



## REGULATORY SERVICES COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 17 November 2011</b>	<b>Havering Town Hall, Main Road, Romford</b>
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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:  
Richard Cursons (01708 432430)  
E-mail: [richard.cursons@havering.gov.uk](mailto:richard.cursons@havering.gov.uk)**

## **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 - 14)**

To approve as a correct record the minutes of the meeting of the Committee held on 4 October 2011 and to authorise the Chairman to sign them.

### **5 P1413.11 - COPSEY, 178 CROW LANE, ROMFORD (Pages 15 - 26)**

### **6 P1414.11 - COPSEY, 178 CROW LANE, ROMFORD (Pages 27 - 38)**

- 7     **P1493.11 - GARAGE COURT ADJACENT 102 HARROW CRESECENT, ROMFORD** (Pages 39 - 52)
  
- 8     **P0769.11 - RAPHAEL'S PARK AND LODGE FARM, MAIN ROAD, ROMFORD** (Pages 53 - 72)
  
- 9     **P0336.11 - GRAVEL PIT COPPICE, BENSKINS LANE** (Pages 73 - 82)
  
- 10    **P0406.08 - HARROW LODGE, HYLAND WAY, HORNCHURCH** (Pages 83 - 88)  
Variation of Legal agreement
  
- 11    **P1419.11 - CHAFFORD SCHOOL, LAMBS LANE SOUTH** (Pages 89 - 94)
  
- 12    **P1499.11 - 13 FARNHAM ROAD, HAROLD HILL** (Pages 95 - 100)
  
- 13    **P1517.11 - LAND REAR OF 55-57 AMERSHAM ROAD** (Pages 101 - 116)
  
- 14    **P1502.11 LAND REAR OF 121-127 AMERSHAM ROAD** (Pages 117 - 130)
  
- 15    **P0954.11 - FORMER EDWIN LAMBERT SCHOOL** (Pages 131 - 154)
  
- 16    **P1448.11 - 36 HIGH STREET, ROMFORD** (Pages 155 - 160)
  
- 17    **P1334.11 - 142 SOUTH STREET** (Pages 161 - 170)
  
- 18    **P1495.11 - 77-79 BUTTS GREEN ROAD** (Pages 171 - 188)
  
- 19    **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 189 - 216)  
Applications outside statutory period
  
- 20    **ALLEGED BREACH OF PLANNING CONTROL AT CRANHAM HALL FARM, THE CHASE, UPMINSTER** (Pages 217 - 224)

**Ian Buckmaster  
Committee Administration and  
Member Support Manager**



# Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
4 October 2011 (7.30 pm - 0.20 am)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Sandra Binion, Jeffrey Brace, Frederick Osborne, Garry Pain and Billy Taylor and + Billy Taylor

**Residents' Group** Linda Hawthorn and Ron Ower

**Labour Group** Paul McGeary

**Independent Residents Group** +Michael Deon Burton

Apologies were received for the absence of Councillors Robby Misir and Mark Logan.

+ Substitute members Councillor Billy Taylor (for Robby Misir) Councillor Michael Deon Burton (for Mark Logan)

Councillors Lesley Kelly, Steven Kelly, Brian Eagling and Denis Breading were also present for parts of the meeting.

Approximately 120 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.

## 105 **DECLARATION OF INTERESTS**

The Committee's Legal Adviser reminded members that if a member had a pre-determined view on a particular planning application then it would be prudent for the member not to take part in the debate or the voting of that particular application and that he/she should leave the Chamber.

## 106 **MINUTES**

The minutes of the meeting of the Committee held on 8 September 2011 were agreed as a correct record and signed by the Chairman.

107 **P1294.11 - GARAGE COURT ADJACENT TO 102 HARROW CRESCENT, ROMFORD**

Members were advised that the application had been fully withdrawn prior to the meeting.

108 **P1067.11 - WILL PERRIN COURT, GUYSFIELD DRIVE, RAINHAM - CONVERSION OF WILL PERRIN COURT FROM SHELTERED HOUSING INTO A HOSTEL.**

The report before members detailed an application seeking permission to convert the existing vacant Will Perrin Court which was formerly used for Sheltered Housing for the elderly, into a Hostel for homeless people. The proposal would provide temporary supported accommodation for single people or families requiring accommodation in an emergency whilst permanent solutions were being sought.

The proposal involved general internal refurbishment works in order that all units had their own shower room, creating 2 fully accessible units and conversion of the existing warden's flat into additional studios. It was reported that overall there would be an increase in the number of units from 39 to 46, consisting of 12 one-bed flats, 32 studio flats, 2 wheelchair accessible flats, a staff room and training room area. The footprint of the building would remain the same.

It was noted that the existing car park to the front of the site would be enlarged to allow additional parking and also to provide accessible spaces and an additional service / van parking space.

Revised drawings had been received with the following changes:

- 1) Addition of gates to the rear car parking area which would also have some fencing attached
- 2) Additional notes about raising the height of the fencing to 2.0m, the majority of the rear of the site already having fencing this high.
- 3) Changing the pram stores to be general stores
- 4) Adding secure Bike parking
- 5) Adding a children's play area in the courtyard
- 6) Providing fencing around the courtyard area
- 7) Adding notes for the door types and windows types.
- 8) Providing an additional door to access the two rear most flats from the corridor to provide a more straight forward route.

It was noted that 138 letters of representation had been received. Amongst the objection letters was a letter from the Residents' Committee with an attached petition signed by 1000 people, to which a further 215 signatures had been added subsequently (total 1215). It was noted that the covering letter had stated that 1472 people had signed the petition.

A representation had been received by a Ward Councillor who objected to the proposals on the following grounds:

- increase in traffic
- additional noise
- the use is inappropriate in this location
- antisocial behaviour
- disturbance

The Ward Councillor also submitted 222 pro-forma letters.

On behalf of the Police, the Borough Crime Prevention Design Advisor had raised concerns regarding the fear of crime, lack of parking provision which could result in on-street car crime and crime prevention concerns with the design of the building.

Staff commented that the main issues in this case were the principle of the development, the effect of the development upon the character of the street scene, the impact upon the amenities of existing adjoining residential occupiers, amenity space and car parking provision for the existing and proposed occupiers and highways considerations.

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

Members were advised that a letter had been received from Ward Councillor Rebecca Bennett, which highlighted residents' concerns regarding the possibility of a hostel opening in their local neighbourhood.

With its agreement, Ward Councillor Denis Breading and Councillors Jeffrey Tucker and David Durant addressed the Committee.

Councillor Breading remarked that local ward Councillors had not been consulted on the proposal before its consideration by Cabinet earlier in the year. In his view, the proposal was ill thought out and had not taken into account the views and concerns of local residents. Councillor Breading also referred to the proposed rubbish store which was located to the front of the building and which would be an eyesore to neighbouring residents. He urged the Committee to refuse planning permission

Councillor Tucker commented that there was strong opposition to the scheme from local residents as evidenced by the number of letters he had received. Councillor Tucker requested that the Committee reject the scheme owing to the public opposition.

Councillor Durant's remarks centred around his criticism of the Council's policy of having one large hostel in the borough. He suggested that it would be more appropriate for the Council to retain a number of small hostels throughout the borough rather than depend on one large one to which local residents were vehemently opposed. Councillor Durant asked that the Committee reject the scheme owing to the number of residents who were opposed to the scheme.

During the ensuing debate:

- in response to a question regarding the size of the individual rooms, officers confirmed that the rooms would be suitable for individuals and not families.
- Officers also confirmed that the studio flats would have a separate kitchen area contained within them.
- In reply to a question, officers confirmed that the Council's Crime Prevention Officer had made no further comment regarding the scheme in addition to their response in consultation.
- A member made reference to a comment in the report from the Highways Authority who objected to the scheme due to a lack of proposed parking provision. The member commented that in the Highway Authority's view, this was a reason to refuse planning permission.
- In reply to a question, officers confirmed that there was no link between the proposed hostel and the local medical centre.
- In reply to a question regarding the size of the proposed hostel, officers confirmed that Diana Princess of Wales Hostel, in Harold Hill, was the nearest comparable hostel in the borough. However this only had twenty one rooms whereas the proposed hostel planned for forty six rooms.

A discussion took place regarding the low ranked public transport accessibility in the area. Some members felt that this, coupled with a lack of parking provision offered in the application, would lead to problems of dispersed parking in the area.

Mention was also made of the fact that the proposed scheme allowed for the inclusion of studio flats which was in breach of the Council's planning condition DC4. Officers replied that planning condition DC4 was not aimed at specialist accommodation and in this instance, it was important for members to note that the proposal, although providing studio flats, was not residential accommodation in the usual sense of housing long-term occupiers.

A motion was proposed that planning permission be refused on the following grounds:



- Overspill car parking causing congestion and conflict with other users
- Perception of fear of crime and anti-social and nuisance behaviour causing adverse impact on amenity of the area
- Inadequate infrastructure

The vote for the motion to refuse planning permission was defeated by 7 votes to 3. Councillors Ower, Hawthorn and McGeary voted for the motion. Councillor Deon Burton did not vote.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following conditions:

- Amend Condition 4 to require full details of commercial waste storage and collection arrangements including control of morning collection hours which shall respect residential amenity.
- A condition requiring means of enclosure within the site grounds so that pedestrian access for residents and the public to the premises is restricted to the area in front of the main reception entrance, with access prevented through and along the building flanks.
- A condition restricting play area use to 8am to 8pm daily.
- Add informative requesting applicant to review and address as necessary the adequacy of street lighting on the approaches to the site within Guysfield Drive.

The vote for the resolution to grant planning condition was carried by 7 votes to 3. Councillors Ower, Hawthorn and McGeary voted against the proposal. Councillor Deon Burton did not vote.

At this point in the meeting, there was a brief adjournment to enable Police to remove members of the public who voiced their displeasure at the decision to grant planning permission.

109 **P1351.11 - DAME TIPPING SCHOOL, NORTH ROAD, HAVERING-ATTE-BOWER - ERECTION OF A 3M HIGH GREEN MESH FENCE TO PROVIDE SECURE PLAY AREA ON FIELD TO THE REAR OF SCHOOL INCLUDING A HARD SURFACED PLAY AREA**

The Committee considered the report and without debate, **RESOLVED** to delegate to the Head of Development and Building Control authority to grant planning permission subject to the conditions as set out in the report.

110 **STOPPING UP OF HIGHWAY AT LAND ADJACENT TO 49-59 TURPIN AVENUE, ROMFORD**

The Committee considered the report and without debate, **RESOLVED** that Subject to the developer paying the Council's reasonable charges in

respect of the making, advertising, confirmation of the stopping up order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

1. The Council made a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway as the land was required to enable development for which the Council had granted planning permission granted under planning reference P0302.11 to be carried out.
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 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 could 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.

111 **P0538.11 - LAND TO THE NORTH OF RAINHAM STATION BOUNDED BY FERRY LANE AND WENNINGTON ROAD - DEED OF VARIATION TO ALTER THE OBLIGATIONS IN A SECTION 52 AGREEMENT (PLANNING AGREEMENT) UNDER THE TOWN AND COUNTRY PLANNING ACT 1971 RELATING TO THE PROVISION OF PUBLIC CAR PARKING SPACES IN A SEPARATE CAR PARK FOR USE BY THE GENERAL PUBLIC AND SUBSTITUTING A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO REQUIRE ALTERNATIVE PARKING RESERVED FOR USE BY THE GENERAL PUB**

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted under Section 73 of the Town and Country Planning Act 1990 (as amended) under planning reference P0538.11 with condition 5 of planning permission granted under planning permission reference U0018.09 (annexed) being deleted and this application granted subject to the conditions as set out in the report.

112 **M0010.11 - JUNCTION OF FARINGDON AVENUE & DEWSBURY ROAD, HAROLD HILL - INSTALLATION OF TELECOMMUNICATIONS POLE WITH ASSOCIATED ANTENNAS, 1 GROUND BASED EQUIPMENT CABINET, 1 ELECTRICAL METER CABINET AND ANCILLARY DEVELOPMENT**

The report before members detailed an application for prior approval for the installation of a telecommunications pole with associated antennas, 1 ground based equipment cabinet, 1 electrical meter cabinet and ancillary development.

It was noted that 1 letter of representation had been received.

The application had been called in for consideration by the Committee by Councillor Eagling on the grounds that the proposal would be visually intrusive.

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

With its agreement Councillors Brian Eagling and Keith Wells addressed the Committee.

Councillor Eagling remarked that the mast would have a detrimental impact on neighbouring properties and that trees in the area would not mask the mast.

Councillor Wells commented that there were plenty of industrial sites situated in Faringdon Avenue that could have been used to site the mast without having a detrimental impact on residential properties.

During the debate, members discussed matters relating to the visual impact of the proposal, particularly in relation to its impact on neighbouring properties and its effect on the character of the street-scene.

In reply to a question, officers confirmed that eleven alternative sites had been investigated for siting of the mast.

A motion was proposed that prior approval be refused on the grounds that the mast would, by reason of its design be obtrusive and its appearance harmful to the open green junction setting characteristic of the area and that the mast and equipment would contribute to unacceptable street furniture clutter.

The vote was carried by 8 votes to 2 with 1 abstention. Councillors Oddy and Osborne voted against the proposal. Councillor Tebbutt abstained from voting.

It was **RESOLVED** that prior approval be refused on the grounds that the mast would, by reason of its design be obtrusive and its appearance harmful to the open green junction setting characteristic of the area and that the mast and equipment would contribute to unacceptable street furniture clutter.

The vote for the resolution to refuse prior approval was passed by 8 votes to 1 with 2 abstentions. Councillor Oddy voted against the proposal. Councillors Tebbutt and Brace abstained from voting.

113 **P1232.11 - 1 ST MARY'S LANE, UPMINSTER - REVISION OF APPROVED PLANNING PERMISSION (P0040.11) FOR DEVELOPMENT OF 2-STOREY BUILDING INCORPORATING 8 FLATS. ASSOCIATED HARD AND SOFT LANDSCAPING, PARKING AND WIDENING OF VEHICULAR ACCESS.**

The report before members detailed an application that sought planning permission for the construction of a 2-storey building to accommodate 8 flats, associated parking and landscaping.

The application was reported to the Regulatory Services Committee on 24 February 2011 with a recommendation for approval. Members agreed with the Officer recommendation and granted permission.

The application was a resubmission of the previous approval as construction works had not been carried out in complete accordance with the approved drawings. The applicant confirmed that during construction of the approved development, an old "gasometer" dating back to the early 1900s and its surrounding ring beam had been encountered. As a result of this, the footing had had to be altered in order to create a solid foundation and the resulting pinch point of the building was 800mm closer to the eastern boundary than what was approved previously.

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

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

There was some concern from members that if planning permission was agreed it would set a precedent for people to build properties not in accordance with previously agreed plans.

During discussions the possibility of mediation between the applicant and the objector was mentioned as a possible solution to the issue of overlooking which was of concern to members.

A motion was proposed that the application be deferred to enable the applicant the opportunity to address overlooking concerns arising from the building's position being closer to his neighbour's boundary.

It was **RESOLVED** that the application be deferred to enable the applicant the opportunity to address overlooking concerns arising from the building's position being closer to his neighbour's boundary.

The vote was 9 votes to 2. Councillors Oddy and Tebbutt voted against the resolution.

114 **P1293.11 - GARAGE COURT TO THE REAR OF 23 KEATS AVENUE, ROMFORD - DEMOLITION OF EXISTING 11 GARAGES AND THE ERECTION OF 1 DWELLING WITH ASSOCIATED PARKING**

The application before members related to a Council owned garage court. The application proposed the demolition of the existing 11 garages and the erection of 1 dwelling with associated parking.

Members noted that there were two late letters of representation that raised concerns over possible refuse collection arrangements.

In accordance with the public participation arrangements the Committee was addressed by an objector, without a response by the applicant.

With its agreement, Councillors Keith Darvill and Denis O'Flynn addressed the Committee.

Councillor Darvill made reference to potential problems with access to the proposed dwelling by emergency vehicles. Mention was made of several other garage site schemes that had recently been granted planning permission; he suggested that it would be more appropriate for the Committee to consider the garage schemes as a whole when making a decision as there could be a potential problem with parking overspill due to the resulting lack of garages in the area. He urged the Committee to refuse planning permission on the grounds of possible overlooking to the gardens of neighbouring properties.

Councillor O'Flynn's comments focused on the possible overlooking that would be experienced by both existing residents and the residents of the proposed dwelling. He also commented that existing residents who had built garages in their rear gardens would be unable to access them if the scheme was to proceed.

During the debate mention was made of the fact that this particular garage site did have a 50% occupancy unlike other sites where occupation was lower.

A motion was proposed that planning permission be refused on the grounds of overlooking and insufficient parking provision but that motion was lost for by 3 votes to 8 with Councillors McGeary, Ower and Deon Burton voting for the motion to refuse planning permission.

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

The vote for the resolution was carried by 8 votes to 3. Councillors McGeary, Ower and Deon Burton voted against the resolution.

115 **P1280.11 - GARAGE COURT OFF WORDSWORTH CLOSE, ROMFORD - ERECTION OF 1 NEW DWELLING WITH ASSOCIATED CAR PARKING**

The report before members detailed an application that related to a Council owned garage court. The application proposed the erection of 1 dwelling with associated parking.

Members were advised that five letters of objection had been received.

In accordance with the public participation arrangements the Committee was addressed by an objector, without a response by the applicant.

With its agreement, Councillors Keith Darvill and Denis O'Flynn addressed the Committee.

Councillor Darvill remarked that he had concerns regarding emergency access to the site and also that there was a possible conflict between traffic movements and pedestrians using the public footpath. Councillor Darvill asked that the Committee consider refusing planning permission on these grounds.

Councillor O'Flynn advised that the area had previously had a barrier erected to prevent fly tipping in the area and to protect children from traffic movements. Councillor O'Flynn asked that the Committee rejected the scheme.

During the debate members discussed matters concerning refuse collection arrangements and lighting provision for the proposed access.

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

The vote was 5 votes to 3 with 3 abstentions. Councillors McGeary, Ower and Deon Burton voted against the resolution to grant planning permission. Councillors Hawthorn, Pain and Tebbutt abstained from voting.

116 **P1281.11 - GARAGE COURT TO THE REAR OF 15 SMART CLOSE, ROMFORD - DEMOLITION OF EXISTING 19 GARAGES AND THE ERECTION OF 2 DWELLINGS WITH ASSOCIATED PARKING**

The report before members detailed an application that related to a Council owned garage court. The application proposed the demolition of 19 garages and the erection of 2 dwellings with associated parking.

Members were advised that seven letters of objection had been received.

In accordance with the public participation arrangements the Committee was addressed by an objector, without a response by the applicant.

With its agreement, Councillors Keith Darvill and Denis O'Flynn addressed the Committee.

Councillor Darvill commented that emergency vehicles would have trouble accessing the site and also expressed concern at the possibility of parking displacement.

Councillor Darvill also commented that overlooking would be a problem for residents living in Harrow Crescent.

Councillor O'Flynn advised that the road was very narrow for access by emergency vehicles and commented that local residents had maintained the area for many years keeping it rubbish free.

A motion was proposed that planning permission be refused on the grounds of overlooking to the detriment of neighbouring amenity; the cul de sac location leading to displaced parking and parking in the road which would lead to problems for emergency vehicles accessing the site.

The vote for the motion to refuse planning permission was lost by 2 votes to 9 votes. Councillors McGeary and Deon Burton voted for the motion.

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

The vote was 9 votes to 2 Councillors McGeary and Deon Burton voted against the resolution to grant planning permission.

117 **P1282.11 - GARAGE COURT TO THE REAR OF 51 KEATS AVENUE,,  
ROMFORD - ERECTION OF 1 DWELLING WITH ASSOCIATED  
PARKING**

The report before members detailed an application that related to a Council owned garage court. The application proposed the erection of 1 dwelling with associated parking.

Members were advised that seven letters of objection had been received.

In accordance with the public participation arrangements the Committee was addressed by an objector, without a response by the applicant.

During the debate it emerged that there was a possible right of way issue relating to the site.

With its agreement, Councillor Darvill addressed the Committee.



Councillor Darvill queried if the possible right of way issues regarding access to the land had been fully investigated.

A motion to defer was proposed to enable officers to investigate whether the land was subject to a right of way status.

It was **RESOLVED** to defer planning permission to allow officers to investigate a possible right of way status to the land

The vote for the motion was carried by 9 votes to 2. Councillors McGeary and Deon Burton voted against the resolution.

- 118 **P1246.11 - THE THATCHED HOUSE, UPMINSTER ROAD SOUTH, RAINHAM - REVISION OF APPROVED PLANNING PERMISSION (P0040.11) FOR DEVELOPMENT OF 2-STOREY BUILDING INCORPORATING 8 FLATS. ASSOCIATED HARD AND SOFT LANDSCAPING, PARKING AND WIDENING OF VEHICULAR ACCESS.**

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

- 119 **LAND BETWEEN VIKING WAY AND UPMINSTER ROAD SOUTH, RAINHAM (P1070.11)**

The Committee considered the report and without debate, **RESOLVED** That the Assistant Chief Executive of Legal and Democratic Services be authorised to:

1. Enter into a Deed of Variation pursuant to section 106A of the Town and Country Planning Act 1990 ("the 1990 Act") to amend the obligations of a section 52 Agreement entered into by the Applicant (Tesco Stores Limited) and the Council on 11<sup>th</sup> January 1989, deleting clause 3(c) of the said Section 52 Agreement and substituting an obligation under Section 106 of the 1990 Act requiring the Applicant to reserve the car park to be constructed pursuant to planning permission reference P1070.11 comprising 32 car parking spaces for general public use and to maintain appropriate access and exit for the public to facilitate public use of the car park; and
2. Save for consequential amendments to the Section 52 Agreement dated 11<sup>th</sup> January 1989 all other covenants and recitals of that agreement remain unchanged.

- 120 **SUSPENSION OF STANDING ORDERS**



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

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**Chairman**

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# REGULATORY SERVICES COMMITTEE

# REPORT

17 November 2011

**Subject Heading:**

P1413.11 – 178 Crow Lane canopy  
(received 22 September 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**

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of out residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## 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. In accordance with the requirements of the Constitution the Monitoring Officer has reviewed the processing of the application to ensure that it has been processed following standard procedure.

## 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 a resubmission following a recent withdrawal and 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 applicant, required for Health and Safety reasons. This forms the case for very special circumstances.
- 2.3 The only difference between this scheme and the withdrawn scheme is that the applicant is offering to have none of his existing container business containers within an area marked "B" which is basically to the main road frontage and within the area marked "A" (which covers the remainder of the applicant's site) the applicant is offering to limit the number of containers stacked on top of each other to a maximum of 5 containers. This also forms part of the special circumstances case put forward by the applicant. He indicates that he would be willing to enter into a S106 legal agreement such that he would agree to be tied to this arrangement for his existing container business if he is granted planning permission for the canopy and the steel clad building (subject of a separate planning permission P1414.11) proposed.

## **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

P1803.10 – steel clad building - withdrawn

P1804.10 – canopy - withdrawn

#### **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 previously 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) have previously 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 dismissed 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 25<sup>th</sup> 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 and from views from the public highway to the west of the existing frontage building. In addition as containers cover much of the remainder of the site and are stacked at least 4 high in rows close to the canopy to its north and west with other existing buildings to the east of the application site, this new structure is not particularly visible from longer distance views.
- 5.15 Containers are 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 very visible from Crow Lane. This is partly because the canopy 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 significant 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 *A Section 106 agreement would be entered into to prevent the provision of containers to the frontage area and limit their provision across the remainder of the site*

Staff comments:

- At the time of the site visit there were no containers stored to the area in front of the former dwelling, now office building. While it is considered appropriate for there not to be containers to the front of this building the use pre-dates the planning system and any use must currently accord with the Certificate of Lawful Development. It is therefore not considered that the applicant deciding not to use this area for container storage would bring about any specific environmental improvement.
- The offer to restrict container stacking to a maximum of 4 which are likely (at 2.5m high each) be a minimum of 10m high would similarly not bring about any specific or significant environmental improvement.
- Both items on offer could be effected at any time by the applicant and Staff do not consider that they are specifically related to offsetting the impact of the proposed canopy and steel-clad buildings.

5.32 *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.*

5.33 *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 and proposed S106 restrictions to the existing use do not constitute the very special circumstances 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.

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# REGULATORY SERVICES COMMITTEE

# REPORT

17 November 2011

<b>Subject Heading:</b>	P1414.11 – 178 Crow Lane - steel clad building (received 22 September 2011)
<b>Report Author and contact details:</b>	Helen Oakerbee Planning Control Manager (Applications) helen.oakerbee@havering.gov.uk 01708 432800
<b>Policy context:</b>	Local Development Framework The London Plan National Planning Policy Statements/ Guidance
<b>Financial summary:</b>	None

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of out residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

**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. In accordance with the requirements of the Constitution the Monitoring Officer has reviewed the processing of the application to ensure that it has been processed following standard procedure.

## 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 a resubmission following withdrawal earlier this year and 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
- 2.4 The only difference between this scheme and the withdrawn scheme is that the applicant is offering to have none of his existing container business containers within an area marked "B" which is basically to the main road frontage and within the area marked "A" (which covers the remainder of the applicant's site) the applicant is offering to limit the number of containers stacked on top of each other to a maximum of 5 containers. This also forms part of the special circumstances case put forward by the applicant. He indicates that he would be willing to enter into a S106 legal agreement such that he would agree to be tied to this arrangement for his existing container business if he is granted planning permission for the steel clad building and a canopy (subject of a separate planning permission P1413.11) proposed.

### **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:

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- 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
- P1803.10 – steel clad building - withdrawn
- P1804.10 – canopy - withdrawn

### **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 previously 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 previously 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 25<sup>th</sup> 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 steel-clad building 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 new area within the application site 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 very 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 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 no where 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 Section 106 agreement would be entered into to prevent the provision of containers to the frontage area and limit their provision across the remainder of the site*

Staff comments:

- At the time of the site visit there were no containers stored to the area in front of the former dwelling, now office building. While it is considered appropriate for there not to be containers to the front of this building the use pre-dates the planning system and any use must

currently accord with the Certificate of Lawful Development. It is therefore not considered that the applicant deciding not to use this area for container storage would bring about any specific environmental improvement.

- The offer to restrict container stacking to a maximum of 5 which are likely (at 2.5m high each) be a minimum of 12.5m high would similarly not bring about any specific or significant environmental improvement.
- Both items on offer could be effected at any time by the applicant and Staff do not consider that they are specifically related to offsetting the impact of the proposed canopy and steel-clad buildings.

5.31 In the light of the previous appeal decisions and that the case put forward by the applicant closely follows 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.

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 judgement 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.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2011

**Subject Heading:**

**P1493.11 – Garage court adjacent 102  
Harrow Crescent, Romford**

**Demolition of existing 7 garages and  
the erection of 1 No. bungalow with  
associated parking**

**(Application received 5<sup>th</sup> October 2011)**

**Report Author and contact details:**

**Helen Oakerbee, 01708 432800  
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**

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

**SUMMARY**

This application relates to a Council owned garage court. The application proposes the demolition of the existing 7 garages and the erection of 1 No. bungalow with associated parking and amenity.

The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

4) Materials: The materials used in the construction of the development hereby permitted shall be Hanson Clumber Red Brick for walls and Marley Eternit Modern

Interlocking Tile (Old English Dark Red) for roof tiles in accordance with the details supplied on Drawing No. 8430-008-1001 (received 5<sup>th</sup> October 2011), unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason:

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

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 Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on 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.

7) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. cycle storage spaces in accordance with the approved plans (Drawing Nr. 8430-008-1000, received 5<sup>th</sup> October 2011) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

8) 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 Development Control Policies Development Plan Document Policy DC61.

9) Construction Methodology Statement: 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.

10) Highways Licence Agreement: 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 and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

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

Reason:

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

12) Noise insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne 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" 1994.

13) Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling 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 LDF Development Control Policies Development Plan Document Policy DC61

14) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

## **INFORMATIVES**

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33 and DC61 of the LDF Development Control Policies Development Plan 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 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. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
6. In aiming to satisfy Condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).



## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is a garage court to the northern side of Harrow Crescent and to the rear of No. 102 Harrow Crescent to the south and Nos. 41 and 43 Coleridge Road to the north. The site is covered in hardstanding and comprise 7 garages. The site area measures 505sq.m. Site levels are generally level. Access to the site is from Harrow Crescent.
- 1.2 The surrounding area has no characteristic built style with properties to the east of the site bungalows and properties towards the west 2-storey dwellings. The surrounding houses are mainly designed with mansard roofs whilst bungalows are constructed from a mix of materials, including render, buff and red brick with brown roof tiles.

### 2. Description of Proposal

- 2.1 The application seeks permission to demolish the existing 7 x No. garages on the site and erect 1 No. detached bungalow.
- 2.2 The proposed bungalow would measure 9.6m in width with a maximum depth of 14.8m, reducing to 10.8m. The bungalow would have a pitched roof with hipped ends at a height of 5.5m to the top of the ridge and 2.3m to the eaves. The bungalow would be set away from its southern boundary by 4.2m, it would be 2.9m from the eastern boundary and 6m from the western boundary.
- 2.3 The bungalow would have a w.c., kitchen / dining area, living room, 4 bedrooms and a bathroom. It would have a north-south orientation with windows and doors generally arranged to the front (south) and rear (north). There would be flank wall windows in both side elevations.
- 2.4 The proposal would retain the existing access to the site measuring approximately 3.7m in width. There would be the addition of a verge to the side of the access road which is an additional 2.1m in width.
- 2.5 There would be a bin collection point 6.5m from the site entrance and 26m from the front of the proposed bungalow. The bin collection area indicates space for 2 bins.
- 2.6 Towards the front of the bungalow would be parking space for 2 cars with associated soft landscaping.
- 2.7 Amenity space would mainly be towards the west and south of the bungalow. The amenity area would measure 133sq.m.

2.8 Towards the rear of the bungalow would be an area for refuse storage and a shed which can be used for cycle storage.

### **3. Relevant History**

3.1 No relevant history.

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

4.1 Notification letters were sent to 19 neighbouring properties with one letter of representation received, raising concerns with regards to whether the access to the rear of No. 102 Harrow Crescent will be retained.

4.2 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 further representations received.

### **5. Relevant Policies**

5.1 Policies CP17 (design), DC3 (Housing Design and Layout), DC33 (Car parking), DC61 (Urban Design), DC63 (Crime) and the Residential Design Supplementary Planning Document of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD) and the Residential Design SPD is also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)

5.3 PPS1 (Delivering Sustainable Development) and PPS3 (Housing), PPS4 (Planning for Sustainable Economic Growth) and PPG13 (Transport).

### **6. Staff Comments**

6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land

use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 113sq.m for a 4-bed 6-person dwelling. The proposal has an internal floor space of 101sq.m. Although this is marginally below the required 113sq.m, the proposal is for a single storey bungalow and Staff consider its internal floor space acceptable in this instance.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan (2011) which seeks to increase London's housing supply.

### 6.3 Site Layout / Amenity Space

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

6.3.2 Amenity space would mainly be provided towards the rear and side of the bungalow. The amenity space in this instance would measure approximately 133sq metres.

6.3.3 Amenity provision in the locality is generally towards the rear and of a similar size compared to the proposal, although generally more narrow and longer gardens. Notwithstanding, the proposed amenity space would be consistent with those in the vicinity in terms of its size. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a private and usable garden area.

6.3.4 Staff acknowledge the close relationship of No. 102 Harrow Crescent to the application site and its rear windows facing north. This would potentially give rise to some form of overlooking to the proposed amenity area. Staff are however of the opinion that prospective occupiers will be aware of the situation before choosing to live in this location. In addition, appropriate

landscaping can reduce some of the potential for overlooking. As a result, it is considered that the proposed amenity area of the new bungalow would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.5 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 19 units per hectare. This density would be below the recommended density range for this area but given the limitations of the site, is considered acceptable.

6.3.6 In terms of the general site layout, the proposed detached bungalow would have sufficient spacing towards the front and with generous amenity areas towards the rear, and is not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

#### 6.4 Impact on Local Character and Street Scene

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would be to the rear of properties along Harrow Crescent and would therefore not form part of the Harrow Crescent street scene. Notwithstanding, the proposals would form part of the rear garden environment and should have an acceptable design and appearance which is not harmful to the character of the area. The proposal would be of a similar height compared to the bungalows towards the east and would also have a pitched roof with hipped ends.

6.4.3 The development would replace the existing garages and hardstanding with a bungalow which is similar in character and design of those along Harrow Crescent. The development would further introduce soft and hard landscaping. The proposal is considered to be an improvement of the current situation on the site and would not detract from the surrounding environment.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of a new detached bungalow in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed building and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of

development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

## 6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposal is for a single storey bungalow with a pitched roof and hipped ends. It is considered that the separation distance between the proposal and those neighbouring dwellings to the south, west and east is sufficient in order for the proposal to not appear visually intrusive or bulky as seen from these neighbouring properties. The development is towards the north of dwellings along Harrow Crescent and would therefore not result in any overshadowing.

6.5.3 The bungalow would be approximately 2.7m south of the boundaries of neighbouring properties towards the north. Notwithstanding, the proposal is for a single storey development with a roof that would hip away from these properties, reducing any potential impact. The development of a single storey bungalow is therefore considered acceptable in this location with no harm in terms of visual dominance or overshadowing.

6.5.4 Windows would be on ground floor level only with no development in the roof space. The applicant proposes the installation of a 1.8m close boarded fence to the boundaries of the site and this can be secured by means of a planning condition. No potential for overlooking would therefore occur.

6.5.5 As mentioned previously in this report, the dwellings at No. 102 and 104 Harrow Crescent are 2-storey dwellings with potential to overlook the proposed bungalow and its amenity area. Staff are however of the opinion that future occupiers will be aware of the circumstances before deciding to occupy a property in this location. Any potential for overlooking and invasion of privacy can be reduced by means of screen fencing and appropriate landscaping. Members should also note that although there may be a perception of overlooking from No. 104 Harrow Crescent, any outlook from this neighbour would be at oblique angles and Staff are therefore of the opinion that no direct overlooking will occur. Members are invited to apply their judgement to this aspect of the proposal.

6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that one new 4-bedroom bungalow would not give rise to a significant rise in the level of vehicular activity over and above that which is currently experienced as a result of the garages.

6.5.7 In terms of general noise and disturbance, it is not considered that the addition of one new bungalow would give rise to any undue levels of noise

and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.

6.5.8 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow in relation to the resultant limited plot space, any additions, extensions or alterations to the bungalow may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

6.5.9 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 Highways / Parking Issues

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 2 x No. parking spaces to the northern side of the bungalow. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 According to information provided by the applicant, of the 7 garages, none are in use. Therefore, no parking overspill issues result from the scheme.

6.6.3 The development provides storage for 2 x no. cycle spaces which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

## 6.7 Other Issues

6.7.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal provides a bin collection point along the access road which is approximately 24m from the dwelling's front door. The maximum allowed distance under schedule 1, Part H of the Building Regulations 2000 is 30m. The proposed refuse collection point is therefore within the recommended 30m walking distance and therefore acceptable.

6.7.2 No concerns are raised in respect of fire brigade access.

## **7. Conclusion**

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. There is however potential for overlooking to the amenity area of the proposed development and Members are invited to apply their judgement to this aspect of the proposal. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

## **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 dwellings 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 forms and plans received on 5<sup>th</sup> October 2011.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2011

**Subject Heading:**

**P0769.11 – Raphael Park and Lodge Farm Park, Main Road, Romford**

**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. New service yard with vehicular access from Main Road. Provision of 5 metre high lighting columns and additional fencing in Lodge Farm Park car park (Application received 24<sup>th</sup> May 2011, revised plans 31<sup>st</sup> May 2011 and additional plans received 7<sup>th</sup> September 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**

- |                                                                                 |                                     |
|---------------------------------------------------------------------------------|-------------------------------------|
| Ensuring a clean, safe and green borough                                        | <input checked="" type="checkbox"/> |
| Championing education and learning for all                                      | <input type="checkbox"/>            |
| Providing economic, social and cultural activity in thriving towns and villages | <input type="checkbox"/>            |
| Value and enhance the life of our residents                                     | <input type="checkbox"/>            |
| Delivering high customer satisfaction and a stable council tax                  | <input type="checkbox"/>            |

## 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. This application seeks planning permission for the construction of a single storey extension to the existing Park Lodge adjacent to Main Road. The proposed extension would house new public toilets together with a café. Permission is also sought for a new service yard with vehicular access from Main Road. The proposed café would rely upon parking within Lodge Farm Park car park therefore the application proposes additional fencing and lighting so that car park can be used in the evening period.

The main issues to be considered by Members in this case are the principle of development, design/street scene issues, heritage implications, sustainability, impact on amenity and parking and highways issues. These issues are set out in the report below. 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 application 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 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, samples of all materials to be used in the external construction of the extension and the service yard 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 Policies DC61 and DC68.

4. 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.

5. 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.

6. Works affecting the public highway - Prior to the commencement of the development, details of the proposed works affecting the public highway shall be submitted to and approved in writing by the Local Planning Authority and all necessary legal agreements secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

Reason: In the interests of highway safety.

7. Visibility splays to new access road - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access road from Main Road, 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.

8. Laying out of service yard – Prior to the first use of the extension hereby permitted, the service yard and car parking area shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The service yard and parking area shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that on site servicing facilities are available in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

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

10. Details of new plant and machinery - Before any works commence a scheme for any new plant or machinery to be provided to the retail unit shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

11. Extraction and ventilation equipment - Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and to be approved in writing by the Local Planning Authority. After installation a certificate shall be submitted to the Local Planning Authority and the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason: To protect the amenity of occupiers of nearby properties and in order that the development accords with the LDF Core Strategy and Development Control Development Plan Document Policy DC61.

12. Noise and vibration from extraction and ventilation equipment - Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby properties and in order that the development accords with the LDF Core Strategy and Development Control Development Plan Document Policy DC61.

13. 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.

14. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the extended Park Lodge and any lighting of the adjacent service yard shall be submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of public safety and residential amenity. Also in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

15. Lighting columns - The lighting columns hereby permitted within Lodge Farm Park shall not be illuminated after 2300 or before 0800 on any day unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 and DC63 of the LDF Development Control Policies Development Plan Document.

17. Archaeology - No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: In order to comply with the requirements of Policy DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document.

18. Cycle storage - Prior to completion of the works hereby permitted, cycle stands 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.

19. Refuse and recycling - Prior to completion of the works hereby permitted, details of the proposed refuse storage and recycling facilities to be provided

at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

20. Hours of use - The café shall not be used for the purposes hereby permitted other than between the hours of 0900 and 2230 any day 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 the LDF Development Control Policies Development Plan Document Policy DC61.

21. Hours of use of external terrace - The external terrace area shall not be used for the purposes hereby permitted after 1900 hours any day 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 the LDF Development Control Policies Development Plan Document Policy DC61.

22. Delivery and servicing hours - No deliveries or servicing shall take place other than between the hours of 08:00 and 18:00 any day 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 the LDF Development Control Policies Development Plan Document Policy DC61.

23. Lodge Farm car park – During the hours when the café use hereby permitted is open the car park within Lodge Farm Park shall be made available for use by café patrons.

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.

24. Tree protection - Prior to the commencement of the development hereby approved the trees to be retained on site within the vicinity of the proposed works shall be protected in accordance with the appropriate recommendations contained in British Standard 3998:1989 (Tree Works) to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on site in the interests of amenity and to accord with Policy DC60 of the LDF Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. With regard to surface water drainage it is the responsibility of the applicant to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
2. In aiming to satisfy conditions 13, 14 and 16 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
3. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design for the monitoring of groundworks. This design should be in accordance with the appropriate English Heritage guidelines.
4. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP5, CP7, CP8, CP9, CP10, CP15, CP16, CP17, CP18, DC20, DC34, DC35, DC48, 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 comprises two separate land parcels. The first is located on the northern side of Main Road opposite the junction with Lodge Avenue and forms part of Raphael Park. The second is located on the southern side of Main Road and comprises the car park of Lodge Farm Park.



- 1.2 The portion of the site to the northern side of Main Road, within Raphael Park, is centred on the existing former park keeper's lodge building. The Park Lodge has recently undergone some refurbishment internally for the Park's Protection Team. There is also a meeting space, which is used by the Friends Group. Park Lodge is an attractive two-storey Arts and Crafts style building with pebbledash coatings on the upper storey and red-orange bricks on the lower. Ground levels across the site fall gently from east to west. There is also a change in ground level between Main Road and the site with the existing former park keeper's lodge being located at a higher level. A number of mature trees are to be found within the site the majority of which are located adjacent to the southern boundary with Main Road.
- 1.3 The portion of the site to the southern side of Main Road is formed by the existing Lodge Farm Park car park. The car park, which is accessed from Main Road, is capable of holding 40 cars. Soft landscaping and metal railings presently bound the car park.
- 1.4 The character of the surrounding area is drawn for the most part from 20th century suburban housing. The northern application site is located within the Gidea Park Conservation 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. Three other planning applications have previously been approved for works in connection with the Heritage Lottery funding as detailed in the history section of this report. This application concerns the provision of a new extension to the former park keeper's lodge to provide a new café and toilet facilities to replace those, which presently exist elsewhere in the park.

## **3. Description of Proposal:**

- 3.1 This application seeks planning permission for the restoration and extension of the former park keeper's lodge to form a facility for park visitors, including a café, public toilets, community meeting space and accommodation for park staff. Planning permission is also sought for the creation of a service yard with a new vehicular access point from Main Road together with the provision of lighting columns and additional fencing in Lodge Farm Park car park.
- 3.2 The proposal would see the construction of a single storey side extension of modern appearance to the existing Park Lodge on the northern side of Main Road. In order to facilitate the proposed extension the existing single component to the eastern side of the building would be demolished. The proposed extension would project out from the flank of the existing Park Lodge by 26 metres. The extension would have a varying depth of between

6 and 11.8 metres. A flat roof and a mono pitch roof would cover the extension with the overall height being 5 metres. The proposed extension would be finished with predominantly glazed panels facing onto the park. The remainder of the building would be finished in a terra cotta render with dark stained vertical timber boarding. The layout of the proposed extension is such that the café and external seating area would be located on the park side of the building with the kitchen and toilet facilities situated to the rear. To the area behind the proposed extension a service yard is proposed with a new 4 metre wide vehicular access from Main Road. The proposed service yard would provide a dedicated turning and loading/unloading area for service and delivery vehicles together with a small parking area. The proposed service yard would have a width of 21.5 metres by 11.5 metres in depth. The pedestrian areas surrounding the proposed extension including the terrace area would be finished in York stone paving with the service yard being black tarmac.

- 3.3 The proposed café is intended to be primarily used by park visitors however the applicant has advised that it would be capable of use outside of normal park hours. The applicant has indicated that the café could be used as a destination in its own right for evening meals and as such hours of 0900 till 2330 are sought with opening until midnight on a Saturday. The café would be capable of holding 40 covers internally with 44 covers to the external terrace area.
- 3.4 Raphael Park does not have a dedicated car park. Mindful of this the applicant is proposing that Lodge Farm Park car park would be available for use by café patrons outside of normal park hours. In order that the car park can be suitably closed off from the remainder of Lodge Farm Park this application proposes additional boundary fencing. The proposed fencing would comprise of 1.5 metre high metal railings. Five new lighting columns are proposed within the car park so that it would be capable of illumination during the evening period. The proposed lighting columns would be 5 metres in height and of a slim bowl top design.

#### **4. Relevant History:**

- 4.1 The following planning applications have recently been approved for various works within the park. Each of these applications are also connected to the funding secured through the Heritage Lottery Fund.

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

P0770.11 - 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

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 71 local addresses and the application advertised in the local press. A site notice has also been displayed at the Main Road park entrance. Two letters of representation have been received. One of the letters questions whether the proposed café will be a viable business proposition and states that the funding could have been better spent on other parks in the Borough. The remaining letter provides a number of observations about the past and present running of the park but raises no actual grounds of objection against this application.
- 5.2 The Gidea Park and District Civic Society welcome the proposed upgrading of the café and toilet facilities in the park but would prefer to see the existing facilities upgraded in their current location. The Society also question the viability of a café of the size proposed given that the park is well removed from the town centre and business premises. The Society also request that if the proposal is to be approved that the proposed roof mounted solar panels are not visible from Main Road or from within the park.
- 5.3 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.
- 5.4 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.
- 5.5 The Greater London Archaeology Advisory service raise no objection subject to the imposition of a planning condition.
- 5.6 The Environment Agency raises no comments.
- 5.7 Natural England welcome the proposed enhancement measures to the park.
- 5.8 The London Fire Brigade have given consideration to the provision of fire hydrants and advise that it will be necessary for a new private hydrant to be installed adjacent to the front of the building.
- 5.9 The Borough Crime Prevention Design Advisor has put forward a number of recommendations and requests that the planning conditions covering external lighting, cycle storage, boundary treatment and the Secure by Design award scheme be imposed should permission be granted.
- 5.10 Transport for London advises that the proposal is unlikely to result in an unacceptable impact to the road network.
- 5.11 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. Relevant Policies**

- 6.1 Policies CP5 (culture), CP7 (recreation and leisure), CP8 (community facilities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP15 (environmental management), CP16 (biodiversity and geodiversity), CP17 (design), CP18 (heritage), DC18 (protection of public open space, recreation sports and leisure facilities), DC20 (access to recreation and leisure), DC32 (the road network), DC33 (parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC49 (sustainable design and construction), DC50 (renewable energy), DC55 (noise), DC56 (light), DC58 (biodiversity and geodiversity), DC61 (urban design), DC62 (access), DC63 (safer places), DC68 (conservation areas) and DC71 (other historic landscapes) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations.
- 6.2 Policies 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.18 (protecting open space and addressing local deficiency), 7.19 (biodiversity and access to nature) and 7.21 (trees and woodland) of the London Plan are relevant.
- 6.3 National policy guidance set out in Planning Policy Statement 5 “Planning for the Historic Environment” and Planning Policy Guidance Note 17 “Planning for open space, sport and recreation” are also relevant.

## **7. Staff Comments**

- 7.1 This proposal is put before the Committee due to the application being submitted by and for land in Council ownership. The main issues to be considered by Members in this case are the principle of development, design/street scene issues, heritage implications, sustainability, impact on amenity and parking and highways issues.
- 7.2 Principle of Development
- 7.2.1 In preparing supporting documentation to accompany the Council's bid for Heritage Lottery Funding an audit of the existing park and its facilities was undertaken. The applicant also undertook consultation with members of the public and with various public bodies. The headline result of this research was that certain aspects of the park are deteriorating and that people do not fully appreciate the value of the park. In being awarded Heritage Lottery Funding the Council hopes to fully restore the park and to provide new facilities that will create greater awareness of the park and encourage increased visitor numbers. The proposed extension of Park Lodge to provide much needed modern facilities for park visitors is seen as an important aspect of the park's rejuvenation. Policy DC18 of the LDF states that the Council will seek the enhancement of existing leisure and recreation facilities and will encourage the provision of additional such facilities. Staff are of the view that the proposal is acceptable in principle and that it would assist in the Council's aim of enhancing existing leisure facilities.
- 7.2.2 Policy DC22 of the LDF and Policy 7.18 of the London Plan seek to retain existing public open space. The proposed extension would be constructed

to the eastern side of the existing building on part of the parkland, which is currently either hard surfacing, or open grass. The proposal would result in the loss of 605 square metres of grassed area. The grassed area, which would be lost whilst presently contributing to the character and openness of the parkland does not form part of a designated sports pitch. As part of the wider Heritage Lottery Fund works proposed within the park the existing toilet block and café buildings are to be demolished and the park in these locations restored to grass. The total area of green space proposed in these areas totals 740 square metres resulting in a net gain of 140 square metres. Staff are of the view that the loss of the open space is acceptable in this instance having regard to the fact it can be replaced elsewhere in the park.

### 7.3 Design/Impact on Street scene

7.3.1 The existing Park Lodge sits on high ground and provides fine views over the lake and down the length of the park. The siting of the proposed extension has been carefully considered to make the most of these views. The proposed extension would project out at an angle from the existing building and would run parallel with the lake following the contour lines across this part of the park. The layout of the proposed extension is such that the café and external seating area would be located on the park side of the building with the kitchen and toilet facilities situated to the rear. To the area behind the proposed extension a service yard is proposed with access from Main Road.

7.3.2 In order to avoid competing with the attractive architecture of the existing Park Lodge the proposed extension has been designed in a manner to keep it as discrete as possible. To this end the proposed extension would be of a single storey form and where possible integrated into the existing landscape features. Within the roof area of the proposed extension a screened ventilation zone is proposed where any kitchen extraction and ventilation equipment can be sited. The design of the proposed extension is such that any equipment located within this area would not be visible.

7.3.3 Ground levels across the site change from east to west therefore in order maintain the floor level of Park Lodge the proposed extension would be cut into the ground to a certain extent. Staff are of the view that the cutting in of the extension into the ground would reduce its visual presence from Main Road. Views of the proposed extension from Main Road would also be partly obscured by existing soft landscaping and mature trees, which can be found along the southern boundary. Staff are of the view that the proposed extension would have an acceptable impact on the Main Road street scene and that the building has been designed in a manner which would ensure it would not appear overly dominant or intrusive.

7.3.4 The most visible elevation of the proposed extension, which would face onto the park, would be predominantly glazed and of a lightweight appearance. The extension would also be partially hidden behind a low hedge and a timber pergola that would extend over the full length of the proposed external terrace area. The proposed pergola would be planted in order to

soften the appearance of the extension from within the park. The roofs of the extension would also be planted with sedum in an effort to further reduce the impact of the extension. Staff are of the view that the design of the proposed extension is such that it would not appear out of character with its parkland surroundings.

- 7.3.5 The existing Park Lodge comprises a light render to the upper floor and red-orange facing brickwork to the ground floor. Materials chosen for the proposed extension would not seek to replicate the existing building however these have provided a suitable reference point. The external walls of the proposed extension are indicated as being terra cotta coloured render to match the red-orange brickwork of the Lodge. The upper portions of the proposed extension would be faced with dark stained vertical timber boarding with rainwater goods being made from zinc. Staff are of the view that the proposed materials would be of an acceptable appearance and quality. Further details of materials including samples is recommended via condition.
- 7.3.6 To the eastern side of the proposed extension a new service yard is proposed which would be accessed via a new roadway from Main Road. Although the proposed service yard would introduce a large area of hard surfacing this would not be readily visible from Main Road or within the park itself. The change in ground level across this part of the site combined with existing and proposed landscaping would largely screen the service yard from view. The proposed roadway linking the service yard to Main Road has been kept deliberately narrow in order to reduce its presence within the street scene and views of the service yard beyond. Staff are of the view that the proposed service yard and access road would have an acceptable impact on the street scene.
- 7.3.7 In order to provide suitable car parking for the proposed café the applicant has indicated that the car park in Lodge Farm Park would be made available for evening use when it would usually be closed. In order to ensure that this car park can be closed off from the remainder of the park additional fencing is proposed through this application. New lighting columns are also proposed in order that the car park can be safely used during the evening period. Staff are of the view that the siting and design of the proposed railings and lighting columns is acceptable.
- 7.3.8 Policy DC62 of the LDF outlines that planning permission for public buildings and toilets will not be granted unless a high standard of inclusive access for employees and visiting members of the public is provided. The proposed extension to Park Lodge has been designed to be fully accessible for all users. Level thresholds would be provided to all external doors and door widths are suitable for wheelchairs and buggies. Toilet facilities including an accessible toilet would be available directly from the entrance lobby. Bulkhead type lighting attached to the building is proposed to enable the extension to be accessed safely during hours of darkness. In addition to this ground recessed flush lighting would be provided to light the external

terrace area. Staff are of the view that the proposals are fully compliant with Policy DC62 and would provide suitable access.

7.3.9 Policy DC63 of the LDF advises that new development should address issues of community safety. When this application was first submitted the Borough Crime Prevention Design Advisor raised concern with regard to the lack of lighting within Lodge Farm Park car park which is to be relied upon for restaurant patrons. Concern was also raised by the potential for vehicle crime given the car park is not presently segregated from the remainder of Lodge Farm Park. In order to address these concerns the applicant has revised the proposal to provide lighting within the car park and additional fencing to provide segregation from the remainder of the park. Staff are of the view that the proposals are acceptable in respect of community safety and Policy DC63 subject to planning conditions.

#### 7.4 Heritage Implications

7.4.1 The application site is located in the Gidea Park Conservation Area and as such, the general consideration is whether a new development would preserve or enhance the character and appearance of the Conservation Area. Government guidance contained in PPS 5 advises, "In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations".

7.4.2 Raphael Park was one of the key components of the planned Gidea Park Garden Suburb, the remains of which today form the Gidea Park Conservation Area. The Gidea Park Garden Suburb was the first major suburb to be developed outside of Romford and is historically important because it bears evidence of the architectural and social ideals of the time in its composition and layout. The intention of the Romford Garden Suburb was to take a carefully planned approach to landscape, with as much emphasis placed on the parkland and open space, sport and health as on the architecture of the houses built there. Raphael Park played a key role in the overall vision for the layout of the Garden Suburb and was a key component to its overall character.

7.4.3 Raphael Park was Romford's first municipal public park and officially opened in 1904. The development of the park predated the first of the Garden Suburbs houses in 1910/11 and indeed featured heavily in the promotional literature that accompanied the housing development. In addition to increasing the saleability of the houses the park also prevented the urban encroachment of Romford onto the suburb.

7.4.4 Comparatively little has changed to Raphael Park since it first opened, and the overall layout and character of the park remains largely intact. Raphael Park contains remnants of the Gidea Hall Estate, which was in existence during the 12<sup>th</sup>-19<sup>th</sup> centuries on the north side of Main Road. Key surviving remnants include Black's Lake, Black's Bridge (Grade II Listed), one of the twin gatehouses onto Main Road and part of the Pleasure Grounds.

- 7.4.5 The proposed development has the potential to impact on the Park's historical value and as such careful consideration needs to be given to the proposals. The proposed development would be centred on the existing Park Lodge at the southern end of the park adjacent to Main Road. The existing Park Lodge dates back to 1904 and was formerly accommodation for the park keeper. It is an attractive detached house with pebbledash coatings on the upper storey and facing brickwork on the lower. The proposed extension would result in the demolition of the existing single storey projection to the eastern side of the building. The proposals would maintain and refurbish the remainder of the building. Staff raise no objection to the demolition of the single storey wing and it is considered that its removal would not be overly harmful to the buildings overall character.
- 7.4.6 As described within the design and street scene section of this report staff are of the view that the proposed extension has been designed in a sympathetic manner which would complement the existing Park Lodge building. Whilst the proposed extension would be of a contemporary design this approach is considered to be the most appropriate for the host building whereas a 'pastiche' approach would compromise the architecture of the original building.
- 7.4.7 The character of the Gidea Park Conservation Area is that of a mature garden suburb with buildings located in spacious plots. The proposed extension whilst infilling some of the open space to the side of the Park Lodge would not in staff's view detract from the verdant character of the Conservation Area. Although the proposed Park Lodge extension and service yard area would have a lasting impact on this portion of the Conservation Area staff consider that the proposals are consistent with the historic traditions of the area. Staff are of the view that design and siting of the proposed extension and service yard is such that any impact on the public realm would not be overly harmful to the character and appearance of the Conservation Area. The proposed extension and associated works would not, in staff's view, have an adverse impact on the historic features of the parkland landscape or upon the setting of the nearby Grade II Listed Black's Bridge. Staff therefore consider, as a matter of judgement, that the impact of the proposed development meets the test of preserving the character of the Conservation Area. In this respect it is not therefore considered that there is a conflict with the provisions of Policy DC68 of the LDF or PPS 5.
- 7.4.8 The application site is located within an Archaeological Priority Area and as such an archaeology assessment has been submitted with the application. English Heritage has been consulted on the application has advised that the proposal and raised no objection to the proposals subject to securing a programme of investigation through a planning condition. Staff consider the proposals to be acceptable in respect of archaeology and the meets the provisions of Policy DC70 of the LDF.

## 7.5 Sustainability



7.5.1 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 extension would make use of modern sustainable design techniques, materials and construction methods. The design of the proposed extension has been carefully considered to maximise natural light through the provision of roof windows and sunpipe tubes. The applicant recognises that the proposed extension would be used fairly constantly throughout the day therefore in order to gain the best energy saving solar panels are proposed to the roof of the extended building. In addition it is also intended to utilise a ground source heat pump in association with under floor heating throughout the extension. Staff are of the view that the proposal would act as a showcase development for the Council's sustainability agenda and contribute positively to reducing carbon dioxide emissions.

## 7.6 Biodiversity

7.6.1 Raphael Park as a whole is designated a Site of Local Importance for Nature Conservation. The park contains a number of important habitats and features including Black's Lake and a range of mature trees. Policy DC58 of the LDF seeks to ensure that development proposals protect and enhance biodiversity throughout the Borough. In this case the proposed building and associated works result in the loss of some amenity grassland (605 square metres in area). The area of grass, which would be lost, is judged to be of low ecological value and as such no objection is raised to its loss. The submitted plans indicate that additional shrubbery would be planted around the proposed extension, which staff consider would compensate for the loss of the grassed area.

7.6.2 The proposed extension, service yard and associated vehicular access has been carefully sited to reduce its impact on existing trees. Despite this the proposals would result in the removal of five trees of small and medium size. As part of the wider improvement works to be undertaken within the park by the Council following the award of the Heritage Lottery Funding the aim is to replace planting which is uncharacteristic within a late Victorian, early Edwardian park, with species more appropriate for the period. A number of the existing over mature trees and some of poor health are also to be removed and replaced. It is hoped that the proposed works will improve the ecological and amenity value of the park. Staff are of the view therefore that the loss of the trees proposed through this application is acceptable having regard to the wider planting proposals.

## 7.7 Impact on Amenity

7.7.1 The proposed extension would be sited to the side of the existing Park Lodge. The extension would be located at a distance of 40 metres from the nearest residential dwelling at no. 92 Main Road on the opposite side of the street. Royal Jubilee Court, a sheltered housing scheme, is located to the east of Raphael Park and would be separated from the proposed extension by a distance of 36 metres. Having regard to the single storey nature of the

proposed extension and its separation from adjoining residential properties staff consider that the proposal would not have an adverse impact on visual amenity nor result in a loss of light.

- 7.7.2 The proposed service yard would introduce additional activity within the site. The service yard is well removed from the nearest neighbouring residential property and a suitable landscaped buffer would be maintained around the perimeter. Subject to the imposition of a condition limiting delivery and servicing hours, it is considered that any noise impact arising would not be unduly harmful.
- 7.7.2 The proposed extension would include a new café and public toilets which would be open throughout the year during normal park opening hours. In view of the sites location on a busy main route into Romford staff consider that any noise associated with the operation of the extension during the daytime would not be materially harmful to residential amenity given the ambient noise levels already present in this location.
- 7.7.3 The applicant is seeking to be able to operate the café in the evenings when the park would be closed. The applicant has requested opening hours of 0900 till 2330 Sunday to Friday and 0900 till midnight on Saturday. The application site is located in a suburban housing area where residents reasonably expect a different type of living environment to that of a local or town centre location. The application site is located outside of Romford Town Centre and a significant distance from the Gidea Park Major Local Centre which is further along Main Road to the east. Within the vicinity of the site there are no late night opening uses therefore the proposal would be the first such use.
- 7.7.4 The proposed café would be located within the confines of the park and well removed from the nearest residential property. Notwithstanding this it is important to consider the likely associated comings and goings from the building particularly as patrons would need to rely upon car parking within Lodge Farm Park on the opposite side of Main Road. Staff are of the view that ambient noise levels within the vicinity of the site fall considerably in the evening period. Given the location of the site staff consider it to be reasonable to impose a condition preventing the use of the external terrace area beyond 1900 and that the café should close at 2230. Members are invited to exercise their judgement to this aspect of the proposal.
- 7.7.5 The extension would include a kitchen area for the proposed café. In order to ensure that cooking smells do not result in a nuisance specialised extract units over the kitchen equipment are proposed within the ceiling space of the building. A planning condition seeking further details of the equipment is recommended in the event that Members are minded to grant planning permission.
- 7.7.6 In order to provide dedicated car parking for the proposed café use the applicant is proposing that Lodge Farm Park car park would be available for use outside of normal park hours. In order that the car park can be suitably closed off from the remainder of Lodge Farm Park this application proposes

additional boundary fencing. The application also proposes that the car park would be lit using five lighting columns. In respect of visual impact the proposed lighting columns and fencing would be located within the confines of Lodge Farm Park and well removed from adjoining residential properties. Staff are of the view that this aspect of the proposals would have an acceptable impact on residential amenity.

7.7.7 The nature of the proposed lights is such that lighting would be directed down onto the ground and material harm is not therefore expected to occur through light spill or lights shining into neighbouring residential properties. The applicant has submitted a drawing indicating proposed lux levels and this demonstrates that the light would be contained within the confines of the park. The operation of the lighting can be controlled via condition.

## 7.8 Parking and Highway Issues

7.8.1 Currently service and maintenance vehicles access Park Lodge by entering the park from Main Road through the main gates, traveling along the shared pedestrian and cycle path to a hard surfaced area adjacent to the building. There is limited on site parking provision and turning space therefore Council vehicles often have to park and turn on the grass. The applicant recognises that the current situation is unsatisfactory from a safety point of view. This proposal would therefore see the creation of a new dedicated service yard adjacent to the extended Park Lodge building. The service yard would be accessed via a new single width roadway from Main Road. The siting of the proposed roadway and resultant access arrangements are considered to be acceptable from a highways perspective. It is not considered that use of the proposed vehicular entrance would interfere with the operation of the existing bus stop located further to the west. The proposals are considered to accord with Policy DC32 of the LDF.

7.8.2 The proposed service yard would enable refuse and delivery vehicles to enter the site, turn and leave in a forward gear. A dedicated refuse storage area is proposed to the rear of the building adjacent to the service yard. Staff consider the proposed servicing arrangements to comply with the provisions of DC36 of the LDF.

7.8.3 The proposed extension would create 150 square metres of café floor space. The Council's parking standards set out in Annex 5 of the LDF seek the provision of one space per 10 square metres of floor space equating to a requirement of 15 spaces for this application. Within the proposed service yard two blue badge holder parking spaces are proposed together with four parking spaces for staff. The applicant has indicated that the proposed café is to open during normal park hours during this time patrons would be able to park either within Lodge Farm Park car park or on street in surrounding roads not subject of parking controls. The applicant has indicated that the café may open in the evening when Lodge Farm Park and Raphael Park would both be closed. In order to ensure that adequate car parking is available the applicant has indicated that Lodge Farm Park car park (with a capacity of 40 cars) would be made available. Staff are of the view that the proposed parking arrangements are acceptable and comply with Policy

DC33 of the LDF.

7.8.4 LDF Policy DC36 seeks to ensure that cycle parking is provided in order encourage sustainable forms of transport. In this case the applicant has not indicated cycle parking on the submitted plans however sufficient space would be available for this to be provided. This could be secured via planning condition.

## **6. Conclusion**

6.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal to provide an extension to the existing Park Lodge is acceptable in principle. Staff are of the view that the proposed extension and service yard area would not be materially harmful to the character or appearance of the Gidea Park Conservation Area. The proposal is judged to have an acceptable impact on the street scene and subject to the imposition of conditions covering opening and delivery hours would have an acceptable impact on residential amenity. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning 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 proposed Park Lodge extension has been designed to be accessible to all members of the community. The extended building would have level thresholds to external doors and door widths to accommodate wheelchairs and buggies.

## **BACKGROUND PAPERS**

Application form, plans and supporting statements received on 24<sup>th</sup> May 2011, revised plans received on 31<sup>st</sup> May 2011 and additional plans received 7<sup>th</sup> September 2011.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2011

**Subject Heading:**

**P0336.11 – Gravel Pit Coppice Caravan Site, Benskins Lane, Noak Hill, Romford**

**Retention of use of land as a private gypsy and traveller caravan site comprising of six pitches (Application received 2<sup>nd</sup> March 2011 and additional information received 21<sup>st</sup> September 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	[X]
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

This application seeks planning permission for the retention of a six-plot residential caravan site for gypsy/traveller occupation. The use was originally established at this Green Belt site without planning permission however planning permission was subsequently granted on a temporary basis for a period of three years. Staff do not consider that there are the very special circumstances such as to justify a permanent departure from Green Belt policy. However, there is a shortage of sites in the Borough and in line with recent appeal decisions staff consider that a temporary permission for a further three years should be granted pending the assessment of sites for the 'Gypsy and Traveller Caravan Sites Development Plan Document'.

## RECOMMENDATIONS

That planning permission is granted subject to the following conditions:

- 1) Temporary planning permission - This permission shall be for a limited period only expiring on 3<sup>rd</sup> November 2014 on or before which date the use hereby permitted shall be discontinued, any buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To protect the amenities of the area and maintain the open character of the Green Belt

- 2) Restriction on occupation - This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of DCLG (ODPM) Circular 01/2006.

Reason: Permission is granted solely in recognition of the unmet need for gypsy and traveller sites in Havering.

- 3) Stationing of caravans or mobile homes - The residential use hereby permitted shall be restricted to the stationing of: Plot 1 - no more than 3 static caravans or mobile homes at any time; Plot 2 - no more than 2 static caravans or mobile homes; Plot 3 - no more than two static caravans or mobile homes; Plot 4 - no more than two static caravans or mobile homes; Plot 5 - no more than two static caravans or mobile homes and Plot 6 - no more than two static caravans or mobile homes.

Reason: To protect the amenities of the area and maintain the open character of the Green Belt

- 4) Occupiers - The use hereby permitted shall be carried on only by: Plot 1 Christine and John Dooley and their children; Plot 2 Mary Clarke and Mary Nugent and her children; Plot 3 Kathleen O'Driscoll and her children; Plot 4

Rose Docherty and her children and Jo Lee and her children; Plot 5 Michael Delany, Madeline O'Brien and her children; and Plot 6 Threase Clarke and her children, and shall be for a limited period being the period of 3 years from the date of this decision, or the period during which the individual plots are occupied by the persons named above, whichever is the shorter. No plots shall be re-occupied once vacated by the named occupier(s).

Reason: Permission is granted for a period pending the allocation of sites in a future Development Plan Document on gypsy and traveller sites and in recognition of the particular circumstances of the applicants.

- 5) No commercial activities - No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the amenities of the area and the openness of the Green Belt

- 6) Reinstatement of land - When the individual plots cease to be occupied by the persons specified in condition 3 above no further occupation of the plot shall take place. Once all of the plots cease to be occupied or at the end of the 3 years of this permission, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought onto the premises in connection with the use shall be removed and the land restored to its former condition.

Reason: To protect the amenities of the area and the open nature of the Green Belt

- 7) 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.

#### **INFORMATIVE:**

Reason for approval:

The proposed development is considered to be inappropriate development in the Green Belt and the unmet need for gypsy and traveller sites, together with the particular needs of the applicants, either individually or together do not amount to the very special circumstances necessary to justify a permanent departure from government guidance in PPG2 and Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document. The development would otherwise be in accordance with Policy DC8 of the LDF Core Strategy and Development Control Policies Development Plan Document. Temporary permission has been granted on appeal at other sites in the vicinity to meet short-

term need until the Council has assessed sites within the Borough to meet future needs in its proposed Gypsy and Travellers Development Plan Document. These decisions have been accorded appropriate weight and a temporary permission is granted for three years in recognition of this situation.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The site, which amounts to 0.6 Hectares lies within the Green Belt to the north of the main residential areas of Harold Hill. The site lies at the northern end of Benskins Lane, an unmade road that runs from Church Road to the M25. The site consists of six plots, each with hard surfacing and grassed areas. Close-boarded fencing separates the plots from each other and each contains one mobile home and at least one touring caravan. There are a number of smaller buildings within each plot, including timber sheds used as utility buildings and parking areas for vehicles. There are 46 people living on the site, including 27 children, with some of the plots being occupied by a number of families.
- 1.2 The plots are all accessed from Benskins Lane, via an access road along the northern boundary that runs parallel to the M25. There is woodland to the north east and west. To the south it is mainly open, but there are a number of open storage yards, industrial and commercial uses along Benskins Lane, a number of which are unauthorised. There are also a number of residential properties along the lane. The application site was originally protected woodland, but was developed without planning permission.

### **2. Description of Proposal**

- 2.1 This application seeks permission for the retention of the residential caravan site, with associated hardstanding, fencing, utility buildings and septic tank. A permanent permission is sought, but a temporary permission of 5 years in line with other recent permissions is stated as being acceptable. The application details indicate that, should permanent permission be granted, permission would be sought for the existing utility buildings to be replaced with more substantial brick structures. The application sets out the particular needs of the families on site and the benefits of a settled base, especially in relation to access to medical and education services. A case is also made in the application for at least a temporary permission based upon the lack of suitable alternative sites in Havering.

### **3. Relevant History**

- 3.1 Two enforcement notices have been served by the Council in respect of unauthorised development at the site, one concerning the operational development and the other the change of use. Decisions on subsequent



appeals were made in 2005. The first decision confirmed the notice requiring the removal of the hardsurfacing, equipment, installations etc. within one month i.e. March 2005, but extended the period for the replanting of the site to March 2006. Neither of these requirements were met.

- 3.2 In the second appeal the Secretary of State considered the change of use and concluded the various individual circumstances of the applicant did not amount to very special circumstances sufficient to overcome the material harm that there would be to the Green Belt. However, whilst planning permission was refused, the period for compliance was extended to 14<sup>th</sup> September 2007 to allow sufficient time for the occupiers to find an alternative site.
- 3.3 A retrospective planning application was submitted in September 2007 for the retention of the site (application reference P1710.07). In making an assessment of this application staff concluded there were no very special circumstances to justify a departure from Green Belt policy. However, it was recognised that there is a shortage of sites in the Borough and consideration was given to a number of appeal decisions on sites nearby. Staff concluded that a temporary permission for three years should be granted pending the assessment of sites for the Gypsy and Travellers Development Plan Document. This temporary permission expired on the 2<sup>nd</sup> January 2011.

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

- 4.1 The application was advertised and notification letters sent to 25 adjoining occupiers. Four letters of objection have been received expressing concern over the impact on the Green Belt and changing character of the area. The letters also raise objection to the application on the basis that the site has eroded the countryside, could result in the sites expansion and the potential for increased crime in the vicinity

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

- 5.1 Policies CP2, CP14, DC8, DC33, DC45, DC58 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations. The Council is in the process of producing a Gypsy and Traveller Development Plan Document. Work is continuing on the document and adoption is not currently anticipated until April 2012.
- 5.2 Policy 3.8 (Housing Choice) and 7.16 (Green Belt) of the London Plan are material considerations.
- 5.3 National policy guidance set out in Planning Policy Guidance Note 2 (Green Belts) and Planning Policy Statement 7 (Sustainable Development in Rural Areas) are also relevant.
- 5.4 In addition to the above, Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites' is a material consideration in the determination of this application. The Government has announced that they intend to replace

Circular 1/2006, but it has not been repealed. Articles 1 and 8 of the first Protocol of the European Court of Human Rights are also relevant.

## **6. Staff Comments**

- 6.1 The issues arising from this application is whether this is an appropriate use in the Green Belt or whether there are any material considerations that could represent the very special circumstances by which development may exceptionally be permitted in the Green Belt.
- 6.2 The application includes a statement supporting the status of the applicant, and the other families on the site, as gypsies/travellers. In the appeal decision into the change of use in 2005, the Secretary of State accepted the Inspector's assessment of the gypsy status of a majority of the then occupiers of the site. There is no evidence that the situation has substantially changed, therefore, staff accept the gypsy/traveller status of the applicants so that the relevant LDF policies (CP2 & DC8) and the guidance in Circular 1/2006 applies to this application.
- 6.3 Principle of the development:
- 6.3.1 The main intentions of Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites' include the creation of sustainable, respectful and inclusive communities, a reduction of the number of unauthorised encampments, to increase the number of Gypsy and Traveller sites in appropriate locations, to recognise the traditional travelling way of life of Gypsies and Travellers whilst respecting the interests of the settled community, to assess accommodation needs at all levels, to identify and make provision for accommodation requirements, to ensure fair policies, to promote more private Gypsy and Traveller site provision in appropriate locations through the planning system and to help to avoid Gypsies and Travellers becoming homeless through eviction from unauthorised sites.
- 6.3.2 The Circular explains that the planning process in relation to Gypsy and Traveller accommodation assessment and provision will begin by Local Authorities assessing the level of need and identifying approximate pitch requirements. These figures will then be passed to the Regional Planning Board to assist in the production of the Regional Spatial Strategy. The Regional Spatial Strategy will consider need from a regional perspective before, where appropriate, specifying pitch numbers for each local administrative area. The Local Planning Authority is then required to translate that allocation into specific sites by way of a Development Plan Document on Gypsy and Traveller Site Provision, as part of its Local Development Framework.
- 6.3.3 Since the publication of the circular, circumstances have changed with the abolition of Regional Spatial Strategies. However, The London Plan remains in force and the draft alterations to it no longer specify pitch numbers to be provided by London Boroughs. This does not however, override the need to produce a Development Plan Document on Gypsy and Traveller Site Provision. Havering's Core Strategy Development Plan

Document gives a commitment to the production of a Development Plan Document on Gypsy and Traveller site provision. Preparation of the Development Plan Document is on-going. The Circular advises that Local Planning Authorities must have regard to the findings of any associated Development Plan Document or any initial assessment work carried out before determining a planning application for a gypsy or traveller site, particularly if it decides to refuse such an application. Until such time as the Development Plan Document is adopted, the issue of need remains unquantified within Havering and this is a material consideration in the determination of this application.

- 6.3.4 With regards to site specific characteristics, Circular 1/2006 asserts that the granting of permission must be consistent with agricultural, archaeological, countryside, environmental and Green Belt policies. The aim should always be to secure provision appropriate to gypsies accommodation needs while protecting amenity. The circular goes on to state that the appropriate use of planning conditions can enable some development proposals to proceed. In some cases, for example where the applicants themselves propose to use a site for only a limited time, or where land is to be redeveloped on some occasion in the future, it may be appropriate to impose a condition allowing use for only a specified period. However, unless such circumstances prevail, permission should generally be given for an indefinite period.
- 6.3.5 Policy DC8 of the LDF identifies seven criteria to address the guidance laid out in Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites'. These state that the Council will only approve proposals for gypsy/traveller sites, where (i) the proposal helps meet an identified need, (ii) it is suitable for mixed residential and business uses and has no adverse impact on local residential amenity, (iii) there will be safe access into/out of the site, (iv) the site is reasonably accessible to local services and facilities, (v) there will be adequate parking, turning space and servicing within the site, (vi) it is capable of accommodating the number of caravans, (vii) the site will be supplied with essential services such as water, sewerage and drainage, and waste disposal.
- 6.3.6 The site has an acceptable access which also serves a number of sites, including residential, commercial and other gypsy pitches. There is also adequate room within the site for the number of caravans and for the parking and turning of vehicles. The site is provided with the necessary services. There are no proposals for mixed use of any of the plots and such use could be restricted by condition, similar to other sites in the area. The site already has woodland to the north, east and west, but the area to the south is generally open. However, there is little scope for any further landscaping. Given the remoteness of the site and the nature of adjoining uses staff consider that no further landscaping would be necessary. It is also relevant to take account of the requirement to re-plant the site at the end of the occupation period. The development would also meet an identified need, although not a local need. Therefore, apart from its location in the Green Belt staff consider that the proposal meets the requirements of Policy DC8.

## 6.4 Green Belt Implications and Very Special Circumstances

- 6.4.1 The application site lies within the Green Belt where Government planning policy contained within PPG2 sets out a general presumption against inappropriate development. The three main issues in this case are the inappropriateness of the change of use of the land, any other harm (such as visual impact) and the case for very special circumstances. New gypsy and traveller sites would normally be considered inappropriate development and as such would be contrary to the guidance in PPG2 and Policy DC46 of the LDF. The guidance in Circular 1/2006 is that alternatives should be explored before Green Belt sites are considered. However, staff recognise that suitable sites are unlikely to be found in urban areas; therefore, the Green Belt offers the only realistic alternative in Havering. This position has been confirmed in a number of past appeal decisions. The application site contains a fairly large number of families and as such there are a number of mobile homes/caravans and other ancillary facilities on the site. This represents a high density of occupation, compared with other sites and Members may conclude that the continued occupation of this site would have a significantly greater adverse impact on the Green Belt, even in the short term.
- 6.4.2 Inappropriate development can be justified if there are very special circumstances sufficient to override the harm that would be caused to the openness of the Green Belt. The lack of available sites in the area can amount to very special circumstances, especially where there is an identified need. The Council does not provide any gypsy sites and as stated above until such time as the Development Plan Document is adopted the issue of local need remains un-quantified. Therefore, whilst the development is inappropriate in the Green Belt and unacceptable in principle, the lack of suitable sites to meet an identified need may be, either singly or in combination with other factors, sufficient to override this objection.
- 6.4.3 In September 2005 the then Secretary of State allowed the occupiers to stay on site for a further two years to give time for them to find alternative accommodation. This did not amount to a planning permission, rather an extension to the period of compliance on an enforcement notice. Since that decision the number of families occupying the site has increased and the use has intensified, although the site area remains the same. Key to the Secretary of State's decision not to grant planning permission was his consideration of both the shortage of sites in the area and the special needs of the families on site. The Secretary of State considered that the families didn't have such strong local links to the area which meant that they could not look further afield for an alternative site. He concluded that neither of these factors was sufficient to override the material harm to the Green Belt. The Secretary of State also took into account of the implications of the Human Rights Act.
- 6.4.4 In granting a temporary three year planning permission in 2007 Members gave consideration to the Secretary of State's decision and to a case of very special circumstances put forward by the applicant. This case included

individual circumstances of the occupiers and their need for a settled base, especially in relation to access to education and medical services. The development being applied for is broadly similar to that previously granted temporary approval, save for the fact that several of the sites occupiers have changed. The applicant has advised that the case of very special circumstances for those occupiers who lived on the site in 2007 remains unchanged. For those new occupiers who have moved onto the site since 2007 the applicant has provided a new case of very special circumstances. This case is formed around the fact that each occupier has children either within full time education at local schools or within local nurseries. The applicant also advises that a number of the older children attend local youth centres and boxing clubs and have therefore made links with the local community. In the case of plots 1 and 6 the applicant advises that some children require regular visits to the local hospital for the treatment of ongoing medical conditions.

- 6.4.5 Whether these factors, taken together, are sufficient to override established Green Belt policy is a matter of judgement for Members. Staff are of the view that whilst there would be no case for a permanent permission based upon the individual circumstances of the site occupiers, there is a case for granting a further temporary permission of say, three years, in line with decisions taken on other traveller sites within the Borough. Granting a further temporary permission would take account of the emerging policy position and allow for the adoption of the Development Planning Document, This approach is considered to be consistent with other decisions taken for gypsy and traveller sites.

## **7. Conclusions:**

- 7.1 The proposed development is unacceptable in principle in the Green Belt and the development would only be acceptable if there are very special circumstances such as to outweigh this objection. Staff consider that the particular circumstances of the applicant do not amount to the very special circumstances necessary for an exception to Green Belt policy as set out in PPG2 and policy DC46. Previous decisions in respect of nearby sites have, however, recognised that in the absence of any designated sites within the Borough and pending the adoption of the Development Plan Document there is a case for granting temporary planning permission. Staff, therefore, consider that taking all circumstances into account that it would be appropriate to grant a further temporary permission for three years. This would give time for the site to be assessed as a permanent site as part of the Development Plan Document preparation and for the occupiers to continue to look for alternative sites. The proposal would otherwise meet the criteria set out in Policy DC8 of the LDF.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

**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.

**BACKGROUND PAPERS**

Application form, plans and supporting statement received on 2<sup>nd</sup> March 2011.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2011

**Subject Heading:**

**Proposed variation of Section 106 agreement in connection with planning permission P0406.08: Harrow Lodge, Hyland Way, Hornchurch**

**Erection of 44 detached, semi detached and terrace houses and associated access**

**Report Author and contact details:**

**Helen Oakerbee 01708 432800  
Helen.oakerbee@havering.gov.uk**

**Policy context:**

**Local Development Framework  
London Plan, Planning Policy  
Statements/Guidance Notes**

**Financial summary:**

**None**

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

- Ensuring a clean, safe and green borough [X]
- Championing education and learning for all [ ]
- Providing economic, social and cultural activity in thriving towns and villages [X]
- Value and enhance the life of our residents [X]
- Delivering high customer satisfaction and a stable council tax [X]

## SUMMARY

This report relates to planning permission for residential development of 44 units on the site of the former Harrow Lodge depot in Hyland Way, Hornchurch. Planning permission for the development was granted in 2008 (under planning reference P0406.08) and has been implemented. The planning permission is subject to a S106 agreement which, together with affordable housing provision and an education contribution, required a contribution of £25,000 towards improvements to Hylands Park.

A request has been made by the Council's Parks Service to vary the legal agreement under Section 106A of the Town and Country Planning Act 1990 to enable the £25,000 contribution to be spent on repair of the tennis courts in Hylands Park rather than the improvements to the park specifically identified in the existing S106 Agreement.

## RECOMMENDATIONS

It is recommended that the variation of the Section 106 agreement dated 6 June 2008 to enable the financial contribution to the improvement of Hylands Park to be spent in the manner set out below by the Deed of Variation under Section 106A of the Town and Country Planning Act (as amended) be approved:

The contribution of £25,000 and any accrued interest (referred to in the Section 106 Agreement dated 6 June 2008 as the Hylands Park contribution) to be used by the Council for the purposes of works, including repairs and resurfacing, to the tennis courts within Hylands Park.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 6 June 2008 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 6 June 2008 will remain unchanged.

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

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



## REPORT DETAIL

1. The site to which this proposal refers is the site of the former Harrow Lodge depot, in Hyland Way, Hornchurch. Planning permission was granted in 2008 (under planning permission reference P0406.08) for residential development on the site comprising 44 residential units. This was subject to a number of planning conditions, as well as a Section 106 agreement signed and dated 6 June 2008. The development has been implemented and the units on the site are occupied.
2. The legal agreement included a requirement for affordable housing and an education contribution in relation to the development. Additionally, the legal agreement required the payment of a financial contribution of £25,000 to be spent in Hylands Park. The specific requirement of the Section 106 agreement was to pay:

The sum of £25,000 to be used by the Council for the provision of improved signage, additional park furniture and enhanced planting (including trees) within Hylands Park in the vicinity of the proposed development such sum increasing in line with the Index.
3. The Council's Parks Service have now requested a variation of the legal agreement to allow the contribution to Hylands Park to be spent on the repair and resurfacing of the existing tennis courts rather than for the purposes initially specified in the legal agreement.
4. The Parks Service have advised that, when the Section 106 was initially signed, Hylands Park was in a poor condition and there was a desire to bring the park up to Green Flag standard, hence the requirement for new signage, park furniture and planting. Since then, the Council has made significant investment into Hylands Park, improving the planting, signage and furniture and also the play equipment, path surface and the provision of new training facilities. External funding from other bodies has also been used and has enabled the provision of an outdoor gym and a multi-use games area.
5. The £25,000 set out in the legal agreement is therefore no longer required for the purposes originally specified. However, the condition of the tennis courts has deteriorated significantly and the parks contribution would provide the necessary funds to enable the required surface repairs to be undertaken. The Parks Service have discussed this with the developer involved with planning permission P0406.08, who has confirmed they have no objection to alternative use of the parks contribution within Hylands Park.

6. Staff consider that the proposed alternative use of the £25,000 Hyland Park contribution would be reasonable in view of the fact that the improvements originally envisaged have already taken place in the park. It is further considered that the use of the contribution towards improving the tennis courts in Hylands Park would still be consistent with the reasons for requiring the contribution and would meet the tests of necessity, being directly related to the development and fairly and reasonably related in scale and kind to the development. The proposal would also comply with the objectives of Policy CP7, which aims to improve opportunities for creative play and physical activity in parks and open spaces and Policy DC18 to retain and enhance all public open space. It would also comply with Policy 3.19 of the London Plan. The proposal complies with Policy DC72 of the LDF relating to planning contributions.

7. **Conclusion**

7.1 Staff consider that the proposed variation of the S106 agreement to enable the use of the £25,000 Hylands Park contribution with any accrued interest to be used for works to the tennis courts rather than for the purposes originally specified in the legal agreement is acceptable and accords with Policies CP7, DC18 and DC72 of the LDF and Policy 3.19 of the London Plan. It is therefore recommended that variation of the legal agreement in respect of the use of the Hylands Park contribution is approved, subject to all other elements of the legal agreement remaining as per the original agreement signed and dated 6 June 2008.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

The proposal will provide funding for works to public open space owned and managed by the Council.

**Legal implications and risks:**

Legal resources will be required for the variation of the legal agreement

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposal will improve the range of facilities available to the Borough's residents within Hylands Park and complies with the Council's aim of providing cultural facilities for all.

**BACKGROUND PAPERS**

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# REGULATORY SERVICES COMMITTEE

# REPORT

17 November 2011

<b>Subject Heading:</b>	<b>P1419.11 – Chafford School, Lambs Lane South, Rainham</b>  <b>Installation of electricity producing solar photovoltaic panels on the roof of the main school building (Application received 20<sup>th</sup> September 2011)</b>
<b>Report Author and contact details:</b>	<b>Helen Oakerbee (Planning Control Manager) 01708 432800</b>
<b>Policy context:</b>	<b>Local Development Framework</b>
<b>Financial summary:</b>	<b>None</b>

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

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

## SUMMARY

This application is for the installation of electricity producing solar photovoltaic panels on the roof of the main school building. The planning issues are set out in the report below, which focuses on the impact on the Green Belt, the impact on the streetscene and the impact on amenity. 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 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 DC29, DC45, DC50 and DC61 of the LDF Development Control Policies Development Plan Document.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is Chafford School, which is located on the junction of Wennington Road and Lambs Lane South. The site is bounded by Brady Primary School to the south west. The application site is located within a predominantly residential area and is joined on two sides by two storey housing. The site is located in Green Belt.

### 2. Description of Proposal

- 2.1 This application is for the installation of 210 electricity producing solar photovoltaic panels on two sections of flat roof of the main school building. The area of each panel is 0.99m by 1.65m, which equates to 1.6 square metres. The

mounting frames would be angled at 10 degrees. The solar panels would be predominately visible on the south east elevation of the main school building. The solar PV panels would have a maximum energy output of under 50kW, which is the approximate energy usage of 12-15 dwelling houses in the UK. The installation will take approximately 1-2 weeks to complete, with approximately 1 vehicle to deliver 60 panels per day.

### **3. Relevant History**

P1366.06 – Proposed classroom block – Approved.

P2069.03 – Single storey detached building providing 3 no. additional classrooms, store cupboards and staff workroom in new I.T. suite – Approved.

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

- 4.1 Neighbour notification letters have been sent to 88 local addresses. No letters of representation have been received.

### **5. Staff Comments**

- 5.1 This proposal is put before the Committee owing to the land being Council owned and the proposal is contrary to Green Belt policy. The issues arising from this application are the impact on the Green Belt, the impact on the streetscene, the impact on amenity and parking and highways considerations. Policies DC29 (Education Premises), DC45 (Green Belt), DC50 (Renewable Energy) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document as well as PPS1 (Sustainable Development) and PPS22 (Renewable Energy) are relevant to the determination of the application. Policies 3.18 (Education Facilities) and 5.7 (Renewable Energy) of the London Plan 2011 are relevant.

### **6. Principle of development**

- 6.1 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.
- 6.2 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. 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.

### **7. Impact on open character of Green Belt**

7.1 It is considered that the solar panels would not adversely affect the open character of the green belt, as they would be located on the flat roof of the main school building.

## **8. Design/Street scene**

8.1 It is considered that the solar panels would not appear visually intrusive in the streetscene, as they would project approximately 0.2 metres above the flat roof of the main school building. Furthermore, the main school building is set back between approximately 35 and 40 metres from Lambs Lane South, which minimises its prominence in the streetscene. In addition, there are trees adjacent to the south eastern boundary, which provide some screening. Also, the solar panels would be located towards the south eastern end of the main school building, which is approximately 145 metres from neighbouring properties in Wennington Road.

## **9. Impact on Amenity**

9.1 It is considered that the solar panels would not result in adverse glint and glare effects to neighbouring properties, as they are designed to absorb as much daylight as possible and therefore, have a low level of reflectivity when compared to surfaces such as window glass. Less than 9% of total incident visible light is reflected by solar panels, whereas normal glass reflects about 17%. In addition, there would be a separation distance of approximately 35 to 40 metres between the main school building and neighbouring properties in Lambs Lane South. Also, the solar panels would be located towards the south eastern end of the main school building, which is approximately 145 metres from neighbouring properties in Wennington Road.

## **10. Highway/Parking**

10.1 The installation will take approximately 1-2 weeks to complete, with approximately 1 vehicle to deliver 60 panels per day. It is considered that the proposal would not create any highway or parking issues.

## **11. Case for very special circumstances**

11.1 The very special circumstances case in this instance comprises the sustainability credentials of the proposal. The proposal would be beneficial as it would generate renewable energy. The solar PV panels would have a maximum energy output of under 50kW, which is the approximate energy usage of 12-15 dwelling houses in the UK. Given the limited visual impact of the panels, it is considered that the benefit arising from them is sufficient to outweigh the in-principle inappropriateness.

## **12. Conclusion**

12.1 Staff are of the view that the proposal would not adversely affect the open character and appearance of the Green Belt, the streetscene or residential



amenity. It is considered that the proposal would not create any highway or parking issues. It is recommended that planning permission is 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 20<sup>th</sup> September 2011.

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# REGULATORY SERVICES COMMITTEE

# REPORT

17 November 2011

<b>Subject Heading:</b>	P1499.11 – 13 Farnham Road, Harold Hill – installation of roller blind and side curtains to shop front (Application received 3 October 2011)
<b>Report Author and contact details:</b>	Helen Oakerbee Planning Control Manager (Applications) helen.oakerbee@havering.gov.uk 01708 432800
<b>Policy context:</b>	Local Development Framework The London Plan National Planning Policy Statements/ Guidance
<b>Financial summary:</b>	None

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Valuing and enhancing the lives of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

The proposal relates to an application for the installation of a roller blind/canopy and side curtains to the shopfront. The site is Council-owned. Staff consider that the proposal would accord with environmental and designing out crime policy contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

## RECOMMENDATIONS

That planning permission is granted subject to the following conditions:

1. SC04 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 Act 1990.

2. SC09 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.

3. SC32 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.

4. SC27 hours of use: The roller blind/canopy and side curtains shall be fully retracted between 17:00 and the next opening time (the following day) each day.

**Reason:** To enable the Local Planning Authority to retain control in the interests of public safety and security in accordance with Policy DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

### INFORMATIVES

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC16, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The site comprises the commercial ground floor unit of a 4-storey mid-terrace property with residential above. The unit has recently been granted permission for a change of use from A1 (retail) to A3 (restaurant/café). The site is situated within the Retail Core of the Minor District Centre.
- 1.2 The site is within a parade of similar commercial/residential uses with mainly A1 uses but also an A2 Use (Betting Office) and an A3 (café restaurant) Use with flats above and community uses including a Library and Church. The area is otherwise mainly residential with 2-storey terraces and 3-storey flats.

### 2. Description of Proposal

- 2.1 The proposal is for the installation of a roller blind/canopy and side curtains to the shopfront. The canopy would be 2m deep, extending fully over the public highway with side curtains. The canopy would slope forwards/down such that it would extend between 2.4m and 3.2m above ground level.

### 3. History

- 3.1 There is extensive history, nonetheless the most relevant is:

P1796.10 – change of use to A3 (restaurant/cafe) – Approved  
P1093.11 – new shopfront and roller shutter - Approved  
A0040.11 – illuminated fascia sign - Approved

### 4. Consultation/Representations:

- 4.1 52 neighbouring and nearby properties were notified of the application. At the time of drafting the report the consultation period had not yet finished. No replies have so far been received and any comments will be reported directly at the Committee meeting.
- 4.2 The Metropolitan Police Crime Prevention Design Advisor has written to indicate that he has been in contact with the Police Local Neighbourhood

Team. Concerns are raised that local crime and disorder is disproportionately high and that A3 uses act as “honey pots” for anti-social behaviour. He indicates that the provision of a sheltered and relatively concealed canopy with sides is likely to prevent existing CCTV from working properly in a location were a Dispersal Order is currently running for 6 months until early December to control disorder in the area.

## **5. Staff Comments**

- 5.1 The issues in this case are the principle of the development, the impact of the development in the streetscene and on residential amenity, including on crime and fear of crime, and highways/parking. Policies CP17, DC16, DC32, DC34, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are relevant, 4B.6 of The London Plan and PPS6.

### *Principle of development*

- 5.2 The proposal is for a roller blind/canopy with side curtains. There is no “in principle” objection to the proposed development to a shop within an existing shopping centre, subject to detailed consideration below.

### *Impact in the Street Scene*

- 5.3 The proposal follows approvals for a change of use to restaurant and a new shopfront and roller shutter with an illuminated fascia sign. It is considered that the canopy element itself would have an acceptable impact in the streetscene where similar canopies are provided to other shop units. Adjoining units (the Butcher’s both at 9 Farnham Road and 3 Farnham Road) have a similar side curtain arrangement although there are no records of this having received planning permission. Nonetheless, Staff consider that the proposed canopy and curtaining would add interest to this commercial streetscene and would not be out of character in the locality.
- 5.4 The proposal would extend over the public highway and would only be acceptable in highways terms if it is not fixed to the ground and has a clearance of at least 2.4m. The lowest part of the canopy would be 2.4m above ground level and no details of any fixings are shown. A suitable condition can be attached to any grant of consent to ensure that side curtaining is not fixed.
- 5.5 The proposal would not result in any harm to visual amenity in the streetscene such that in Staff’s view, it would have an acceptable impact on visual amenity in the streetscene.

### *Impact on Residential Amenity*

- 5.6 The nearest residential units are located above the ground floor commercial units. Staff therefore consider that the proposed roller blind/canopy and side

curtaining would not of itself result in any adverse impact on residential amenity.

- 5.7 Staff therefore consider that the proposal would have an acceptable impact on these occupiers' residential amenity.

#### *Highways*

- 5.8 The proposal would extend over the public highway and would only be acceptable in highways terms if it is not fixed to the ground. No details of any fixings are shown and highways therefore consider the proposal to be acceptable. Staff consider that there would be no parking or highways concerns raised by this proposal.

#### *Secured by Design:*

- 5.9 The Crime Prevention Design Advisor has contacted the Police Local Neighbourhood Unit who indicate that crime levels in the Havering Park Ward are disproportionately high for violence against the person, drug offences and burglary than is the average for Havering. The CPDA also advises that due to these concerns, a Dispersal Order (under Section 30 of the Anti-Social Behaviour Act 2003) is currently in effect at Farnham Road for 6 months from 9<sup>th</sup> May 2011 to control disorder in the area.
- 5.13 The CPDA indicates that previous experience both locally and across the country shows that in areas of high crime and disorder, cafes and restaurants often have a 'honey pot' effect and become a meeting place and focal point for those causing problems. He further indicates that the proposed canopy, if allowed, would be likely to provide a congregating point for youths, particularly during dark nights and inclement weather. With the nature of the business being a restaurant, a canopy would significantly add to the potential 'honey pot' effect and increase the possibility for both the applicant and local residents and businesses to suffer crime and disorder.
- 5.14 The CPDA also indicates that the canopy would also potentially obstruct the view of existing local authority CCTV cameras both of the front of the applicant's premises and those adjacent.
- 5.15 The CPDA advises that planning permission could be granted if the canopy/side curtains are retracted beyond normal shop opening hours which would be more acceptable from a crime prevention point of view. He therefore suggests a condition is attached to any grant of planning permission for any canopy installed to be retracted by 5pm. This would remove the visual obstruction of the CCTV during the most vulnerable evening hours.

## **6. Conclusions**

- 6.1 Staff consider that the proposal would be acceptable in principle and that it would not of itself result in any adverse impact on visual amenity in the

streetscene or any physical impact on residential amenity. The canopy and side curtaining would enable people (other than customers) to gather in a relatively sheltered and concealed place such that it is highly likely that anti-social behaviour could occur, contrary to Policy DC63. It is nonetheless recommended that planning permission is granted subject to a condition controlling the hours of use to avoid the most vulnerable evening hours and Staff therefore recommend that planning permission is granted.

## IMPLICATIONS AND RISKS

### 7. **Financial Implications and risks:**

7.1 None

### 8. **Legal Implications and risks:**

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

### 9. **Human Resource Implications:**

9.1 None

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

10.1 None

## 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**

17 November 2011

<b>Subject Heading:</b>	P1517.11 – Land rear of 55-57 Amersham Road, Harold Hill  Demolition of existing 30 garages and erection of 2 No. two storey semi-detached dwellings and 1 No. bungalow with associated parking and garden areas (Application received 30 <sup>th</sup> September 2011)
<b>Report Author and contact details:</b>	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
<b>Policy context:</b>	Local development Framework
<b>Financial summary:</b>	None

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

- Ensuring a clean, safe and green borough [X]
- Championing education and learning for all [ ]
- Providing economic, social and cultural activity in thriving towns [ ]
- Value and enhance the life of our residents [ ]
- Delivering high customer satisfaction and a stable council tax [ ]

**SUMMARY**

This application relates to a Council owned garage court. This application proposes the demolition of the existing 30 garages and the erection of 2 No. two

storey semi-detached dwellings and 1 No. detached bungalow with associated parking and garden areas.

The planning issues are set out in the report below and cover the principle of development, impact on the streetscene, residential amenity and highways/parking. 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 6 x No. off-street car parking spaces for use by Plot 1, Plot 2 and Plot 3 on approved plan 10.6861.1100 B received 30<sup>th</sup> September 2011 and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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 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.

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 Development Control Policies Development Plan Document Policy DC61

6) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made on Plot 1, Plot 2 and Plot 3 for 2 x No. cycle storage spaces in accordance with the approved plans (Drawing Nr. 10.6861.1100 B) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

7) 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 Development Control Policies Development Plan Document Policy DC61.

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

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

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

Reason:

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

9) Visibility Splays: 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.

10) Highways Licence Agreement: 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 and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

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

Reason:

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

12) Noise insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne 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" 1994.

13) Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling 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 LDF Development Control Policies Development Plan Document Policy DC61

14) Obscure glazed windows: The proposed first floor flank windows to Plot 2 and 3 serving the bathrooms, as indicated on Drawing Nr. 10.6861.1102 (received 30<sup>th</sup> September 2011) shall be permanently glazed with obscure glass and fixed shut with the exception of a top hung fan light 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.

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

16) Road Surface Lighting: Before the dwellings hereby permitted are first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason:

In the interest of residential amenity.

17) 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.

## **INFORMATIVES**

### 1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC2, DC3, DC7, DC33, DC36, DC55, DC61 and DC63 of the LDF Development Control Policies Development Plan 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 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. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
6. In aiming to satisfy Condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
7. The applicant is advised that the London Fire Brigade require the developer shall install a private fire hydrant within the site, 1m clear of all obstructions. This hydrant is to be numbered P111992 and will conform to BS750:2006 and be indicated with a hydrant indicator plate conforming to BS3251:1976. Upon completion of works, this fire hydrant the surrounding areas should meet flush with the hydrant's frame and cover and the pit should be clear of any debris.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site is a garage court located to the rear of 55-57 Amersham Road. The site is currently covered in hard standing and has 30 garages located to the east and west boundaries.
- 1.2 The site for residential development is approximately 995 square metres in size. Whilst the garage court is level, the site is slightly higher than Amersham Road. The site is surrounded on all side by the gardens of adjacent residential properties on Amersham Road and Gooshays Drive. Some of these have accesses into the garage court. By the entrance to the site is a sub-station, this is enclosed with mesh fencing.
- 1.3 The character of the surrounding area is predominantly residential and is typified by two storey semi-detached dwellings set behind front gardens.

### 2. Description of proposal



- 2.1 This application seeks permission to demolish the existing 30 garages on the site and erect 1 No. bungalow (plot 1) and 2 No. two storey semi-detached dwellings (plot 2 and 3).
- 2.2 The bungalow is detached and set to the northern portion of the site. The semi-detached dwellings are set to the south. Between these dwellings in the centre of the site are 6 parking spaces, 2 per dwelling, set around a turning area, pedestrian paths and soft landscaping framing each dwelling.
- 2.3 The bungalow measures 10m wide, 8m deep, 2.1m high to the eaves and 4.7m high to the ridge. The internal layout comprises a kitchen, separate living/ dining room with direct access into the garden a bathroom and two bedrooms.
- 2.4 The semi-detached two storey dwellings measure a total of 12.5 m wide, 10.2m deep, 4.7m high to the eaves and 8.2m high to the ridge. At ground floor there is a kitchen, living room and W.C, at first floor there are four bedrooms and a bathroom.
- 2.5 Access to the dwellings is via the existing garage court access between 123-125 Amersham Road which would be retained as a shared surface road (for pedestrians and vehicles).
- 2.6 Each dwelling has an area for private amenity space; these are conventionally provided towards the rear, enclosed by a 1.8m timber fence. Plot 1 has an amenity space covering 100 square metres, plot 2 (western half of the semi-detached dwellings) an amenity area of 79 square metres and plot 3, an amenity area of 140 square metres.
- 2.7 The dwellings are arranged to meet the Lifetime Homes Standard and be constructed using a timber frame system, which would make the construction process faster than conventionally built brick developments. Overall, the development would meet Code Level 4 for Sustainable Homes.
- 2.8 This application is a resubmission of planning application P1154.11 which was withdrawn. The changes to this application include a revision in design of the bungalow to reduce its height by 1.1m and remove all dormer windows. The eaves height is also reduced from 3.5m to 2.1m.

### **3. Relevant History**

- 3.1 P1154.11 – Demolition of existing 30 garages and erection of 1 no. chalet bungalow with 2 no. two storey semi-detached dwellings with associated parking and garden areas – withdrawn.

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

- 4.1 Neighbour notification letters were sent to 18 properties. At the time of writing this report, the 21 days for consultation has not expired and no representations had been received. At the time of the committee date, the

consultation period will have expired; any representations received will be reported verbally to Members.

## **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), DC7 (lifetime homes), 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 geo-diversity), 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 adopted Supplementary Planning Document for Residential Design and Landscaping are material considerations.
- 5.3 Policies 3.3, 3.5 and 3.8 of the London Plan (adopted July 2011) are relevant.

## **6. Staff Comments**

- 6.1 This proposal is put before the Committee as the site comprises land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/streetscene issues, amenity implications and parking and highway issues.
- 6.2 Principle of development
- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 107 square metres for a 4 bed, 6 person dwelling. No figures are given for bungalows, although a 2 bed 3 person flat with the same level of accommodation as proposed here has a set floor space of 61 square metres. The semi-detached dwellings have an internal floor space of at least 130 square metres and the bungalow, a floor area of 82 square metres which is acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and 3.3 of the London Plan.

### 6.3 Site Layout/ Amenity Space

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

6.3.2 Each dwelling has a private area of amenity space provided to the side/ rear of the dwellings. These measure 100 square metres for the plot 1, and 79 square metres for plot 2 and 140 square metres for plot 3. Although the garden to plot 3 is substantially larger than plot 2, this is due to the staggered shape of the site to the south. In any case, the SPD does not prescribe minimum garden sizes. The amenity spaces are directly accessible from the living rooms of all dwellings, and are provided in single enclosed blocks. In all, they are considered to accord with the SPD for residential design.

6.3.3 The residential density range for this site is 30-50 dwellings per hectare. The proposal would result in a density of approximately 33 dph which is within the approximate ranges. Staff consider the proposals to be of an appropriate density for the area.

6.3.4 There are no longer prescribed back to back distances between properties. However, plot 1 would have a separation distance from plot 2-3 of 8.2m and be set 21m apart as a minimum from No. 57 Amersham Road. There would be separation distance of 15m to No. 48 Gooshays Drive to the west. Plots 2-3 are set 12m away from the closest properties on Harlesden Close to the east, and 14.8m from No's 44-46 Gooshays Drive. The orientation of these dwellings are so that they face onto their respective rear gardens and onto the shared parking court. In all, the layout of the dwellings is considered acceptable and would acceptably integrate into the locality.

### 6.4 Impact on Local Character and Streetscene.

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties.

Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

- 6.4.2 The surrounding area has no prevailing architectural style, but there is an established pattern of development with defined building frontages and heights, two storeys with pitched roofs. The proposed dwellings would be set behind the frontage properties of Amersham Road and would not be visible as part of the streetscene due to their set back location. A detached refuse store is provided within the site, adjacent to the entrance by the access track, this is set back and is not considered to appear intrusive.
- 6.4.3 The proposal is formed from two styles of property, the first a detached bungalow and the second a pair of semi-detached two storey dwellings. The previous scheme was withdrawn following concerns over the design of the dormer windows and roof of the chalet bungalow. This has been revised so that a traditional bungalow is now proposed with fully hipped roof with canopied entrance. A reduction in maximum height from 6.8m to 4.7m and eaves height from 3.5m to 2.1m is also considered to reduce its overall bulk. The dwelling would be 1.5m deeper in order to accommodate a revised floor plan, however, this is acceptable. It is now considered that the design and appearance of the proposed bungalow (plot 1) is of an acceptable quality and would be finished in a mixture of materials including facing brickwork, concrete roof tiles and UPVC windows.
- 6.4.4 The semi-detached dwellings (plots 2 and 3) would be finished in an identical pallet of materials to Plot 1 with a fully hipped roof and symmetrical window arrangement. Staff consider the proposed materials to be acceptable within the locality and comparable with those on surrounding dwellings. In any event, full details and samples of materials can be controlled should Members be minded to grant planning permission. There would also be a clearly defined entrance with canopy over which reinforces the front elevation of each dwelling within the garage court. The inclusion of soft front landscaping and pathways would also soften the appearance of the dwellings and improve the general appearance of this back land site.
- 6.4.5 Ground levels rise marginally from the east to the west, away from Amersham Road, where properties on Gooshays Drive are set at a 0.5m higher than the application site. This proposal omits the first floor accommodation in the bungalow. The semi-detached dwellings have conventionally flat frontages with a symmetrical window layout and pitched roof, similar to that of neighbouring dwellings. The applicant has provided section drawings which show all three dwellings proposed having a lower ridge height than surrounding dwellings where they would not result in a incongruous or overbearing appearance when viewed from surrounding dwellings.
- 6.4.6 The development of housing on the site would improve the quality of the existing garage court and would therefore be an enhancement to the character and appearance of the surrounding area in general.

6.4.7 It is considered that the development of 3 family dwellings in this location would have an acceptable impact on the character and appearance of this location. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposals would not appear as a cramped form of development within the rear garden environment and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

## 6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The separation distance between the rear elevation of Plot 1 and No's 57 Amersham Road is 21m. There is no longer accommodation proposed in the roof space and ground level accommodation is not considered to result in a loss of amenity to neighbouring occupiers in Gooshays Drive or Amersham Road.

6.5.3 Plots 2 and 3 have each have a first floor flank window which serves a bathroom and is to be conditioned so that they are obscure glazed and non opening, with the exception of a top hung fan light for ventilation. This is not considered to result in overlooking of adjacent occupiers No's 44-46 Gooshays Drive or No. 15 Harlesden Close. This property has a first floor window, serving what appears to be a bedroom. The proposed dwellings have been positioned away from No's 15 boundaries to leave a separation distance of 12m. This is considered acceptable given the orientation of these buildings which do not rely on this separation distance for their primary outlook. These dwellings are set 1m from the boundary shared with No's 44-46 Gooshays Drive with a separation distance of 14.8m. Given the orientation of these dwellings, where their primary outlook faces away from No's 44-46, this distance is considered acceptable. In order to future control changes and alterations to these dwellings, permitted development rights have been removed from all dwellings, which could result in the insertion of additional flank windows for example.

6.5.4 In terms of additional noise and disturbance, it is not considered that the addition of 3 dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area. The dwellings would be built using a timber frame; this would speed up the construction process over traditionally constructed brick buildings and a condition is attached which restricts the hours of construction.

6.5.5 There would be 6 parking spaces provided, 2 for each dwelling. These are located centrally within the application site around a shared turning area.

Staff are of the opinion that the parking is sufficiently removed from existing dwellings and that no noise or light pollution would occur as a result of these 6 car parking spaces on the site.

6.5.6 It is considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 Highway/Parking/Access

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type nature. The development would provide a total of 6 parking spaces, which equates to 2 per dwelling. The level of parking is therefore acceptable.

6.6.2 According to information provided by the applicant, all 30 garages are in a poor condition. Only 1 of the garages is currently let and the tenant of this garage will be offered suitable alternative accommodation. The loss of these garages in favour of the proposal to provide new family accommodation is therefore considered acceptable and would not result in any highway safety or parking issues. No. 57 Amersham Road has a detached garage in its private garden with access onto the garage court. This access has been retained as part of the development. No. 15 Harlesden Close to the south also has a private detached garage within its curtilage, this access would be lost as part of the proposals where the garden for the eastern half of the semi-detached dwellings would be located. Staff recognise that this revocation of the access would have an impact upon those occupiers. However, it is noted that a licence for access onto Council owned garage courts are granted with conditions which are subject to revocation, even where one has built a garage within their own garden. Whilst efforts are made to retain accesses where possible, in this instance it has not been possible to retain the access to No. 15 Harlesden Close, without comprising the layout the dwellings proposed. In this instance Gooshays Drive, Amersham road and Harlesden Close are not subject to parking controls and the loss of these accesses would not significantly add to demand for car parking. Where there is no Highways objection, Staff raise no objection.

6.6.3 The access road would have a shared surface for vehicles and pedestrians. The 3m width of the access road would therefore remain as existing, an area is provided for refuse storage set back from the public highway within a detached store. This has been considered acceptable by StreetCare and therefore Staff raise no objection on this basis.

6.6.4 The development provides storage for 2 x no. cycle spaces to each dwelling which would comply with the Council's standards as set out in Annex 6

which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.

6.6.5 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 Other issues

6.7.1 Representations received from the London Fire Brigade require the provision of a private fire hydrant on site, which should conform with the relevant British Standard. This has been attached via informative.

## 7. Conclusion:

7.1 Overall, Staff are of the opinion that the proposals to provide 3 dwellings would be of an acceptable appearance, they would be largely screened from the Amersham Road streetscene. It is also considered that the proposal presents an acceptable degree of spacing between the buildings, proposed and existing and is not considered to appear as unacceptably dominant or visually intrusive. The revisions to the chalet to provide a traditional bungalow are acceptable and overcome Staff concern with regard to design and overlooking. It is as such considered that the proposal would not have any detrimental impact on neighbouring properties. There are no highways issues raised with regard to the provision of parking for the dwelling, although a garage access would be lost to a neighbouring occupier, this is not to be detrimental to the extent to justify a refusal of the application. The provision of amenity space is also acceptable and approval is recommended accordingly.

## 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 owner of the site.

**Human Resources implications and risks:** None.

**Equalities implications and risks:**

The proposed dwellings 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 forms and plans received 30-09-2011.

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.



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2011

<b>Subject Heading:</b>	P1502.11 – Land rear of 121-127 Amersham Road, Harold Hill  Demolition of existing 14 garages and erection of 1 No. 5 bedroom bungalow with associated parking (Application received 4 <sup>th</sup> October 2011)
<b>Report Author and contact details:</b>	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
<b>Policy context:</b>	Local development Framework
<b>Financial summary:</b>	None

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

- Ensuring a clean, safe and green borough [X]
- Championing education and learning for all [ ]
- Providing economic, social and cultural activity in thriving towns [ ]
- Value and enhance the life of our residents [ ]
- Delivering high customer satisfaction and a stable council tax [ ]

**SUMMARY**

This application relates to a Council owned garage court. This application proposes the demolition of the existing 14 garages and the erection of 1No. 5 bedroom bungalow with associated parking and garden area.

The planning issues are set out in the report below and cover the principle of development, impact on the streetscene, residential amenity and highways/parking. 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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 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.

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 Development Control Policies Development Plan Document Policy DC61

6) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. cycle storage spaces in accordance with the approved plans Drawing Nr. 10.6861.1000 B thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

7) 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 Development Control Policies Development Plan Document Policy DC61.

8) Construction Methodology Statement: Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the

adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

Reason:

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

9) Visibility Splays: 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.

10) Highways Licence Agreement: 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 and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

11) Secured by Design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

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

12) Noise insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne 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" 1994.

13) Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling 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 LDF Development Control Policies Development Plan Document Policy DC61

14) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

15) Road Surface Lighting: Before the dwelling hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning

Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason:

In the interest of residential amenity.

16) 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.

## **INFORMATIVES**

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC2, DC3, DC7, DC33, DC36, DC55, DC61 and DC63 of the LDF Development Control Policies Development Plan 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 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. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
6. In aiming to satisfy Condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex,

RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is a garage court located to the rear of 121-127 Amersham Road. The site is currently covered in hard standing and has 14 garages located to the north and south boundaries.
- 1.2 The site for residential development is approximately 584 square metres in size. Whilst the garage court is level, the site is slightly higher than Amersham Road. The site is surrounded on all sides by the gardens of adjacent residential properties. Some of these have accesses into the garage court.
- 1.3 The character of the surrounding area is predominantly residential and is typified by two storey semi-detached dwellings set behind front gardens.

### **2. Description of proposal**

- 2.1 This application seeks permission to demolish the existing 14 garages on the site and erect 1 No. 5 bedroom bungalow measuring a maximum of 12m deep, 11.8m wide, 2.2m to the eaves and 5m to the ridge in height. The dwelling would be finished in facing brick with UPVC windows and tiled hipped roof.
- 2.4 The dwelling is arranged around a central hallway with kitchen, living room and 5 bedrooms. The kitchen, living room and kitchen all have direct access into the garden.
- 2.5 Access to the dwelling is via the existing garage court access between 123-125 Amersham Road which would be retained as a shared surface road (for pedestrians and vehicles).
- 2.6 A private garden is provided to the side and rear of the property covering an area of 192 square metres; this is enclosed by a 1.8m timber fence.
- 2.7 The bungalow is arranged to meet the Lifetime Homes Standard and be constructed using a timber frame system, which would make the construction process faster than conventionally built brick developments. Overall, the development would meet Code Level 4 for Sustainable Homes.
- 2.8 This application is a resubmission of P1171.11 which was withdrawn. The changes to this application involve the omission of 1 dwelling so now a



single dwelling is proposed. The previous chalet style has also been revised to create a traditional bungalow.

### **3. Relevant History**

- 3.1 P1171.11 – Demolition of existing 14 garages and erection of 2 no. 4 bedroom houses with associated parking and garden areas – withdrawn.

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

Neighbour notification letters were sent to 20 properties. At the time of writing this report, the 21 days for consultation has not expired and no representations had been received. At the time of the committee date, the consultation period will have expired; any representations received will be reported verbally to Members.

### **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 geo-diversity), 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 adopted Supplementary Planning Document for Residential Design and Landscaping are material considerations.
- 5.3 Policies 3.3, 3.5 and 3.8 of the London Plan (adopted July 2011) are relevant.

### **6. Staff Comments**

- 6.1 This proposal is put before the Committee as the site comprises land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/streetscene issues, amenity implications and parking and highway issues.
- 6.2 Principle of development
- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. This policy does not provide figures for bungalows; however, the bungalow has an internal floor space of 132 square metres, which is above the minimum standards quoted for a 4 bed 6 person dwelling at 113 square metres. The internal space provided is therefore acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and 3.3 of the London Plan.

### 6.3 Site Layout/ Amenity Space

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

6.3.2 A private amenity area of 192 square metres is provided to the side and rear of the property. The side garden measures 8m deep and the rear portion of the garden measures between 3.8m and 6.8m in depth (due to the projecting bedroom). This amenity space is directly accessible from the kitchen, living room and bedroom 1. Although not conventional in shape, Staff consider it is of a practical arrangement and accords with the SPD for residential design.

6.3.3 The residential density range for this site is 30-50 dwellings per hectare. The proposal would result in a density of approximately 20 dph. This is below the stated density ranges, however, density is only one measure of acceptability and Staff consider that given the constrained nature and shape of the site, a single dwelling is considered acceptable in this location.

6.3.4 There are no longer prescribed back to back distances between properties. However, the bungalow would have a distance of 25.8m to the rear elevation of No's 6-8 Petersfield Avenue and be set at a minimum distance of 21.8m to the bedroom elevation from No's 112-114 Gooshays Drive and a maximum distance of 24.6m. These distances are considered acceptable given the single storey nature of the dwelling, where no roof accommodation is proposed. The front properties No's 123-125 Amersham Road are located approximately 13.8-18m away from the front elevation of the dwelling (depending on the point of measurement due to the staggered front

elevation of the bungalow) and would be separated by residential gardens and boundary fencing and parking area. This is considered acceptable, as the orientation of the bungalow would mean that it does not directly face onto the Amersham road dwellings.

#### 6.4 Impact on Local Character and Streetscene.

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The surrounding area has no prevailing architectural style, but there is an established pattern of development with defined building frontages and heights, two storeys with pitched roofs. The proposed dwelling would be set behind the frontage properties of Amersham Road and would not be readily visible as part of the streetscene.

6.4.3 These proposals for a single dwelling on this plot is considered to resolve the cramped appearance of the previous scheme and provide a more generous setting for the bungalow, where there is a reduced area of hard standing from the previous scheme and more scope for soft landscaping. The revision to create a traditional bungalow with pitched roof has reduced the ridge height from 6.8m to 5m and the eaves height reduced from 3.8 to 2.2m. This has reduced the overall bulk of the dwelling which is acceptable.

6.4.4 It is proposed to be finished in a mixture of materials including facing brickwork, concrete roof tiles and UPVC windows. Staff consider these materials to be acceptable within the locality and comparable with those on surrounding dwellings. In any event, full details and samples of materials can be controlled should Members be minded to grant planning permission. There would also be a clearly defined entrance with canopy over which reinforces the principle elevation of the dwelling within the garage court. The inclusion of soft front landscaping and pathways would also soften the appearance of the dwellings and improve the general appearance of this back land site.

6.4.5 Ground levels rise marginally from the south to the north, away from Amersham Road. No accommodation is proposed within the roof space and this has enabled the height of the bungalow to be reduced from the previous proposals, as such would not be visible over No's 121-127 Amersham Road.

6.4.6 The development of housing on the site would improve the quality of the existing garage court and would therefore be an enhancement to the character and appearance of the surrounding area in general.

6.4.7 It is considered that the development of a single family dwelling in this location would have an acceptable impact on the character and appearance of this location. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposals would not appear as a cramped form of development within the rear garden environment and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

## 6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The separation distance between the side elevation of the bungalow and 6-8 Petersfield Avenue is 24.8m. This is an increase from 20.8m from the previously proposals. The back to back distance between the rear elevation and no's 112-114 Gooshays Drive is between 21.8 and 24.6m (due to the staggered arrangement of the rear elevation), compared to 23m from the previous submission. While there are no prescribed back to back distances, given the garden depths between both properties and surrounding boundary screening, it is not considered that there would be any direct overlooking or invasion of privacy given the single storey nature of the building.

6.5.3 With regard to noise, Staff consider that the addition of a single dwelling would not give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area. The dwelling would be built using a timber frame; this would speed up the construction process over traditionally constructed brick buildings.

6.5.4 There would be 2 parking spaces provided. These are located to the north of the application site. Staff are of the opinion that the parking is sufficiently removed from existing dwellings and that no noise or light pollution would occur as a result of these 2 car parking spaces on the site.

6.5.5 It is considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. Staff consider the impact of a single dwelling to be acceptable, however, it is recommended that permitted development rights are removed in order that Staff can control any extensions or alterations to the property in future. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

## 6.6 Highway/Parking/Access

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type nature. The development would provide a total of 2 parking spaces. The level and arrangement of parking is therefore acceptable and practical.
- 6.6.2 According to information provided by the applicant, all 14 garages are in a poor condition. Only 1 of the garages is currently let and the tenants of these garages will be offered suitable alternative accommodation. The loss of these garages in favour of the proposal to provide new family accommodation is therefore considered acceptable and would not result in any highway safety or parking issues. No. 123 Amersham Road has an detached garage in its garden with access onto the garage court. This access has been retained as part of the development. Private in-curtilage garages and their respective accesses that serve No's 112-116 Gooshays Drive would be lost as part of the proposals. Staff recognise that this would have an impact upon those occupiers, however, a licence for access onto garage courts are granted with conditions which are subject to revocation. In this instance Gooshays Drive and the surrounding streets are not subject to parking controls and the loss of these accesses would not significantly add to demand for car parking. Where there is no Highways objection, Staff raise no objection.
- 6.6.3 The access road would have a shared surface for vehicles and pedestrians. The 2.8m width of the access road would therefore remain as existing, an area is provided for refuse storage set back 12m from the public highway. This has been considered acceptable by StreetCare and therefore Staff raise no objection on this basis.
- 6.6.4 The development provides storage for 2 x no. cycle spaces to each dwelling which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.
- 6.6.5 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

## **7. Conclusion:**

- 7.1 Overall, Staff are of the opinion that the proposals to provide a single bungalow would be of an acceptable appearance which address the concerns raised within the previous application. The dwelling would be screened from the Amersham Road streetscene by existing development. It is also considered that the proposal presents an acceptable degree of spacing between the buildings, proposed and existing and is not considered to appear as unacceptably dominant or visually intrusive. It is considered that the proposal would not have any detrimental impact on neighbouring properties given its single storey nature. There are no highways issues

raised with regard to the provision of parking for the dwelling, although a garage access would be lost to neighbouring occupiers, this is not to be detrimental to the extent to justify a refusal of the application. The provision and arrangement of amenity space is also acceptable and approval is recommended accordingly.

## 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 owner of the site.

**Human Resources implications and risks:** None.

**Equalities implications and risks:**

The proposed dwellings 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 forms and plans received 4/10/2011.

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.



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2011

**Subject Heading:**

**P0954.11 – Former Edwin Lambert School, Malvern Road, Hornchurch**

**Demolition of existing buildings and redevelopment of the site to create 35 No. three bedroom houses, plus associated roads, paths, car parking, garages and landscaping (Application received 23<sup>rd</sup> June 2011 with revised plans received on 12<sup>th</sup> and 25<sup>th</sup> August 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**

- Ensuring a clean, safe and green borough [X]
- Championing education and learning for all [ ]
- Providing economic, social and cultural activity in thriving towns and villages [ ]
- Value and enhance the life of our residents [ ]
- Delivering high customer satisfaction and a stable council tax [ ]

**SUMMARY**

This application relates to the redevelopment of a former primary school to provide a residential development of 35 houses. The proposal is considered acceptable in all material respects, allowing for areas of judgement, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. A viability appraisal has been submitted by the applicant to justify the level of affordable housing and the amount of Section 106 contributions arising from the development. Staff consider the proposals to be acceptable, subject to a legal agreement and conditions and it is recommended that planning permission is granted.

## RECOMMENDATIONS

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

- The provision on site of 11% of the houses within the development as affordable housing in accordance with Policy DC6 of the LDF Development Control Policies Development Plan Document.
- The payment of a financial contribution of £12,000 towards the cost of health care provision within the Borough in accordance with Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document
- A financial contribution of £35,000 towards highway improvements within the vicinity of the site in accordance with Policy DC32 of the LDF Development Control Policies Development Plan Document.
- All contribution sums shall include interest to the due date of expenditure and indexation from the date of the agreement to the date of payment.
- The Council's reasonable legal fees for preparation of the agreement.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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 houses hereby permitted are 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. Use of garages/carports - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the garages/carports hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

5. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings 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.

6. 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.

7. Tree protection - Prior to the commencement of the development hereby approved the trees to be retained on site shall be protected in accordance with the appropriate recommendations contained in British Standard 3998:1989 (Tree Works) to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on site in the interests of amenity and to accord with Policy DC60 of the LDF Development Control Policies Development Plan Document.

8. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling 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 LDF Development Control Policies Development Plan Document Policy DC61.

9. 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.

10. 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.

11. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

12. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

13. Biodiversity – Prior to the commencement of the development a method statement shall be submitted to and approved in writing by the Local Planning Authority outlining details of how the proposed ecological scoping survey recommendations and associated habitat enhancement measures will be implemented within the development. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

14. 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.

15. 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.

16. 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.

17. 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.

18. Sustainability - No development shall be commenced until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

19. Renewable energy - Any renewable energy system shall be installed in strict accordance with the agreed details and operational to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

20. Sound attenuation - The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne 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'.

21. 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 E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellinghouses 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 Policies Development Plan Document Policy DC61.

22. 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 dwellings 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.

23. Details of ground levels - Prior to the commencement of the development details of the existing ground levels and the proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document.

## **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. Please contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. In aiming to satisfy conditions 10, 11 and 12 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
3. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP15, CP16, CP17, CP18, DC2, DC3, DC7, DC20, DC30, DC32, DC33, DC34, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC63, DC70 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. The proposal is considered to accord with Policy DC6 as the amount of affordable housing provision has been justified through the submission of a viability appraisal, which has been independently tested and found to be sound.

The proposal also accords with the provisions of Policies 3.3, 3.4, 3.6, 3.8, 3.9, 3.13, 5.3, 5.7, 5.12, 5.13, 5.16, 5.21, 6.1, 6.9, 6.10, 7.3, 7.4, 7.6, 7.8, 7.14, 7.15, 7.19 8.2 of the London Plan. The application proposes car parking at a level greater than that set out in policy 6.13 however the

amount is considered to be justified given the relatively low PTAL level of the site. A number of the proposed houses within the development would fall below the internal space standards set out in Policy 3.5 however staff consider that the proposed houses would provide a decent quality living environment for future occupiers. The application does not comply with Policy 5.2 of the London Plan in that the sustainability element of the development is not equivalent to Code Level 4. The development does however envisage achieving Code for Sustainable Homes Level 3. Given the London Plan policy has been adopted post-submission of the scheme and compliance with local sustainability policies, this is considered acceptable in this case. The proposal is considered to be consistent with Policy 3.9 and Policy 3.12, which require the maximum reasonable amount of affordable housing to be sought. A development viability appraisal has been submitted with the application, justifying the amount of affordable housing provided.

#### 4. Planning Obligations

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

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises 0.64 hectares of land located on the southern side of Malvern Road and is enclosed by residential development on all sides. To the east and south, the rear gardens of the houses in, respectively, Globe Road and Hillcrest Road abut the site boundary. To the west, Park Crescent runs up to the boundary of the site and was historically used as the entrance to the school site, meaning that the houses at the eastern end of the road (numbers 39 and 42) are positioned side-on to the shared boundary. To the north, the current school access is taken from Malvern Road, between numbers 64 and 70, with the rear gardens of the houses on the street frontage also backing on to the site. The former school buildings currently stand in the central third of the site, with a hard surfaced area acting as a car park for staff to the north, with a small ornamental garden planted by the pupils in the north western corner. To the south of the buildings, the playground fills the remainder of the site. The character of the surrounding area is largely residential nature with two storey semi-detached and terraced housing being the predominant building type. The topography of the site and surrounding area is such that ground levels slope gently from



Globe Road in the east towards Park Lane in the west. Globe Road and Malvern Road fall within Controlled Parking Zone RO3 which is in operation between 0830 and 1830 Monday to Saturday for resident permit holders only.

## **2. Description of Proposal**

- 2.1 This application seeks full planning permission for the demolition of the existing buildings on the site and the construction of a new residential development with associated access road and parking areas. The proposed development would comprise a total of 35 no. three bedroom houses. A combination of 2 and 2.5 storey houses in detached, semi-detached and terraced forms are proposed in order to reflect the mixed character of the surrounding area.
- 2.2 The existing vehicular access into the site would be rebuilt with a new 5.5 metre wide road running southwards from Malvern Road into the site. The proposed road would curve gently to the west in order that it can run through the centre of the site, with houses lining either side. The proposed access road would be constructed to an adopted standard and include a separate pedestrian footway along the entire length to one side. Running from the main access road in a westerly direction would be two smaller private driveways. Parking for the proposed houses would be provided in one of three positions: to the front of the property, on-plot alongside the house on a private drive/in attached garages, or within and to the front of separate garage buildings.
- 2.3 At the entrance to the development would be a detached house to plot 1 turned so that its front elevation would face onto the access road. Plots 1 to 4, on the eastern side of the estate road, would be clustered around a short private drive, with plots 5 to 10 behind, following the edge of the proposed road and backing onto the existing properties in Globe Road. A turning head would mark the end of the proposed road and would provide a facility for refuse and emergency vehicles to turn round. Plots 11 to 17 are proposed running along the southern boundary forming a back-to-back relationship with the existing houses in Hillcrest Road.
- 2.4 Park Crescent runs up to the western site boundary. The proposed houses to plots 21 to 25 are proposed to be positioned side on to the boundary, appearing as if they are a continuation of the existing terrace to the south side of Park Crescent. To either side, plots 19, 20 and 26 to 29 would back onto the boundary but would be separated from existing neighbouring houses by either plot 18 or their own garages. Along the northern edge of the site, plots 30 to 35 would form a back-to-back relationship with the existing houses in Malvern Road, with plot 35 turned so that the principle elevation would face onto the access road.
- 2.5 There are a number of existing trees around the edge of the site. Some of these would be retained as a feature of the new development and to provide a buffer between the existing properties that surround the site and the

proposed new houses. Additional soft landscaping is proposed as part of the proposals. The proposed houses are of a traditional form, with regular shapes and pitched roofs. It is proposed that the scheme would mainly use buff bricks with red or grey roof tiles, although red bricks and weather boarding is also proposed in the palette of materials. The proposed houses would range in height with eaves heights around 4.7 metres and ridge heights ranging between 7.6 and 8.7 metres.

### **3. Relevant History**

- 3.1 D0173.11 – Determination as to whether prior approval is required for the demolition of the existing buildings on site – Prior approval required and granted 21<sup>st</sup> October 2011

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

- 4.1 The application has been advertised and neighbour notification letters sent to 91 local addresses with two letters of representation being received. The letters raise objection to the proposal on the following grounds:

- Noise during construction
- Potential damage to property
- Change in character of the site
- Parking problems within the locality
- The proposals being too ambitious for the site

- 4.2 The Borough Crime Prevention Design Advisor considers that the proposal does not present any material crime prevention issues but requests conditions be imposed in respect of boundary treatment, landscaping, lighting and the Secure by Design award scheme.

- 4.3 The London Fire Brigade raise no objection subject to the provision of an additional fire hydrant within the site.

- 4.4 The NHS Outer North East London has advised that the site is located in an area of health deficiency and as such have requested a financial contribution to off set the development would have on existing health services.

- 4.5 Natural England raises no objection to the proposal but recommended that an emergence bat survey be carried out. This was undertaken in August 2011.

- 4.6 Thames Water has raised no objection to the proposal.

- 4.7 The Environment Agency has no comments to make on the proposals.

- 4.8 English Heritage have assessed the Archaeological Desk Based Assessment submitted with the application and consider that the proposals

are unlikely to effect archaeological remains and as such archaeology need not be a consideration in the determination of the application.

## **5. Relevant Policies**

### **5.1 National Planning Policy**

Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Statement 3 'Housing', Planning Policy Statement 9 'Biodiversity and Geological Conservation', Planning Policy Guidance Note 13 'Transport', Planning Policy Statement 22 'Renewable Energy', Planning Policy Guidance Note 24 'Planning and Noise' and Planning Policy Statement 25 'Development and Flood Risk' are also relevant. Government guidance relating to highway matters contained within 'Manual for Streets' published by The Department for Transport in 2007 is also considered to be a material consideration.

### **5.2 Regional Planning Policy**

Following its recent adoption in July 2011 the London Plan is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature), 7.21 (trees and woodlands) and 8.2 (planning obligations).

There is also a range of Supplementary Planning Guidance to the London Plan.

### **5.3 Local Planning Policy**

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), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC11 (non-designated sites), DC21 (major developments and open space), DC29 (educational premises), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC48 (flood risk), DC49 (sustainable design and construction), DC50 (renewable energy), DC51

(water supply and drainage), DC53 (contaminated land), DC55 (noise), DC56 (light), DC58 (biodiversity and geodiversity), DC59 (biodiversity in new developments), DC60 (trees), DC61 (urban design), DC63 (crime), DC70 (archaeology) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material considerations.

In addition, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD, Heritage SPD, Landscaping SPD and Sustainable Design and Construction SPD are material considerations.

## **6. Staff Comments**

6.1 The issues arising from this application are the principle of development, the density and layout of the new development, the design of the development and its impact on the character and amenity of the locality, the impact of the development on local residential amenity, parking and highway matters, the impact on trees and landscaping, affordable housing and the impact on community infrastructure.

### **6.2 Principle of Development**

6.2.1 The application site is previously developed land having most recently been in use as a primary school. Policy DC27 of the LDF states that planning permission for the redevelopment of a community facility will be granted where (a) it can be demonstrated that there is no longer a need for the facility affected, either in its current use or any alternative use or (b) where suitable alternative provision is made. The Edwin Lambert School closed in July 2011 following a move into a new building off of Granger Way now known as Hylands School. Staff are of the view, having regard to the above that the loss of this community facility is acceptable and that the proposal complies with Policy DC27 in this respect. The principle of residential development on this site is considered to be acceptable having regard to Policies CP1 and DC11 of the LDF, subject to the detailed design of the proposals.

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. The redevelopment of the site would therefore contribute to the principles of urban regeneration and sustainability. The proposed residential redevelopment would contribute to the London Plan objective of increasing the overall supply of housing, specifically relevant is Policy 3.3.

6.2.3 The proposal includes the demolition of existing buildings on the site, although prior approval has already been given by the Council to demolish

the buildings on the site (reference D0173.11). The buildings on the site are not of particular historic or architectural merit and there is no objection in principle to their demolition.

### 6.3 Density and Site Layout

- 6.3.1 The application site has an area of approximately 0.64 hectares and proposes 35 units, giving a development density of 55 units per hectare. This is slightly beyond the density range of 30-50 units per hectare set out in Policy DC2 of the LDF and Policy 3.4 of the London Plan. Members will be aware that the advised density ranges are one of number of criteria employed to assess the appropriateness of a proposal. Staff consider that the density of development proposed is not unacceptable in principle subject to the proposals achieving a suitably high standard of quality and urban design.
- 6.3.2 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. Although the proposed development has been designed in accordance with the Lifetime Homes standard a number of the proposed houses would have internal space standards below those set out in the London Plan. For example plot 1 would achieve 81 square metres whereas the London Plan seeks 87 square metres. For plots 2, 7, 8, 15, 16, 19 and 20 internal floor spaces of 80 square metres would be achieved whereas the London Plan seeks 96 square metres. The London Plan 2011 was adopted post-submission of this planning application and staff are of the view that the proposed internal space standards which would be achieved are acceptable. Whilst not complying with this aspect of the London Plan staff consider that the proposal would provide decent quality living environments for future occupiers and that a refusal on this ground alone would not be reasonable.
- 6.3.3 The Council's Supplementary Planning Document for residential design advises that in most cases, new developments should respond to traditional street patterns. In this case the application site is a roughly rectangular shaped parcel of land joined on all four sides by existing residential development. Staff are of the view that the location of the site and the limited access points to it presents limited opportunity for the proposed development to replicate the nearby Victorian grid based street patterns. Notwithstanding this, staff are of the view that the proposed cul de sac site layout would relate satisfactorily to the surrounding area and would be of comparable layout to previous infill developments in the locality. The proposed site layout would provide spacing between buildings with landscaped areas to soften the built form. The layout of buildings on the site would provide active frontages with clear distinctions between public and private space and high levels of natural surveillance. It is considered that the arrangement and setting of the proposed buildings would be compatible with development in the surrounding area. Whilst it is acknowledged that a

number of the houses would be positioned in a manner tight to the proposed access road this is not judged to be harmful as the site would effectively set its own character.

6.3.4 In respect of amenity space the Supplementary Planning Document places emphasis on new developments providing well designed quality spaces that are usable. This proposal would see each of the proposed houses provided with private rear garden areas. The proposed garden areas would vary in size between 31 square metres for plot 21 and 104 square metres for plot 1. Members are invited to exercise their judgement as to whether the smaller rear garden areas would provide sufficient amenity space for the proposed houses. Staff are of the view that the proposed rear garden areas, whilst of limited area compared to existing development in the locality, would provide each house with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

6.3.5 The provision of amenity space is not only important for providing external space for future occupiers but also provides space between buildings. The proposed houses would have rear garden areas of varying depth of between 5.5 for plot 16 and 16 metres for plot 1. Staff acknowledge the proposed garden depths would be significantly shorter than those presently found for the Victorian housing surrounding the site where garden depths average 32 metres for properties in Park Crescent and 22 metres for properties in Globe Road. Notwithstanding this staff are of the view that the depths of the proposed rear gardens would not be harmful to local character. Given the nature of proposed site layout staff are of the view that the configuration of buildings is such that the proposed garden depths would not appear overly cramped.

6.3.6 The submitted plans show detailed information in respect of proposed hard and soft landscaping including new tree planting. Staff are of the view that the proposed landscaping is acceptable and would help to create a pleasant and attractive high quality environment for future occupiers. If Members are minded to approve this proposal the applicant would be required to submit further details for approval in this respect.

#### 6.4 Design/Impact on Street scene

6.4.1 National policy guidance set out in PPS1 and PPS3 recognise the need for high quality design in residential development. In particular, PPS1 states that good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. As a consequence Council policy and guidance seeks to ensure that new residential development responds to the distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. PPS1 also advises that local planning authorities should not attempt to impose architectural styles or particular tastes nor to stifle innovation, or originality.

- 6.4.2 The character of the surrounding area is drawn predominantly from Victorian semi detached and terraced housing constructed on a grid based street pattern. Despite the houses in the surrounding area being predominantly from the Victorian period each group of properties has its own individual character as the buildings were developed by different builders at differing times. The overriding character is however that of two storey pitched roof buildings.
- 6.4.3 The application site has a limited frontage to Malvern Road and as such the proposed development would be largely hidden from view by the houses that surround the site. Given the location of the site the proposed development would effectively set its own character. The proposed houses would be broadly comparable with surrounding two storey dwellings in terms of form and general proportions. It is considered that the design and appearance of the proposed dwellings is of an acceptable quality, in accordance with relevant guidance. Given the nature of surrounding built form, comprising mainly two storey housing, staff consider, that the proposal would not have an adverse impact upon the street scene or character of the area.
- 6.4.4 The submitted plans indicate that external materials for the proposed houses would comprise of facing brickwork and weather boarding with UPVC framed windows with concrete tiled roofs. The materials chosen for the proposed development are contemporary and durable and would require minimal maintenance. Staff are of the view that the proposed materials would provide a suitably high quality appearance for the development. The proposed materials would give the development an attractive and distinctive character, which staff consider would be complimentary to the existing local area. Further details of materials including samples can be requested via condition.
- 6.4.5 The design of the proposed development is such that it would be fully accessible to those with disabilities, with all of the houses to meet the Lifetime Homes standards. In addition four of the plots (1, 18, 26 and 35) have been specifically designed to meet wheelchair housing standards. 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 new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

## 6.5 Impact on Amenity

- 6.5.1 Access into the application site is presently taken from Malvern Road with a single road passing adjacent to no. 64. The proposal would see a new road taken into the site running southwards from Malvern Road through the existing access corridor. The proposed carriageway would be sited centrally

within the access corridor enabling the provision of a soft landscaped buffer to either side. Subject to details of landscaping and boundary treatment staff are of the view that the proposed access road would have an acceptable impact on the amenity of adjoining occupiers. The proposal would result in an increase in the amount of noise and general disturbance to those properties flanking the access road. However, the proposal is for a residential development and it is not normally considered that residential traffic and other such activities would detract from the amenities of an existing residential area.

- 6.5.2 At the entrance to the development would be a group of four houses clustered around a short private drive. The proposed houses to plots 1 and 2 would result in a flank to back relationship with those properties adjoining the site to the east in Globe Road. A flank to back would result with no. 60 to 70 Globe Road with a separation distance of between 20 and 25 metres. No windows are proposed within the flank east facing walls of the proposed houses. The change in ground levels across the local area is such that the application site is located at approximately 0.5 metres below the adjoining rear gardens of those properties fronting Globe Road. Having regard to the separation distance described above together with the change in levels staff consider this relationship to be acceptable. Although the houses to plots 1 and 2 would be sited in a manner fairly close to the bottom of adjoining rear gardens the house to plot 1 would be separated by a single storey garage. The proposed house to plot 2 would be within 0.5 metres of the boundary however the change in ground levels is judged to be sufficient to prevent the house from appearing unduly overbearing in the rear garden environment.
- 6.5.3 The proposed houses to plots 5 to 10 would result in a conventional back to back relationship with those properties to the east in Globe Road. The houses to plots 5 to 10 would be sited at between 8 and 9 metres from the eastern site boundary. Back to back distances of between 28 and 31 metres would be achieved. Having regard to the above distances staff are of the view that the proposed houses would be sufficiently removed to prevent harm to residential amenity. A block of three garages is proposed to the rear of nos. 86 and 88 Globe Road. This building would be single storey in form and be of a hipped roof design with an overall height of 4.7 metres. Staff are of the view that the proposed garages would not have a harmful impact on amenity.
- 6.5.4 A pair of houses (plots 11 and 12) is proposed to the south east corner of the site to the rear of nos. 90 and 92 Globe Road. The proposed house to plot 11 would result in a flank to back relationship with the adjoining properties in Globe Road. A separation distance of at least 22 metres would be achieved. No windows are proposed within the east facing flank of the house to plot 11. There is a change in ground levels at this end of the site with the adjoining rear gardens of those properties fronting Globe Road set approximately 0.6 metres above the level of the site. Having regard to the separation distance described above together with the change in levels staff consider this relationship to be acceptable.



- 6.5.5 The proposed houses to plots 11 to 17 would be located to the southern end of the site and would result in a conventional back to back relationship with those properties fronting Hillcrest Road. The proposed houses would have rear garden depths of between 5.5 metres and 10.5 metres and would achieve back to back distances of at least 31 metres. The proposed house to plot 16 would be sited closest to the southern site boundary with the garden area of this house varying in depth between 5.5 and 7.5 metres. Members are invited to exercise their judgement in respect of the acceptability of this rear garden depth. The internal configuration of the house is such that the upper floor window which would be nearest to the boundary would serve a bathroom. The proposed house would also achieve a decent back to back distance of 31 metres. It is for these reasons that staff consider, on balance, the proposed back garden depth to be acceptable.
- 6.5.6 The proposed house to plot 18 would be sited to the western side of the site adjacent to the boundary with no. 42 Park Crescent. Members are invited to exercise their judgement with regard to the impact of the proposed house on this property. The change in ground levels in the local area is such that the garden area of no. 42 is located at a lower level than the site by approximately 0.6 metres. The proposed house would be removed from the boundary by a metre and has been specifically designed with a hipped roof. The proposed house would be sited at a distance of 20 metres from the rear main wall of no. 42. Staff are of the view that the distance of separation is such that the house would not be harmful to the outlook of occupiers of the adjoining property. The proposed house has been specifically designed internally so that the two windows nearest to the boundary with adjoining property would be obscure glazed to prevent overlooking.
- 6.5.7 Park Crescent runs up to the western site boundary. The proposed houses to plots 21 to 25 are proposed to be positioned side on to the boundary, appearing as if they are a continuation of the existing terrace to the south side of Park Crescent. The siting of these houses is not judged to result in any adverse impact on adjoining properties.
- 6.5.8 The proposed houses to plots 19, 20 and 26 to 29 would be sited towards the centre of the site with the rear elevations facing west. The proposed houses would be separated from the western site boundary by either plot 18 or their own garages. The houses would be removed from the boundary by at least 17 metres which is judged to be an acceptable distance to prevent any undue overlooking or a loss of privacy. A block of four garages is proposed to the rear of plots 26 to 29. The proposed building would project 4.5 metres beyond the rear of no. 39 Park Crescent. The building would be single storey in form, set off the boundary by 1.5 metres and be of a hipped roof design with an overall height of 4.7 metres. Given the siting of the proposed building and its single storey form staff are of the view that the garage building would have an acceptable impact on amenity.
- 6.5.9 To the northern edge of the site two terraces of houses are proposed (plots 30 to 35) backing onto the existing properties fronting Malvern Road. The

proposed houses would be removed from the boundary between 11 and 8 metres given the tapering nature of the site. The proposed houses would achieve back to back distances of between 22 and 25.5 metres. At the present time the outlook of nos. 50 to 64 Malvern Road towards the site is formed by a dense row of coniferous trees which would be removed as a result of this proposal. Staff are of the view that whilst the outlook from these properties would be different the siting of the proposed houses is such that no material harm to result amenity would result.

6.5.10 It is acknowledged that the outlook for those properties which back onto the application site would be noticeably different to the existing situation. These properties have benefited for a number of years from a borrowed outlook afforded by the single storey form of the existing school buildings. Although staff acknowledge that the outlook for properties backing onto the site would be different this is considered to be acceptable given the separation distances described above.

6.5.11 The proposed site layout would introduce parking courts in close proximity to several parts of the site boundary. The proposed parking courts would be separated from the site boundaries by landscaped buffer strips which, in conjunction with boundary treatment, staff consider would limit the impact of noise from vehicles

## 6.6 Environmental Impact

6.6.1 A phase 1 land contamination desktop study has been carried out and details submitted with the application. A condition is recommended in respect of land contamination issues. The proposal is therefore judged to be compliant with Policy DC53 of the LDF and Policy 5.21 of the London Plan.

6.6.2 An energy strategy and sustainability statement have been submitted with the application. The energy strategy indicates that a 20% reduction in emissions would be achieved and the proposed development would meet Code for Sustainable Homes Level 3. It is recommended that the aims of these statements be secured by condition. It is noted that the London Plan 2011, adopted post-submission of the application, seeks to achieve a 25% reduction in CO<sub>2</sub> emissions over Building Regulations, which is equivalent to the energy requirement of Code Level 4. The application will meet Code Level 3 with reasonable endeavours to meet Code Level 4. However, this would require further renewable energy measures, which cannot be fully accommodated within the design of the scheme and that the scale of changes needed would not be viable. Some units across the development will however meet Policy 5.2 of the London Plan. It is further noted that Policy 5.2 does not require the scheme overall to achieve Code Level 4, just in respect of the energy element of the rating system. Staff consider, on balance, that the energy efficiency of the development proposed is acceptable.

6.6.3 The application site has been subject to ecological and arboricultural surveys. These reports have identified potential impacts associated with the redevelopment of the site. The application site is currently occupied by the former school buildings, large areas of hard surfacing and some limited areas of amenity grass. Given this the site is judged to be of low ecological value. The presence of some trees on the site and the vacant buildings could provide suitable habitat for bats. In recognising this applicant has commissioned an ecological survey, which found no evidence of bats roosting anywhere on the site. The report makes a number of recommendations to mitigate the impact of the development on the environment and suggests potential enhancement measures. Staff are of the view that the proposed development is acceptable in this respect and it is recommended that a planning condition is imposed to secure the recommendations of the ecological survey within the development.

6.6.4 Policy DC60 of the LDF sets out a general presumption in favour of the retention of trees. The application site has been subject to a detailed arboricultural survey, which identifies that the site presently contains 18 trees of mixed condition and age that need to be removed in order to enable the successful redevelopment of the site. Staff are of the view that the loss of trees is acceptable having regard to the findings of the arboricultural survey and the fact that their loss could be mitigated through a landscaping scheme. Measures to ensure the protection of the trees to be retained in the development along with details of a landscaping scheme could be secured via condition.

## 6.7 Parking and Highway Issues

6.7.1 Access to the development would be taken from Malvern Road with a new road being provided through the centre of the site and terminating at a turning head area to the southern end of the site. The proposed access road would be constructed to an adoptable standard and include separate pedestrian footways. The proposed turning and access arrangements are considered to be acceptable and would meet the access and servicing needs of the development. Staff acknowledge that a residential development of the size proposed is likely to result in additional vehicle movements however it is not considered that this would be to such an extent that a refusal of this application could be reasonably justified.

6.7.2 In respect of car parking Policy DC33 seeks to ensure that development proposals provide adequate off street car parking. The Council's adopted car parking standard recommends the provision of 1.5-2 spaces per unit in this location. The proposed development would provide 68 parking spaces equating to 1.9 spaces per unit. Staff are of the view that the level of parking to be provided is acceptable. It is noted that the proposed level of car parking exceeds that set out in the new London Plan, which sets 1.5–1 space per 3 bed unit. However, this is not yet based on PTAL zones, which will be part of a forthcoming Housing SPG. Furthermore, Policy 6.14 of the London Plan recognises that London is a diverse city that requires a flexible approach to identifying appropriate levels of car parking provision across

boundaries. This means ensuring a level of accessibility by private car consistent with the overall balance of the transport system at the local level. The site is outside of any designated town centres and has a low PTAL level. Staff therefore consider that having regard to local site circumstances and as the current London Plan standards are not based on PTAL's the levels of parking can be assessed flexibly and are considered acceptable.

6.7.3 Globe Road and Malvern Road fall within Controlled Parking Zone RO3 which is in operation between 0830 and 1830 Monday to Saturday for resident permit holders only. Staff have given consideration as to whether request a planning obligation to prevent future occupiers from applying for residents parking permits but have concluded that this is not justified given the level of parking proposed within the development.

6.7.4 The proposed development would incorporate provision for secure cycle storage within the curtilage of each property. Staff are of the view that the proposal accords with Policy DC36 in this respect and that further details could be secured via condition.

6.7.5 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 rear garden area of each property using the black and orange sack method. On collection day the sacks would then be placed at the property boundary for roadside collection. In the event that Members are minded to grant planning permission a condition requiring further details in this respect could be imposed. A swept path analysis has been provided with the application to show that a refuse vehicle would be able to enter the site, pass other vehicles and turnaround.

## 6.8 Affordable Housing

6.8.1 The application proposes that four houses within the development would be provided as affordable housing. This equates to 11% of the units. Plots 30 to 32 would be made available for affordable rent through a Registered Social Landlord (RSL). Plot 34 would be sold though a shared ownership or equity provision scheme in partnership with an RSL. The applicant has submitted a viability appraisal in support of this application, which demonstrates that the development would not be viable with a percentage of affordable housing greater than 11%. Staff have assessed the applicant's financial appraisal and are satisfied with its findings. Staff are satisfied that the proposal complies with Policy DC6 of the LDF and makes suitable provision for affordable units within the scheme.

## 6.9 Community Infrastructure

6.9.1 Policy DC72 of the LDF outlines that in order to ensure that new development is in line with the principles of sustainable development financial contributions may be sought from developers. As outlined above the proposed development is likely to place a greater demand on the local

highway network and as it is reasonable to request a contribution towards local highway improvements. A sum of £35,000 has been agreed in this respect.

6.9.2 The Council has taken a decision through its Cabinet that the receipt from the sale of this site will be used to fund the new school which has been built to replace it. For this reason no education contribution has been sought from the applicant in this instance.

6.9.3 The NHS Outer North East London has advised that the site is located in an area of health deficiency and as such the NHS has requested a financial contribution to off set the development would have on existing health services. Within the local area existing GP practices are above the recommended threshold resulting in longer waits to see a doctor. At present the Council has no specific planning policies in respect of healthcare provision. Although the proposed development is relatively moderate in scale staff are satisfied that the development is likely to place a greater demand on local health care provision and such it is considered to be reasonable to request a contribution. Following negotiation with the applicant a contribution of £12,000 for health has been agreed. Whilst this is less than the figure requested by the NHS the amount is considered to be reasonable to the scale of the development and takes account of the applicant's viability appraisal.

## **7. Conclusion**

7.1 In conclusion, the loss of the existing school and the residential redevelopment of the site is considered to be acceptable in principle. The proposal is considered to be acceptable in terms of layout, scale, form, massing and visual impact. Staff are of the view that, allowing for areas of judgement, the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is considered to be acceptable in respect of parking and highway issues. The proposal makes provision for 11% of the units to be provided as affordable housing, which falls below that required by Policy DC6 of the LDF. However, the applicant has submitted a viability assessment to justify the amount of affordable to be provided. The viability assessment has also been provided to justify the amount of Section 106 contributions arising from the development. Staff are of the view that allowing for areas of judgement the proposals are acceptable in all other respects and it is recommended that planning permission is granted subject to the completion of a legal agreement and the imposition of conditions.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

Financial contributions are required through a legal agreement.

**Legal 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 resources will be required for the drafting of a legal agreement.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposed houses would be constructed to meet the Lifetime Homes Standard, which means that they will be easily adaptable in the future to meet the changing needs of occupiers.

**BACKGROUND PAPERS**

Application form, plans and supporting statements received on 23<sup>rd</sup> June 2011 with revised plans received on 12<sup>th</sup> and 25<sup>th</sup> August 2011.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2011

<b>Subject Heading:</b>	<p><b>P1448.11 – 36 High Street, Romford</b></p> <p><b>Change of use from Class A1 (retail) to form drop-in support facility for the elderly (Application received 27<sup>th</sup> September 2011).</b></p>
<b>Report Author and contact details:</b>	<p><b>Helen Oakerbee (Planning Control Manager) 01708 432800</b></p>
<b>Policy context:</b>	<p><b>Local Development Framework London Plan National Planning Policy</b></p>
<b>Financial summary:</b>	<p><b>None</b></p>

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

- Ensuring a clean, safe and green borough
- Championing education and learning for all
- Providing economic, social and cultural activity in thriving towns and villages
- Value and enhance the life of our residents
- Delivering high customer satisfaction and a stable council tax

**SUMMARY**

This application relates to the change of use of a vacant retail unit within Romford town centre to form an information and advice centre for the elderly. The planning issues are set out in the report below and include issues relating to the principle of the development, impact on amenity and parking/highway considerations. 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 DPD Policy DC61.

3. Restriction of use - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be an advice and information centre only and shall be used for no other purpose(s) whatsoever including any other use in Class A2 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 in order that the development accords with LDF Romford Area Action Plan DPD Policy ROM11 and the LDF Development Control Policies DPD Policy DC61.

4. Hours of use - The premises shall not be used for the purposes hereby permitted other than between the hours of 0800 and 2100 on any day 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 the LDF Development Control Policies DPD Policy DC61.

## INFORMATIVES



1. The applicant is advised that separate consent may be required to display an advertisement on the premises or to alter the existing shop front.
2. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33, DC61, DC63 and DC68 of the LDF Development Control Policies Development Plan Document and Policies ROM6, ROM11, ROM20 and ROMSSA4 of the Romford Area Action Plan Development Plan Document.

<b>REPORT DETAIL</b>
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1. **Site Description:**

- 1.1 The application site is located on the northern side of the High Street approximately 45 metres to the north east of the junction with Angel Way. The site comprises a single ground floor commercial unit which is presently vacant. The unit has most recently been in use as a retail shop (Class A1) selling wedding outfits. The site comprises 122 square metres of floor space. The application premises is located within a four storey terraced building with commercial uses at ground floor, offices at the first floor level and flats on the second and third floors.
- 1.2 The application site is located within the retail fringe area of Romford town centre and is within the Romford Conservation Area.

2. **Description of Proposal:**

- 2.1 The application seeks permission for a change of use from Class A1 (retail) to form a drop in advice and information centre for the elderly (Class A2). The purpose of establishing an information centre is to provide face-to-face information and advice to members of the public. The application premises has been specifically chosen as it is judged to be highly accessible and in a location where sufficient footfall can be achieved. The centre will be operated by a grant funded consortium of local organisations. The centre is due to open around 6 to 7 hours a day Monday to Friday and around 4 hours on Saturday with an option for later night opening until 8pm one night a week should demand exist.

3. **Background Information:**

- 3.1 The goal of providing better information and advice is a key underpinning element of the personalisation of adult social care. It enables people to make informed choices about services and activities, empowers them to understand how to meet their needs effectively and can delay or prevent the need for more acute support developing. In this way the transformation of

information and advice can improve the quality of life for citizens by providing generic advice on housing and health issues.

- 3.2 The Council has undertaken research, through holding focus groups and interviews across the Borough, into the way in which it delivers information and advice for the elderly. From this research it has been established that there is a need for a physical presence for an information and advice service within a central location. It was further established that this service needs to be, and be seen to be, independent of the Council. It is anticipated that the proposed centre will be able to provide advice for those wishing to live independently at home, energy efficiency and personal safety together with information about community based leisure and social activities such as bowls clubs and bridge evenings.

#### **4. Relevant History:**

- 4.1 None relevant.

#### **5. Consultations/Representations:**

- 5.1 The application has been advertised and a site notice displayed. Neighbour notification letters have also been sent to 42 adjoining occupiers. No letters of representation have been received.

#### **5. Staff Comments**

- 5.1 The issues raised by this application are the principle of development, the impact on amenity and parking/highway issues. Policies CP4, CP17 and CP18 of the LDF Core Strategy Development Plan Document and Policies DC33, DC61, DC63 and DC68 of the LDF Development Control Policies Development Plan Document are relevant. Policies ROM6, ROM9, ROM11, ROM20 and ROMSSA4 of the Romford Area Action Plan Development Plan Document are also material considerations. Policies 4.7, 4.8, 6.9, 6.12, 6.13, 7.4 and 7.8 of the London Plan are relevant. PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Growth), PPG13 (Transport) and PPG15 (Planning and the Historic Environment) are also material considerations.

#### **5.2 Principle of Development**

- 5.2.1 The application site is located within the retail fringe area of Romford town centre where Policy ROM11 of the Romford Area Action Plan Development Plan Document advises that retail uses (Class A1) will be permitted at ground floor level. Planning permission for non-retail uses (Classes A2-A5) will be granted at ground floor level provided that the use:

- Complements the retail function;
- Has an active frontage;
- Is open during core retailing hours;

- Does not significantly harm the character, function and vitality and viability of the centre.
- 5.2.2 The proposed use of the premises for the purposes of an advice and information centre is judged to fall under Class A2 (financial and professional services). Staff are of the view that the proposal has the potential to make a positive contribution to pedestrian flows and Members may agree that the proposal would display many similar characteristics to some Class A1 uses in terms of the general level of activity. Indeed it is intended that the proposed advice and information centre will be open during normal shopping hours. Staff are of the view that the proposed use would provide a complementary service for the shopping public and would provide an appropriate use within this retail fringe location in accordance with Policy ROM11.
- 5.2.3 Government guidance on town centres contained within PPS4 states that Local Authorities should seek to improve and encourage a variety of uses in town centres to promote their vitality and vitality. Staff are of the view that the proposed use is appropriate to a shopping area and would meet with the objectives of PPS4.
- 5.3 Conservation Area Implications
- 5.3.1 It is not considered that the proposal would have an adverse impact on the character and appearance of the Romford Conservation Area.
- 5.4 Design/Impact on Street scene
- 5.4.1 The proposal would involve no alterations to the exterior of the building. Any changes to the shop front or the provision of advertisements will be considered through separate applications.
- 5.5 Impact on amenity
- 5.5.1 The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Given that the proposed advice and information centre would be open predominantly during normal shopping hours it is not considered that the proposal would be harmful to amenity. Although some limited evening opening is proposed (until 8pm) this would not be harmful in staff's view given existing background noise levels and the location of the site.
- 5.4 Highway/parking issues
- 5.4.1 The application site has no off-street car parking facilities for customers or staff. Customers and staff attending the site would therefore need to rely upon either public transport or a local car park. The application site is located within a highly accessible town centre location therefore the absence of any car parking provision is considered to be acceptable having

regard to PPG13. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. Servicing of the unit in terms of refuse collection could take place from Angel Way at the rear of the site.

## **6. Conclusion**

- 6.1 Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for an advice and information centre (Class A2) would be an acceptable use in this location. Staff are of the view that the proposal would not be harmful to the vitality and viability of the retail fringe area of Romford town centre or to the character of the Romford 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 its 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:**

This proposal would provide an advice and information centre for elderly residents within the Borough. The proposals are judged to be an important way of supporting residents enabling them to service their own needs effectively thus delaying or preventing the need for more acute support.

### **BACKGROUND PAPERS**

Application form, plans and supporting statements received on 27<sup>th</sup> September 2011.

# REGULATORY SERVICES COMMITTEE

# REPORT

17 November 2011

**Subject Heading:**

**P1334.11 – 142 South Street, Romford**

**Conversion of existing first and second floor office space (Class B1) to 2 no. residential units. (Application received 13<sup>th</sup> September 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**

- Ensuring a clean, safe and green borough
- Championing education and learning for all
- Providing economic, social and cultural activity in thriving towns and villages
- Value and enhance the life of our residents
- Delivering high customer satisfaction and a stable council tax

**SUMMARY**

This application relates to the conversion of the upper floors of the building to form two residential flats. Staff consider the proposals to be acceptable, subject to a legal agreement to secure a restriction on future occupants from obtaining

residents parking permits together with conditions. It is therefore recommended that planning permission be granted.

## RECOMMENDATIONS

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

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

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

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. Sound attenuation - The flats shall be so constructed as to provide sound insulation of 43 DnT, w + Ctr dB (minimum values) against airborne noise and 64 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 & Noise" 1994, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC55 and DC61.

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

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

5. Road noise assessment - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from South Street upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with Department of Environments, Planning Policy Guidance Note 24, "Planning and Noise".

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. Refuse and recycling - Before the development hereby permitted commences, details of the proposed refuse storage and recycling facilities to be provided at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

8. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award

scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. In aiming to satisfy condition 8 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor (CPDA). He can be contacted through the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ. It is the Policy of the Local Planning Authority to consult with the Borough CPDA in the discharging of community safety conditions.

2. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP4, CP9, CP17, CP18, DC2, DC3, DC4, DC33, DC35, DC36, DC40, DC55, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document. The proposal is also considered to accord with Policies ROM1, ROM14, ROM20 and ROMSSA6 of the Romford Area Action Plan Development Plan Document, Policies 2.15, 3.3, 3.5, 3.8, 4.2, 6.9, 6.10, 6.12 and 6.13 of the London Plan as well as the objectives of PPS1, PPS4 and PPG13.

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

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

<b>REPORT DETAIL</b>
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1. **Site Description**



1.1 The application site is located on the western side of South Street to the south of Romford railway station. The site is occupied by a three storey building terraced building with commercial uses at ground floor and a mix of either offices or residential flats to the upper floors. The application building comprises a mini cab office at ground floor with two floors of offices above. To the rear of the building is a yard area for the parking of cars associated with the ground floor mini cab office. The character of the area surrounding the application site is drawn predominantly by ground floor commercial uses with residential uses to the upper floors. The main access to the building is from the front onto South Street with access also possible from the rear via Atlanta Boulevard.

## **2. Description of Proposal**

2.1 The proposal is for the conversion of the existing first and second floors of the building from offices to residential in the form of 2 no. one bedroom flats.

2.2 No external alterations to the building are proposed. Internally, the first and second floors will be converted and reconfigured with one flat on each floor. Each of the proposed flats would comprise a single double bedroom, a lounge, bathroom and kitchen. Each flat would have an internal floor area of 45 square metres excluding the shared stairway and landing areas.

2.3 The new residential units would be accessed via the existing doorway in the rear elevation of the building. No parking or amenity space is proposed as part of the scheme.

## **3. Planning History**

3.1 P0263.94 – Change of use to mini-cab book office – Approved

3.2 P1016.95 – Permanent use as a mini-cab office – Approved

## **4. Consultations/Representations**

4.1 Neighbour notification letters were sent to 42 adjoining properties with no letters of representation being received.

4.2 The London Fire and Emergency Planning Authority advise that the proposal should comply with Approved Document B. This is something that would be addressed through Building Regulations in the event that planning permission is granted.

## **5. Staff Comments**

5.1 The main issues to be considered by Members in this case are the principle of development, design/street scene issues, amenity implications and parking and highways issues.

- 5.2 Relevant LDF Core Strategy and Development Control Policies Development Plan Document Policies to be considered are 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), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations) of the Core Strategy and Development Control Policies Development Plan Document are considered to be relevant. The Romford Area Action Plan Policies ROM1 (Romford Station Gateway), ROM14 (Housing Supply), ROM20 (Urban Design), ROMSSA6 (Station Gateway and Interchange) and the Supplementary Planning Document on Residential Design are also considered to be relevant.
- 5.3 Policies 2.15 (Town Centres), 3.3 (Increasing Housing Supply), 3.5 (Quality and design of housing developments), 3.8 (Housing Choice), 4.2 (Offices), 6.9 (Cycling), 6.10 (Walking), 6.12 (Road network capacity) and 6.13 (Parking) of the London Plan are further material considerations, together with PPS1 (Delivering Sustainable Development) and PPS3 (Housing), PPG4 (Planning for Economic Growth) and PPG13 (Transport).
- 5.4 Principle of Development
- 5.4.1 The policy presumption outlined by Policy CP1 is such that new housing development is normally directed outside of allocated areas. However, the Romford Area Action Plan generally supports the principle of residential development above existing ground floor commercial development. The site forms part of the Site Specific Allocation known as Station Gateway and Interchange where new housing is specifically encouraged.
- 5.4.2 In terms of Government guidance PPS1 encourages a mixture of uses within town centres, which can assist in creating vitality, diversity and a reduction in the need to travel. PPS1 also seeks to ensure that housing is available where jobs are created and encourages the provision of a mixture and range of housing. PPS6 encourages diversification within town centres and acknowledges that the occupation of flats above shops can increase activity in town centres during the evening and night, thereby contributing to personal safety. In order to include an element of housing within town centres planning authorities are encouraged to take a flexible approach to residential car parking and other standards. There is, therefore, general support for the principle of providing additional residential units in the town centre.
- 5.4.3 The proposal would also contribute to the Mayor's London Plan objective of increasing the overall supply of housing, specifically relevant is Policy 3.3.
- 5.4.4 The site does not fall within the Romford Office Quarter where office accommodation should be retained and as such the loss of office space in this case is considered, on balance and in principle, acceptable.

## 5.5 Density and Layout

- 5.5.1 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 the Romford PTAL zones where higher densities are anticipated, within the range of 240-435 units per hectare for predominantly flatted development. In this case the density would provide approximately 100 units per hectare based upon the site area of the building. The proposed density of development would be below the recommended range however it is recognised that this proposal relates to a conversion rather than a new build, therefore achieving the anticipated range would be difficult.
- 5.5.2 Policy DC4 advises that planning permission will only be granted for proposals involving conversions to residential provided the certain criteria are satisfied. These criteria state that proposals should provide adequate parking, not result in a conflict with adjoining uses, not result in an unacceptable loss of privacy, provide adequate amenity space and ensure that the living rooms of new units do not abut the bedrooms of adjoining dwellings. Furthermore where the conversion involves the provision of self contained residential accommodation each flat should have a reasonable outlook and aspect and secure access from the street.
- 5.5.3 The layout of this proposal makes use of the existing urban fabric in being a conversion of part of the building. The proposed flats are considered to be adequately sized and are self-contained. In terms of internal layout, the relationship between each of the proposed flats and their stacking is considered to be acceptable. The bedrooms of the proposed flats would be located at the rear with an outlook over Atlanta Boulevard with the proposed lounge sited at the front of the building onto South Street. The upper floors of the adjoining building at no. 140 South Street are presently in residential use (permission for their conversion from office was granted in 2004). The proposal would result in an acceptable relationship with the adjacent units. The attractiveness of these units as living accommodation would essentially be a matter of choice for a prospective purchaser. However, staff are of the view that each of the units would have an acceptable aspect and outlook.
- 5.5.4 Members will be aware that the Council has adopted a Supplementary Planning Document for Residential Design. This document does not specifically refer to the need to provide amenity space within a development of the nature proposed. Members will be aware that in recent years, following Government guidance, the Council has approved a number of residential schemes within the town centre with limited or no amenity space provision. The application site is located in an area which is characterised by predominantly commercial uses where residential uses on upper floors are usually provided without any amenity space. Staff are of the view that the absence of amenity space is acceptable in this instance and is not considered to be a reasonable ground for withholding planning permission.

## 5.6 Design/Impact on Street scene

- 5.6.1 The proposed conversion would not result in any material change in the building's appearance and therefore no concerns are raised with regards to the impact on the street scene.

## 5.7 Impact on Amenity

- 5.7.1 The adjoining buildings within the terrace predominantly have retail or service uses at ground floor with either office or residential uses on the upper floors. The upper floors of the adjoining building at no. 140 South Street are presently in residential use. The upper floors of the adjoining building at no. 144 South Street are presently in office use. Given that the offices are closed at night it is not considered that they would disturb occupiers of the proposed flats. Nevertheless a sound proofing condition is recommended to ensure that amenity is safeguarded. Similarly, users of the office accommodation would not be materially affected by the proposed residential use. The relationship of flats adjacent to existing office premises has previously been accepted elsewhere within the parade at no. 142 in 2006 (reference P0375.06).

- 5.7.2 Opposite the site and further along South Street are a number of late night uses including numerous public houses. The site is located within Romford town centre, where a certain amount of late night activity is to be expected and it is considered that prospective occupiers would take this into account before deciding whether to occupy a flat in this location. The proposal should however ensure that there is adequate noise insulation between the properties as well as insulation from external noise. This could be controlled by way of condition in the event that Members are minded to grant planning permission.

## 5.8 Highway/Parking Implications

- 5.8.1 The site lies within the Romford PTAL zone and in accordance with guidance in PPG13, the London Plan and in Policy DC2 staff consider it would be acceptable for no parking provision to be made for the proposed flats. Parking in South Street and other roads in the town centre is prohibited by way of a Controlled Parking Zone (CPZ) and as such it is unlikely that the proposal would contribute to on street traffic congestion. However, Policy DC2 requires that the applicant enter into a S106 planning obligation to prevent future occupiers applying for resident parking permits where no car schemes are considered appropriate. This obligation would prevent future occupiers of the residential units from purchasing parking permits in the vicinity of the development. The applicants have agreed to enter into such an agreement.

## 5.9 Other Matters

- 5.9.1 No details have been submitted to demonstrate how the handling of waste and recycling would be managed for the proposed residential units.

Sufficient space exists however for refuse bins to be stored in the rear yard area of the site with collections taking place from the highway within Atlanta Boulevard. A condition is therefore recommended to ensure that the waste generated by the proposed users would be appropriately managed and disposed of.

- 5.9.2 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, subject to the imposition of the condition requested by the Borough Crime Prevention Design Advisor.

**6. Conclusion:**

- 6.1 Staff consider that the proposed conversion of the upper floors of building to residential use is acceptable and is supported in principle by the Romford Area Action Plan and relevant Government guidance. Staff are of the view that subject to the conditions indicated in the report, an acceptable living environment would be created for those wishing to live in the centre of Romford. There would be no provision for parking or amenity space and there is no scope to provide either. Nonetheless, the proposal is entirely acceptable in policy terms given the town centre location. It is therefore recommended that planning permission be granted subject a legal agreement and conditions.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

None.

**Legal implications and risks:**

Legal resources will be required for the drafting of a legal agreement.

**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 13<sup>th</sup> September 2011.

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# REGULATORY SERVICES COMMITTEE

# REPORT

17 November 2011

<b>Subject Heading:</b>	<p><b>P1495.11 - 77-79 Butts Green Road, Hornchurch</b></p> <p><b>Single storey rear extension (Application received 7<sup>th</sup> October 2011)</b></p>
<b>Report Author and contact details:</b>	<p><b>Helen Oakerbee (Planning Control Manager) 01708 432800</b></p>
<b>Policy context:</b>	<p><b>Local Development Framework London Plan National Planning Policy</b></p>
<b>Financial summary:</b>	<p><b>None</b></p>

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This application seeks full planning permission for a single storey rear extension to an existing vacant shop premises in order to increase the retail floor area. The proposed extension would enable the premises to be occupied by a Tesco Express store. Staff consider that the proposals satisfactorily overcome the reasons a

previous application was dismissed at appeal and that the proposal accords with the relevant policy requirements. For the reasons set out in the report, Staff consider that a grant of planning permission can be given subject to the satisfactory completion of a Section 106 legal agreement and the conditions set out below.

This application has been called before the Committee by Councillors S Kelly, Ramsey and Ower. Councillor Kelly has called in the application to consider the scale of development proposed on the site. Councillor Ramsey has called in the application to consider whether the proposal would be detrimental to surrounding residential uses and impact on traffic and highway usage. Councillor Ower has called in the application to consider the level of parking available.

## RECOMMENDATIONS

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

- Payment of a financial contribution of not more than £20,000.00 towards highway works to fund a review of the current bus stop location and a review of the existing waiting, loading and stopping restrictions in the vicinity of the application site such contribution sum shall include interest to the date of expenditure and indexation from the date of the agreement to the date of payment.
  
- The Council's reasonable legal fees for preparation of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above obligation and upon completion of that agreement, grant planning permission subject to the conditions set out below:

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. Matching materials – The external finishes of the extension hereby approved shall be carried out in materials to match those of the existing buildings to the satisfaction of the Local Planning Authority.

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

4. Hours of Use - The extension of retail floor space hereby permitted shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 23:00 on any day 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 the LDF Development Control Policies Development Plan Document Policy DC61.

5. Details of new plant and machinery - Before any works commence a scheme for any new plant or machinery to be provided to the retail unit shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

6. Details of extract ventilation equipment - If any cooking or food heating facilities are to be provided, before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and to be approved in writing by the Local Planning Authority. After installation a certificate shall be submitted to the Local Planning Authority and the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

7. Details of measures to control noise and vibration - If any cooking or food heating is to be undertaken, before the use commences a scheme to control

the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

8. 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.

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 building shall be so constructed as to provide sound attenuation of 45 DnT, w + Ctr dB (minimum values) 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 & Noise" 1994, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC55 and DC61.

12. Works affecting the public highway - Prior to the commencement of the development, details of the proposed works affecting the public highway shall be submitted to and approved in writing by the Local Planning Authority and all necessary legal agreements secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

Reason: In the interests of highway safety.

13. Provision of an area for delivery and service vehicles - Before the extension hereby permitted is first occupied, an area shall be provided within the highway to the front of the site for the loading and unloading of delivery and service vehicles, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. Thereafter such provision shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods from vehicles arriving at or departing from the premises shall be carried out otherwise than within such area. There shall be no storage of goods or other obstructions within the approved area without prior consent in writing of the Local Planning Authority.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of neighbouring property, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

14. Cycle storage - Prior to completion of the works hereby permitted, customer cycle parking 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.

15. Refuse and recycling - Before the development hereby permitted commences, details of the proposed refuse storage and recycling facilities to be provided at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

16. Details of a CCTV system - Prior to the commencement of use of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the purposes of community safety and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor. No part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and Policies CP17 and DC63 of the LDF Development Control Policies Development Plan Document and Policy 7.3 of the London Plan.

17. Details of trolley bays - Prior to first occupation of the extension hereby permitted, details of any trolleys and trolley bays shall be submitted to and approved by the Local Planning Authority. Once approved, they shall be implemented in accordance with the approved details and retained thereafter.

Reason: To protect residential amenity and on highway safety grounds in accordance with Policies DC61 and DC32 of the LDF Development Control Policies Development Plan Document.

18. Delivery and servicing hours - No deliveries or servicing shall take place other than between the hours of 07:00 and 23:00 any day 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 the LDF Development Control Policies Development Plan Document Policy DC61.

19. Delivery and servicing plan - Prior to the first occupation of the development hereby approved a delivery and servicing plan (DSP) in accordance with the provisions of the London Freight Plan shall be submitted to and agreed in writing by the Local Planning Authority. The DSP shall include details of the servicing arrangements including the exact location, times and frequency of

deliveries. The development shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

20. Staff travel plan - Prior to the first occupation of the extension hereby permitted a staff travel plan shall be submitted to the Local Planning Authority to demonstrate how sustainable forms of transport to and from the site will be promoted. The travel plan shall include a scheme for monitoring and review. The mechanisms set out in the Travel Plan shall be implemented within a period to be agreed in writing by the Local Planning Authority and thereafter permanently retained.

Reason: In the interests of sustainability and to comply with Policy CP10 of the LDF Core Strategy and Development Control Policies Development Plan Document.

## **INFORMATIVES**

1. Reason for Approval: It is considered that the proposal satisfies the relevant criteria of Policies CP4, CP8, CP10, CP17, DC32, DC33, DC34, DC35, DC36, DC40, DC55, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policies 4.1, 4.7, 4.8, 6.9, 6.10, 6.12, 6.13, 6.14, 7.3 and 7.4 of the London Plan.
2. Please note that any external extract ducting system would be likely to require a planning permission in its own right.
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission / Licence Approval process.
4. In aiming to satisfy Community Safety Conditions the applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
5. In response to Community Safety Condition (CCTV), the system will need to include an acceptable level of external coverage, where the cameras are capable of recording good quality images at all time of day and night.

## 6 Planning Obligations

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

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

### REPORT DETAIL

#### 1. Site Description

- 1.1 The application site is located on the western side of Butts Green Road 25 metres north of the junction with Wykeham Avenue. The site is occupied by a double fronted retail unit, which lies within a small parade of commercial units. The site is presently vacant and was previously occupied by a menswear shop. To the rear of building is an open yard area, which was previously used for staff parking and the storage of refuse. The yard is accessed via a single-track drive leading from Wykeham Avenue.
- 1.2 The site and adjoining commercial units within the parade form part of the Emerson Park Minor Local Centre. In addition to the site the parade contains a hardware rental store, a hairdressers and a car showroom. The Minor Local Centre continues to the south of the site along Butts Green Road. Directly to the north of the site are two storey semi detached residential dwellings with a flatted development opposite the site to the east. The wider surrounding area comprises mainly residential properties.

#### 2. Background for Members

- 2.1 Members will recall that in March 2010 planning permission was refused for a single storey rear extension to the subject building in order to enable the opening of a new Tesco Express store. The application was refused by Members for the following reasons;
  1. *The proposed rear extension would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse and overbearing effect on the amenities of adjacent occupiers contrary to Policy DC61 or the LDF Core Strategy and Development Control Policies Development Plan Document.*
  2. *The proposed development would, by reason of the inadequate on site car parking provision, exacerbated by the lack of acceptable servicing, be likely to result in dropping off and temporary car waiting movements outside the*

*premises and unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity, contrary to Policies DC2 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.*

3. *The proposed development would, by reason of the inadequate servicing and refuse collections arrangements proposed, exacerbated by the lack of on site car parking, be likely to result in traffic congestion in Butts Green Road; external refuse storage; conflict with bus stop and nearby residential driveway sightlines and; potential use of the loading bay by other commercial users, to the detriment of highway safety and residential amenity, contrary to Policies DC32, DC36 and DC61 of the LDF Development Control Policies Development Plan Document.*

- 2.2 The applicant lodged an appeal against the refusal of planning permission however the Councils decision was upheld and the appeal dismissed in October 2010. Despite the appeal being dismissed the Planning Inspector only upheld the first reason for refusal relating the impact of the extension on residential amenity. In light of this the main consideration for Members is whether this revised proposal satisfactorily addresses this issue.

### **3. Description of Proposal**

- 3.1 This application seeks planning permission for the erection of a single storey rear extension to the existing building in order to provide an increased retail sales floor and storage area for a Tesco Express store. Although not part of this planning application works are proposed to relocate the existing bus stop from outside the site to a new location further along the road to the south. This element of the works is subject to the separate agreement of the Council as Highway Authority and the cost of the works would be funded through a legal agreement in the event that planning permission is granted.
- 3.2 The proposed extension would project 22.5 metres from the rear main wall of the existing building and cover the full width of the unit (a distance of 12.2 metres). Two flat roof forms of differing height are proposed to cover the extension. The extension would have a maximum height of 3.5 metres decreasing to a height of 2 metres adjacent to the boundary with no. 81 Butts Green Road. In order to keep the proposed extension as low as possible adjacent to the neighbouring property at no. 81 Butts Green Road it would be sunk into the ground by 0.7 metres with a lower internal floor level to maintain a useable ceiling height. The proposed extension would have an internal floor area of 239 square metres.
- 3.3 This application differs from that previously refused and dismissed at appeal in that the overall bulk of the proposed extension has been reduced as explained further in the amenity section of this report.

### **4. Planning History**

- 4.1 P0577.99 - Single storey extension to rear of existing shop units - Approved



P1087.04 - Renewal of planning permission P0577.99. Single storey extension to rear of shop units - Approved

P1649.09 – Single storey rear extension – Refused and appeal dismissed

## **5. Consultations/Representations**

- 5.1 95 neighbouring occupiers, including those who objected to the previous application, were notified of this application by letter. At the time of writing this report for Committee 24 letters of representation have been received. The letters raise objection to the application on the following summarised grounds; a lack of parking, traffic congestion, noise from external plant, additional air pollution, additional smells, the presence of existing supermarkets in the local area, loss of business to local shops, the site being an unsuitable location, loss of business to other retailers, highway safety, potential obstruction of the highway from delivery vehicles, potential obstruction of neighbouring driveways through inconsiderate parking.
- 5.2 The Emerson Park and Ardleigh Green Residents Association raise objection to the proposed development on the basis that it would have a detrimental effect on the residential amenity of neighbouring occupants, on the vitality and viability of the local shopping parade and on existing parking problems in nearby residential roads.
- 5.3 The London Fire and Emergency Planning Authority is satisfied with the proposals.

## **6. Staff Comments**

- 6.2 Relevant LDF Core Strategy and Development Control Policies Development Plan Document Policies to be considered are Policies CP4 (town centres), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC32 (road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations).
- 6.3 Policies 4.1 (developing London's economy), 4.7 (retail and town centre development), 4.8 (supporting a successful and diverse retail sector), 6.3 (assessing affects of development on transport capacity), 6.9 (cycling), 6.10 (walking), 6.12 (road network capacity), 6.13 (parking), 6.14 (freight), 7.3 (designing out crime) and 7.4 (local character) of the London Plan are further material considerations, together with Government Planning Policy contained within Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), Planning Policy Guidance Note 13 (Transport) and Planning Policy Guidance Note 24 (Planning and Noise).

## **7. Staff Comments**

7.1 This application has been called before the Committee by Councillors S Kelly, Ramsey and Ower. Councillor Kelly has called in the application to consider the scale of development proposed on the site. Councillor Ramsey has called in the application to consider whether the proposal would be detrimental to surrounding residential uses and impact on traffic and highway usage. Councillor Ower has called in the application to consider the level of parking available.

7.2 The main issues to be considered by Members in this case are the principle of development, design/street scene issues, amenity implications and parking and highways issues.

7.3 Principle of development

7.3.1 The proposal is for the extension of a retail unit to enable a Tesco Express store to open. The application site is designated in the Local Development Framework as falling within the Emerson Park Minor Local Centre. Policy DC16 advises that within the borough's Minor Local Centres retail uses and other uses appropriate to a shopping area will be granted planning permission. The proposed retail use would accord with the provisions of this policy and bring back into use a double unit, which has been vacant since August 2008. Staff are of the view that the extension would enable the provision of a new retail use which would compliment and support the existing shopping function of the local centre.

7.3.2 Government planning policy contained within PPS4 acknowledges that new retail uses can increase vitality and viability of local centres and meet the government's objectives for prosperous economies. Furthermore advice contained within PPS1 encourages Local Planning Authorities to actively ensure that vacant and underused land and buildings are brought back into beneficial use to achieve the targets the Government has set for development on previously developed land. The proposal would also provide new employment opportunities for local people.

7.3.3 The proposal would contribute to the objectives of the London Plan for supporting town centres, specifically relevant are Policies 4.1, 4.7 and 4.8. As such the proposal is broadly supported by national planning guidance providing all other material considerations are addressed.

7.4 Design and Layout

7.4.1 The proposed extension would be located to the rear of the building and would be screened from Butts Green Road by the existing building and those neighbouring. Limited views of the extension maybe possible from Wykeham Road along the rear access road however given the set back of the extension from the road such views would not be harmful to the street scene. The design of the proposed extension is such that it would be of functional appearance. Extensions of the nature proposed not uncommon

to commercial premises within a shopping parade, indeed the adjoining premises to the south of the site has previously been extended to the rear. The extension has been designed in the manner proposed in order to reduce its overall height and bulk and resultant impact on neighbouring properties as discussed below. Staff are of the view that the design of the extension would not have a harmful impact on the character of the existing building or the surrounding area.

7.4.2 Any other external alterations to the application premises including any new shop front, ATM, advertisements or air conditioning units would be subject of separate applications.

## 7.5 Impact on Amenity

7.5.1 The application site is located at the edge of the Minor Local Centre and immediately adjoins residential properties. Whilst shopping policy generally supports the expansion of the premises for retail purposes it is important to balance this against the potential impact the proposal may have on residential amenity. No. 81 Butts Green Road adjoins the application site to the north and would be most affected by the proposed rear extension. In reaching a decision to refuse planning permission for the previous application Members were of the view that the rear extension would be an intrusive and unneighbourly form of development, which would have an overbearing effect on the adjoining property. A Planning Inspector in dismissing an appeal against the Council's decision supported this view. The Planning Inspector recognised that the proposed rear extension would be lowered in height adjacent to the boundary with no. 81 Butts Green Road however it was also noted that the extension would project a significant distance beyond the rear of no. 81 Butts Green Road. The Planning Inspector concluded that the extension would create a substantial increase in built form close to the boundary with the neighbouring property, which would have resulted in an unacceptable sense of enclosure.

7.5.2 In reaching a conclusion on the acceptability of this application the main consideration for Members is whether this revised proposal satisfactorily overcomes the comments made by the Planning Inspector. In order to address the first reason for refusal and the comments raised by the Planning Inspector the applicant has reconsidered proposed extension. The previously refused scheme was for a full width rear extension projecting to a maximum depth of 22.5 metres with a flat roof 2.9 metres in height. The extension included a small section nearest to the boundary with no. 81 Butts Green Road that was 2 metres in height and covered by a mono pitch roof. This current proposal remains for a full width rear extension with the depth being unchanged. Two different roof forms would cover the proposed extension in order to keep its overall height as low as possible. A flat roof is proposed with a maximum height of 3.1 metres to cover the portion of extension nearest to no. 75 Butts Green Road. This portion of the extension would be set away from no. 81 Butts Green Road by 6 metres. A further flat roof with a height of 2 metres is proposed to cover the portion of extension nearest to no. 81 Butts Green Road. In order to maintain usable ceiling

height within the proposed extension the portion nearest to no. 81 Butts Green Road would set down or sunken into the ground by 0.7 metres.

- 7.5.3 The Planning Inspectors reason for dismissing the previous proposal at appeal was based on the concern that the extension would have resulted in an intrusive and overbearing aspect for the residents of no. 81 Butts Green Road, and an unacceptable sense of enclosure. The proposed extension whilst still projecting a significant distance beyond the rear of no. 81 has been substantially reduced from that previously refused in terms of overall bulk. Staff are of the view that the setting down of the portion of extension nearest to the neighbouring property at no. 81 into the ground combined with an overall height of 2 metres would ensure that the extension does not appear overly intrusive within the rear garden environment. Although it is acknowledged that the proposed extension would have a greater height to its southern side adjacent to no. 75 Butts Green Road this would be a distance of 6 metres from the boundary with no. 81 Butts Green Road. The height of the proposed extension nearest to the boundary with no. 81 is such that it would be capable of screening by a conventional 2 metre high boundary fence. In view of this staff are of the view that a refusal on the grounds of an unacceptable sense of enclosure would be difficult to substantiate. In summary staff are of the view that the proposed rear extension would have an acceptable impact on the amenities of no. 81.
- 7.5.4 Staff are of the view that the proposed extension would not result in any material harm to the occupiers of no. 75 Butts Green Road, since this building is in commercial use and already projects some way into the rear yard.
- 7.5.5 Letters of representation received in respect of the previous application raised concern with regard to the proposed retail store giving rise to increased incidents of anti-social behaviour through late night opening. Similar to other Tesco Express stores in the Borough the applicant has indicated proposed opening hours of 0700 till 2300 on any day. Consideration has to be given to the fact that the existing retail unit could operate on an unrestricted basis as there are no planning conditions in place to prevent this. Although the extension would facilitate the provision of a larger trading area, in staff's view it would be unreasonable to refuse permission on the grounds of harm arising from late night trading in light of the lack of control over the existing unit. However, it is possible to impose a planning condition to prevent opening later than 23:00 within the extended part of the store and the applicants have agreed to provide CCTV equipment within the store. This can also be secured by condition.
- 7.5.6 It could be expected that the traffic, both via car and foot, and general activity at and within the vicinity of the site, would increase given the proposed increase in retail floor space by 239 square metres. From this, it could also be reasonably concluded that the use of the premises along with customers entering and leaving the site, would give rise to a greater degree of noise and general disturbance. The application site is located within a Minor Local Centre where a use of the nature proposed is to be expected.

In view of this those residents adjoining or living in close proximity to the application site would expect a different type of environment from that which would be found in an entirely suburban housing area. No details of noise insulation measures have been submitted, although these can be sought via condition. Given the lawful use of the premises as a retail unit however, it is considered that an objection would be difficult to sustain on noise and disturbance grounds subject to appropriate sound insulation and an opening hours condition. Furthermore, planning permission has previously been granted under references P0577.99 and P1087.04 for an extension to the unit, albeit with reduced floorspace (86 square metres of net retail floor space / 181 square metres overall). It should be noted however that these permissions have now expired and can no longer be implemented.

7.5.7 Another form of noise which would be likely to result from this proposal is from deliveries and the associated unloading. Information submitted with the application indicates that daily deliveries would occur for fresh food, bread and newspapers with an additional delivery every other day for non-perishable goods. Subject to the imposition of a condition limiting delivery hours, it is considered that any noise impact arising would not be unduly harmful. Details shown on the plans indicate that refuse would be stored within the rear yard area and collected from Wykeham Avenue. Staff are of the view that the level of activity associated with refuse collection would not give rise to an unacceptable impact in amenity terms.

## 7.6 Parking and Highway Issues

7.6.1 Members will be aware that the previous application was partly refused on two highways grounds. The first reason was based upon the view that the lack of off street car parking would be likely to give rise to dropping off and temporary car waiting movements outside the premises which would be likely to cause congestion on adjoining roads to detriment of highway safety. The second highways related reason for refusal was based upon the view that the lack of an off street servicing area would be likely to give rise to give rise to conflict with the bus stop and nearby residential driveway sightlines to detriment of highway safety. In dismissing the appeal against the Council's decision the highways reasons for refusal were not upheld as will be explained below.

7.6.2 The proposal is intended to serve a localised catchment area within 500 metres of the site for everyday shopping. It is expected that the majority of customers would be local and would walk or cycle to the store. However, some customers would be expected to use a car, especially commuters or those passing by on Butts Green Road. The applicant has provided a trip generation exercise, which indicates a maximum of 26 customer vehicles an hour visiting the shop at the peak periods. This amounts to a projected maximum of 2 vehicle arrivals and 2 vehicle departures in any 5 minute interval.

7.6.3 Wykenham Avenue is subject to a high level of parking demand however the Planning Inspector saw no evidence of consistently high levels of

parking in other nearby streets or along Butts Green Road. Taking into account the predicted parking demand the Inspector was satisfied that there is sufficient capacity for on-street parking available for customers without causing congestion or the obstruction of residential driveway sightlines. The Inspector acknowledged that no off street staff parking would be provided and judged that this was acceptable subject to a planning condition requiring a travel plan to encourage staff to travel by means other than car.

- 7.6.4 Members will be aware that planning permission has recently been granted for the change of use of part of the former Heath Park Motors showroom in Brentwood Road for a Tesco Express store (application reference P0018.11). This store is to have a retail area of 381 square metres compared to the 354 square metres of floor space for the proposed store in this case. Both the approved Brentwood Road application and this application propose no off street car parking for customers or staff. Members may recall that the Brentwood Road application was judged to be acceptable having regard to the presence of existing on street parking controls and the accessibility of public transport.
- 7.6.5 Whilst Butts Green Road is not presently subject to on street parking controls like Brentwood Road, having regard to the conclusions reached by the Planning Inspector previously staff are of the view that a parking based reason for refusal would not be sustainable in the event of a further refusal and subsequent appeal.
- 7.6.6 In terms of deliveries information provided by the applicant suggests that these would be managed so that not more than one vehicle would attempt to deliver at the same time. In terms of delivery frequency it is envisaged that there would be one consolidated delivery of fresh food per day, an additional delivery every other day of non-perishable goods, a daily delivery of bread and a daily 'drop & drive' delivery of newspapers is expected to be made prior to the store opening or very shortly afterwards. Refuse would be collected from the site once or twice a week in short duration collections with packaging removed for recycling via the delivery vehicles. Refuse would therefore be dealt with in a similar way to other retail units. It is proposed that both deliveries and servicing would take place from the highway. On this matter the Planning Inspector was of the view that sufficient space exists within the highway to prevent obstruction.
- 7.6.7 In dismissing the appeal on the previous application the Planning Inspector agreed with Member's assertion that there was potential for conflict arising between parked cars, buses and service vehicles immediately outside the application site. To overcome these matters, the applicant provided the Planning Inspector with a signed unilateral undertaking. The undertaking required the applicant to pay a highway contribution of £20,000 to the Council to review existing waiting, loading and stopping restrictions in the vicinity of the site. Such an agreement has also been provided as part of this planning application. Discussions have taken place separate from the planning process with the relevant authorities and an agreement reached to relocate the existing bus stop and shelter closer to Wykeham Avenue.

There is also support to introduce a bus cage with a 24 hour clearway through the Council's powers as Highway Authority. There is also potential to introduce a no waiting restriction in front of the application premises, which would apply premises between 0700 and 0900 Mondays to Saturdays to facilitate morning deliveries. Taking all these matters into account, the Planning Inspector was satisfied that suitable measures could be secured to ensure that the proposal would not be harmful highway safety.

## **8. Conclusion:**

- 8.1 In conclusion, the proposed extension would enable an existing vacant retail unit to be brought back into use. The proposal is considered to be acceptable in terms of shopping policy and would contribute to the vitality and viability of this part of the Emerson Park Minor Local Centre.
- 8.2 Staff are of the view that this revised proposal satisfactorily overcomes the concerns raised previously by a Planning Inspector in respect of the impact on the neighbouring property at no. 81 Butts Green Road. Staff are of the view that the changes which have been made to the design of the proposed rear extension through a reduction in its height would ensure that residential amenity is safeguarded.
- 8.3 In respect of parking and highways issues the Council's reason for refusal of the previous application were not upheld at appeal. Having regard to the comments made by the Planning Inspector staff are of the view that the proposal would have an acceptable impact on the functioning of the highway subject to a securing a unilateral undertaking requiring the applicant to pay a highway contribution.
- 8.4 Having regard to all material planning considerations, it is recommended that planning permission be granted subject to a legal agreement and conditions.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Legal resources will be required for the drafting of a legal agreement.

### **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 forms, plans and supporting statements received on 7<sup>th</sup> October 2011.





## Regulatory Services Committee

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### OUTSIDE STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-7	P0927.11	Romford Town	Havering Islamic CC, 91 Waterloo Road, Romford
8-13	P1245.11	Upminster	23 Corbets Tey Road, Upminster
14-25	P1375..11	Upminster	Hacton House, Hacton Lane, Upminster

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**OUTSIDE STATUTORY PERIOD**

<b>APPLICATION NO:</b>	<b>P0927.11</b>	
<b>WARD :</b>	Romford Town	<b>Date Received:</b> 15th June 2011
<b>ADDRESS:</b>	Havering Islamic CC 91 Waterloo Road, Romford	
<b>PROPOSAL:</b>	Use of premises as a community centre on a permanent basis between the hours of 04:00 and 23:00 on any day to enable prayer.	
<b>DRAWING NO(S):</b>	Planning statement 01/HICC/11	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **RECOMMENDATION**

It is recommended that planning permission be granted subject to the conditions set out at the end of this report.

### **BACKGROUND**

Members will be aware that planning permission was granted in March 2007, under application reference P1285.06, for a change of use of the building for Class D1 purposes. The building has since been adapted from its former use as a fireplace showroom to a community centre, which has been operating for over four years. The centre known as the Havering Islamic Cultural Centre is principally used for community purposes, including religious instruction and prayer meetings. Internally the building comprises at ground floor a crèche facility, ladies room, office, toilets, library and elders day room and at first floor a multi-purpose hall, gymnasium, IT room and toilets. The first floor multi-purpose hall is used for prayer meetings and at other times for either table games or language classes.

The most important Muslim practices are the Five Pillars of Islam. The Five Pillars of Islam are the five obligations that every Muslim must satisfy in order to live a good and responsible life according to Islam. These pillars are the declaration of faith, performing ritual prayers five times a day, giving money to charity, fasting during the month of Ramadan and a pilgrimage to Mecca (at least once). Carrying out these obligations provides the framework of a Muslim's life, and weaves their everyday activities and their beliefs into a single cloth of religious devotion.

The five daily prayers referred to above are obligatory and they are performed at times determined essentially by the position of the Sun in the sky. It is for this reason that the Prayers take place at different times throughout the year and throughout the world.

The five prayers are undertaken as follows as specified within the Quran:

- The Dawn Prayer (Fajr) - dawn, before sunrise
- The Noon Prayer (Zuhr) - after the sun passes its highest point
- The Afternoon Prayer (Asr)
- The Sunset Prayer (Maghrib) - just after sunset
- The Night Prayer (Isha) - between sunset and midnight

On a typical day this means that the five Prayer meetings are held around 0700, 1330, 1630, 1800 and 2030. On a Friday between 1230 and 1430 a congregational Prayer gathering

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replaces the Noon Prayer. This meeting has become so popular that on occasions two Friday Prayers are held with approximately 300 people attending.

In granting planning permission for the change of use of the building to a community centre the Council imposed an hours of operation condition which prevents the use of the centre other than between the hours of 0700 and 2130 on any day. The purpose of this condition was to safeguard residential amenity. Although not apparent at the time the original application was approved the hours of operation condition essentially prevents the carrying out of the Morning Prayer and the Night Prayer at the centre during the summer months. During the summer months sunrise and sunset occurs outside of the permitted hours.

It was for this reason that a planning application (reference P1509.08) was submitted in August 2008 seeking permission for the hours of operation condition attached to P1285.06 to be varied to allow the centre to open between 0400 and 2300 on any day during the months of May, June and July in order to enable Morning Prayer and Night Prayer. Planning permission was granted for a temporary one-year period.

A further application was submitted in June 2010 (reference P0737.10) seeking permission for the centre to open throughout the year on any day between 0400 and 2300 rather than just on specific months of the year. Members subsequently approved this application for a temporary period of one year expiring on 19th July 2011 in order that the impact of the extended hours of operation could be monitored. In view of the fact that the temporary planning permission has now expired the operating hours have reverted to those granted under the original 2006 planning permission, these being 0700 to 2130 on any day.

#### **SITE DESCRIPTION**

The application site is situated on the eastern side of Waterloo Road to the south of the railway line. The site is occupied by a two storey building which is being used by the Havering Islamic Cultural Centre for community related purposes under a Class D1 use. Vehicular access to the site is via Bridge Close to the rear. The Centre has recently purchased a parcel of adjoining land to the north and east of the building for use as a car park. This car park is capable of holding approximately 50 cars and is accessed from Bridge Close. To the southern side of the subject building is a further area in which approximately 5 cars can be parked.

To the east of the site is the Bridge Close industrial estate and to the south of the site is a row of terraced residential properties fronting onto Waterloo Road. The portion of Bridge Close, which runs to, the rear of these properties is presently subject to a single yellow line parking restriction, which operates between 0800 and 2030 on any day. Similarly Waterloo Road itself is also subject to a double yellow line parking restriction between 0800 and 2000 on any day. Opposite the site on the western side of Waterloo Road is a flatted development on the former Oldchurch Hospital site.

#### **DESCRIPTION OF PROPOSAL**

This application seeks planning permission to vary condition 4 of planning permission P1285.06 to enable the centre to operate on a permanent basis throughout the year between the hours of 0400 and 2300 on any day.

The premises are currently subject to a condition in respect of operating hours, which was imposed on planning permission P1285.06. The condition states the premises shall not be used other than between the hours of 0700 and 2130 Mondays to Sundays and at no other time without the prior consent in writing of the Local Planning Authority .

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Therefore, this proposal seeks an additional 3 hours operation in the morning between 0400 and 0700 and an additional 1.5 hours in the evening between 2130 and 2300. As explained above within the background section of this report Muslims undertake five Prayers each day the first at sunrise and the last at sunset. The proposed extension of operating hours would enable Morning Prayer and Night Prayer to take place at the centre during the months (predominantly in the Summer season) when sunrise is early in the morning and sunset is late in the evening. The applicant has advised that current attendance figures for Morning Prayer are five persons and 10 persons for the Night Prayer.

#### **RELEVANT HISTORY**

P1285.06 - Change of use to a community centre (use class D1), and alterations to external elevations Approved

P1509.08 - Continued use of premises as a Community Centre (Class D1) with variation to condition 4 of planning permission P1285.06 Approved for a temporary one year period until 9th October 2009 allowing operation of the centre between 0400 and 2300 on the months of May, June and July only.

P0737.10 - Continued use of premises as a Community Centre (Class D1) with variation to condition 4 of planning permission P1285.06 to enable 4 am to 11pm opening on any day Approved for a temporary one-year period until 19th July 2011

#### **CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters have been sent to 20 adjoining occupiers with seven letters of representation being received raising objection on the grounds of noise and disturbance, failure to comply with previous planning conditions in terms of numbers of people, obstruction of the highway and neighbouring driveways through inconsiderate parking, the proposed hours being unreasonable, potential for additional traffic and the likely additional strain on the private pumping station within the Bridge Close estate.

The Borough Crime Prevention Design Advisor raises no objection to the proposals.

#### **RELEVANT POLICIES**

Policies DC32 (the road network), DC33 (car parking) and DC61 (urban design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations.

Policy 6.13 (parking strategy) of the London Plan is relevant.

National policy guidance set out in Planning Policy Statement 1 Delivering Sustainable Development and Planning Policy Guidance Note 13 Transport are also relevant.

#### **STAFF COMMENTS**

The issues arising from this application are the principle of development, design/street scene issues, impact on amenity and parking/highway issues.

#### **PRINCIPLE OF DEVELOPMENT**

The principle of the community centre use has been established by planning permission reference P1285.06. Staff raise no objections in principle to the proposed extension of operating

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hours subject to compliance with other plan policies.

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

The proposal would not result in alterations to the appearance of the premises. The proposed additional operating hours would have no impact upon the existing environment.

**IMPACT ON AMENITY**

As explained above the proposed extension of operating hours between 0400 and 2300 on any day would enable the centre to offer the five obligatory Prayers on any day. The present operating hours prevent the Morning Prayer and Night Prayer from taking at the centre on a number of days throughout the year when sunrise is early in the morning and sunset is late in the evening (i.e. outside of the current permitted hours). Staff have discussed with the applicant whether they would be prepared to accept an extension to the current operating hours for certain months of the year only (namely the summer months as per the 2008 temporary planning permission under P1509.08). The applicant has advised that Prayer times are dictated by the lunar calendar and as such the Prayer times do not always fall into the same calendar month but move slightly each year. On this basis the applicant has requested that the Council give consideration to an extension of the operation hours throughout the year on permanent basis between 0400 and 2300 on any day.

Up until July of this year the centre had been operating under a one-year temporary planning permission for hours of operation between 0400 and 2300 on any day. In granting this temporary planning permission in July 2010 Members gave consideration to the likely impact the operation of the centre would have on residential amenity during the hours beyond those originally approved in 2007.

Residential properties are located immediately to the south of the site fronting Waterloo Road, with no. 95 Waterloo Road being the closest. Members may recall from the previous applications that the entrance to the centre is located on the western elevation of the building fronting to Waterloo Road. Furthermore, the flank elevation of the neighbouring property does not have any window openings facing the site. Although it is acknowledged that the ambient noise levels in the locality are generally lower during the additional periods of operation being sought, than during the daytime, the site is located on a busy road and adjacent to a main railway line. Staff are of the view that in this town centre location a lower level of amenity is generally afforded than in a predominantly residential area.

Whilst the use of the centre for prayer purposes is not judged to be an intrinsically noisy activity in recommending approval for the previous application staff suggested that a planning condition be imposed restricting the number of people who can occupy the building between the hours of 0400 & 0700 and 2130 & 2300. The purpose of the condition was to ensure that a maximum of 15 people could occupy the building between the times stated in order to limit the number of likely associated comings and goings.

Staff are of the view that in event Members are minded to grant planning permission for this current application a condition to limit the number of people who can occupy the building between the specified times should be carried forward. On this basis staff are of the view that the proposed hours of operation are acceptable and would not result in material harm to the amenities of adjacent residents. Staff have been in contact with the Council's Environmental Health Department and can report that since the centre has been up and running no complaints have been received in respect of noise nuisance.

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#### **HIGHWAY/PARKING**

Members may recall that when the previous application was brought before Committee letters of representation had been received which made mention of vehicles visiting the centre causing on street parking problems in the vicinity of the site. In accordance with the public participation arrangements the Committee was also addressed by an objector who expressed concern about vehicles associated with the centre obstructing access along Bridge Close. In view of these concerns Members resolved to approve the previous application subject to a temporary one-year planning permission to enable officers to monitor the parking concerns raised.

At the time when the original planning permission was granted in March 2007 the centre had limited off street car parking with space for only five cars within the confines of the site. Based upon the floor area of the building the Council's maximum parking standards set out in the LDF advise that 120 off street spaces should be provided for a use of this nature. Given the location of the application site within a highly accessible town centre location and in view of the anticipated number of visitor's staff considered that it would be unreasonable to require the centre to provide such a high level of car parking. Members therefore resolved to approve the original planning application on the basis that the centre would seek to discourage car use and advocate public transport through a travel plan. Members also gave consideration to the fact that off street parking is available within the nearby Brewery centre car park.

Since the centre has been open it has grown in popularity and this has resulted in an increased number of people travelling to the centre from further afield often by car. Despite the proactive approach taken by the centre to discourage car usage and to encourage considerate parking Members will be aware that parking problems within Bridge Close have been prevalent over the past 18 months. The portion of Bridge Close, which runs to the rear of those properties fronting Waterloo Road and leads up to the centre is presently subject to a single yellow line between the hours of 0800 and 2030 on any day. This restricts on street parking save for blue badge holders who can park for up to three hours provided a Blue Badge is correctly displayed. Outside of these hours people are free to park. At the time when the last application was reported to Members in July 2010 the Council's StreetCare Service advised that parking tickets were regularly being issued for vehicles parked in Bridge Close believed to be visiting the centre.

Over the past year the Council's StreetCare Service has sought to undertake regular patrols of Bridge Close in order to ensure that the parking restriction outlined above is being suitably enforced. Staff have obtained figures from the Council's StreetCare Service for parking tickets issued within Bridge Close between 14th July 2010 and 13th July 2011. The figures show that a total of 67 parking tickets have been issued over the period, 37 from the CCTV patrol car and 30 from foot patrols. Staff are unable to ascertain the proportion of vehicles which have been parked whilst visiting the centre. Staff from the Council's StreetCare Service have advised however that the majority of vehicles issued tickets were parked in close proximity to the centre.

In addition to the regular parking patrols being undertaken the Council's as Highway Authority have investigated ways in which the existing parking controls within Bridge Close can be altered. Proposals for "at any time" waiting restrictions (double yellow lines) were agreed for consultation at the Council's Highways Advisory Committee in August 2011. It is anticipated that the consultation for this will start towards the end of this year or early in 2012.

In recognition of the parking problems caused within Bridge Close by visitors the centre has taken additional steps to remedy the problem. Firstly in July 2011 the centre obtained a parcel of land to the north and east of their building. The land, which was previously used as car park for a nearby business, is now available for the parking of vehicles belonging to visitors attending the centre. The capacity of this unmarked car park is large enough for approximately 50 cars.



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Several members of the centre have also taken on a parking management/attendant role and seek to monitor parking during busy periods with a view to preventing incidents of inconsiderate on street parking.

It is evident that the operation of the centre has resulted in on street parking difficulties within Bridge Close. In reaching a conclusion on this application Members will wish to give consideration to the fact that the centre is has an established planning permission enabling operation between 0700 and 2130 on any day. The judgement therefore is whether the proposed additional hours of operation are likely to give rise to a significant impact on the function of the highway.

Staff are of the view that the current on street parking restrictions in the vicinity of the site are sufficient to prevent significant incidents of parking on the highway during the hours the restrictions are in operation. Clearly outside of these hours on street parking could occur however in the event that an adjoining residential driveway was to be obstructed the Police could take action. In the event that on street parking continues to result in the future despite the current parking restrictions then staff are of the view that there are enforcement mechanisms in place separate from planning legislation to deal with this issue.

#### **KEY ISSUES/CONCLUSIONS**

The application seeks planning permission for a variation of the original permission for the centre to enable hours of operation between 0400 and 2300 on any day. Members will be aware that planning permission was previously granted on a temporary basis for the additional hours sought. The purpose of the extended hours is to enable the centre to offer the five obligatory Prayers on any day between sunrise and sunset. Staff consider, on balance, that the proposal is acceptable subject to conditions and would not result in an unacceptable impact on adjoining residential occupiers or the public highway.

#### **RECOMMENDATION**

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

1. Non standard condition  
The premises shall not be used for the purposes permitted other than between the hours of 0400 and 2300 on any day.

Reason:-

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

2. Non standard condition  
Between the hours of 0400 & 0700 and 2130 & 2300 the premises shall not be occupied by more than 15 people at any one time.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with the LDF Development Control Policies



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Development Plan Document Policy DC61.

**3.** Non standard condition

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the building hereby permitted shall be used solely as office, prayer/education and meeting/social facilities and for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority unless otherwise agreed in writing of 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 future use not forming part of this application.

**4.** Non standard condition

The use hereby permitted shall continue to operate in accordance with the Travel Plan submitted to and agreed in writing by the Local Planning Authority pursuant to planning permission reference P1285.06

Reason: In the interest of highway safety and residential amenity.

**5.** Non standard condition

No amplified music or speech shall be relayed on the site including within the building unless details and specifications of the equipment has first been submitted and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

**6.** Non standard condition

The noise insulation scheme submitted to and agreed in writing by the Local Planning Authority pursuant to planning permission reference P1285.06 shall continue to be retained.

Reason: To protect the amenity of nearby residents.

**1** INFORMATIVES:

1. The applicant is reminded that this permission does not in any way change or alter the planning conditions imposed on planning permission reference P1285.06.

2. Reason for approval:

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

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<b>APPLICATION NO:</b>	<b>P1245.11</b>	
<b>WARD :</b>	Upminster	<b>Date Received:</b> 15th September 2011
<b>ADDRESS:</b>	23 Corbets Tey Road Upminster	
<b>PROPOSAL:</b>	Change of use from A1 to D1. Predominant use from hearing and retail to diagnosis and assessment of hearing and balance disorders including NHS clients (non-retail).	
<b>DRAWING NO(S):</b>	Site location plan	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

**RECOMMENDATION**

That planning permission is granted for the reasons given in this report.

**SITE DESCRIPTION**

The application site is located on the eastern side of Corbets Tey Road, within the Major District Centre of Upminster. The application site relates to the ground floor unit which forms part of a 3-storey terraced building. The unit forms part of a commercial parade and is occupied by a retail unit (A1 use selling mainly hearing aids). The remainder of the parade is occupied by three other A1 (retail) uses, two A2 uses (a bank and estate agents) and two restaurants (A3 uses).

There is residential accommodation on two floors above. The surrounding area is of similar commercial/residential units on this side of Corbets Tey Road with community/leisure uses opposite (Library, Church and Church Hall and Park). Directly behind (East) the application site is block of two storey residential properties which, together with those above the shops are collectively known as "Byron Mansions".

**DESCRIPTION OF PROPOSAL**

The application seeks planning permission for a change of use of the ground floor unit from a retail use selling hearing aids to a D1 use for diagnosis and assessment of hearing and balance disorders. Although the use will change from retail only (A1 use) to diagnosis (D1 use), hearing aids will still be provided and the intention is to see NHS clients as well.

The number of employees will remain unchanged at 1 permanent and 2 part-time members of staff. Opening hours would remain between 9:00 and 17:00 on Mondays to Fridays and between 09:30 to 17:00 on Saturdays. The use will not be open on Sundays or Bank Holidays.

This application does not involve any changes to the shop front or new advertisement signs and only relates to the change of use.

**RELEVANT HISTORY**

P1676.85 - New shop front - Approved.

**CONSULTATIONS/REPRESENTATIONS**

Neighbour notification letters have been sent to 28 adjoining occupiers. No letters of

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representation have been received.

**RELEVANT POLICIES**

LDF:

CP4 (Town Centres)

CP17 (Design)

DC15 (Locating Retail and Service Development)

DC16 (Core and Fringe Frontages in District and Local Centres)

DC16, DC23, DC33, DC61 of the LDF Development Control Policies Development Plan Document are relevant in the determination of this application.

London Plan (2011):

2.15 (Town Centres)

4.7 (Retail and Town Centre Development)

4.8 (Supporting a Successful and Diverse Retail Sector)

Other:

PPS 1 (Delivering Sustainable Development)

PPS 6 (Planning for Town Centres)

PPG 13 (Transport)

**STAFF COMMENTS**

The issues arising from this application are the principle of change of use, the proposal's visual impact, impact on amenity, parking and highway issues.

**PRINCIPLE OF DEVELOPMENT**

Policy 4.8 of the London Plan (2011) states that Local Authorities should provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping.

The proposal is for a change of use from A1 retail to primarily D1 use (hearing diagnosis and assessment) with some retail.

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

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

Policy DC26 further states that the preferred location for community facilities will be, amongst others, the District and Local Centres and they will be allowed:

- Above ground floor level within core retail areas

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- At ground floor level outside core retail areas provided policy DC16 is satisfied

According to Policy DC16, within the retail core locations in District Centres, such as in the case of the application site, planning permission will only be granted for non-retail uses at ground floor level providing the proposal would not result in the grouping of three or more adjoining non-retail uses and that the proposal would not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length. In addition, the non-retail use should be open during shopping hours, all shopfronts must be active and the use should maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

In this instance the relevant frontage would be considered as No. 17 to 31 Corbets Tey Road. At present this parade consists of five retail units (A1) including the application site, a bank (A2), estate agents (A2) and two restaurants (A3).

The parade has a total length of 47.5m with approximately 4.5m taken up by the entrance to the flats on 1st and 2nd floor level. The existing non-retail uses have a frontage measuring 21 metres, representing 44.2 % of the total length of the parade. The proposed change of use at No. 23 would result in 55% of the total length of the parade in non-retail use, exceeding the 20% given in policy.

The percentage of non-retail frontage has already been significantly exceeded as the current situation is 44.2% non-retail. No's 25 and 27 would still be retained as A1 retail uses, in addition to No. 19 and the proposal would therefore not result in the pairing of 3 or more non-retail uses next to each other. According to recent Ministerial advice on "Planning for Growth" local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable growth should be treated favourably (consistent with policy in PPS4). Members' attention is drawn to the fact that the premises will still be occupied by the existing business, i.e. Click Hearing. Staff are therefore of the opinion that in light of an existing business operating on the site that this proposal would be acceptable in this instance. The proposal would enable to current occupier to expand their business which will also provide a community facility to local residents.

It is acknowledged that the guidance contained within Policy DC16 would be exceeded in respect of the 20% non-retail frontage within this parade. However, in this instance the proposal would be in line with the advice provided by recent Ministerial advice on "Planning for Growth". Staff are of the opinion that it would be unreasonable to refuse permission for an existing business to expand at an established premises which is already known by clients. The premises would still supply hearing aids, similar to the existing A1 use however, this would operate alongside the proposed D1 use for diagnosis of hearing and balance disorders. The proposal would retain its existing opening hours and would therefore be open during core business hours.

It is considered by Staff that the proposed use would be appropriate to a shopping area as it would be likely to attract a similar level of customers compared to the existing use. Staff are of the view that the proposal has the potential to still make a contribution to pedestrian flows and would display many similar characteristics to some Class A1 uses in terms of the general level of activity and expenditure, particularly as it would be open during core shopping hours.

For these reasons Staff consider that the proposal to be acceptable in principle however, Members are invited to apply their judgement to this aspect of the proposal.

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

The proposal would involve no alterations to the existing appearance of the building and is therefore acceptable in this respect.

Any changes to the shop front or advertisements would be assessed by a separate application(s).

#### **IMPACT ON AMENITY**

The application site is within the Upminster Major District Centre and although the area is characterised by commercial uses at ground floor level, first and second floor levels are generally occupied by residential flats. This is indeed the situation at the application site.

It is not considered that the proposed internal use of the application site would have a detrimental impact on the amenities of the neighbouring occupiers. It is not considered that the activities associated with the proposed use are particularly noisy and Staff are of the opinion that with restricted hours of use, any undue disturbance to neighbouring occupiers can be prevented.

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.

#### **HIGHWAY/PARKING**

Parking standards are set out in Appendix 5 of the Development Control Policies DPD. The parking requirement for D1 uses is 1 space per practitioner, 1 per 2 members of staff and 2 spaces per consulting room.

No details have been provided in terms of the internal layout as the applicant confirmed there would be no changes to the current situation. The number of employees would also remain unchanged with 1 practitioner and 2 part-time members of staff.

The premises provide no off-street parking at present and this situation would remain the same for the proposed use.

Although the proposals does not meet the parking requirements of the Council, Appendix 5 states that the benefits of providing a convenient local community use will be taken into account when assessing proposals for health care facilities. A relaxation in parking standards will be considered where the site is well served by public transport, there is unlikely to be an adverse impact on the highway and where amenity is not likely to be prejudiced.

The site is within a central part of the Upminster Major District Centre, which is well served by public transport and with a number of public car parks within close proximity to the application site. It is therefore considered that the proposal would not be likely to adversely affect the highway, road safety or amenity and that the absence of dedicated off street parking for the proposal could be accepted in this instance.

#### **KEY ISSUES/CONCLUSIONS**

It is considered that the proposal is acceptable in principle in this instance as it would enable the continuation of an existing established business which is in line with recent Ministerial advice on "Planning for Growth". Although the proposal would be contrary to Policy DC16 by exceeding the percentage of non-retail frontage within the parade, Staff are of the opinion that there is justification to accept the proposal in this instance. Members are invited to apply their

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judgement to this aspect of the proposal.

The proposal would have no impact in terms of the street scene character or on the amenities of neighbouring occupiers of the flats above. The proposal does not provide any off-street parking however, this is similar to the existing situation and in light of its location close to public transport and public car parks, is considered acceptable.

Overall the proposal is considered acceptable and it is recommended that planning permission is granted, subject to conditions.

**RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs

2. M SC27A (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 to 17:00 on Mondays to Fridays, between the hours of 09:30 - 17:00 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.

3. S SC32 (Accordance with plans)

4. M SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be a practice to diagnose and assess hearing and balance disorders and for the supply of hearing aids and other related items only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

2. INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives

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and provisions of Policies CP4 and CP8 of the LDF Core Strategy Development Plan Document and Policies DC16, DC26, DC32, DC33 and DC61 of the LDF Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required for requests for the Submission of details pursuant to 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)

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<b>APPLICATION NO:</b>	<b>P1375.11</b>	
<b>WARD :</b>	Upminster	<b>Date Received:</b> 7th September 2011
<b>ADDRESS:</b>	Hacton House Hacton Lane Upminster	
<b>PROPOSAL:</b>	Erection of 2 no. cycle/storage buildings, hard standing and drive, crossover and junction onto Little Gaynes Lane. External alterations, replacement windows and doors, front and rear dormer windows, increase in roof height, new roof and chimneys.  additional statement received 26/9	
<b>DRAWING NO(S):</b>		
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

**RECOMMENDATION**

That planning permission should be approved for the reasons given in the report.

**SITE DESCRIPTION**

Hacton House was built in 1762. It was considered a small mansion and comprised of a central main block with pedimented front elevation with three storeys plus a basement. There were single storey wings to the west and east. The building was billeted during the Second World War and used as an officer's mess for airmen at Hornchurch airfield. Evidence suggests that the east wing contained service accommodation and that the original intention was that the west wing would contain a ballroom or gallery, although this was not built.

2 and 3 Hacton House consists of a central block of the 18th century mansion and is a locally listed structure. No. 1 and 4 Hacton House form the east and west wings respectively to the 18th century mansion. The building consists of eight individual flats and one flat is currently occupied. The site is located in the Green Belt and the Thames Chase Community Forest.

Access to the site is gained via an access road leading off Hacton Lane. There is a block of garages to the rear of the site. There are a number of protected trees to the front of the site.

**DESCRIPTION OF PROPOSAL**

The proposal is for the erection of 2 no. cycle/storage buildings, hardstanding and drive, crossover and junction onto Little Gaynes Lane, external alterations, replacement windows and doors, front and rear dormer windows, increase in roof height, new roof and chimneys.

A new access road would be formed from Little Gaynes Lane leading to an area of hardstanding and a turning area.

The two buildings would be divided into eight separate areas, one for each flat and would be used for cycle storage and general storage. Each building would be 2 metres wide, 4 metres in depth and 2.5 metres in height with a hipped roof.

There would be eight parking spaces. The proposal also includes four visitor parking spaces located in front of 2 & 3 Hacton House. The garages to the rear of the site would be demolished



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and the concrete hardstanding would be removed and reinstated with grass.

The height of the roof would be increased from 12.2 metres to 13.3 metres, with a new zinc roof covering and two brick chimneys. The proposal features four front dormers and six rear dormers. The front façade of the building would have a rendered feature panel, a stone feature band and stone feature balustrade. The proposal includes a recessed glazed entrance, doors and screens. All the doors and windows of the building would be replaced.

The proposal includes removing the external staircase on the rear façade of 2 & 3 Hacton House.

The building would be refurbished internally, which currently provides four, one bedroom flats and four, two bedroom flats.

#### **RELEVANT HISTORY**

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

P0974.10 Erection of 2 No. single storey garage blocks, hardstanding and drive, crossover and junction onto Little Gaynes Lane. External alterations, replacement windows and doors, front and rear dormer windows, increase in roof height, new roof and chimneys Refused.

4 Hacton House

P1472.09 Demolition of existing bungalow, extension of 18th Century façade to form front wall to new dwelling. Construction of new single family house Approved.

P1662.02 - Single storey front extension and covered side walkway - Approved.

#### **CONSULTATIONS/REPRESENTATIONS**

The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. A total of 20 neighbouring occupiers were notified of the proposal. Three letters of representation were received with detailed comments that have been summarised as follows:

- The development is marketed to the elderly, yet the refurbishment to the flats does not make any provision for ramps/lifts. Also, there is no public transport and limited local amenities in the vicinity of the site.
- There is some support for the refurbishment of the flats.
- Objects to the increase in roof height and queried as to whether it would incorporate further living accommodation.
- Overlooking.
- Additional traffic, congestion, noise and highway safety concerns regarding the new access road and the existing junctions between Little Gaynes Lane and Hacton Lane.
- There is already a vehicle access from Little Gaynes Lane.
- A streetscene illustration was not included with the application.
- No details of external lighting from the highway and down the new access road have been provided.
- It was suggested that the Hacton Lane junction is widened and changed to a mini-roundabout including a new access to Hacton House.
- Traffic calming measures could be introduced.
- If approved, the access road should be built first to accommodate construction vehicles.
- Subsidence.

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- The demolition and rebuild of No. 4 Hacton House should be taken into account.

Crime Prevention Design Advisor Recommends a condition for external lighting and that the cycle/storage buildings are built in accordance with the principles and practices of Secured by Design. Recommends an informative if minded to grant planning permission.

In response to the above, comments regarding the marketing of the development are not material planning considerations. The application is valid and does not require a streetscene illustration. If minded to grant planning permission, a condition could be placed regarding the provision of external lighting. Comments regarding widening the Hacton Road junction and changing it to a mini-roundabout and taking the rebuild of No. 4 Hacton House into account are not material planning considerations, as each application is assessed on its individual planning merits. Subsidence is a building control matter and is not a material planning consideration. The Council does not have any control over which part of the building is constructed first if planning permission is granted. If approved, the access road should be built first to accommodate construction vehicles. The remaining issues are addressed in the following sections of the report.

#### **RELEVANT POLICIES**

CP14, CP16, CP17, DC33, DC45, DC58, DC60, DC61 and DC67 of the LDF Core Strategy and Development Control Policies DPD. PPG2 (Green Belt), and PPS15 (Planning and the Historic Environment) are also relevant.

Policies 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 7.16 (Green Belt) and 7.19 (Biodiversity and Access to Nature) from the London Plan 2011 are relevant.

Havering Biodiversity Action Plan

Protecting and Enhancing the Borough's Biodiversity Supplementary Planning Document

Protection of Trees during Development Supplementary Planning Document

Draft Heritage Supplementary Planning Document

#### **STAFF COMMENTS**

This proposal follows a previous planning application, P0974.10, for the erection of 2 No. single storey garage blocks, hardstanding and drive, crossover and junction onto Little Gaynes Lane. External alterations, replacement windows and doors, front and rear dormer windows, increase in roof height, new roof and chimneys, that was refused planning permission for the following reasons:

1. The site is within the area identified in the Core Strategy and Development Control Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Development Plan Document Policy and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states 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 building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposed garage blocks, hardstanding and access drive are therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document Policy.

2. The extent of the hardstanding and the creation of the access road would create clear,

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unobstructed views of Hacton House and combined with the removal of numerous trees, be harmful to the open character and appearance of the Green Belt contrary to Policies CP14 and DC45 of the Local Development Framework Core Strategy and Development Control Policies DPD and PPG2 Green Belts.

3. The two single storey garage blocks would, by reason of their scale, bulk and mass, be harmful to the open character and appearance of the Green Belt contrary to Policy CP14 and DC45 of the Local Development Framework Core Strategy and Development Control Policies DPD and PPG2 Green Belts.

4. The two blocks of garages would, by reason of their built form, scale, bulk, mass, design and siting, appear incongruous, dominant, visually intrusive and out of character with this locally listed building, 2 & 3 Hacton House contrary to Policies CP17, DC61 and DC67 of the LDF Core Strategy and Development Control Policies DPD and Draft Heritage Supplementary Planning Document.

5. In the absence of an accurate tree survey, tree protection zones cannot be determined in accordance with BS 5837:2005. The development may therefore have a detrimental impact upon the health and stability of the preserved trees, contrary to Policy DC60 of the Local Development Framework Development Plan Document and the Protection of Trees during Development Supplementary Planning Document.

6. The bat survey is insufficient and in the absence of appropriate mitigation measures the removal and alteration of large areas of surrounding habitat could have a detrimental effect on the conservation status of bats in the local area contrary to Policies CP16 and DC58 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the Havering Biodiversity Action Plan and Protecting and Enhancing the Borough's Biodiversity Supplementary Planning Document.

In this respect, the current application differs from the refused scheme in the following key areas:

- The 2 no. single storey garage blocks have been removed from the proposal and have been replaced with 8 parking spaces.
- Two cycle/storage buildings have been added to the proposal.
- For the previous application, P0974.10, the proposed garages and hardstanding equated to 1,000 square metres. For this application, the hardstanding including the emergency vehicle turning space has been reduced to 564 square metres.
- An accurate tree survey has been submitted including details of tree protection zones.
- A Phase 2 ecological survey report has been submitted.
- The width of the access road has been reduced from 5 metres to 4 metres.

The issues arising from this application are the principle of development; impact upon the Metropolitan Green Belt (design/streetscene issues), amenity implications and any highway or parking issues.

### **PRINCIPLE OF DEVELOPMENT**

The application site falls within the Metropolitan Green Belt. The policy context for the determination of this application is set by Government Advice for Green Belts set out in PPG2, (Green Belts) and Green Belt Policy DC45 in the LDF. Policy 7.16 (Green Belt) of the London Plan is also relevant.

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National and Local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 3.4 of PPG2 states that "limited extension, alteration or replacement of existing dwellings" is not inappropriate providing the advice in Paragraph 3.6 is heeded. Paragraph 3.6 states that extensions should "not result in disproportionate additions over and above the size of the original building." This policy applies to increasing the roof height.

The proposal for the erection of 2 no. cycle/storage buildings, hardstanding and drive, crossover and junction onto Little Gaynes Lane are forms of development that are not considered appropriate in principle by PPG2. It is also contrary to the provisions of Policy DC45 of the LDF Development Control Policies DPD, which states that planning permission for development in the Green Belt will only be granted if its for agriculture and forestry, outdoor recreation, nature conservation and cemeteries.

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. In this instance, some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

#### **GREEN BELT IMPLICATIONS**

Policy DC45 states that "Extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling". Increasing the roof height of 2 & 3 Hacton House from 12.2 metres to 13.3 metres is within the recommended 50% which is usually acceptable in the Green Belt and it is considered that it would not result in disproportionate additions over and above the size of the original building.

Following negotiations with the agent, the two single storey garage blocks have been removed from the proposal, which has greatly reduced the amount of new development on the site. Replacing the garage blocks with parking spaces has significantly minimised the scale, bulk and mass of the proposal. In addition, the amount of hardstanding to the front of 2 & 3 Hacton House has reduced from 1,000 square metres (for the previous planning application) to 564 square metres. The access road has been specifically designed to retain the major established trees at the front of the site. It is Staff's view that the cumulative impact of these changes has brought the scheme within the realms of acceptability and would not be materially harmful to the open character and appearance of the Green Belt.

It is considered that the two cycle/storage buildings would not be unduly harmful to the open character and appearance of the Green Belt, as they are relatively modest in size, are 2.5 metres in height with hipped roofs, which minimises their bulk and are positioned close to the parking spaces so the development is clustered together in one space.

It is noted that a large number of trees are being retained, which will help to soften the appearance of the access road and hardstanding. Furthermore, details of a landscaping scheme will be secured by condition if planning permission is granted, which together with the retention of the trees, will help to mitigate the impact of the proposal.

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

The two cycle/storage buildings would not be directly visible in the streetscene, as they would be set back approximately 55 metres from Little Gaynes Lane and the eastern and western boundaries at the front of the site are splayed. In addition, the buildings would be set off a

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minimum and maximum of 3 and 4.5 metres from the side boundaries of the site. It is considered that the access road and junction onto Little Gaynes Lane would not adversely affect the streetscene. It is considered that the external alterations, replacement windows and doors, front and rear dormer windows, increase in roof height, new roof and chimneys would not appear out of character with the streetscene.

#### **IMPACT ON AMENITY**

It is considered that the proposal would not be harmful to the amenity of No.s 1 and 4 Hacton House, as the majority of which involves renovating Hacton House, both internally and externally.

Given that the two cycle/storage buildings are single storey, relatively low in height at 2.5 metres and would be located approximately 22 metres and 29 metres respectively from No.'s 4 and 1 Hacton House, it is considered that they would not be harmful to residential amenity.

It is considered that the access road would not result in significant levels of noise, disturbance or fumes to neighbouring properties as it would be relatively well separated from neighbouring properties.

It is considered that the proposal would not add to the overlooking that presently exists.

It is Staff's view that the four visitor parking bays would not be unduly harmful to the amenity of future occupiers of the ground floor flats in terms of noise, disturbance and headlights beaming into habitable rooms, as there would be a separation distance of approximately 16 metres between the nearest bays and the front façade of 2 & 3 Hacton House and two of the bays are located at an oblique angle. In addition, a condition could be placed in respect of landscaping if minded to grant planning permission to help further mitigate the impact of the proposal.

#### **HIGHWAY/PARKING**

The Highway Authority has no objection to the proposals and requests two conditions if minded to grant planning permission. The London Fire Brigade do not require any additional or alterations to existing fire hydrants for the site. The access road would have a width of 4 metres, which meets the minimum width of 3.7 metres between any kerbing. At present, there is parking for 12 cars, which is sufficient.

#### **OTHER ISSUES**

Heritage

The Heritage SPD states that as set out in Policy DC67, when dealing with planning applications the Council will take into account the contribution that buildings of local historical and/or architectural interest make to heritage. The Council therefore encourages applicants to take into account specialist conservation advice and:

- Consider the positive contribution a building makes to the local character and sense of place when developing proposals.
- Explore thoroughly the potential that may exist to incorporate the building within a development proposal through conservation or re-use.
- Provide relevant photographs of the area of proposed work and the building in its setting as part of the application.

Hacton House, which dates from the 19th Century, is included on the local list of building of

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historic and architectural interest. Whilst the building has been radically altered during the C20th, with the creation of a mansard to the roof, rendering and the loss of the chimney stacks, the building still retains the essence of its classical form.

The Council's Heritage Officer has provided the following comments. In principle the alterations to the building are acceptable, and are welcomed. Currently, the building is rather dilapidated and the proposals seek to restore the architectural character of the heritage asset. Following negotiations with the agent, changes were made to the detailing to ensure the scheme is of the highest quality, and is authentic and appropriate to the historic nature of the property and revised plans were submitted.

It is considered that the external alterations, replacement windows and doors, front and rear dormer windows, increase in roof height, new roof and chimneys have been designed in sympathy with Hacton House and would complement the features of the bungalows on either side (No.'s 1 and 4 Hacton House). It is considered that the increase in roof height would appear in proportion with Hacton House and would not appear dominant or overbearing. If minded to grant planning permission, a condition could be placed in respect of materials.

The two single storey garage blocks have been removed, which has addressed previous concerns regarding their built form, scale, bulk, mass, siting and design which was considered to be detrimental to the character of this locally listed building. In comparison with the garages, it is considered that the parking spaces would not appear visually intrusive and would not be harmful to the character of this locally listed building.

#### Protected Species

Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the borough by not granting planning permissions which would adversely affect priority species/habitats identified either in the London or Havering Biodiversity Action Plans unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation measures to secure the protection of the species/habitat can be provided and no alternative site is available.

For the previous planning application, a Phase 1 Bat Survey was submitted, which was deemed to be insufficient and did not include appropriate mitigation measures for the removal and alteration of large areas of surrounding habitat which could have a detrimental effect on the conservation status of bats in the local area.

In this instance, a Phase 2 ecological survey report, including bat surveys, was submitted. Staff have analysed this Phase 2 report and has liaised with the ecologist who wrote it. The ecologist has supported the mitigation proposals in respect of the bats and is of the view that the survey data would be adequate to obtain a European Protected Species Licence. In summary, Staff recommend that the ecological aspects of the proposal are approved with a condition that the applicant implements in full the agreed bat mitigation proposals, which shall include:

- Application and approval of an European Protected Species Licence prior to commencing work on site.
- Soft stripping of roof tiles by hand and under the supervision of a licenced bat worker.
- Provision of three different bat roosting sites including 3 x maternity colony panels, 2 x maternity thermocrete boxes and providing single roosting opportunities beneath the window sills.
- Installing 8 bat boxes in trees (5 in oak trees and 3 in a copse).
- Habitat enhancements providing improved foraging habitat for bats to include thinning



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sycamore and new native planting.

- Professional re-positioning of new trees along the new access road.
- 2 years post development bat monitoring.

#### Trees

A number of protected trees are situated to the front of the application site. An accurate tree survey has been submitted including tree protection zones.

A plan showing all trees that are affected by the proposed development with a key identifying the species (including the trees that have Tree Preservation Orders) was submitted. The Council's Tree Officer has visited the site and is of the opinion that the proposed removal of the trees would not have an overly significant effect on the amenity of the local area. Only a few self sown trees in the frontage will be lost to allow the proposed access road and the two most significant trees either side of the entrance will be retained. The bulk of the trees to be removed are contained within the site and as such, have very little public amenity value. Of the trees to be removed only one is an oak (T38). Any trees that will be removed could be offset by new planting in a landscaping scheme should planning permission be granted. If minded to grant planning permission, a condition will be placed regarding the protection of the preserved trees.

#### Design/Impact on the Street/Garden scene

The two cycle/storage buildings would not be directly visible in the streetscene, as they would be set back approximately 55 metres from Little Gaynes Lane and the eastern and western boundaries at the front of the site are splayed. In addition, the buildings would be set off a minimum and maximum of 3 and 4.5 metres from the side boundaries of the site. It is considered that the access road and junction onto Little Gaynes Lane would not adversely affect the streetscene. It is considered that the external alterations, replacement windows and doors, front and rear dormer windows, increase in roof height, new roof and chimneys would not appear out of character with the streetscene.

#### The Case for Very Special Circumstances:

The applicant's case for very special circumstances can be summarised as follows:

- The applicant needs to market the flats at a higher standard, including the provision of the new access road, cycle/storage buildings and visitor parking spaces, given the high refurbishment costs.
- The existing entrance to the site and parking to the rear is very narrow and uninviting. The owner has tried previously to let the units, although this has been difficult as the pedestrian and vehicle entrances are dark and dingy.
- The six prefabricated concrete garages and existing hardstanding which equates to approximately 580 square metres would be removed and reinstated with grass, which would help mitigate the proposed hardstanding and garages to the front of the site (that equates to 564 square metres).
- There will be less vehicle movements further into the Green Belt, as the new access road will be nearer to the highway than the existing garaging and access.
- The provision of a new drive and access onto Little Gaynes Lane would greatly enhance the safety of the road along Hacton Lane.

#### Staff comments

Policy DC45 indicates that sites within the Green Belt will only be acceptable in exceptional circumstances and where, through their design, layout and landscaping they minimise the

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impact on the openness of the Green Belt.

In response to the case for very special circumstances, it is considered that marketing the flats to a higher standard is not an overriding consideration. At present, there is a long, convoluted single track access road to the rear of the flats that is accessed from Hacton Lane, which is unlit and is considered to be substandard. It is Staffs view that the new road would provide a more direct, convenient and safer means of access for future occupiers. Details of external lighting would be secured by condition if minded to grant planning permission. In addition, removing the garages and hardstanding to the rear of the site and reinstating it with grass will help to mitigate the impact of the proposal, by enhancing openness. Therefore, it is considered that the very special circumstances case is sufficient and that planning permission should be approved.

### **KEY ISSUES/CONCLUSIONS**

The proposal for the erection of 2 no. cycle/storage buildings, hardstanding and drive, crossover and junction onto Little Gaynes Lane are forms of development that are not considered appropriate in principle by PPG2 unless there are exceptional circumstances. However, it is considered that amendments to the scheme have addressed the previous reasons for refusal and brought the scheme within the realms of acceptability. It is considered that the exceptional circumstances together with the amendments to the proposal would outweigh the harm to the Green Belt. It is considered that the proposal would not be harmful to the streetscene or to the amenity of neighbouring occupiers. It is considered that the proposal would not create any highway or parking issues. For the reasons outlined above, it is recommended that planning permission be approved.

### **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. M SC11 (Landscaping)
5. M SC62 (Hours of construction)
6. S SC06 (Parking provision)
7. M SC59 (Cycle Storage)
11. M SC12 (Preserved trees)
8. Non standard condition  
No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:-

In the interests of security and residential amenity and in order that the development



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accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

**9.** Non standard condition

Before any of the development hereby permitted is commenced, surfacing materials for the access road and hardstanding shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road and hardstanding shall be constructed with the approved materials. Before the flats are first occupied, the access road to the site shall be surfaced to the satisfaction of the Local Planning Authority. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the plans) to prevent their use for anything but access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

**10.** Non standard condition

Before the flats are first occupied, the garages and area of concrete hardstanding to the rear of the site shall be removed and replaced with a soft landscaped area and seven new trees, details of which shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:-

To minimise the impact of the proposed development on the Metropolitan Green Belt.

**12.** Non standard condition

The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

**13.** Non standard condition

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.

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**14.** Non standard condition

The proposed development shall be implemented in accordance with the Phase 2 Ecological Survey Report dated 7th September 2011 which shall include the following:

- \* Application and approval of an EPS licence prior to commencing any work on site.
- \* Soft stripping of roof tiles by hand and under the supervision of a licenced bat worker.
- \* Provision of three different bat roosting sites including 3 x maternity colony panels, 2 x maternity thermocrete boxes and providing single roosting opportunities beneath window sills.
- \* Installing 8 bat boxes in trees (5 in oak trees and 3 in copse).
- \* Habitat enhancements providing improved foraging habitat for bats to include thinning sycamore and new native planting.
- \* Professional re-positioning of yew trees along new driveway.
- \* 2 years post development bat monitoring.

Reason: in order to protect the conservation status of bats in compliance with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended) PPS9 [and Policies DC58 & 59 of the LDF].

**15.** Non standard condition

Prior to the commencement of the development, details of the proposed security measures for the two cycle/storage buildings shall be submitted and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the agreed details.

Reason: In the interest of community safety and to accord with Policy DC63.

**3** **INFORMATIVES:**

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP14, CP16, CP17, DC33, DC45, DC58, DC60, DC61 and DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document, Havering Biodiversity Action Plan, Protecting and Enhancing the Borough's Biodiversity Supplementary Planning Document, Protection of Trees during Development Supplementary Planning Document and Draft Heritage Supplementary Planning Document.

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

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications)

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(Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request is needed.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

17 November 2011

<b>Subject Heading:</b>	Alleged breach of planning control at Cranham Hall Farm, The Chase, Upminster
<b>Report Author and contact details:</b>	Simon Thelwell Planning Control Manager (Projects & Compliance) 01708 432685
<b>Policy context:</b>	Local Development Framework
<b>Financial summary:</b>	Enforcement action and a defence of the Council's case in any appeal will have financial implications

**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 property, Cranham Hall Farm, originally consisted of redundant farm buildings. In December 2007 planning permission was granted with conditions (P1707.07) for the conversion of existing barns into 8 new dwellings plus 2 new separate dwellings. This is now known as Cranham Hall Mews and residential units are now occupied.

In October 2008, the authority received a complaint regarding paddocks being created to the rear and side of the development. The developer sold open farmland adjacent to the residential units which has now been divided into separate plots by the erection of fences. These parcels of land have been brought into use as amenity space for residential properties.

Further complaints were made in August 2010 that two of the properties have erected outbuildings within these parcels of land.

The properties are within the Metropolitan Green Belt and the Cranham Conservation Area where an Article 4 Direction removes 'permitted development rights' for the erection of fencing.

There is also a condition attached to planning consent P1707.07 removing 'permitted development rights' for outbuildings. It is considered that the unauthorised development has a materially harmful impact on the Metropolitan Green Belt and the Cranham Conservation Area.

The developments have occurred within the last 4 years and therefore it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breaches.

## **RECOMMENDATIONS**

That the Committee consider it expedient that the Enforcement Notices be issued and served to require within two months:

- i) To stop using the land for residential purposes.
- ii) To remove from the land all structures, fencing other than those that have planning approval.
- iii) To remove from the land all unauthorised outbuildings.
- iv) To remove from the land all machinery, equipment, apparatus, tools, scrap and waste brought onto the land associated with the unauthorised use and to comply with requirements within (i) and (ii) above.

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.

## **REPORT DETAIL**

1. **Site Description**

1.1 Cranham Hall Farm, The Chase, Upminster is a former farm which was made up of a cluster of farm buildings including barns.

1.2 Open farmland and public footpaths are adjacent to the site.

1.3 It is alleged that the following five properties are breaching the Town and Country Planning Act 1990 and are using the land outside their residential curtilage.

- i) Reeds, 6 Cranham Hall Mews (outbuilding and fencing).
- ii) Granary, 7 Cranham Hall Mews (fencing).
- iii) Millhouse, 8 Cranham Hall Mews (outbuilding and fencing).
- iv) Dovecote, 9 Cranham Hall Mews (fencing).
- v) Rookery, 10 Cranham Hall Mews (fencing).

2. **Alleged Planning Contravention**

2.1 Without planning permission the erection of fencing. This applies to all the above five properties.

2.2 Without planning permission using pasture land outside the residential curtilage for residential use.

2.3 In addition, without planning permission outbuildings have been erected within the fenced area of Reeds, 6 Cranham Hall Mews and Millhouse, 8 Cranham Hall Mews. The outbuildings are within the residential curtilage.

3. **Relevant Planning History**

P0784.07	Conversion of barns to 8 dwellings	Withdrawn by applicant
P1707.07	Conversion of barns to 8 dwellings	Approved - 3.12.07
P2011.08	Retention of doors and windows	Withdrawn
P2029.08	Change of use of land to form paddocks and associated fencing	Refused 23.3.09
P0238.09	Retention of doors and windows	Refused 22.5.09
P1618.09	Retention of doors and windows	Approved 15.1.10

P0779.10      Retention of replacement post and rail fencing      Approved 27.8.10

P0496.11      Retention of boundary fence, internal fence and outbuilding (8 Cranham Hall Mews only)      Refused 11.10.11

#### 4. **Enforcement Background**

4.1 In October 2008 the Authority received a complaint that fencing had been erected around the perimeter of the site.

4.2 Following this complaint officers from the Planning Enforcement Service visited the site.

4.3 Officers saw that fencing had been erected to the perimeter of the site thereby creating paddocks and gardens.

4.4 The Authority made numerous attempts through the developer to have the fencing removed. Planning applications were submitted and refused. A subsequent application (P0779.10) allowed fencing on part of the site only.

4.5 The developers began to sell the site as separate plots and failed to remove the unauthorised fence.

4.6 The Planning Enforcement Team had little choice than to make contact with the relevant purchasers to remedy the breaches.

4.7 In August 2010 further complaints were received alleging that outbuildings had been erected on part of the site.

4.8 Officers visited the site and saw that outbuildings had been constructed on land adjacent to The Reeds, 6 Cranham Hall Mews and Millhouse, 8 Cranham Hall Mews.

4.9 Contact was made with the owners of the property and a planning application (P0496.11) for Millhouse, 8 Cranham Hall Mews (only) was submitted and subsequently refused.

4.10 The planning breaches regarding the fencing and the outbuildings remain.

#### 5. **Material Consideration of the Use or Development**

5.1 The issue is whether it is expedient for this council to serve a Planning Enforcement Notice having regard to the nature and impact of the unauthorised development.

5.2 The relevant policies are DC22, DC45, DC47, DC61 and DC68 of the LDF Development Control Policies Development Plan Document, Cranham Conservation Area Character Appraisal and Management Proposals London



Plan Policies 7.8 and 7.16, PPG2 - Green Belt and PPS5 planning for historic environment.

6. **Justification for Intended Action**

6.1 The issues arising in this case are the principles of the development, impact upon the character, appearance and openness of the Green Belt and the Cranham Conservation Area.

6.2 As mentioned previously in the report a retrospective planning application (P2029.08) has been refused for the formation of the paddock fencing on the land to the west and south of Cranham Hall Mews.

6.3 This application was refused for the following two reasons:

a) The paddock fencing, by reason of its extent, appearance and siting would appear materially harmful to the special character and appearance of the Cranham Conservation Area contrary to Policy DC68 of the LDF Development Control Policies Development Plan Document.

b) The subdivision of the land into small plots results in encroachment into the countryside and is therefore considered to be inappropriate development in Green Belt. No very special circumstances have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document and the provisions of PPG2 (Green Belts).

6.4 A further retrospective planning application (P0496.11) was submitted by the owner of Millhouse, 8 Cranham Hall Mews for retention of boundary fence, internal fence and outbuilding.

6.5 This was refused for the following reasons:

1. The fencing, by reason of its extent, appearance and siting, appears materially harmful to the special character and appearance of the Cranham Conservation Area contrary to Policy DC68 of the LDF Development Control Policies Development Plan Document.

2. The timber outbuilding and the subdivision of the land into a small plot results in encroachment into the countryside and is therefore considered to be inappropriate development in the Green Belt. No very special circumstances have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document and the provisions of PPG2 (Green Belts).

6.6 Green Belt Implications

At the time when planning permission was granted for the conversion of the former farm buildings to residential use several external doorways were approved to afford direct access onto the adjoining farmland. In the case of plots 6, 7 and 8 these properties were approved with a perimeter boundary fence enclosing small garden areas and providing segregation with the adjoining farmland. This perimeter fence has never been installed resulting in there being no clear delineation between what is residential curtilage and what is farmland. The lack of a boundary fence around the perimeter of the development at this point combined with the provision of fencing to segregate the farmland into small parcels gives the impression that portions of the farmland are residential curtilage. Indeed at the time of staff's site visit a number of the plots had residential paraphernalia sited within the farmland including a trampoline and football goal posts. Whilst staff can understand the wish of occupiers of the Cranham Hall Mews development to delineate land within their ownership, the land is farmland, which is, designated Green Belt. To this end consideration must be given to the provisions of PPG2 and the need to maintain openness and to prevent urban sprawl.

- 6.7 The provision of fencing within the Green Belt is not in itself unacceptable in principle however in this case the fencing affectively facilitates the use of the land for residential purposes. The concern is that the land will be perceived as a garden area given its fenced nature and direct access from the rear of the dwelling. Were planning permission to be granted for the retention of the fencing it would be difficult for the Council to monitor its future use. For example, it is considered that the potential exists for future occupiers to provide garden related paraphernalia such as flower beds, patios, BBQs etc. The use of the land as a residential garden would represent inappropriate development in the Green Belt. In granting planning permission for the conversion of the former farm buildings to residential use the residential curtilage was carefully considered to specifically exclude the adjoining land outside the quadrangle of buildings.
- 6.8 Paragraph 3.12 of PPG2 advises that the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The fencing of the farmland in the manner which has taken place and use for residential purposes which in principle is not acceptable in the Green Belt. Staff consider the retention of the fencing to be materially harmful and that it conflicts with the purposes of including land in the Green Belt – a stated purpose of the Green Belt is to prevent encroachment into the countryside. In view of the above it is considered that the fencing represents inappropriate development in the Green Belt contrary to PPG2.
- 6.9 Outbuildings have been constructed at the south side of Reeds, 6 Cranham Hall Mews and to the rear of Millhouse, 8 Cranham Hall Mews. Any form of outbuilding requires planning permission as permitted development rights

were removed by planning permission was granted for the original conversion.

6.10 Within the Green Belt outbuildings can be considered as appropriate where they are reasonably related in terms of siting to the dwelling. The outbuildings are however sited outside of the building envelope formed by the quadrangle of buildings. As mentioned above permitted development rights were specifically removed when planning permission was granted for the conversion of the former farm buildings. The reason behind this is to ensure that no outbuildings or structures can be provided either within or outside of the building envelope without planning permission. Given the location of the outbuildings are outside of the building envelope, staff are of the view that appear as a form of encroachment into the Green Belt. Staff are of the view that the outbuildings are an inappropriate form of development and being outside the building envelope of the former farm buildings is harmful to the openness of the Green Belt.

#### 6.11 Conservation Area Implications

The application site is located in the Cranham Conservation Area and as such, the general consideration is whether the character and appearance of the Conservation Area is preserved or enhanced. An Article 4 Direction covers the Cranham Conservation Area of which the application site forms part. This Direction removes Permitted Development rights for the erection of any form of fencing or other means of enclosure including gates on all land in the Conservation Area in order to maintain the open character of the area.

6.12 The Cranham Conservation Area was one of the first conservation areas to be designated in Havering. The Cranham Conservation Area Character Appraisal and Management Proposals advise that the character of the area derives from a group of buildings and trees set in open countryside. Staff are of the view that the fencing for which permission is being sought combined with the existing fencing on site detracts from the open nature of the Conservation Area. The site is visible from a wide area given the relatively flat nature of the land and the limited screening surrounding the site. A number of public footpaths also cross the Conservation Area including one which passes adjacent to the site, as such the fencing has the potential to be seen by a large number of people. It is considered that the continued retention of the fencing is harmful to the special character and appearance of the Cranham Conservation Area contrary to Policy DC68 of the LDF and Policy 7.8 of the London Plan.

6.13 The timber outbuildings and the subdivision of the land into small plots results in encroachment into the countryside and is therefore considered to be inappropriate development in the metropolitan Green Belt. No special circumstances have been identified in these cases and is contrary to Policy DC45 of the LDF Development Control Policies Development Plan Document and the provision of PPG2 (Green Belt).

6.14 For the reasons set out above it is considered that the fencing and outbuildings be removed and that residential use of the site be confined to the curtilage of the property and that this can be only achieved by the Council serving an Enforcement Notice and therefore Members are asked to recommend as such.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

Enforcement action may have financial implications for the Council.

### **Legal implications and risks:**

Enforcement action, defence of any appeal and if required, prosecution procedures will have resource implications for Legal Services.

### **Human Resources implications and risks:**

No implications identified.

### **Equalities implications and risks:**

No implications identified.

## BACKGROUND PAPERS

1. Ordnance survey extracts showing site and surroundings.