notice has also been displayed at the Main Road park entrance. No letters of representation have been received.
- 5.2 In addition to the consultation undertaken through this application public consultation was undertaken with residents and local interest groups by the Council's Parks Service as part of the Heritage Lottery Fund bid.
- 5.3 English Heritage has no comments to make on the application and advise that the application should be determined in accordance with national and local policy guidance.

6. Staff Comments

- 6.1 This proposal is put before the Committee due to the application site being in Council ownership and the application being submitted by a Council department. The issues raised by this application are; the principle of development, design and visual impact. Policies CP18, DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant to the determination of the application. Consideration should also be given to the Gidea Park Conservation Area Character Appraisal and Management Proposals. Policies 7.4, 7.5, 7.8 and 7.18 of the London Plan and Planning Policy Statement 5 (Planning for the Historic Environment) are also material considerations.

- 6.2 Government guidance contained within PPS 5 advises that in exercising conservation area controls, local planning authorities are required to pay special attention to the character or appearance of the area in question and where appropriate enhance heritage assets. In the case of conservation area consent account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.
- 6.3 Policy DC68 advises that the character or appearance of conservation areas will be preserved or enhanced. Furthermore conservation area consent for demolition within a conservation area will only be granted where it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area.
- 6.4 PPS 5 sets out a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. In this case the public toilet block and café are relatively recent additions (circa 1950) to the park and the conservation area. The buildings are of a modern construction and appear at odds with the character of the historic parkland landscape. The buildings are not of any special architectural or historical merit. Staff are of the view that the removal of the buildings would be acceptable and that their removal would not be harmful to the Gidea Park Conservation Area.
- 6.5 PPS 5 advises that consent for demolition should not be given unless it has been demonstrated what is to be put back in place of the building(s) to be demolished. In this case it is proposed that the toilet and café facilities are re-provided elsewhere within the former park keeper's lodge building (subject to a separate planning application). Following the removal of the buildings and their foundations it is proposed to restore the land to parkland with grass and new tree planting. Staff consider these arrangements to be acceptable.
- 6.6 Staff are of the view that the demolition of the buildings would not be harmful to residential amenity.
- 6.7 The proposal would not create any parking or highways issues.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal to demolish the existing toilet block and café building is acceptable. Staff are of the view that the proposal would not be materially harmful to the character or appearance of the Gidea Park Conservation Area. The proposal is considered to be acceptable in all other respects and it is therefore recommended that conservation area consent be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on merits and independently from the Council's interest as applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 24th May 2011 and additional plan received on 21st June 2011.

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REGULATORY SERVICES COMMITTEE

REPORT

25 August 2011

Subject Heading:

P0770.11 – Raphael Park, Romford

Construction of a timber bridge over Black's Brook adjacent to the Parkland Avenue entrance to replace an existing concrete culvert together with soft landscaping works and footpath realignment (Application received 24th May 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

- Clean, safe and green borough □
- Excellence in education and learning □
- Opportunities for all through economic, social and cultural activity □
- Value and enhance the life of every individual □
- High customer satisfaction and a stable council tax □

SUMMARY

The Council has been successful in securing funding from the Heritage Lottery Fund under the Parks for People Programme to be used towards the restoration of Raphael's Park. Several planning applications have been made seeking consent for the provision of new park facilities in connection with the funding award. This application seeks planning permission for the construction of a small timber bridge over Black's Brook adjacent to the Parkland Avenue park entrance.

The proposed works are judged to be of an acceptable design and would not detract from the Gidea Park Conservation Area. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the applications is therefore recommended, subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Development in accordance with Flood Risk Assessment - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated May 2011 compiled by Chris Blandford Associates, the ATP Scheme 6 Site Plan drawing number 11149_SK06 (May 2011), the Chris Blandford Associates Timber

Bridge Plan, Photograph & Sections drawing 11112901-P-307 (April 2011) and the following mitigation measures detailed within the FRA:

- The natural profile of the bank is to be recreated (FRA section 3.1 and drawing 11112901-P-307).
- Soffit level above the existing bank top (FRA section 3.2 and drawing 11112901-P-307).
- Bridge abutments will not be located in the channel but set back from the bank top).

Reason: To reduce the risk of flooding to neighbouring occupants.

INFORMATIVES

1. Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works or structures in, over, under or within 8 metres of the top of the bank of Black's Brook, designated a main river.

2. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP17, CP18, DC20, DC34, DC35, DC48, DC57, DC58, DC60, DC61, DC62, DC63 and DC68 of the LDF Core Strategy and Development control Policies Development Plan Document as well as the provisions of Planning Policy Statement 5 and Policies 2.18, 5.12, 6.10, 7.4, 7.5, 7.8, 7.18 and 7.30 of the London Plan.

REPORT DETAIL

1. Site Description:

- 1.1 The application site is located to the north east of the Parkland Avenue entrance to the park. The site comprises a section of the park centred on Black's Brook a small river channel which runs from the north of the park pass the rear of those houses fronting Lake Rise into Black's Lake. The river channel at this point comprises a concrete culvert covered in earth. The footpath from the Parkland Avenue park entrance runs across the existing culvert structure into the park. Black's Brook provides the western boundary of the Gidea Park Conservation Area and as such only the eastern bank of the channel falls within the Conservation Area.
- 1.2 Raphael Park is bounded by Main Road to the south and runs in a northerly direction to Brook Road. The park is bounded predominantly by 20th century suburban housing. The southern half of the park is dominated by Black's Lake with its two islands and promenade along the eastern edge. The landscape of the southern portion of the park, known as the Pleasure Grounds, comprises areas of grass, shrubs and trees. The northern portion

of the park comprises an area of woodland, various sports pitches, tennis courts and a children's play area.

2. Background Information:

- 2.1 The Council has been successful in securing funding from the Heritage Lottery Fund under the Parks for People Programme to be used towards the restoration of Raphael's Park. The money will fund a complete refurbishment of the park and will involve improving and restoring the entrance gates, benches, walkways and protecting the parkland and the wildlife. The proposed works would also see the alteration and extension of the former park keeper's lodge building to accommodate a new café, park offices and community facilities. Two other planning applications and an application for demolition have been made in connection with the Heritage Lottery Fund works for various aspects within the park as outlined within the history section of this report.

3. Description of Proposal:

- 3.1 This application seeks planning permission for the construction of a timber footbridge over Black's Brook. The proposed bridge would be sited 8.5 metres further north of the existing culvert crossing. The proposed timber bridge would be 7.5 metres in length by 2.7 metres in width. The proposed bridge would be constructed on concrete abutments to either side of the channel. The bridge would have an overall height of 1.6 metres. The existing footpath which runs from the Parkland Avenue entrance would be rerouted to cross the proposed bridge. The existing river crossing point, which is a concrete culvert, is to be removed and the river channel reinstated to its natural profile.

4. Relevant History:

- 4.1 The following planning applications are currently under consideration:

P0768.11 - The construction of a new kiosk housing public toilets, and a refreshment serving hatch adjacent to the children's play area

P0769.11 - Restoration and extension of the former park keeper's lodge to form a facility for park visitors, including a cafe, toilets, community meeting space and accommodation for park staff

C0001.11 - Conservation Area Consent for the demolition of the existing café and toilet block and restoration of land to park

5. Consultations/Representations:

- 5.1 Neighbour notification letters have been sent to 11 local addresses and the application advertised. A site notice has also been displayed at the Parkland Avenue park entrance. No letters of representation have been received.

- 5.2 In addition to the consultation undertaken through this planning application public consultation was undertaken with residents and local interest groups by the Council's Parks Service as part of the Heritage Lottery Fund bid.
- 5.3 The Environment Agency raises no objection to the application subject to planning conditions being imposed.
- 5.4 Councillor Curtin has submitted an email of support for this application setting out the proposal takes full account of the Conservation Area and the park landscape.

6. Staff Comments

- 6.1 This proposal is put before the Committee due to the application site being in Council ownership and the application being submitted by a Council department. The issues raised by this application are; the principle of development, design, impact on neighbouring properties, flood risk and biodiversity. Policies CP17, CP18, DC20, DC34, DC35, DC48, DC57, DC58, DC60, DC61, DC62, DC63 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant to the determination of the application. Policies 2.18, 5.12, 6.10, 7.4, 7.5, 7.8, 7.18 and 7.30 of the London Plan and Planning Policy Statement 5 (Planning for the Historic Environment) are also material considerations.
- 6.2 A key objective of the Council's Local Development Framework is to improve opportunities for informal recreation. Staff are of the view that this proposal, which would provide a new timber bridge across Black's Brook to improve pedestrian access into Raphael's Park, would contribute to this objective. The proposal would also contribute to the Council's Living Ambitions agenda and the Havering's Community Strategy and Culture Strategy.
- 6.3 The proposed bridge is judged to be of an acceptable design and materials. The siting of the proposed structure is such that it would not appear as a significant addition to the park landscape and would be largely screened by existing trees. The eastern bank of the Black's Brook river channel and parkland beyond to forms part of the Gidea Park Conservation Area. The proposed bridge is judged to be of a design which would not appear at odds with the character of the historic parkland landscape nor the Conservation Area. To this end the proposal is judged to comply with Policy DC68 of the LDF.
- 6.4 The proposed bridge would not have an adverse impact on neighbouring properties. The proposal would also see the rerouting of the existing pathway from the Parkland Avenue entrance across the new bridge. The proposed path would be sited further away from the boundary with the nearest neighbouring property at 118 Lake Rise. The proposal is judged to be acceptable in terms of impact on amenity.
- 6.5 The application site falls within a designated flood zone (3a) and as such a flood risk assessment has been submitted with the application. The present

culvert is formed by an 850mm diameter concrete pipe, which is approximately 6 metres in length with headwalls at both ends. The narrowness of the existing culvert makes it prone to blockage which can result in a restriction to the flow of the river. The proposal would see the existing culvert removed and the channel returned to a natural profile. Staff are of the view that the proposed removal of the culvert and the naturalisation of the river channel at this point would reduce the potential for localised flooding. The proposed bridge would be constructed on abutments which would be set outside of the channel itself and as such the proposal would not impede the flow of the river. The Environment Agency has been consulted on this application and raises no objection to the proposal subject to a planning condition being imposed. Staff consider that the proposal is acceptable in terms of flood risk in accordance with Policy DC48 of the LDF.

6.6 In order to facilitate the siting of the proposed bridge two existing trees are to be removed. In order to compensate for the removal of the trees it is proposed to provide new native planting along the banks of the river either side of the bridge. As part of the wider improvement works to be undertaken within the park by the Council following the award of the Heritage Lottery Funding a number of new trees will also be planted. Staff are of the view that the proposed planting together with the naturalisation of the existing river channel would satisfactorily compensate for the trees removal.

6.7 The proposal would not create any parking or highways issues.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal to provide a new pedestrian bridge across Black's Brook is acceptable. Staff are of the view that the proposal would not be materially harmful to the character or appearance of the Gidea Park Conservation Area. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on merits and independently from the Council's interest as applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposed pedestrian bridge would improve access to the park for all members of the community and enable wheelchair access.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 24th May 2011.

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REGULATORY SERVICES COMMITTEE

REPORT

25 August 2011

Subject Heading:	P1068.11 – 17 Briar Road, Harold Hill Change of use from A1 (retail) to A2 (financial and professional services) (Application received 14th July 2011)
Report Author and contact details:	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
Policy context:	Local development Framework
Financial summary:	None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

The application seeks full planning permission for a change of use from A1 (retail) to A2 (financial and professional services). The site is to be used by the Briar Residents Action Group (BRAG) which is a new initiative where local residents are encouraged to become more active within their community in order to create safer communities and improve local services. The project has the support from Baroness Helen Newlove as part of her 'Active and Safer Communities Programme' which in turn is part of the Home Office's wider strategy around

engaging local residents to bring change. These are all part of the Governments 'Big Society' initiative.

The application is brought to the committee because the site is within Council ownership.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

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

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

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

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

INFORMATIVE

1. Reason for Approval:- The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy DC16, DC33, 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.

REPORT DETAIL

1. Site Description

- 1.1 The site forms part of a designated minor local centre that encompasses 9-21 (odds) Briar Road. These are arranged as a single three storey terraced block commercial at ground floor and flats above. The site is serviced to the rear, where there are marked out parking bays and space for refuse storage. To the front of the parade is a landscaped public square which leads onto residential blocks of flats.

2. Description of proposal

- 2.1 Planning permission is sought for a change of use from A1 (retail) to A2 (financial and professional services). No external changes are proposed, although the internal layout would be reconfigured to create two open plan rooms.

3. Relevant History

- 3.1 None

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 45 properties. No representations were received at the time of writing the report. The consultation period is due to expire on the 18th August 2011; any representations received will be reported verbally at the committee.

5. Staff Comments

- 5.1 The main issues to be considered by Members in this case are the principle of development in relation to the change of use, amenity, highway and parking issues.
- 5.1 Policies CP3 (Employment), CP17 (Design) DC16 (Core and Fringe Frontages in District and Local Centres), DC33 (Car Parking), DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.4 Principle of development
- 5.4.1 The site forms part of a designated minor local centre. Policy DC16 (Core and Fringe Frontages in District and Local Centres) states that A2 uses will be granted at ground floor level where, an active frontage is provided, opening hours accord with shopping hours, and would not harm the local function and vitality of the centre. The application site is a ground floor unit

and is therefore acceptable in principle. The site would be used as a centre for giving advice, receiving complaints and holding meetings.

5.5 Design/Impact on Street scene

5.5.1 The site forms part of a commercial parade, with a mixture of commercial uses opening onto a large landscaped square. The unit lies centrally within the parade which is characterised by a range of shop fronts and signage. There would be no alteration to the shop front; changes to the signage would require separate advertisement consent. Vacant commercial units are undesirable and the continued use of the site even with a different commercial use would contribute to the vibrancy of the minor local parade which has a beneficial impact within the streetscene.

5.6 Impact on Amenity

5.6.1 It is considered that there would be no adverse impacts upon the amenity of neighbouring occupiers and properties. This is a commercial parade with a range of commercial activities. An A2 use is considered compatible within this setting and the potential activities within this use are not generally noise making. It is not proposed to alter the existing opening hours of between 9:00 and 17:00. There are no specific details of employees available at this time; however, given the modest size of the unit, it is unlikely that there would be high staff numbers.

5.7 Highway/Parking/Access

5.7.1 The site is serviced from the rear on Briar Road where there is shared parking and areas allocated for refuse storage. It is not considered that a change of use to A2 would result in any significant impact upon the highway or parking. The site is to be used as part of the Briar Residents action Group and would therefore have a defined local catchment. Servicing would remain to the rear which raises no objection.

6. Conclusion:

6.1 Staff do not consider that a change of use from A1 to A2 is unacceptable. There would be no alterations to the shop front, or opening hours. Whilst the site has no allocated off street parking, there are no objections in this instance as the unit is to serve the local community.

IMPLICATIONS AND RISKS

Financial implications and risks:

This application is considered on its own merits and independently from the Council's interest as applicant and owner of the site.

Legal implications and risks: None

Human Resources implications and risks: None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The change of use would allow the site to be used as part of the initiatives for the Briar Residents Action Group and Briar Baroness Newloves 'Active and Safer Communities Programme' which seeks to promote active and safe communities, improved local services which can then act as a model for other areas in the borough.

BACKGROUND PAPERS

Application forms and plans received 14/07/2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

25 August 2011

Subject Heading:

**P1036.11 – Land to the rear of nos. 1-13
Hamilton Drive, Harold Wood**

**Demolition of existing garages and the
construction of a detached three
bedroom house with associated hard
and soft landscaping (Application
received 6th July 2011)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800**

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

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

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application relates to the construction of a detached house on a Council owned vacant garage site. The planning issues are set out in the report below and

cover the principle of the development, design and site layout, impact upon amenity and highways/parking issues. Staff are of the view that the proposal is acceptable and it is recommended that permission be granted subject to conditions.

RECOMMENDATIONS

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

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

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

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

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

3. Car parking - Before the dwelling hereby permitted is first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the

development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

6. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

7. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

8. Hours of construction - No construction works or constructed related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or constructed related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

9. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls
 - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
 - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

10. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
- a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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

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

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

11. Sound attenuation - The dwelling hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,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 and Noise'.

12. No additional flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwelling hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

13. Removal of Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to D, no enlargements, improvements or other alteration shall take place to the dwellinghouse 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

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a agreement/licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of Crime Prevention Through Environmental Design and Designing against Crime. Your attention is drawn to the free professional service provided by the Police Crime Prevention Design Advisor through Havering Development and Building Control Service or Romford Police Station. He is able to offer qualified designing out crime advice, which takes account of local conditions and risks.
3. The developer, their representatives and contractors are advised that planning permission 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.
4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP15, CP17, DC2, DC3, DC11, DC32, DC33, DC34, DC35,

DC36, DC40, DC53, DC56, DC58, DC59, DC60, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Policies 3.3, 3.4, 3.5, 6.3, 6.9, 6.10, 6.13, 7.2, 7.3 and 7.4 of the London Plan.

REPORT DETAIL

1. Site Description

- 1.1 The application site is situated to the western end of Hamilton Drive to the rear of nos. 1 to 13 Hamilton Drive. The site is presently occupied by a garage court, which contains 25 garages and an associated area of hard surfacing. The site has an area of 0.08 hectares. The application site is located within a predominantly residential area with two storey housing being the predominant housing type in the locality. To the north west the site is bounded by the railway and land owned by Network Rail. To the east the site is bounded by the rear garden areas of nos. 1 to 13 Hamilton Drive. The west / south site boundary is formed of the rear garden areas of nos. 119 to 125 Southend Arterial Road. Hamilton Drive is subject to a single yellow line parking restriction, which is in operation between 10.30am and 11.30am Monday to Friday.

2. Description of Proposal

- 2.1 The application seeks full planning permission for the demolition of the existing garages on site and the construction of a single detached house containing three bedrooms and a detached double garage.
- 2.2 The proposed building would be positioned on the site fronting onto Hamilton Drive and set back from the front boundary by 14 metres. The proposed building would be covered by a range of hipped roofs with a single flat roof terrace area. Exterior materials are indicated as being white render and terracotta clay hung tiles to the elevations. The roof would be finished with concrete roof tiles of a natural finish. The proposed building would measure 11 metres in width at the greatest point and projecting into the site by 23.3 metres. The proposed building would be 3.1 metres in height to the eaves with varying ridge heights of 4.5 metres and 6.6 metres.
- 2.3 The proposed detached double garage would be positioned towards the western site boundary set 11 metres back from the front boundary. The garage would be 8.1 metres in width by 5.7 metres in depth. The garage would be 2.3 metres in height to the eaves and 4.5 metres in height to the ridge. The garage would also contain a refuse storage area and a utility room. The garage would be finished with white render and terracotta clay hung tiles to the elevations. The roof would be finished with concrete roof tiles of a natural finish. A large driveway area is indicated to the front of the building in addition to the double garage. Access into the site would continue to be taken from Hamilton Drive via an existing vehicular crossover.

3. Relevant History

- 3.1 P0560.11 – Demolition of existing garages and the construction of a three bedroom detached house - Refused.
- 3.2 The above application, which was submitted in April 2011, was refused in June 2011 under delegated powers for the following reason;
- *The proposed development would, by reason of its height, bulk, mass and position close to the boundary of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.*
- 3.3 This current application seeks to overcome those reasons for refusal. In order to address the concerns raised by staff previously the proposed house has been moved further away from the boundary with neighbouring properties and the portion of roof nearest the boundary has been re-profiled to be a lesser overall height.

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 22 adjoining addresses with one letter of representation being received. The letter raises no objection to a house being built on the site in principle but raises a concern about the potential for overlooking and a loss of privacy. The letter also highlights existing parking problems within the vicinity.
- 4.4 The London Fire and Emergency Planning Authority raise no objection to the proposal.
- 4.5 The Borough Crime Prevention Design Advisor recommends that an informative be imposed concerning the Secure by Design award scheme.

5. Relevant Policies

- 5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP15 (environmental management), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC11 (non-designated sites), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC53 (contaminated land), DC56 (light), DC58 (biodiversity and geodiversity), DC59 (biodiversity in new developments), DC61 (urban design) and DC63 (crime) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations.
- 5.2 The Supplementary Planning Document for Residential Design is a material consideration as is the Supplementary Planning Document for Sustainable Design and Construction.

- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design in housing developments), 6.3 (assessing affects of development on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.2 (an inclusive environment), 7.3 (designing out crime) 7.4 (local character) of the London Plan are relevant.
- 5.4 National policy guidance set out in Planning Policy Statement 1 ‘Delivering Sustainable Development’, Planning Policy Statement 3 ‘Housing’, Planning Policy Statement 9 ‘Biodiversity and Geological Conservation’ and Planning Policy Guidance Note 13 ‘Transport’ are also relevant.

6. Staff Comments

6.1 This proposal is put before the Committee due to the application site being in Council ownership. The issues arising from this application are the principle of development, the layout and density of the development, design and street scene issues, impact on amenity, parking and highway issues, sustainability and community safety.

6.2 Principle of Development

6.2.1 The application site is previously developed land within a predominantly residential area. The site is considered to be suitable in principle for residential development in accordance with Policy CP1, subject to the detailed design of the proposals. The proposed residential redevelopment of the site would contribute to the London Plan objective of increasing the overall supply of housing specifically relevant is Policy 3.3.

6.2.2 Government guidance relating to sustainable development is contained within PPS1. This document refers in particular to the need to locate new development on land within existing urban areas. With reference to housing and sustainability local planning authorities are encouraged to make effective use of land within urban areas. Members may agree therefore that the redevelopment of the site would contribute to the principles of urban regeneration and sustainability.

6.2.3 Borough wide a number of Council owned sites are coming forward for redevelopment. The majority of these sites are underused or derelict garage courts many of which have become a target for anti-social behaviour. In the case of this site only 2 of the garages on site have been occupied over the past two years. Having regard to the low occupancy rate of the garages staff raise no objection in principle to their loss. The potential for displacement parking is considered under the parking and highways section of this report.

6.2.4 In the event that Staff are minded to grant planning permission it is recommended that a condition be imposed requiring an investigation of any potential contamination of the site.

6.3 Density and Site Layout

- 6.3.1 Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, the application site falls within a PTAL zone where a density of 30-50 units per hectare is anticipated. The proposed development would provide a single dwelling and would result in a density of 12.5 units per hectare. The proposed development would result in a density of development below the anticipated density range however staff consider this to be acceptable given the nature and shape of the site. Staff are of the view that the proposal would make an efficient use of urban land in accordance with PPS3.
- 6.3.2 The proposed dwelling would be arranged on the site so as to allow the provision of some landscaped areas to the front of the building with a private amenity area being located to the rear of the building. Staff are of the view that the proposed site layout and plot size would be compatible with the existing street scene and local character.
- 6.3.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In this instance the proposed dwelling would benefit from a private rear garden area of circa 380 square metres arranged to the side and rear of the building. Staff are of the view that the proposed rear garden area is acceptable in terms of size and layout. Staff are of the view that the proposed rear garden area would be compatible with local character. The proposed garden space would provide the property with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation. In addition to the ground floor garden space a separate roof terrace is proposed. The impact of this roof terrace upon adjoining occupiers is explored below.
- 6.3.4 The proposed layout plan indicates a scheme of hard and soft landscaping to the front of the proposed houses. In the event that Staff are minded to grant planning permission a landscaping condition could be imposed to secure further details including plant types and surfacing materials.
- 6.4 Design/Impact on Street scene
- 6.4.1 The character of the area is typified for the most part by two storey housing of varied architectural style and design. Whilst dwellings of the nature proposed are uncommon within the locality staff are of the view that the proposal would not be harmful to the existing character of the area. The proposed dwelling would be of traditional design and form which staff consider would integrate successfully into the urban grain. The application site is flanked by the rear garden areas of adjoining properties with a fairly limited street frontage. In view of this the proposed building would not be readily visible from within the street scene. Indeed the proposed dwelling would be set back 14 metres from the frontage with Hamilton Drive thus reducing its presence further within this street scene. The proposed garage would be closer to the front site boundary however it would still maintain a

set back of 11 metres. Staff are of the view that the garage would have an acceptable impact on the street scene.

6.4.2 Staff are of the view that the design and appearance of the proposed dwelling and detached garage are of an acceptable quality, in accordance with relevant guidance. The proposed buildings would utilise a mixture of materials including coloured render, hanging tiles, concrete roof tiles and aluminium-framed windows. Staff are of the view that the proposed materials would be compatible with those to be found on neighbouring dwellings. In any event full details and samples of materials can be controlled by condition should staff be minded to grant planning permission.

6.4.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. This proposal is for a single house containing three bedrooms. The London Plan advises that a house type of that proposed should provide at least 96 square metres of internal floor space. In this instance the proposed house would have an internal floor area in excess of the amount advised. Staff consider therefore that the proposal would provide a reasonable quality living environment for future occupiers.

6.4.4 The proposed site layout indicates that a fairly large hard surfaced driveway would be provided to the front of the building. Staff are of the view that a refusal of the application on these grounds would be difficult to sustain given that the existing garage court is already hard surfaced throughout.

6.4.5 The design of the proposed dwelling is such that it would be fully accessible to those with disabilities in being built to meet the Lifetime Homes standard. The proposal is considered to accord with Policy DC7 in this respect and would provide residential accommodation to meet the needs of individuals throughout their lives through changing circumstances.

6.4.6 Policy DC63 requires proposals to address safety and security in the design of new development. The proposal is considered to be acceptable in this respect.

6.5 Impact on Amenity

6.5.1 The main component of the proposed dwelling would be sited fairly centrally on the application site beyond the rear of no. 7 Hamilton Drive. A portion of the building would however extend off of this main component and run rearwards parallel with the northern site boundary. The proposed detached garage would be sited against the west / south boundary beyond the rear of no. 125 Southend Arterial Road.

6.5.2 The proposed dwelling would be removed from the west / south site boundary with nos. 119 to 125 Southend Arterial Road by a distance of 7.5 metres increasing to 16 metres at the greatest point. The proposed building would achieve a flank to back relationship with those properties in Southend

Arterial Road and a separation distance of 23 metres would be achieved to the rear nearest property at no. 121. Staff consider that this relationship is acceptable. The proposed detached garage would be sited within 0.2 metres of the rear boundary with no. 125 Southend Arterial Road. The proposed garage would be 2.3 metres in height at the eaves and 4.5 metres to the ridge of a hipped roof. The eaves height of the garage would result in the majority being capable of screening by a conventional boundary fence. The majority of the garage beyond fence height would slope away from the neighbouring property reaching its maximum height approximately 3.5 metres from the boundary. The garage would be sited at least 17 metres from the rear main wall of no. 125. Staff are of the view that the proposed garage would not be harmful to the amenity of adjoining occupiers.

- 6.5.3 The proposed dwelling would be predominantly sited to the north east side of the site resulting in development being introduced beyond the rear of nos. 5 to 13 Hamilton Drive. The previous application was refused on the basis that the combined length, height and resultant bulk of the house would be harmful to the amenity of the aforementioned adjoining properties. This current proposal has been revised with the proposed house being moved further away from the boundary and the portion of roof nearest to the boundary being significantly lowered. The proposed dwelling would be removed from the boundary by between 1.5 and 2 metres. At the closest point the proposal would result in a separation distance of 14.5 metres with the nearest adjoining property. The proposed dwelling would have an eaves height of 3.1 metres increasing to a ridge height of either 4.5 metres or 6.6 metres. Staff are of the view that the revisions made to the proposal now mean that the proposed dwelling would have an acceptable relationship with adjoining properties.
- 6.5.4 The elevation of the proposed building facing nos. 5 to 13 Hamilton Drive would include four windows at ground floor level. These would be capable of screening by the existing boundary fence. Within the roof slope of the proposed house would be eight roof windows. These would serve void areas to provide light to the rooms below and as such it would not be possible for people to stand and look out.
- 6.5.5 To the opposite side of the building the elevation facing nos. 119 to 125 Southend Arterial Road would include a number of ground floor windows and several large glazed doors. The proposed openings would be removed from the boundary and capable of screening by a boundary fence. To the upper floor the portion of the building nearest to the boundary would include seven roof windows. As above these windows would provide light to void areas, which would afford light to the rooms below.
- 6.5.6 A single roof terrace area is proposed within the rear roof slope of the building facing into the rear garden area. The terrace area would not be visible from adjoining garden areas to the north as it would be screened by the proposed roof. The terrace area would be removed from the boundary to the south by 9 metres. Staff are of the view that the separation of the proposed roof terrace from the boundary would be sufficient to prevent overlooking.

6.5.7 Staff are of the view that the impact of general activity within the site, as a result of this proposal, would not be materially harmful to residential amenity when compared to traffic and activity generated by the original use of the site as garaging.

6.6 Sustainability

6.6.1 Through the policies of the Local Development Framework the Council is seeking to address climate change by encouraging the highest standards of sustainable construction and design in new development proposals. The proposed development would make use of modern sustainable design techniques, materials and construction methods. The proposed development aims to gain Code Level 3 for Sustainable Homes.

6.7 Parking and Highway Issues

6.7.1 The Council's Housing Service has advised that at the present time only two of the existing garages on site are occupied. The loss of the garages has the potential therefore to result in some limited displacement of vehicles onto the highway. Staff from the Council's Housing Department have spoken with the two existing tenants concerning the loss of the garages and they both have no objections as they are blue badge holders and are able to park elsewhere on street at any time. In any event staff are of the view that sufficient capacity exists in the locality to accommodate any displaced parking from the loss of the garages.

6.7.2 Access for the proposed dwelling would be taken from Hamilton Drive via the existing vehicular crossover. The proposed access arrangements are considered to be acceptable and would not result in any adverse highways issues. In respect of parking issues Policy DC33 seeks to ensure that the proposal provides adequate car parking on site. The Council's adopted car parking standard recommends the provision of 1.5-2 spaces per unit in this location. In this instance the proposal would see the provision of two garage spaces with further space available on a driveway area for a further 4 to 6 cars. Staff raise no objection on parking grounds. Policy DC35 seeks to ensure that cycle storage provision is made within new development to encourage alternative means of travel. Although provision is not indicated on the submitted plans this could be secured via a planning condition.

6.7.3 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case it is envisaged that refuse and recycling would be stored within the detached garage. On collection day occupiers would place their sacks at the front boundary of the site for roadside collection. Staff are of the view that these arrangements are acceptable however in the event that staff are minded to grant planning permission a condition requiring further details in this respect could be imposed.

7. Conclusion

- 7.1 In conclusion, residential development on the site is considered to be acceptable in principle and no objections are raised to the loss of the existing garages. The proposal is considered to be acceptable in terms of design and impact on the street scene. Staff are of the view that the proposed house would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. It is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

This application is considered on merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwelling would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 6th July 2011.



Regulatory Services Committee

25 August 2011

ITEM 15

OUTSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-8	P1820.10	Emerson Park	8 Brookside Emerson Park Hornchurch
9-17	P0517.11	Elm Park	39 Wood Lane Hornchurch
18-26	P0784.11	St Andrews	23-27 High Street Hornchurch
27-33	P0919.11	Harold Wood	91 Shepherds Hill Romford

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REGULATORY SERVICES COMMITTEE

25th August 2011

OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P1820.10	
WARD :	Emerson Park	Date Received: 21st December 2010
ADDRESS:	8 Brookside Emerson Park Hornchurch	
PROPOSAL:	Demolition of existing house and construction of replacement dwelling. revised block plan received 4/8	
DRAWING NO(S):	Ordnance Survey plan dated 13/07/2011 P571/1 Revision A P575/2 Revision E P575/3 Revision D P571/4 Revision A P571/5 Revision D P571/6 Revision E P575/10 P575/7 Revision C P571/9 Roof plan P571/8	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

The application site is located on the western side of Brookside and is in Sector 2 of the Emerson Park Policy Area. The site contains a two storey detached property with a detached garage. The ground is relatively flat. 1.8m and 1.6m fence with 0.2m trellis above on the southern boundary. 2m brick wall on the western boundary. Conifers, shrubs and a garage on the northern boundary. There are Tree Preservation Orders on the site, TPO No. 41-90. There is space for two cars on hardstanding.

DESCRIPTION OF PROPOSAL

The applicant seeks consent for the erection of a replacement two storey, 6 bedroom detached dwelling with an integral garage. The dwelling would be set back between 1 and 1.4m from the southern boundary and 1m at ground floor and 2m at first floor from the northern boundary. The dwelling features living accommodation in the roof space with one roof light on either side. There is one roof light and one dormer window to the rear. The dwelling has a first floor terrace serving a bedroom on the front façade.

The proposed dwelling would have an overall width of 13m and a depth of 14.2m. The dwelling would have a hipped roof with a main ridge height of 10m.

The dwelling would be constructed with facing bricks so as to match the existing dwelling, with brickwork features and stonework cills and window heads.

REGULATORY SERVICES COMMITTEE

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OUTSIDE STATUTORY PERIOD

This proposal follows a previous planning application for a replacement detached dwelling, P0556.09, which was refused planning permission for the following reason. The replacement dwelling would, by reason of its scale, bulk, mass and excessive depth, appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers in terms of loss of outlook and sunlight contrary to the aims and objectives of the Supplementary Design Guidance of the Havering UDP and Policies DC3, DC33, DC61 and the Emerson Park Policy Area Supplementary Planning Document of the LDF Development Control Policies DPD and Supplementary Planning Guidance for Residential Amenity Space.

RELEVANT HISTORY

P2101.08 - Replacement detached dwelling - Refused. Appeal dismissed.

P0556.09 Replacement detached dwelling Refused.

CONSULTATIONS/REPRESENTATIONS

28 Neighbours have been consulted as a result of this planning application. When the initial proposal was submitted 8 letters of objection were received (from three addresses) with detailed concerns that have been summarised as follows:

- 1) Few differences between the previous refused applications and the current application to address the scale, bulk and mass of the proposed building.
- 2) The impact of the proposal on the protected trees, particularly the blue cedar pine tree in the front garden.
- 3) Excessive scale, bulk, massing and depth of the replacement dwelling.
- 4) The dwelling would be out of character with the streetscene and the surrounding area.
- 5) Loss of outlook, views, amenity, daylight and sunlight.
- 6) Right to light.
- 7) Overdevelopment of the site.
- 8) Noise.
- 9) Insufficient parking and congestion.
- 10) Drainage.
- 11) Traffic and disruption to the carriageway.
- 12) Pre-application advice was given by the Planning Service.
- 13) The depth of the new dwelling is twice that of the existing house at No. 8 Brookside and all that increase is proposed on this L shape adjacent to No. 10 Brookside.
- 14) The dwelling would project 6.5 metres beyond the rear façade of No. 10 Brookside.
- 15) Scale, bulk, mass and excessive depth, appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to amenity in terms of loss of outlook and sunlight.
- 16) Loss of character and cramped appearance to the streetscene.
- 17) Loss of privacy and overlooking from the front terrace.
- 18) The original stock bricks should be reused to ensure the property is in keeping with the streetscene.

In response to the above comments, loss of views are not material planning considerations. A condition can be placed regarding protection of the trees with Tree Preservation Orders if minded to grant planning permission. With regard to right to light, the Prescription Act 1832 and the Rights of Light Act 1959 convey protection in these areas. However, these laws are civil matters and the council cannot take their provisions into account when considering planning applications. Drainage is not a material planning consideration and is a building control matter. Pre-application advice is given without prejudice. Representations are taken into account when assessing planning applications. Details of materials can be secured by condition if minded to

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OUTSIDE STATUTORY PERIOD

grant planning permission. The remaining issues will be addressed in the remaining sections of the report.

When the proposal was revised, neighbours were re-consulted on 2nd August 2011 and no letters of representation were received. At the time of drafting this report the neighbour notification period had yet to expire. Members will be verbally updated on the evening of any representations received.

RELEVANT POLICIES

LDF: DC3, DC33 and DC61

The Design for Living Supplementary Planning Document

Emerson Park Policy Area Supplementary Planning Document

London Plan July 2011: Policies 3.3, 3.4 and 3.5

PPS1 (Delivering Sustainable Development) and PPS3 (Housing)

STAFF COMMENTS

The main issues in this case are considered to be the impact of the replacement dwelling upon the character and appearance of the street scene and its impact upon neighbouring occupiers.

It has recently been noted that the previous plans for application, P0556.09 were not to an accurate scale, which accounts for any differences between the dimensions for the previous application, P0556.09 and the current proposal.

During the course of this application, P1820.10, the proposal has been revised as follows:

1. The dwelling has been repositioned 1 metre further towards the front of the site, so its front facade would project 1m forward of the porch of No. 10 Brookside and 2.4 metres forward of the front facade of No. 6 Brookside.
2. The scale and bulk of the dwelling has been reduced, with particular emphasis at the rear of the dwelling at first floor and in the roof space.

The following planning issues have been considered in relation to the proposal:

DENSITY/SITE LAYOUT

Council policy and guidance seeks to ensure that new developments/alterations are satisfactorily located and are of a high standard of design and layout. It is considered that the siting of the dwelling is acceptable.

The Council's Design for Living 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. It is considered that the proposed amenity area of the new dwelling complies with the requirements of the Design for Living SPD and is acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The Emerson Park Policy Area Supplementary Planning Document is relevant. It is Staff's view

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OUTSIDE STATUTORY PERIOD

that the replacement dwelling would appear in character with neighbouring properties and the surrounding area. Furthermore, the design of the dwelling is considered to be acceptable and would appear in character with the streetscene, which is typified by detached, single family, individually designed dwellings in spacious plots. The height of the dwelling is considered to be acceptable. Following the previously refused application, P0556.09, it is considered that replacing the crown roof of the dwelling with a pitched roof is a vast improvement and would appear in character with the streetscene.

The dwelling would maintain a separation distance of between 1 to 1.4 metres from the southern boundary, (which is very similar to the existing dwelling) and a 1 and 2 metre separation distance at ground and first floor respectively from the northern boundary and therefore, should not result in a terracing effect. The first floor terrace on the front elevation of the dwelling is considered to be acceptable and it is noted that there is a similar first floor terrace/balcony at No. 2 Brookside, which is directly opposite the application dwelling.

Although the replacement dwelling would project beyond the front facades of Nos 6 and 10 Brookside, it is deemed to be acceptable in this instance as the front building line of neighbouring properties on the western side of Brookside does vary in places. In addition, replacing the crown roof with a pitched roof and the articulated front façade of the replacement dwelling reduces its bulk in the streetscene.

IMPACT ON AMENITY

The merits of this application have been carefully considered, particularly with regard to the impact of the replacement dwelling on the amenity of the occupiers, particularly Nos 6 and 10 Brookside.

Following a site visit, it is noted that No. 6 Brookside has a ground floor window on the southern flank, which serves a lounge and is a secondary light source with a window on the front façade. No. 6 has a window on the southern flank of a single storey rear extension, which serves a lounge, is obscure glazed and is a secondary light source, with windows and a door on the rear façade. No. 6 has a first floor bedroom window on the southern flank, which is a primary light source.

It is considered that the proposal would not result in a significant loss of light to No. 6 Brookside, as it does not impede a 45 degree notional line taken from the window cill of the bedroom on the southern flank. Also, there would be a minimum and maximum separation distance of approximately 3.7 and 4.7 metres respectively between the flank wall of No. 8 Brookside and the flank wall of No. 6 Brookside (not including the ground floor bay window).

It is noted that No. 10 Brookside has a total of three ground floor windows on the northern flank. Two windows are obscure glazed and serve a hallway, which is not a habitable room. The remaining ground floor window serves a utility room, which is not a habitable room and forms part of a single storey side extension. No. 10 has a first floor window on the northern flank, half of which is obscure glazed and serves a bathroom, whilst the remaining half is clear glass and serves a landing (neither are habitable rooms). No. 10 has a single storey rear extension with patio doors on its northern flank, which serves a lounge.

It is considered that the replacement dwelling would not result in a significant loss of amenity to No. 10 Brookside, as there would be a separation distance of between 1 to 1.4 metres between the dwelling and the southern boundary. In addition, there is favourable orientation as the application dwelling is located North of No. 10 Brookside. The scale and bulk of the dwelling has

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been reduced with particular emphasis at the rear of the dwelling at first floor and in the roof space and by replacing the crown roof with a pitched roof.

It is considered that repositioning the dwelling 1 metre further towards the front of the site is an improvement, as it has brought its rear façade in general alignment with the rear building line of Nos 6 and 10 Brookside.

If minded to grant planning permission, it is proposed to remove permitted development rights for extensions and roof alterations to protect the amenity of neighbouring occupiers.

It is considered that the dwelling would not result in unacceptable degree of overlooking or loss of privacy over and above existing conditions. If minded to grant planning permission, a condition can be placed to obscure glaze and fix shut with the exception of top hung fanlights the first floor windows on the north and southern flanks of the dwelling serving en-suites and the first floor window on the rear elevation serving a bathroom. Following the previously refused application, P0556.09, it is noted that the first floor Juliet balcony on the rear elevation has been removed. If minded to grant planning permission, a condition will be placed regarding boundary treatments.

HIGHWAY/PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. There would be space for one vehicle in the integral garage and two vehicles on hardstanding to the front of the property, which is deemed to be sufficient.

The Highways Authority has no objection to the proposals but has the following comments. Secure cycle parking facilities should be provided for a minimum of two bicycles on three-bedroom homes. This could be achieved by condition.

TREES

If minded to grant planning permission, a condition will be placed regarding the protection of the preserved trees. The Cedar Tree (T10) in the front garden of the application site is subject to a Tree Preservation Order 41/90. The Council's Tree Officer visited the site on 28th July 2011 and concluded that in the event that planning permission is approved, its implementation would require the removal of the two lowest limbs of the cedar tree, which are growing towards 8 Brookside, but otherwise, the tree would not be affected by the proposal.

KEY ISSUES/CONCLUSIONS

Having carefully considered the merits of the scheme, it is considered that the proposal within the realms of acceptability. For the reasons outlined within the report the proposal is considered to be acceptable and adheres to the aims and objectives of Policies DC3, DC33, DC61 of the LDF Development Control Policies DPD, the Design for Living Supplementary Planning Document (and the Emerson Park Policy Area Supplementary Planning Document) and approval is recommended.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

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2. M SC09 (Materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. M SC62 (Hours of construction)
6. S SC08 (Garage) - restriction of use
7. M SC11 (Landscaping)
8. M SC12 (Preserved trees)
9. SC34B (Obscure with fanlight openings only)

The proposed first floor windows on the northern and southern flanks of the dwelling serving en-suites shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

10. M SC59 (Cycle Storage)
11. M SC45A Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A, B and C, no enlargements, improvements or other alteration shall take place to the dwellings 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 the LDF Development Control Development Plan Document Policy DC61.

12. 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.

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13. Non standard condition

The proposed first floor window on the rear façade of the dwelling serving a bathroom shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

14. Non standard condition

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

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

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

Reason:-

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

1 INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC3, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Design for Living

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Supplementary Planning Document, the Emerson Park Policy Area Supplementary Planning Document.

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 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 and Engineering on 01708 433750 to commence the Submission/Licence Approval process.

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

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

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APPLICATION NO:	P0517.11	
WARD :	Elm Park	Date Received: 6th April 2011
ADDRESS:	39 Wood Lane Hornchurch	
PROPOSAL:	Infill extension of existing patients entrance, relocation of patients entrance with front canopy, single storey rear extension with external alterations Revised Plans Received 08.08.2011	
DRAWING NO(S):	11.0026 X03 11.0026 PL01 Revision A 11.0026 X01	
RECOMMENDATION :	It is recommended that planning permission be REFUSED 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.

BACKGROUND

This application was last brought to the 30th June Regulatory Services Committee. At that meeting, Staff requested the deferral of the application to provide further information on various issues which are addressed in the following section of this report. The application was called-in to committee 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.

REASONS FOR THE DEFERRAL:

Further information was requested regarding:

The medical 'need' case for the applicants

The proposal involves creating two additional consultation rooms, which would be beneficial for the following reasons. The clinicians currently hot desk, which involves spending additional time between surgeries to complete paperwork and review results. Also, there would be the administrative capacity to deal with the GP commissioning role. Primary Care are taking on more secondary care tasks including arranging appointments and investigations on behalf of Secondary Care, thus increasing the amount of paperwork. Demand for Wood Lane Medical Centre is increasing; therefore, the extended premises would facilitate additional clinician sessions and appointments, which would improve services for patients. The proposal would ensure Wood Lane Medical Centre's continued compliance with the Care Quality Commission. A letter of support has been received from NHS Havering.

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The separation distance between the single storey rear extension of No. 41 Wood Lane and the eastern boundary of the application site

There is a separation distance of approximately 0.4 metres between the western flank wall of the single storey rear extension of No. 41 Wood Lane and the eastern boundary of the application site.

Clarification as to whether there are parking problems in this locality

Parking in the locality of the site is reasonable, with the exception of the junction of Wood Lane and Penrith Crescent (opposite the site) which has quite heavy levels of parking.

The proposed arrangements for staff 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. Four members of staff park on the hardstanding in front of the medical centre, which comprise of three full time doctors and one part time staff member. The remaining parking space on hardstanding in front of the medical centre is used on an irregular basis, as the staff member lives within walking distance of the site. The agent advised that all members of staff live within the local area.

Access to the existing parking spaces in front of the Wood Lane Medical Centre

The agent advised that members of staff drive over parts of grass verge to access the parking spaces in the centre of the application site. Should the application be approved, a condition could be placed to secure an extension to the crossover with the necessary agreement of the Highway Authority.

Provide planning conditions in the event of an approval

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

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

2. Matching materials - All new external finishes shall be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority, namely facing brickwork and a felt roof.

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

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

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

4. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on

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the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

5. Balcony - The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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.

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

Reason: To ensure the interests of the travelling public are maintained and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

The report set out below is largely the same as that presented to Committee on 30th June, except for the reduced depth of the front canopy and a sloping roof over the single storey rear extension.

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.

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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

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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.

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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.

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APPLICATION NO:	P0784.11	
WARD :	St Andrew's	Date Received: 26th May 2011
ADDRESS:	23-27 High Street Hornchurch	
PROPOSAL:	Restoration of existing building and conversion of the ground floor to a dentists surgery. Construction of a detached block to the rear of the site comprising 5 two bedroom apartments Revised and additional plans received 4/8	
DRAWING NO(S):	BRD/011/015/01 BRD/011/015/02 BRD/011/015/03 BRD/011/015/04 Rev. A BRD/011/015/06 BRD/011/015/07 BRD/011/015/05 Rev. A	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reasons: given at the end of the report.	

RECOMMENDATION

That planning permission be refused for the reasons set out in the report.

CALL IN: The application has been called in by Councillor Mylod as he considers there is urgent need for the site to be redeveloped to improve the appearance of the area and prevent anti-social activities. He is concerned about losing the opportunity to achieve redevelopment of the site.

SITE DESCRIPTION

The application site is a rectangular parcel of land covering an area of 0.076 hectares located on the northern side of High Street, Hornchurch. The application site includes the comprehensive site area of properties at No's 23 to 27 High Street which comprises three retail shop units and first floor flats. The two storey terrace block is currently vacant and is in a poor state of disrepair. Ground levels are generally flat and set lower than adjacent properties to the rear of the site. The site is not currently served by any access roads.

To the north are bungalows and to the northwest are semi detached two storey residential properties with the Mecca Bingo building to the east. To the west is the Hornchurch Methodist Church and on the opposite side of the road to the south is a mix of two storey residential properties. Flatted developments can be seen opposite the site on the corner of the junction between High Street and Abbs Cross Gardens, as well as behind the two storey houses facing High Street at Victor Approach.

The site is designated as falling within Hornchurch District Centre and does not form part of any other designated policy area as identified within the Local Development Framework Proposals Map.

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DESCRIPTION OF PROPOSAL

Permission is sought to restore the existing premises on site, creating a dentist surgery at ground floor and retaining the three flats at first floor level. In addition to the restoration of the existing building, a detached block is proposed to the rear of the dwelling comprising of 5 No. 2 bedroom self contained flats.

The D1 dental surgery is proposed at ground floor level occupying approximately 161sq.m of commercial floorspace. This is a reduction of that which was previously approved. The unit would contain 5 consulting rooms, staff room, a secure clinical waste store, office sterile room, x-ray room and suitable toilet facilities. The surgery would employ 3 dentists and 3 hygienists (all of whom will be part time) and 2 receptionists. Opening hours proposed will be between 09:00am and 06:00pm on Mondays to Fridays.

The new block of flats to the rear would be 16m wide, 10.7m deep and approximately 9.6m high to the roof ridge. The proposed flats would be constructed over three floors consisting of 2 No. flats to the first and second floor and 1 No. flat to the loft space. To the rear of the proposed block will be a total of 110 square metres of communal garden space for the use of the flats. The detailed design of this space will be reserved for future consideration by condition, as will any additional boundary treatment. Car parking would be provided for 9 vehicles of which 5 spaces would be allocated to the new block of flats. In addition to the car parking there would also be secure parking for 5 cycles to the rear and additional stands to the front of the building.

The vehicular access to the site would be from Hornchurch High Street leading to the surface car park at the rear. The parking would be allocated to both the commercial and residential elements of the site. A passing place and 4 pedestrian safety bollards are proposed adjoining the vehicular access. The scheme would further be serviced by a bin storage area to the side of the block of flats.

RELEVANT HISTORY

A0050.02 1 x double sided freestanding advertisement display unit - retrospective - Approved (relates to no. 23 High Street).

P2044.08 Demolition of existing shops with flats over and erection of new D1 commercial unit with 8 flats over and an associated basement car park - Approved

P0929.09 - Demolition of existing shops with flats over and erection of new D1 commercial units with 8 flats over and surface car parking and roof terrace - Approved with Conditions

P0471.11 Restoration of existing building creating dentist surgery on ground floor, with 3 no. self contained apartments over. Extensions to the rear incorporating 5 no. apartments with associated car parking - withdrawn.

CONSULTATIONS/REPRESENTATIONS

65 neighbouring and nearby properties were notified of the application by individual letters. Four letters of representation have been received, raising concerns and comment on the following, summarised, grounds:

- Overlooking and loss of privacy
- Removal of trees will have a detrimental impact on environment
- Increase in noise levels
- Bungalow to rear would be overwhelmed by the development
- Deficient car parking
- Insufficient amenity space
- Excessive bin carry distance

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Thames Water states that no building works will be permitted within 3 metres of the existing public sewers and requires a separate building over/diversion application.

The Crime Prevention Design Adviser raises no objection to the application subject to 'Secure by Design' conditions.

Environmental Health requested noise conditions and further site investigations for potential soil contaminants and pollutants.

Concerns were raised by streetcare to the accessibility of refuse collection.

Highways have no objection to the proposal provided that:

- the width of the passing area situated on the footway to be increased to measure 4.8m.
- a planning obligation in the form of a section 106 agreement totalling £12000.
- parking spaces for the used by dentist and residential units to be clearly marked.

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town Centres), CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), 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), DC32 (Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC51 (Water Supply, Drainage and Quality), DC55 (Noise), DC56 (Light), DC61 (Urban Design), DC62 (Access), DC63 (Crime) and DC72 (Planning Obligations) of the Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

The Residential Extensions and Alterations SPD is also considered to be relevant.

Policies 2.15 (town centres), 3.2 (improving health), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.17 (health and social care facilities), 6.1 (strategic transport approach), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 7.2 (inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.5 (public realm), 7.6 (architecture) and 7.15 (reducing noise and enhancing soundscapes) of the London Plan July 2011 are further material considerations, together with PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport).

STAFF COMMENTS

The main considerations in this case are the principle of a mixed use residential/commercial development, the impact of the development in the street scene, impact on the amenities of adjoining occupiers, amenity space, highway and parking issues.

BACKGROUND

On 25 June 2008 the Regulatory Services Committee granted planning permission under application P2044.08 for a scheme which involved the demolition of the existing building on the site and its replacement by a building with basement car parking, ground floor D1 use and two floors of 8 flats (6 x 1 bedroom and 2 x 2 bedroom)

A second application under P0929.09 was approved on 28 August 2010. This application was

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similar to the the previous application but with surface car parking rather than basement parking. Neither scheme has been implemented.

PRINCIPLE OF DEVELOPMENT

This site is identified in the LDF Proposals Map as forming part of the fringe area of the Hornchurch District Centre.

Policy DC16 in the LDF Development Control Policies DPD states that non retail uses in fringe areas will be granted at ground level provided that the use has an active frontage, is open during shopping hours and would not significantly harm the character, function and vitality and viability of the centre.

It is acknowledged that the existing commercial premises at ground floor are currently vacant and the applicant advises that they have been for over 7 years. The building is in a poor state, is not considered to be of any special architectural merit and does not complement the existing streetscene. No objections are therefore raised in principle to their redevelopment.

It is considered that the proposed D1 use on the ground floor would add to the vitality and viability of this part of the centre. The practise would be open during normal shopping hours (9am to 6pm on Mondays to Fridays) and would provide a new active frontage. Policy 3.17 of the London Plan supports the provision of social and health care facilities, particularly in areas of easy accessibility.

Policy CP1 of the LDF Core Strategy promotes housing development on brownfield land, high density mixed use development within District Centres and bringing vacant properties back into use. The principle of residential use above ground floor commercial units has already been established by the former residential units on the first floors of the building as well as buildings further along the High Street. The site is therefore suitable for housing development and consistent with Policy CP1.

The provision of additional housing is consistent with PPS3 as the development is re-using urban land. Furthermore, the proposal is in accordance with Policy 3.3 of the London Plan which seeks to increase London's supply of housing.

The site does not form part of any other pertinent policy designation that would prevent the proposed mixed use development of the site. The principle of residential/commercial D1 use is therefore considered acceptable in land-use terms

DENSITY/SITE LAYOUT

In density terms Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 3-4, with the density recommendation being 50-110 units per hectare. The proposed development would result in 100 units per hectare based on the 0.08ha site area. This is within the range anticipated. However, density is just one yardstick against which a scheme should be judged.

In layout terms the buildings would be set off from the common boundary with the Mecca Bingo Club and no. 29 High Street and separated from these neighbours by a driveway. The proposed block of flats would also be set in 6m from the rear boundary of the site at its closest point and 6m and 4.8m from the Bingo Hall and Church boundaries respectively.

No concerns are therefore raised to the spacing between building blocks. It is considered that

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the proposed layout would maintain and improve on the existing gaps between the site and adjacent buildings.

The proposed shared garden area to the rear would provide a limited amount of amenity space when considering the amount of residential units provided. The site however is located within a town centre location where residential uses are provided with limited or no open green space and a reasonable reduction in amenity space could therefore be considered. The Residential Design SPD states that communal amenity space will be expected on all flatted schemes. Communal amenity space should be designed to be private, attractive, functional and safe. The amenity space provision is considered, in principle, to meet these requirements. However, a detailed design of the amenity space would be requested per condition prior to the commencement of works in the event of approval being granted.

Other mixed used developments in the area, in particular the recent development at the former Lloyds No. 1 public house at 168 High Street, which involved 6 apartments, have been approved with less or no amenity space provision. It is therefore considered, in this case, that the provision would be acceptable within this town centre location. It is therefore considered that the limited amount of amenity space provided would not be so significant as to warrant grounds for refusal. Members may however wish to exercise their discretion with regards to the level and quality of amenity space provided.

The proposed block to the rear of the site is not considered to have a particularly high quality setting, being within an almost entirely hard surfaced environment, which is used as a parking and manoeuvring area. This could potentially give rise to an unacceptable degree of amenity for future occupiers of the proposed development and Members may consider this to comprise sufficient grounds for refusal. Staff have however had regard to the fact that the constraints of the site, including the retention of the frontage buildings and the consequent space remaining for parking provision, make it difficult to achieve a more spacious, softer setting for the development. This type of living environment is a consequence of denser forms of development and Members may agree it is not an unusual arrangement in a town centre environment and thereby not materially harmful to local character. The suitability of this arrangement for prospective residents would largely be a matter of individual choice.

Whilst staff consider a more spacious, landscaped layout would be preferable it must be weighed against the opportunity to create the density of development proposed within this town centre location and the parking and servicing demands of this mixed use development. On balance, staff consider the setting of the building to be acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

In terms of design, the proposed dentist surgery and residential uses above would be look similar to the existing structure, no impact would therefore result from a streetview perspective.

The new block of flats would be situated to the rear of the property and would only be obliquely visible in the streetscene as it would be screened by the existing buildings along High Street. The scale and siting of this building is judged to be in scale with the buildings in the surrounding area. The height would be only slightly higher than that of the structure to the front of the site and would maintain the character in the surrounding area in terms of massing. The new building would be set in from the flank and rear boundaries, maintaining a sufficient gap between neighbouring properties.

Although the scale of the building is considered to be acceptable, staff are however concerned

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regarding the overall design and visual impact of the block at the rear of the site, specifically with regard to the rear elevation of the proposed building. It is acknowledged that the design of the building has been amended to try to address staff's concerns in this respect. This has included revising the roof from a gabled to hipped design and simplifying the rear elevation. However, staff remain concerned that the building would have a bulky and top heavy appearance, especially given its width and lack of design features to provide relief to the rear elevation, such that it would appear overbearing and visually intrusive when viewed from the rear garden environment of dwellings to the north of the site.

Staff acknowledge that issues relating to the design and visual impact of the building are a matter of judgement and that Members may consider the proposal to be acceptable in this respect. However, staff consider in this case that the design and visual impact of the rear block is unacceptable and constitutes material grounds for refusal. If Members are inclined to approve the development it is considered that the report would need to be brought back before Members as a Chief Executive report given the requirement for a Section 106 agreement.

It is considered that the design, render and colouring proposed for the development would be acceptable. Details of materials to be used could be secured on the grant of any planning permission via condition. Furthermore, the refurbishment of the existing vacant dilapidated building and redevelopment would enhance the appearance and attractiveness of the site. However, this is not considered to overcome the concerns regarding the massing and design of the proposed rear building.

The internal arrangement of habitable space would further ensure no detrimental impact arises to the amenities of prospective occupiers in terms of disturbance, consistent with Policy DC61.

The waste generated by the proposed dental surgeries would be stored within an enclosed room inside the building designed to meet the requirements of such uses. A condition could be imposed on any grant of planning permission to ensure this element can accommodate the required volume of waste and is constructed to an acceptable design.

The location of refuse storage serving the residential units has changed since the last approval and would now be sited to the eastern side of the block of flats. This would now fall within the required 25m distance from the adjacent highway. No details of the management of refuse disposal have been submitted, although it is considered that a management plan could ensure that bags or wheelie bins could be taken to an area to the front on collection days. A condition is recommended to secure a Management Plan relating to the refuse disposal arrangements.

IMPACT ON AMENITY

The area surrounding and adjacent the site is predominantly commercial in nature including a church hall with residential properties opposite the site and further along the High Street. In terms of amenity issues, consideration must be given to the existing residential uses to the north of the site as well as the church to the west which would be most affected by the development. Given the commercial nature of the unit no. 29 High Street to the east, no significant impact is anticipated and the unit already experiences general prevalent day time operational noise.

The proposed flats to the upper floor of the existing building to the front of the site would not have an unacceptable impact on the neighbouring properties as the first floor windows would be serving a hallway and a landing. In order to prevent any direct overlooking from windows to the upper floor levels facing onto the adjacent properties, it is recommended by way of condition to secure obscure glazing of these windows. Furthermore, it is not considered that the windows to

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the rear would cause overlooking to the properties at the rear of the site in Fairkytes Avenue as any overlooking would be prevented by the construction of the block of flats to the rear of the subject site.

Although there would be limited impact to neighbouring amenity from the existing building to the front of the property, the proposed block of flats to the rear may result in some impact on neighbouring amenity to the residential properties to the rear and the church to the west. The block of flats contains first floor rear bedroom windows, which face north towards the rear boundary of houses in Fairkytes Avenue. The building is 6m from the shared boundary. Members may consider that this arrangement would lead to unacceptable overlooking of the neighbouring rear gardens. However, staff have had regard to the 25m plus back to back distance between the new block and the properties to the rear and the relatively limited size of the window openings and conclude, on balance, that no material harm through loss of privacy would occur.

Upper floor windows are also proposed to the flank elevations serving kitchens. However, given the non-residential uses of the properties to the west and east of the subject site, Staff do not consider these windows to result in an unacceptable impact in terms of overlooking. These are secondary windows to a kitchen/living room. Therefore, if Members consider it necessary, consideration could be given to an appropriate obscure glazing condition if permission were granted to ensure that no demonstrable harm would occur.

Staff do however recognise that the construction of the block of flats within 6m of the rear boundary would have an impact on the outlook of the residential properties to the rear of the application site. Staff consider that this impact is exacerbated by the bulk, design and massing of the proposed building, which would present an overbearing and intrusive rear elevation. Whilst staff accept this is a matter of judgement for Members, it is considered that the design and massing of the building and its relationship to the site boundary will result in an intrusive development, which is materially harmful to neighbouring residential amenity.

The development creates the potential for noise generation from the use of the communal open space and the car park, which could have an adverse impact on the amenity of neighbouring occupiers. The proposed vehicular access would however be sited at a sufficient distance from residential properties as well as the church. Although the surface car park would be set nearer to the residential properties at No's 6 and 8 Fairkytes Avenue, no adverse additional impact is expected over and above that already experienced from the Mecca Bingo car park area which adjoins the common boundary with no. 8.

It is considered that the noise levels within the car park resulting from vehicular movements and general disturbance (doors shutting, engines and talking) would not be unreasonable. The open space provided to the rear, the distance from residential properties and screening of the rear boundary would further ensure that no significant noise would be experienced by neighbours.

HIGHWAY/PARKING

In respect of car parking, the guidance contained in Policy DC33 advises that 1.5 to 1 car parking spaces should be provided to each unit in this location. Furthermore the proposed D1 use would require 1 parking space per practitioner plus 1 per 2 additional staff and 2 per consulting room. The D1 unit would accommodate 4 consulting rooms with 7 full time members of staff and 2 part time (a total of 9).

Based on the above a maximum of 25 car parking spaces should be provided. A total of 8 car

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parking spaces would be required for the residential element and 17 spaces to the commercial use. The proposed 9 car parking spaces could therefore only provide a third of the required maximum car parking spaces. Given the site's good PTAL (Public Transport Accessibility Level) of 3-4 and proximity to public car parks in the area, the level of parking is considered consistent with both national and local policy requirements.

In support of their application, the applicant states that 3 dentists and 3 hygienists using the practise will be working on a part time basis. The applicant also states that the surgery is an existing practise in the area that is re-locating to this site and that many of the patients and staff will be able to walk to the surgery. The applicant has submitted an appendix to their application from the local PCT indicating the dental practises in the area that have no, or little car parking. Furthermore, with regards to the car parking allocation, the applicant suggests that the dental surgery would be positioned in close proximity of a large public car park, which should reduce the need for car parking spaces for the surgery.

Parking is provided at one space per flat to the new block of flats to the rear with the remainder allocated to the staff of the commercial unit. The use of the dental surgery between normal trading hours with no weekend operation would leave the car park open solely to residents at weekends and evenings. The scheme further proposes two separate cycle storage areas for use by the residential and commercial units which is consistent with requirements for both residents and staff of the dental practise. This would promote green travel and reduce the need to travel by car.

The proposed new crossover and vehicular access off High Street would incorporate a passing area and 4 pedestrian safety bollards to the site forecourt. The proposed vehicular access point would provide adequate access to the site with sufficient visibility splays. Both the parking and access arrangement has been agreed with the Council's Highway officers.

The site layout as proposed does not provide adequate servicing by larger vehicles, in particular refuse lorries. It has however been agreed with the applicant to provide a loading bay which would form part of the highway regeneration aspirations for Hornchurch, which would be located on Hornchurch Road in front of the site. The financial obligation is secured by way of Section 106 Agreement. Any alterations with regards to the existing pedestrian footway should be submitted to ensure that sufficient space would be maintained for the unobstructed and free flow of pedestrian traffic whilst enabling the servicing of the site without obstructing the free and safe flow of vehicular traffic on High Street.

The proposed access and parking arrangements are not considered to significantly add to additional local traffic and would not cause adverse conditions to highway safety. The proposed layout and servicing of the site would ensure that no adverse effect is experienced by pedestrians or motorists and would be consistent with Policies DC32 and DC36.

The proposals would be consistent with Policies DC32, DC33 and DC36 subject to the satisfactory completion of a Section 106 Agreement and a Section 278 Agreement under the Highways Act, together with standard conditions.

OTHER ISSUES

Policy DC72 in the LDF requires planning obligations to be sought towards sustainable development where appropriate. Given the likely impact the proposals would have on the function of the town centre, it is recommended that a condition be imposed requiring improvements to the highway. The Applicant has agreed to contribute financially through a

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Section 106 Agreement towards the identified transport infrastructure improvements in the area.

A hard and soft landscaping condition could secure appropriate replacement planting to compensate for the removal of trees to the rear of the site and also to improve the residential setting within the central part of the site. The loss of the unpreserved trees to facilitate the development is considered to be acceptable.

Given the scale of development there would be no implications in terms of affordable housing or education contributions or any other obligations as expressed within Policy DC72.

KEY ISSUES/CONCLUSIONS

The proposed mixed use scheme is considered to be acceptable in principle. The impact of the frontage development is considered acceptable, as is amenity space provision within the site.

Whilst the overall scale of the development is considered acceptable, staff are concerned regarding the bulk, massing and design of the block to the rear. This is considered to be visually intrusive when viewed from residential properties to the rear of the site. The proposal is considered to be acceptable in terms of car parking subject to a Section 106 agreement for the provision of a loading bay. This cannot however be secured as the application is recommended for refusal. Staff therefore recommend that planning permission be refused.

RECOMMENDATION

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

1. REFUSAL - Non Standard

The proposal, by reason of the width, bulk, massing and design of the building to the rear of the site, would be a visually intrusive development and would appear as an overbearing addition from within the rear garden environment to the north of the site, and would be materially harmful to local character and neighbouring residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. REFUSAL - Non Standard

In the absence of any mechanism to secure a highways contribution towards the provision of a loading bay the proposal is considered to give rise to inadequate servicing facilities, which would give rise to obstruction of the highway, to the detriment of highway safety and the free flow of traffic and contrary to Policy DC36 of the LDF Core Strategy and Development Control Policies DPD.

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APPLICATION NO:	P0919.11	
WARD :	Harold Wood	Date Received: 16th June 2011
ADDRESS:	91 SHEPHERDS HILL ROMFORD	
PROPOSAL:	Single storey front, side and rear extensions, replacement doors and windows and associated external alterations, extract ducting, enclosed yard/bin store, reconfiguration of parking area and alterations to form a single point of access, hardstanding, landscaping and patio area.	
DRAWING NO(S):	2485.01.00 2485.02.00 2485.03.00 2485.04.00 2485.06.00 Ordnance Survey plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

It is recommended that planning permission be granted.

SITE DESCRIPTION

The Shepherd and Dog public house is situated to the north of Shepherds Hill. The application site is surrounded by residential properties to the east, south and west. The frontage to the public house is open with views across and into the premises, car park and garden. The site is within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is for single storey front, side and rear extensions, replacement doors and windows and associated external alterations, extract ducting, enclosed yard/bin store, reconfiguration of the parking area and alterations to form a single point of access, hardstanding, landscaping and patio area.

The single storey front and partial rear extensions includes the installation of sliding patio doors to enclose the three covered porches - two either side of the public house and one to the rear, to enlarge the internal trade area. There would be a glazed entrance lobby with a depth of 1.7 metres, a width of 2.1 metres and a height of 3.5 metres.

The single storey side extension adjacent to the western boundary would have a maximum depth of 3.2 metres, a width of 5.7 metres and a height of 3 metres. The space created would be utilised for new female toilets. The existing female toilets would be converted into a disabled W.C.

The single storey side extension adjacent to the eastern boundary would have a depth of 4 metres, a width of 5.6 metres and a height of 3 metres. The space created would be utilised for male toilets and a lobby.

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One single storey rear extension would have maximum and minimum depths of 3.6 and 2 metres, a width of 5.2 metres and a height of 3.4 metres. The space created would be utilised to enlarge the kitchen.

One single storey rear extension would have a depth of 2 metres, a width of 1.7 metres and a height of 2.8 metres, which would be used as a lobby.

The extraction ducting would have a depth of 0.5 metres and a width of 0.5 metres. The extract ducting would have a return with a width of 4.2 metres and a height of 4 metres.

The yard/bin store would be enclosed with a 1.8m high featherboard fence and gates.

The reconfiguration of the parking area involves the removal of the semi-circular grassed area adjacent to the southern boundary, which will be replaced with an area of hardstanding to create five additional car parking spaces. Furthermore, the proposal would form a single point of access. The landscaping scheme includes new planters with shrubs on the southern boundary.

The existing concrete patio area to the rear of the public house would be resurfaced.

RELEVANT HISTORY

A0026.09 1 No. externally illuminated sign and 1 No. non-illuminated post sign Part approved, part refused (respectively). The non-illuminated post sign was allowed on appeal.

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. 16 neighbouring occupiers were consulted and no letters of representation were received.

RELEVANT POLICIES

The Residential Extensions and Alterations Supplementary Planning Document is relevant. Relevant policies from the LDF Development Control Policies Development Plan Document are DC33 Car Parking, DC45 Green Belt, DC55 Noise and DC61 Urban Design. Consideration should also be given to the provisions of PPG2 (Green Belts). Policies 4.1 (Developing London's Economy) and 7.16 (Green Belts) of the London Plan July 2011 are relevant.

STAFF COMMENTS

The main issues in this case are the principle of development, the impact on the character and openness of the Metropolitan Green Belt, the impact on the streetscene and neighbouring amenity and any highway or parking issues.

PRINCIPLE OF DEVELOPMENT

Within the Green Belt national and local planning policy seeks to prevent urban sprawl by keeping land permanently open. Government guidance in respect of Green Belts contained within Planning Policy Guidance Note 2 (PPG2) advises that the most important attribute of Green Belts is their openness. PPG2 makes it clear that there is a general presumption against inappropriate development which is harmful to the Green Belt except in very special circumstances. PPG2 advises that development inside a Green Belt is inappropriate unless it is for specified purposes and provided that openness is preserved.

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The enlargement of a public house is not one of the specified purposes listed in PPG2 and as such this proposal is inappropriate in principle. PPG2 provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. Before appraising those very special circumstances, it is necessary to evaluate the impact of the proposal in all other respects.

GREEN BELT IMPLICATIONS

It is considered that the front, side and rear extensions would not result in material harm to the character and openness of the Green Belt, as they are single storey and of a relatively modest size. The public house is set back approximately 21 metres from Shepherds Hill and would be partly screened by trees and an existing hedge adjacent to the western boundary, which would help mitigate the visual impact of the extensions and the enclosed yard/bin store.

It is considered that replacing the semi-circular grassed area with hardstanding would not be materially harmful to the character and openness of the Green Belt, as it is a relatively small area in comparison with the existing hardstanding to the south and eastern side of the public house. Also, the landscaping would help to mitigate the visual impact of the hardstanding.

It is considered that resurfacing the existing concrete patio area to the rear of the public house would not adversely affect the character of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the proposal has been designed in sympathy with the existing public house and would not adversely affect the streetscene. It is Staff's view that the extensions are relatively modest and in proportion to the public house. In addition, the side and rear extensions would not be directly visible in the streetscene. The extract ducting and patio area would be located to the rear of the public house and would not be visible from the streetscene.

The public house is set back approximately 21 metres from Shepherds Hill and would be partly screened by trees and an existing hedge adjacent to the western boundary, which would help mitigate the visual impact of the extensions and the enclosed yard/bin store.

It is considered that the reconfiguration of the parking area and alterations to form a single point of access with hardstanding would integrate well with the public house and the streetscene. A landscaping condition will be placed if minded to grant planning permission.

IMPACT ON AMENITY

Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

Although the extract ducting would be visible in the rear garden environment, it is considered that it would not appear unduly prominent or harmful to the visual amenity of adjacent occupiers, as there is a separation distance of approximately 15 metres between the eastern flank wall of No. 89 Shepherds Hill and the western flank of the public house. Also, there is a separation distance of approximately 13 metres (which decreases to 10 metres towards the rear) between the eastern flank wall of the public house and the western boundary of No. 93 Shepherds Hill.

It is considered that smell nuisance would not be unacceptable, as control over filtration

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equipment can be achieved by condition. Consequently, no material harm to amenity is considered to result and the proposal is compliant with Policy DC61 and with relevant conditions will comply with Policy DC55 of the LDF Development Plan Document.

It is considered that the remaining aspects of the proposal would not result in a significant loss of neighbouring amenity, as there is a separation distance of approximately 15 metres between the eastern flank wall of No. 89 Shepherds Hill and the western flank of the public house. Also, there is a separation distance of approximately 13 metres (which decreases to 10 metres towards the rear) between the eastern flank wall of the public house and the western boundary of No. 93 Shepherds Hill. It is considered that the proposal would not create any additional overlooking over and above existing conditions. It is Staff's view that five additional parking spaces would not create a significant degree of additional noise, fumes or disturbance over and above existing conditions.

HIGHWAY/PARKING

The Highway Authority has no objection to the proposal. During a telephone conversation on 12th August 2011, the agent confirmed that the proposal would not involve any alterations to the public highway. It is considered that the proposal would not create any highway or parking issues. It is considered that the proposed bin store/yard would provide an accessible and convenient means of storing and collecting refuse.

OTHER ISSUES

VERY SPECIAL CIRCUMSTANCES

The agent has submitted a case for very special circumstances. This public house has been neglected over its recent history and has not been able to compete in today's market, mainly due to the outdated facilities and food offered. The applicant intends to invest heavily in the site to create a traditional public house with an excellent beer, wine and food menu and comfortable surroundings. This will include high specification toilet accommodation and a new catering kitchen to cope with busy trade at peak times. There is also the inclusion of a new entrance lobby, replacement windows and doors. These works will be carried out along with the repair and redecoration of the premises. Also, a reconfiguration of the car parking is to be undertaken in conjunction with general improvements to the site.

The number of toilets required has been calculated using British Standard 6465 Part 1. A new wheelchair accessible W.C. will be provided. The current toilet facilities fall short of current health and safety standards. The applicant has designed the new catering kitchen to cope with the peak trading session and will install equipment that will be sufficient to deliver the menu. The kitchen accommodation is considered to be conservative in size to accommodate food preparation areas, dry goods storage, chilled and frozen goods storage and washing up facilities.

The available space for customer car parking has been reconfigured inclusive of a single vehicular access to maximum use of the site. This provides 42 car parking spaces for customers.

The new extensions and alterations to the public house have been designed to make the best possible use of the existing building, whilst providing additional space for much needed facilities and an improved internal layout. The sustainability of the business is an important factor in the current economy. The proposal should reinstate this traditional pub, so it functions to high standards for the local community. In light of the Ministerial Statement - Planning for Growth, it is

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considered that the proposal would provide long term economic benefits including business productivity. It is Staff's view that these very special circumstances justify the inappropriate development proposed, although this is a matter of judgement for members.

TREES

The oak tree located at the end of the rear garden of the public house has a Tree Preservation Order (7-75). The Council's tree officer has viewed the plans and considered that the oak tree should not be affected by the proposal. A condition will be placed to ensure that no construction or site materials or associated equipment are stored within the Root Protection Area of the oak tree adjacent to the northern boundary of the application site if minded to grant planning permission.

KEY ISSUES/CONCLUSIONS

The single storey front, side and rear extensions, replacement doors and windows and associated external alterations, extract ducting, enclosed yard/bin store, reconfiguration of the parking area and alterations to form a single point of access, hardstanding, landscaping and patio area constitutes inappropriate development in the Metropolitan Green Belt. It is considered that the harm to the open nature of the Metropolitan Green Belt by inappropriateness is outweighed by the above considerations together with the very special circumstances put forward by the agent. It is not considered that referral to the Secretary of State is necessary in this case. It is therefore recommended that permission be granted.

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. S SC48 (Balcony condition)
5. M SC11 (Landscaping)

6. Non standard condition

The single storey front, side and rear extensions hereby permitted 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 recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

7. Non standard condition

Before any works commence a scheme for any new plant or machinery shall be

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submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

8. Non standard condition

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

Reason:

To protect the amenity of occupiers of nearby premises.

9. Non standard condition

Before the works hereby permitted are commenced, a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented within three months of the date of this decision. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:

To protect the amenity of occupiers of nearby premises.

10. Non standard condition

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

Reason:-

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

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11. Non standard condition
The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

12. Non standard condition
No construction or site materials or associated equipment are to be stored within the Root Protection Area of the oak tree adjacent to the northern boundary of the application site.

Reason:

To protect the tree on the site subject to a Tree Preservation Order (TPO 7-75).

2 **INFORMATIVES:**

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC45, DC55, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

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

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.