



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
26 April 2012**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

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

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

For information about the meeting please contact:

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman will announce the following:

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DECLARATION OF INTERESTS

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

4 MINUTES (Pages 1 - 6)

To approve as a correct record the minutes of the meeting of the Committee held on 15 March 2012 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 7 - 20)

Applications within statutory period.

6 YOUNG'S ORGANIC FARM, ADJACENT 1 FRANKS COTTAGES (Pages 21 - 30)

- 7 **LAND SURROUNDING DRYDEN TOWERS** (Pages 31 - 38)

- 8 **THE BREWERY - BANK** (Pages 39 - 50)

- 9 **WHITE BUNGALOW, SOUTHEND ARTERIAL ROAD** (Pages 51 - 66)

- 10 **FOREST ROW CENTRE, LODGE LANE, COLLIER ROW** (Pages 67 - 76)

- 11 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 77 - 98)
Applications outside statutory period

- 12 **APPLICATION FOR STOPPING UP ORDER** (Pages 99 - 106)

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

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Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
15 March 2012 (7.30 - 9.40 pm)**

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair) Jeffrey Brace, Robby Misir, Frederick Osborne, Garry Pain, Steven Kelly and Pam Light

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

**Independent Residents
Group**

Apologies were received for the absence of Councillors Sandra Binion, Mark Logan and Barry Tebbutt.

+Substitute Members: Councillor Pam Light (for Sandra Binion) and Councillor Steven Kelly (for Barry Tebbutt)

Councillors Damian White, Andrew Curtin and Denis O'Flynn were also present for parts of the meeting.

35 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.

276 **MINUTES**

The minutes of the meeting held on 12 January 2012 were agreed as a correct record and signed by the Chairman.

277 P0111.12 - R/O OF 14/16 WOODSIDE CLOSE, RAINHAM

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

278 P1689.11 - FORMER DUNNINGFORD PRIMARY SCHOOL

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to amending Condition 3 (Flood Risk) to reflect current scheme design as required by the Environment Agency and amending Condition 21 (Permitted Development) to enable construction of outbuildings up to 10 cubic metres and otherwise in accordance with the conditions as set out in the report.

279 P1918.11 - RONEO CORNER

The report before members detailed an application that sought permission to construct 2 no. part 8, part 9 storey buildings containing a combined 141 flats with associated parking and new pedestrian and cycle route linking South Street and Rush Green Road. The proposal was considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. An economic viability appraisal had been submitted by the applicant to justify the level of education contributions being offered and the amount of Section 106 contributions arising from the development.

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

With its agreement, Councillor Damian White addressed the Committee. Councillor White commented that the development would have an impact on local resident. That the development was a gross overdevelopment of the site, that lacked adequate parking and would be detrimental to residential amenity.

During the debate, members discussed the issue of parking spaces, fencing along the River Rom and amenity space available to resident.

A motion to refuse the granting of planning permission was lost by 7 votes to 3. Councillors Ower, Hawthorn and McGreary voted for the motion to refuse planning permission. Councillors Oddy, Brace, Kelly, Pain, Light and Osborne voted against the motion.

The vote for the resolution to grant planning permission was passed by 7 votes to 3. Councillors Ower, Hawthorn and McGreary voted against the resolution to grant planning permission.

It was **RESOLVED** that planning permission be granted subject to the conditions set out in the report and the planning obligation set out as heads of terms as follows:

- The provision on site of 93 of the units (66%) within the development for affordable housing purposes consisting of a tenure split of 40 units as affordable rented accommodation and 16 units as social rented accommodation and 37 shared ownership units.
- Payment of a financial contribution of a maximum of £180,000 towards education provision;
- Payment of a financial contribution of £10,480 towards highway works;
- Payment of a financial contribution of £20,960 towards off-site naturalisation of the River Rom;
- The prevention of any future occupants of the development, save for blue badge holders, from applying for residents parking permits within any current or future Controlled Parking Zone or other such measure affecting the locality of the application site.
- That the developer/owner or party entering into the planning agreement bear the Council's legal fees in respect of the Section 106 agreement irrespective of whether or not the agreement is completed.
- That all contribution sum are subject to indexation from the date planning permission is issued to the date of receipt by the Council and that all contribution sums will include interest accrued to the date on which they date spent.

280 **P1914.11 - 64 SOUTH STREET**

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report with 3 additional planning conditions the precise wording of which would be settled by the Head of Development and Building Control on the following:

- Sound insulation
- Plan and Machinery (limiting noise impact of)
- Protect residential occupiers of proposal from noise generated by the non residential elements of the proposal.

281 **P1558.11 - FORMER WHITWORTH CENTRE**

Member considered a report that sought permission for the demolition of buildings forming part of the former Whitworth Centre site and residential development of 144 units, comprising a mix of houses and apartments. The proposal was considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. A viability assessment had been submitted by the applicant to justify the level of affordable housing and the amount of Section 106 contributions arising from the development and following independent appraisal had been found to be acceptable.

Members sought and received clarification on issues that related to the traffic review and highway analysis for the area and the viability appraisal that was undertaken to determine the educational contribution.

It was **RESOLVED** that planning permission be granted subject to the conditions set out in the report and include an informative covering fire hydrant and amend Condition 16 (Construction Method) to require that construction vehicles enter/egress site in forward gear only.

282 **P1762.11 - CHAFFORD SCHOOL**

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

283 **A0065.11 - LAMP-POSTS ON LONDON ROAD**

The report before the Members concerned an application for advertisement consent for the installation of 18 non-illuminated PVC banner signs. This proposal was put forward before the Committee due to the application site being on Highway Land. It was considered that the proposal would be acceptable in terms of advertisement and urban design policies. Express Advertisement Consent was recommended to be granted.

A motion to refuse the granting of planning permission based on asserted adverse impact on streetscene, visual clutter and distraction to motorists was lost by 8 votes to 2. Councillors Ower and Hawthorn voted for the motion to refuse planning permission. The vote for the resolution to grant planning permission was passed by 8 votes to 2. Councillors Ower and Hawthorn voted against the resolution to grant planning permission.

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

284 **P1865.11 - FORMER RICON SITE, ASHTON ROAD**

The Committee considered an application that sought approval for a range of uses capable of being accommodated at the site to include a number of different configurations of warehousing, distribution and industrial uses. The application was in outline form, within a proposed “parameters plan” with all matters reserved. The application contained three separate development options capable of being developed within the parameters plan. In the event that approval is granted, development would be required to proceed in accordance with one of the development options.

The report stated that the application was put before Committee owing to the proposal being classified as a major application.

It was **RESOLVED** that planning permission be granted subject to the conditions set out in the report and that any reserved matters will be brought to Committee for determination.

285 **P1687.11 - LABURNHAM STABLES, LABURNHAM GARDENS, CRANHAM**

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

286 **PLANNING CONTRAVENTION - 2 PETTLEY GARDENS ROMFORD**

The Committee considered the report and without debate, **RESOLVED** it was expedient that an Enforcement Notice be issued and served to require, by 3 months:

- (i) Remove the unauthorised canopy connecting the garage to the rear authorised ground floor extension
- (ii) Remove all rubble and building materials resulting in compliance with (i) 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.

Chairman

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Agenda Item 5

Regulatory Services Committee

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Item 5

WITHIN STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-11	P0083.12	Cranham	Folkes Farm Folkes Lane Upminster

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APPLICATION NO:	P0083.12	
WARD :	Cranham	Date Received: 21st February 2012
ADDRESS:	Folkes Farm Folkes Lane Upminster	
PROPOSAL:	Change of use of land to an Outdoor Activity Centre Revised Transport & D & A Statement received 13-04-2012	
DRAWING NO(S):	Design and Access Statement Transport Assessment 1068/01 1068/06 1068/05 1068/03 1068/02	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reasons: given at the end of the report.	

SITE DESCRIPTION

The application site comprises land and buildings at Folkes Farm, located to the east of Folkes Lane, to the north of the A127, to the west of the M25 and to the south of Woodlands Mushroom Farm. The site forms a broadly rectangular area with an existing complex of former agricultural and other buildings in use for a variety of employment-related purposes, all of which are located at the western end of the site alongside Folkes Lane, with the remainder of the site comprising open grassland. It is the open grassland, located to the north, east, and south of the complex of buildings that would experience most of the proposed development. This area of land is generally flat and visible from neighbouring properties, Folkes Lane, the M25, and the slip road connecting the A127 to the M25.

Various residential and commercial properties are located to north and west of the site, in addition to the commercial occupiers located within the complex of buildings at Folkes Farm.

The site is located in the Green Belt with the site's eastern boundary running alongside a woodland that is designated as a Borough-level Site of Nature Conservation Importance. The site is also located within the Thames Chase Community Forest and is a Mineral Safeguarding Area.

DESCRIPTION OF PROPOSAL

This planning application proposes the material change of use of land from agriculture to an outdoor activity centre to include a quad bike dirt track, a smaller quad bike track for children, a mini golf course, and an adventure playground. The proposal would involve engineering operations resulting in the creation of three ponds and mounding at various points along the quad bike tracks; changes to ground levels would also occur within the mini golf course. The proposal would also involve the siting of several prefabricated, portable buildings including two storage buildings, a changing room and office building; the erection of various structures within the playground; the siting of a kiosk associated with the putting greens; and the erection of post and rail fencing throughout the site, to separate the various activities being proposed.

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The Design and Access Statement indicates that the vehicle parking would be provided in two areas: the car park associated with Timbuk2 (a popular childrens play centre) and an existing area of hardstanding. The applicants anticipate that the the proposal would attract around 34 vehicles per day although the basis of this projection is unclear.

The proposed engineering operations would comprise the creation of three ponds and seven areas of raised ground in relation to the quad bike tracks. The raised areas of earth banking would cover approximately 3585sqm of land, generally rising between 1m and 3m in height from current ground levels. The proposed ponds would cover a combined area of approximately 1776sqm, with the depths generally being between 1m and 4m. The submitted information states that the proposed earth raising would be constructed using the material excavated to form the ponds, but it is considered likely that additional material will need to be imported, as discussed later in this report.

Landscaping works are also proposed and would involve a mixture of native species, mainly around the perimeter of the site, including a 10m wide buffer between the site and the neighbouring SNCI, that would eventually go some way to screening the proposed activities from the surrounding area. The installation of bird and bat boxes is also proposed.

RELEVANT HISTORY

The wider Folkes Farm site has a long history, comprising numerous planning applications and enforcement cases. The application under consideration mainly relates to the open fields to the north, east and south of the complex of buildings located at Folkes Farm. There are no previous planning decisions relating to that area of land that are of particular relevance to this planning application, with the exception of the following enforcement cases:

Deposition of Material

An Enforcement Notice was served on the landowner on 22nd December 2011 alleging the unauthorised importation of hardcore, soils and other waste material; the formation of additional surfacing on the land; and the siting of two steel containers and plant on the land to the south of the complex of buildings at Folkes Farm. A failure to comply with the requirements of this notice is being pursued by enforcement officers.

Vehicle Parking Area

An Enforcement Notice was served on 7th October 2010 alleging the unauthorised use of land for the parking and storage of commercial vehicles, including the construction of a hardstanding, at the southern end of the complex of buildings. The landowners appealed against this notice, however, the appeal was dismissed on 29th July 2011 for the following reasons:

- i) The use was deemed to be harmful to the openness of the Green Belt and the purposes of including land in the Green Belt, and therefore constituted inappropriate development in the Green Belt;
- ii) The use of the land as an extensive parking area was deemed to be detrimental to the rural character of the area;
- iii) The unauthorised use was deemed to be harmful to the amenity of neighbouring occupiers in terms of noise and disturbance.

Timbuk2 Carpark

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An Enforcement Notice was served on 1st April 2010 alleging the unauthorised laying of a hardstanding and its use as a car park in relation to Timbuk2, at the northern end of the complex of buildings at Folkes Farm. The landowners appealed against this notice and the appeal was allowed on 27th October 2010 on the grounds that the additional car parking was required to service what is a popular play centre, and that it would result in a reduction in the number of vehicles being parked in the highway, to the detriment of highway safety.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 79 neighbouring properties; a site notice was placed in the vicinity of the site and advertisements have been placed in the local press.

64 objections have been received to date from local residential and commercial occupiers, on the following grounds:

- a) The proposal would be detrimental to the Green Belt;
- b) Adverse noise impacts over and above the noise already arising from the M25 and A127, will result in residents being unable to have their windows open during the summer months and would cause disruption to companies located at Folkes Farm who conduct much of their business by telephone;
- c) The proposal would result in an intensification of the use of Folkes Lane, which has insufficient capacity considering the businesses already located at Folkes Farm and other existing uses;
- d) Insufficient vehicle parking would be provided;
- e) The proposal would result in a distraction to users of the motorway;
- f) There would be an increase in local air pollution;
- g) The storage of fuel at the site would be hazardous;
- h) The proposal would give rise to highway safety issues;
- i) There would be insufficient staff available to monitor the proposed use and maintain safety;
- j) The site is not accessible by public transport;
- k) There are other, more suitable sites where the proposal could take place;
- l) There is insufficient demand for the proposal;
- m) The proposal would be harmful to wildlife in the local area;
- n) There would be an adverse impact on local property prices.

Comments have been received from the following consultees:

Essex and Suffolk Water - No objections.

Thames Water - No objections.

Natural England - No objections.

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

Environmental Health (Noise) - Additional information and mitigation required.

Highways - No objections.

Greater London Authority - No objections.

Transport for London - No objections.

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Environmental Agency - No objections.

Highways Agency - No objections.

RELEVANT POLICIES

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

CP13 - Minerals Extraction

DC22 - Thames Chase Community Forest

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC55 - Noise

DC58 - Biodiversity and Geodiversity

DC61 - Urban Design

DC63 - Delivering Safer Places

The London Plan

Policy 7.16 - Green Belt

National Planning Guidance

National Planning Policy Framework ("the NPPF")

STAFF COMMENTS

This application is brought before Members as it has been called-in by two Councillors. Councillor Gillian Ford has called the application in on the grounds of Green Belt impact, concerns over noise impacts, increased traffic, and a lack of parking facilities. Councillor Barry Tebbutt has also called in the application in the event that it is recommended for refusal.

The application is also brought before Members on the basis of its sensitivity, having received, at the time of writing, 64 objections from local residential and commercial occupiers.

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

PRINCIPLE OF DEVELOPMENT

The site is located in the Green Belt and numerous objections have been received stating that the proposal would be detrimental to the Green Belt.

This planning application proposes the change of use of land, engineering, and building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including outdoor recreation, and that new buildings in the Green Belt will only be approved where they are essential to the identified uses.

National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, the preliminary assessment when

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considering proposals for development in the Green Belt is as follows:-

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

In terms of Green Belt policy, this application proposes the material change of use land, along with engineering and building operations.

Paragraph 90 of the NPPF states that "certain other forms of development", that are separate from building operations, may also constitute appropriate development in the Green Belt providing they preserve the openness of and do not conflict with the purposes of including land in the Green Belt. These include engineering operations. As discussed, the proposed engineering operations would comprise the creation of three ponds and seven areas of raised ground in relation to the quad bike tracks. The raised areas of earth banking would cover approximately 3585sqm, generally rising between 1m and 3m in height from current ground levels. The proposed ponds would cover a combined area of approximately 1776sqm, with the depths generally being between 1m and 4m. It is considered that the proposed ponds would not be detrimental to the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. However, it is considered that the scale of the proposed earth banking, particularly their height and overall bulk and massing, would be detrimental to the openness of the Green Belt. These works would appear as man-made features of significant scale, appearing above the prevalent lie of the land.

Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in given case, which include the provision of appropriate facilities for outdoor sport and outdoor recreation, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed buildings in this case include two quad bike storage buildings with room inside for up to 20 quad bikes; a changing room, office and store; a kiosk in relation to the putting greens; and various structures associated with the adventure playground. Specific details concerning the proposed playground structures are lacking but could be approved by condition. The proposed post and rail fencing throughout the site could be limited in height by condition.

No evidence has been submitted to indicate that the numerous existing buildings at Folkes Farm could not be used to accommodate the proposed facilities. In the absence of this information it is difficult to determine whether the proposed buildings are genuinely essential to the proposed use. Were it the case that the proposed use could not be served by the existing buildings, then it would be considered that the scale and nature of the proposed buildings would make them necessary to enable the proposed activities to take place, although whether the buildings are necessary or essential is only one of the tests to be applied in relation to their acceptability.

Even where such facilities are essential to the operation of the activity they may, in themselves, harm the openness of the Green Belt or conflict with the purposes of including land within it and each case has to be assessed on its merits and in terms of its impact within that particular location. Again, it is unclear whether the buildings in this case are essential to the proposed use

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as no evidence has been submitted to indicate that one or more of the numerous existing buildings at Folkes Farm could not be used instead. But even if this were not the case, the proposed structures and buildings in this case, when taken together, are of such a scale, intensity and visibility that they would fail to preserve the openness of the Green Belt. It is considered that the erection of two storage buildings, a combined office, store, and changing facilities, a kiosk, and playground structures, would cumulatively be detrimental to the openness of the Green Belt. That there are existing, large scale buildings located at Folkes Farm is not a reason to allow additional building operations in the Green Belt where they would be detrimental to its openness.

The NPPF, in relation to material changes of use in the Green Belt, states that material changes of use constitute inappropriate development. It is considered that the proposed change of use, although it would result in an outdoor recreation use would be detrimental to the openness of the Green Belt. Its overall scale and intensity, involving two quad bike tracks that would be in frequent use by noisy vehicles, a putting course and adventure playground, supported by four buildings and extensive engineering operations, would be detrimental to the openness of the Green Belt. Moreover, it is considered that the proposal would conflict with the purposes of including land in the Green Belt owing to its urbanising effect and that it would undermine the potential regeneration of non-Green Belt, brownfield sites that might otherwise accommodate the proposal, if not in Havering, then in surrounding boroughs.

Moreover, the proposed car parking for the site would also constitute inappropriate development in the Green Belt, and is likely to require further expansion in the future. The proposed car parking areas include two areas. One is located at the northern end of the existing buildings, relating to Timbuk2, which is unlikely, given its current use by existing activities, to have capacity to serve the proposed uses. The other area comprises a hardstanding at the southern end of the existing buildings, which has been used as a vehicle parking area. That vehicle parking area was the subject of an enforcement notice that was appealed. The appeal was dismissed by the Inspector, who concluded that the proposed vehicle parking area would be detrimental to the openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. It is therefore considered that the use of this land as a car park in relation to the proposed use would constitute inappropriate development in the Green Belt. Furthermore, given that the proposed car park is unlikely to provide sufficient capacity to service the proposed uses (as discussed later in this report), it is envisaged that further applications would be required in the future to allow additional parking areas in the Green Belt.

Given the scale and intense nature of the proposed change of use, and the urbanising effect it would have, in addition to the cumulative impact of the associated building operations and the scale and massing of the engineering operations along with the proposed car parking area, it is considered that the proposal would be detrimental to the openness of the Green Belt, and therefore would constitute inappropriate development in the Green Belt. The proposal is therefore considered to be unacceptable in principle.

This does not mean that the proposal would not be acceptable at other sites in other parts of the borough, or indeed, on appropriate sites in neighbouring boroughs. For instance, there may be previously developed land outside of the Green Belt, or even previously developed sites within the Green Belt, that could more appropriately accommodate the proposed development. However, in the current case, it is considered that the nature of the proposal and the site, which is a highly visible greenfield site within the Green Belt, are such that the proposal would constitute inappropriate Green Belt development. As discussed later in this report, no very special circumstances have been submitted that overcome the proposed harm to the Green Belt, by reason of inappropriateness and other harm, and no evidence has been provided to

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demonstrate that there are not more appropriate sites elsewhere in the borough or the surrounding area.

The site is located in a Mineral Safeguarding Area. Policy CP13 of the LDF states that planning permission for non-mineral development in such locations will not be granted unless given circumstances can be demonstrated. The site has not been identified as part of the Council's draft Minerals DPD and officers are unaware of any expressions of interest from mineral operators in relation to the potential for mineral extraction at the site. Moreover, the nature of the proposed development, comprising temporary buildings and engineering operations, is such that it is unlikely that any mineral resources would be permanently sterilised by the proposal should extraction become viable in the future. The proposal is therefore considered to be in accordance with Policy CP13 of the LDF.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is located in the Green Belt. Neighbouring occupiers have objected to the proposal on the grounds that it would have an adverse visual impact.

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

It is considered that the proposed change of use and associated building and engineering operations would be detrimental to the open character of the Green Belt. It is considered that the intense nature of the proposed development, including two quad bike tracks, a putting course, and an adventure park, in addition to a vehicle parking area, would result in an urbanising effect in an area having a generally rural character. The proposed landscaping scheme, which would be extensive, would go some way to screening the proposal along with the existing buildings, however, it would be a number of years before the proposed planting had grown sufficiently to properly screen the proposal from the surrounding area.

Given the nature of the proposal, in particular, the height, bulk, and massing of the proposed earth raising operations, along with the siting of numerous temporary buildings, it is considered that it would have a significant adverse impact on the visual amenities of the Green Belt and the rural character of the area, and that it would therefore be contrary to Policy DC61 of the LDF.

IMPACT ON AMENITY

Policy DC55 of the LDF states that planning permission will not be granted if it would result in a development causing exposure to noise or vibrations above acceptable levels affecting a noise sensitive development such as all forms of residential accommodation. Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

Neighbouring residential and commercial occupiers have objected to the proposal on the grounds that the proposed use of quad bikes at the site would give rise to unacceptable noise and air pollution impacts. In terms of contaminated land and air pollution, the Council's Environmental Health officers have raised no objections, although conditions have been recommended in relation to contaminated land.

At the site under consideration, the nearest commercial occupiers to the proposal, located at Folkes Farm, would be located approximately 28m from the proposed quad bike tracks, whilst commercial occupiers at neighbouring properties are located approximately 38m to the north west. The nearest dwellings to the proposal would be located between approximately 44m and

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86m of the proposed quad bike track. The nearest of these is in the ownership of the applicant. Two other dwellings, located to the west, would be located between approximately 75m and 86m from the proposed track, although the boundaries of these residential properties are located approximately 50m away.

During the appeal relating to the vehicle storage and parking area, the Inspector concluded that the parking of commercial vehicles in that area would have a significant adverse noise impact on the amenity of neighbouring occupiers, and dismissed the appeal, in part, on that basis. Whilst that area is now proposed as a car parking area, rather than a commercial vehicles parking area, it is considered that the parking of cars, and the likely parking of vans, would still result in a significant adverse impact on the amenity of neighbouring occupiers, particularly when combined with the noise arising from the quad bike tracks.

No information has been submitted with the application to indicate the anticipated noise levels arising from the development. The Council's Environmental Health officers have been consulted and stated that the proposal would give rise to additional noise impacts on neighbouring occupiers. It is also stated that the applicant should submit a noise impact assessment so that the noise impact can be properly assessed and that noise mitigation measures, such as an acoustic screen should be employed. Given the scale and appearance of any acoustic screen that would be effective in mitigating the noise impacts, it is considered that such a structure would be considered detrimental to the openness and visual amenities of the Green Belt and would therefore be considered unacceptable, particularly in the absence of sufficient very special circumstances as is the case in this instance. In any case, in the absence of a noise impact assessment to suggest otherwise, it is considered that the proposal would have a significant adverse noise impact on the amenity of neighbouring occupiers.

Given the nature of the proposal, in particular, the use of quad motor bikes and the siting of the proposal in relation to neighbouring occupiers, it is considered that there would be significant adverse impacts on the amenity of neighbouring occupiers, and that the proposal would be contrary to Policies DC55 and DC61 of the LDF.

HIGHWAY/PARKING

Neighbouring occupiers have objected to the proposal stating that there would be insufficient vehicle parking provided and that it would result in an intensification of the use of Folkes Lane. It is also stated that the proposal would result in a distraction to users of the M25. The Council's Highway officers, the Highways Agency, and Transport for London have all been consulted about the proposal with no objections being raised.

The proposed development would be accessed through existing access points at Folkes Farm and vehicle parking is proposed within two existing parking areas. The submitted information indicates that the proposal would attract around 34 vehicles per day. It is considered unlikely that the proposed development, which would include a putting course, an adventure playground, and quad bike tracks would attract such a low number of visitors.

The site is poorly accessed by public transport and is located in a relatively remote location where visitors are likely to depend on the use of cars and other vehicles. The proposal would include storage for up to 20 quad bikes to be kept on site, and it is considered likely that some people would take their own quad or motor bikes in vans. The submitted transport assessment does not provide any evidence to support the conclusion that only 34 vehicles would visit the site on a daily basis. In the absence of sufficient supporting information, including details in relation to vehicle movements at similar sites elsewhere, the submitted information is considered to be

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unconvincing. It is considered likely that the daily vehicle movements associated with the proposed development would be significantly higher than suggested in the submitted information.

The proposed parking areas include an existing car park associated with Timbuk2, which was granted at appeal, and an area of hardstanding that was being used as a vehicle parking area, but which was found to be unacceptable at appeal, and which is the subject of enforcement action. The Inspector who considered the proposed parking area associated with Timbuk2 concluded that that proposal was acceptable as it would help to prevent the parking of vehicles along Folkes Lane, which it was considered was having an adverse impact on highway safety. The parking area approved at appeal, in the Green Belt, was the minimum amount considered necessary to accommodate the vehicle parking required by Timbuk2. It is therefore considered unlikely that that car park would provide the necessary spare capacity to accommodate vehicle parking associated with the uses under consideration. That would only leave the aforementioned area of hardstanding to accommodate all of the vehicle parking required. It is considered likely that this area would be insufficient to accommodate all of the vehicle parking required and that vehicle parking would be likely to spill out into the highway. It is considered that this would be detrimental to highway safety and could only be remedied by the future approval of additional parking areas in the Green Belt, with resultant harm to openness and visual amenity.

It is therefore considered, in the absence of any supporting information to the contrary, that the proposal would be detrimental to highway safety and amenity.

OTHER ISSUES

Nature Conservation

In terms of nature conservation considerations, the site is located alongside an ancient woodland known as Codham Hall Wood West, which is a Borough grade Site of Nature Conservation Importance. Neighbouring occupiers have objected to the proposal on the grounds that it would be harmful to local wildlife. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced. Natural England were consulted about the proposal but raised no objections. The applicants propose the creation of a 10m buffer zone of native tree planting between the proposed quad bike tracks and the SNCI, which would include the installation of bat and bird boxes. It is considered that the proposal would not be contrary to Policy DC58 of the LDF.

Green Belt - Very Special Circumstances

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88).

Given the scale and intense nature of the proposed development and the urbanising effect it would have, including the use of land by quad motor bikes, the scale and massing of the associated engineering operations, and the associated buildings and vehicle parking, it is considered that the proposal would constitute inappropriate development in the Green Belt.

The submitted information states that the proposal should be deemed appropriate development in the Green Belt as it is an outdoor recreation use in a "primarily industrial area" and that the

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proposed landscaping and wildlife enhancements would be beneficial to the environment. As discussed earlier in this report, uses of land for outdoor recreation do not automatically constitute appropriate development in the Green Belt, and the associated development needs to be considered in terms of the impacts on openness and the purposes of including land in the Green Belt. It is preposterous to suggest that the site, or the general area it is located within, is "primarily industrial." The setting of the site is rural in character with scattered clusters of mainly agricultural and residential development. Whilst the proposed landscaping and installation of bird and bat boxes would result in environmental benefits, these are not considered to be sufficient to clearly outweigh the identified harm to the Green Belt.

It is therefore concluded that very special circumstances have not been submitted in this case that would overcome the harm to the Green Belt, by reason of inappropriateness and other harm, including the impact on the visual amenities of the Green Belt and the noise impacts on local occupiers. No information has been submitted to demonstrate that the proposed development is genuinely required in this Green Belt location and that there are not more suitable sites, such as brownfield sites, either within the borough of Havering or the surrounding area. The proposal is therefore considered to be contrary to the guidance contained in the NPPF.

Other Considerations

The submitted information indicates that the land raising operations would be undertaken using the material excavated from the ponds only, and the applicant has stated that no material would need to be imported to the site. Given the proposed level changes and the areas of land to be the subject of engineering operations, it is considered unlikely that the proposed land raising could be undertaken without the need to import material to the site. Should Members be minded to approve the application, then it is recommended that conditions be imposed to control the impacts likely to arise from the importation of waste.

Neighbouring occupiers have objected to the proposal on the grounds that it would be detrimental to local property prices; that the storage of fuels would be hazardous; and on the grounds that there would not be sufficient demand for the proposed site. These matters are not considered to constitute material planning considerations and are not therefore considered any further in this report.

KEY ISSUES/CONCLUSIONS

The application proposes inappropriate development in the Green Belt, which it is considered would also be detrimental to the visual amenities of the Green Belt and the applicant has not submitted very special circumstances to overcome the harm by reason of inappropriateness and any other harm, as required by the guidance contained in the NPPF. It is also considered that the proposal would have a detrimental impact on the amenity of neighbouring residential and commercial occupiers in terms of noise and that insufficient vehicle parking would be provided.

The application under consideration has been assessed in accordance with planning policy and guidance, and has had regard to recent appeal decisions for similar development in the Green Belt.

The proposed development is considered to be unacceptable having had regard to Policies CP13, DC22, DC33, DC45, DC55, DC58, DC61, and DC63 of the LDF, and all other material considerations.

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RECOMMENDATION

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

1. Refusal non standard Condition

It is considered that the proposed development, including the use of the land and the associated building and engineering operations, would have a significant adverse impact on the openness of the Green Belt and conflict with the purposes of including land in the Green Belt. It is considered that the proposal, owing to its intensity, scale and nature, would have an urbanising effect on, and encroach upon, the countryside and the Green Belt, and inhibit the regeneration of more appropriate derelict and other urban land. Very special circumstances, that clearly outweigh the harm to the Green Belt, and any other harm, have not been demonstrated in this case. The proposal is therefore contrary to the guidance contained in the National Planning Policy Framework and Policy DC45 of the Core Strategy and Development Control Policies DPD.

2. Refusal non standard condition

It is considered that the proposed use of the site and associated building and engineering operations, would have a significant adverse impact on the visual amenities of the Green Belt and the generally rural character of the site and surrounding area. The proposal is therefore considered to be contrary to Policies DC45 and DC61 of the Core Strategy and Development Control Policies DPD.

3. Refusal non standard condition

It is considered that the proposed development would give rise to noise that would have a significant adverse impact on the amenity of neighbouring residential and commercial occupiers, contrary to Policies DC55 and DC61 of the Core Strategy and Development Control Policies DPD.

4. Refusal non standard condition

It is considered that the proposed development would provide insufficient capacity for vehicle parking, which is likely to result in vehicles being parked along the highway, to the detriment of highway safety. The proposal is therefore considered to be contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

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**REGULATORY
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REPORT

26 April 2012

Subject Heading:

P0088.12 – Youngs Organic Farm,
adjacent 1 Franks Cottages, St Marys
Lane, Upminster

Alterations to existing barn to provide
an office and 2 bed residential unit for
site manager. Conversion of part
ground floor and first floor of existing
barn for organic farm use (Application
received 24th January 2012)

Report Author and contact details:

Helen Oakerbee (Planning Control
Manager) 01708 432800

Policy context:

Local Development Framework

Financial summary:

None

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

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

SUMMARY

This planning application seeks consent for alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager. Also, the application

includes conversion of part of the ground floor and first floor of the existing barn for organic farm use. A legal agreement is required to place an occupation restriction in respect of the barn conversion for the site manager. Staff consider that the proposal would nonetheless accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

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 occupation of the two bedroom unit by the site manager only in connection with the use of the land at Youngs Organic Farm as an organic farm.
- The proposed conversion to provide an office and 2-bed residential units not to be leased or alienated separately from the property and land comprising Youngs Organic Farm
- The Council's reasonable legal fees for preparation of the legal agreement irrespective of whether or not that agreement is completed.

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

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

Reason:-

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

2. All new external finishes shall be carried out in materials to match those of the existing building namely brickwork, UPVC windows and timber stained doors, 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.

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

Reason:-

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

4. 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.

5. 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.

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

Reason:-

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, no development under Classes A, B, C and D 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.

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

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

- 9.. INFORMATIVES:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP14, CP17, DC33, DC45, DC47, DC60 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

In aiming to satisfy condition 6 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. 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).

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 site is located to the north side of St. Marys Lane, Upminster and falls within the Metropolitan Green Belt and Thames Chase Community Forest. The site is currently in agricultural use and is occupied by an existing barn, mess room, toilets, kitchen and an organic farm shop, paddock and 500sq.m ménage area to the northeast corner, a smaller stable building to the western boundary of the site, a greenhouse, with the remainder pasture and grazing land. The site covers an area of 2.7 hectares. Access to the site is taken from St Mary's Lane via an access road adjacent no. 1 Franks Cottages.

2. **Description of development:**

- 2.1 The proposal is for alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager. Also, the proposal includes the conversion of part of the ground floor and first floor of the existing barn for organic farm use.
- 2.2 The existing barn currently comprises of an equipment and tack store, a shower/changing room, former stables and dry feed area and a farm tractor and cart store. The tractor and cart store would be reduced in size to create an additional packing room and cold store with a new internal staircase to a germination area and store in the first floor mezzanine area. The existing equipment and tack store, stables and dry feed areas are to be converted to site manager's accommodation consisting of an open plan kitchen and dining room, utility room, bathroom/W.C., hallway, office, living room, a bedroom and a store room. A second bedroom would be accessed using an existing spiral staircase to the first floor mezzanine floor.
- 2.3 The external alterations include the removal of the existing stable doors to the stables/dry feed store and formation of a single door to the site manager's accommodation with two additional windows on the west elevation. Two additional windows would be located on the east elevation.

3. **Relevant history:**

P1890.11 – Alterations to organic greenhouse to provide improved shop/organic display area. Variation of condition 3 of P0894.10 to extend opening hours for the farm shop and associated facilities from 9am and 5.30pm on Mondays to Fridays, and 9am and 1.30pm on Saturdays, Sundays

and Bank Holidays to: 7am to 4pm Mondays to Saturdays and 9am to 1.30pm on Sundays and Bank Holidays – to be determined.

P0511.11 – Temporary mobile home for Organic farm manager – Refused.

P1578.10 – Retention of new access off St. Mary's Lane. Proposed metal entrance gates, brick piers, railings, fencing and a crossover – Approved.

P1112.10 – Retention of organic greenhouse and ancillary facilities – Approved.

P0894.10 – Retrospective change of use of stable block to mess room, toilets, kitchen and shop for organic farm, 2 ramps, roof lights and external alterations – Approved.

P0722.10 – Erection of 1 no. organic polytunnel – Approved.

P0721.10 – Erection of 1 no. organic polytunnel – Approved.

P0975.08 – New greenhouse complex and ancillary facilities – Approved.

P0400.05 – Replacement of existing 3 stable block and formation of all weather ménage area (500m²) – Refused. Allowed on appeal.

P1580.04 – Proposed barn for existing stables – Approved.

P1773.03 – Retention of new entrance gates to existing stables – Approved.

P0203.03 – New access to provide direct service to stable for vet and muck clearance – Approved.

P2012.02 – New access to provide direct service to stables for vet and muck clearance – Refused.

4. Consultations/Representations:

4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Fourteen neighbouring properties were notified of this proposal. Two letters of representation were received with detailed comments that have been summarised as follows:

- Not possible to comment on the alterations to the barn, as it is too far away from the road to view properly.
- The barn should not be used as residential accommodation as the site is located in the Green Belt.

4.2 The Council's Highways Authority has no comment or objection.

4.3 The Council's Crime Prevention Design Advisor – Recommends a condition and an informative if minded to grant planning permission.

5. Relevant policies:

- 5.1 Policies CP14, CP17, DC33, DC45, DC47, DC60 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework are relevant.

6. Staff comments:

- 6.1 The issues to be considered in this case are the principle of converting the barn, the impact on the Metropolitan Green Belt and the Thames Chase Community Forest, amenity issues and highway implications.

7. Principle of converting the barn

- 7.1 The application site lies within Metropolitan Green Belt. The proposal is for alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager. Also, the proposal includes the conversion of part of the ground floor and first floor of the existing barn for organic farm use. The National Planning Policy Framework (NPPF) states that the re-use of buildings is acceptable in the Green Belt provided that the buildings are of permanent and substantial construction. Policy DC45 states that particular care will be taken to ensure that the proposed use (including the use of any adjoining land) does not have a greater impact on the openness of the Green Belt.

- 7.2 It is considered that the conversion of the barn compiles with the above criteria contained in the LDF and NPPF. Furthermore, it is Staff's view that the external alterations would be sympathetic to the character and appearance of the barn.

- 7.3 The principle of the barn conversion also complies with the NPPF, which states that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings as well as promote the development and diversification of agricultural and other land-based rural businesses.

- 7.4 The barn is towards the rear of the site adjacent to the northern and eastern boundaries and is in close proximity to other buildings including the greenhouse and mess room/shop. It is considered that the proposed barn conversion to provide an office, a two bedroom residential unit for a site manager and rooms for organic farm use would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building in a manner which accords with guidance in the LDF and NPPF. Furthermore, there is a separation distance of approximately 120 metres between the building and St Mary's Lane, which reduces its prominence.

- 7.5 The barn is located adjacent to an existing mature hedgerow some 4.5 metres in height, to the northern, western and eastern boundaries of the site, which screens any views of the barn from the adjoining land.

7.6 The Council supports the concept of the Thames Chase Community Forest in which the application site is situated. It is considered that the change of use of the barn would not, due to its location and design, have an adverse impact on the open character of the locality. The proposal does not require any additional hardstanding or surfacing.

8. **Impact on Amenity**

8.1 Given the nature of the intended use it is not considered that an adverse impact to neighbours would be experienced. The location of the building is some 110 metres from adjacent residential properties in Franks Cottages. Access to the barn would be via the existing access and therefore, it is considered that the change of use would not result in a significant loss of amenity to adjacent occupiers.

8.2 The existing hedgerow to the northern, western and eastern boundaries of the site would further screen any views of the proposal and dampen noise resulting from activity within the site. It is therefore considered that there would not be any adverse impact upon the amenities of the occupiers of the neighbouring residential properties at Westbury Farm, Cranham Court or Franks Cottages.

8.3 It is considered that any likely noise and disturbance that might be generated from the existing use of the site as an organic farm would not be exceptional in such a rural location and the scale of the proposed operation is not considered such that it would be materially detrimental to residential amenity.

9. **Highway/Parking issues**

9.1 The plans show two car parking spaces for the site manager, which is deemed to be acceptable. Access to the barn would be via the existing access which was granted planning permission under application P0235.03. This is considered acceptable in terms of supporting the barn conversion and would not give rise to any highway issues. The Highway Authority has no objection to the proposal. Given that the barn would be used by one site manager and the scale of the proposed organic farming operation, it is considered that the proposal would not generate significant levels of traffic over and above existing conditions.

10. **Other Issues**

10.1 The proposal is liable for the Mayoral Community Infrastructure Levy. This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here equals £2280, based on 114sq.m of floorspace at £20 per square metre. This payment is secured by way of a Liability Notice which will be issued with the Decision Notice should planning permission be granted.

11. Conclusion

- 11.1 It is considered that the principle of the development and the re-use of the existing barn are acceptable, as the barn would support organic farming activities and this agricultural use is in accordance with Policy DC45 and the National Planning Policy Framework.
- 11.2 Staff consider that the alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager as well as rooms for organic farm use is inherent to the conversion of the building. It is considered that the conversion of the barn would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building and by reason of its siting, separation distance from St Marys Lane and the quantity and quality of the screening, it is considered that the proposal would not result in a significant loss of amenity to adjacent occupiers. The proposal would not create any highway issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that places an occupation restriction in respect of the barn conversion for the site manager.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

A legal agreement would be needed that places an occupation restriction in respect of the barn conversion for the site manager.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application forms and plans received 24/01/2012.

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

26 April 2012

Subject Heading:	P0029.12 – Land surrounding Dryden Towers, Harold Hill. Creation of 25 parking spaces. (Application received 1st March 2012)
Report Author and contact details:	Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk
Policy context:	Local development Framework
Financial summary:	None

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

- Clean, safe and green borough [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 relates to Council owned land which surrounds a residential tower block. This application proposes the removal of existing soft landscaping and the provision of 25 car parking spaces.

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

That planning permission be granted subject to the following conditions.

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) 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.

4) 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.

5) Railings: The existing railings to the back-edge of the highway shall be retained in full and not removed, unless agreed in writing by the Local Planning Authority.

Reason:

In the interest of ensuring good design and public safety and to comply with Policies DC61 of the Core Strategy and Development Control Policies Development Plan Document.

6) Parking spaces: The parking spaces as shown on plan no. 8430-18A-1008 shall be marked out in full, and 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.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33, DC36, DC55 and DC61 of the LDF 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.

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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the northern edge of Heaton Avenue and comprises a residential tower block named Dryden Towers. The tower is flanked by a parking area to the west with associated access road.
- 1.2 The character of the surrounding area is residential, typified by a mixture of 2 storey terraces, 4 storey flatted blocks and tower blocks up to 15 storeys in height. Flatted blocks are typically surrounded by grass verges and parking areas. Two trees are located to the front of Dryden Towers.

2. Description of proposal

- 2.1 This application seeks permission for an extension of the car park to provide 25 additional parking spaces which surround Dryden Towers. This would involve the removal of the existing grassed areas and two trees which are located adjacent to the access.

3. Relevant History

- 3.1 None

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 120 properties. At the time of writing this report, the 21 days for consultation has not expired, with no representations 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 CP17 (Design), DC33 (Car parking), DC36 (Servicing) 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.

5.2 Policies 6.13 of the London Plan (2011).

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, loss of grassed area and provision of car parking, amenity implications 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 the provision of car parking is considered to be acceptable.

6.3 Impact on Local Character and Streetscene.

6.3.1 Policy DC61 of the DPD states that planning permission will only be granted for development which is compatible with and maintains, enhances or improves the character and appearance of the local area. The parking is proposed to be located to the front (southern flank), side (west) and rear (north) of Dryden Tower. This area is currently soft landscaped with grass, divided up by pedestrian pathways and two trees located to the eastern corner of the access from Heaton Avenue. These trees are not covered by a Tree Preservation Order, and whilst attractive features in a built up suburban location, are not covered by any legislation which requires their retention. There is therefore no objection to their removal.

6.3.2 The soft landscaped areas and two trees would be removed in their entirety, and hard landscaped to provide additional parking. This would be visible as part of the Heaton Avenue streetscene. However, the parking area to be created is considered to be acceptable in appearance, subject to the retention of the existing railing which demarcates the site from the Highway. Staff note that the current soft landscaping provides a buffer between the tower, the highway and surrounding residential blocks, and that properties in Heaton Avenue are often set back behind soft landscaping, however, the size and arrangement of this is varied between blocks and is not considered to be of intrinsic value in the streetscene. The proposed alterations here, are therefore considered to be acceptable.

6.3.4 There are a number of larger; more substantial trees which would be retained around the tower (located outside the application site), as would the large areas of soft landscaping located to the eastern flank. This would continue to provide a buffer around the tower.

6.4 Impact on Amenity

6.4.1 Policy DC61 states that planning permission will not be granted where proposals result in unreasonable adverse effects on the environment, by noise impact, vibrations and fumes.

6.4.2 The parking area would surround three elevations of the building, and would be clearly visible from surrounding properties and public view points. It is not considered that the creation of additional parking adjacent to the building would be harmful to occupiers of Dryden Towers, where the ground floor of the building is blank with no windows, other than recessed entrances, the access to which is retained. It is considered that vehicles parking here would not result in any harmful impact.

6.4.3 The parking would not be allocated, and would be made available for general use. Given the location of the site the likely users of the car park would be existing residents and visitors, it is therefore considered that there would be no material increase of activity which would result in any harmful impact through noise or fumes. The character of the site is open and the provision of parking adjacent to the tower is not considered to result in harm to amenity.

6.5 Highway/Parking/Access

6.5.1 Vehicular access into the site is via Heaton Avenue, this arrangement is not proposed to change. The proposals would provide 25 additional car parking spaces, in addition to the existing 14 space car park located west of the access. The additional parking is provided due to the development of nearby garage courts for housing. The nearest garage court development being adjacent to No. 46-52 Heaton Avenue, (planning reference P1378.11) which resulted in the loss of 14 parking spaces, albeit that those garages were vacant.

6.5.2 On-street parking is not controlled in this location, and whilst not overly congested at present vehicles do park on both sides of the street. The creation of off street parking spaces would reduce pressure for on street parking, and open the highway for easier access. Representations received from the Highways Authority, raise no objections, but require that the spaces are laid out as shown on the submitted plans and that the railing, demarcating the site from the highway is retained.

6.5.5 In light of the above, the proposal is considered to satisfy the requirements of Policy DC33 and DC36 and would not result in any highway or parking issues.

6. Conclusion:

6.1.1 Overall, Staff are of the opinion that the proposals to provide additional parking would be of an acceptable appearance and result in a minimal loss of soft landscaping. The proposals would also reduce pressure for on street parking in this location, given the redevelopment of nearby garage courts. It is considered that the proposal would not have any detrimental impact on neighbouring properties. There are no changes to access and no objection from the Highways Authority 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 enlargement of the parking area would reduce pressure for on street parking.

BACKGROUND PAPERS

Application forms and plans received 1/03/2012.

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

26 April 2012

Subject Heading:

P0283.12 – The Brewery, Romford –
Erection of a retail pavilion building for use
within Classes A1, A2 or A3 (shop,
Financial and professional services or
café/restaurant) (received 5 March 2012)

Report Author and contact details:

Helen Oakerbee
Planning Control Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Statements/
Guidance

Financial summary:

None

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

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

SUMMARY

This report concerns an application for the erection of a retail pavilion for use within Classes A1, A2 or A3 (shop, Financial and professional services or café/restaurant) Uses. A legal agreement is required due to the existence of a previous permission for similar development which has been partly implemented which would conflict with this scheme. Staff consider that the proposal would nonetheless accord with retail, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

RECOMMENDATIONS

It is recommended that the application is unacceptable as it stands, but would be acceptable subject to the entering into of a Unilateral Undertaking to secure the following:

- The owner/s (developer/s) of the application site covenanting not to implement further Unit 3 (the third pavilion) approved under P0196.09 and the variation of conditions application - P0565.10
- As appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking.

That Staff be authorised that upon completion of the Unilateral Undertaking, planning permission be granted subject to the following conditions:

1. SC04 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. SC011 No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and shrubs on the site, and details of any to be retained, and any proposed topping or lopping, together with measures for the protection in the course of development. The scheme shall specify the size, species, and positions or density of shrubs and trees to be planted, planting methods and planting medium. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development. If within a period of five years from the date of the planting, any tree or shrub or any tree or shrub planted in replacement of it, is removed, up-rooted or destroyed, is diseased or dies, another tree or shrub

of the same species and size to that originally planted shall be planted at the same place.

Reason: To ensure the scheme has adequate landscaping and to ensure that any trees or shrubs planted as part of the landscaping scheme are replaced in accordance with that scheme.

3. SC09 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.

4. SC32 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.

5. SC58 Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the local planning authority. Unless otherwise agreed in writing these details shall include provision for underground containment of recyclable waste.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

6. 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.

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

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

8. 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.

9. Prior to the commencement of the development, the applicants should submit for the purposes of security a revised scheme indicating any changes to the provision of the existing CCTV coverage. Once approved the scheme shall be implemented prior to the occupation of the building in accordance with the approved details and thereafter retained.

Reason: In the interests of public safety in accordance with Policy DC63 of the LDF Core Strategy and Development Control Policies DPD.

10. The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 20:00 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.

11. Prior to the occupation of the building hereby permitted, cycle storage to replace that lost by the development together with space for an additional 3 cycles, shall be provided in accordance with details specifying type and location, which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Once provided, the cycle storage shall be permanently retained in accordance with the agreed details.

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

12. Before any A3 use commences suitable equipment shall be fitted to the extract ventilation system to remove and/or disperse odours and odorous material within those units intended for A3 purposes, in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with LDF Development Control Policies DPD Policies DC61 and DC52.

13. Before any A3 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 Policies DC55 and DC61 of the LDF Development Control Policies DPD.

14. Before any A3 use commences a grease trap shall be provided to the foul drainage system. Thereafter the equipment shall be properly maintained.

Reason: To protect residential amenity for nearby occupiers in accordance with Policy DC61 of the LDF Development Control Policies DPD.

INFORMATIVES

1. **Community Safety - Informative:**

In aiming to satisfy Condition 9 the applicant should seek the advice of the Police Crime Prevention Design Advisor (CPDA). 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).

2. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP17, DC15, DC33, DC55, DC60, DC61, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policies ROM9, ROM12, ROM20 and ROM21 of the LDF Romford Area Action Plan.

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

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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the west of the existing row of retail units within the Romford Brewery retail and leisure complex in Romford Town Centre. The application site currently comprises part of the parking and pedestrian area within The Brewery development including trees and cycle racks.
- 1.2 The surrounding area is mainly retail (A1) in character with residential properties to the north above ground floor commercial units and mainly flatted blocks on the other side of the ring road (Waterloo Road).

2. Description of Proposal

- 2.1 The proposal is to redevelop the site with a new retail pavilion. As such this represents an amendment of earlier schemes in 2004 and 2007 and those approved in 2009 and, a related application for variation of conditions, in 2010. The latter schemes were for 3 pavilions, of which one has been erected (Costa Coffee house).
- 2.2 The current proposal would be for a single pavilion for use within Use Classes A1, A2 or A3, although the submitted plans show a layout for a Bank within Use Class A2. It is proposed to locate the 282 sq.m pavilion directly opposite the southern pedestrian access between The Brewery and South Street. The pavilion would be approximately 23m wide, 12.6m deep with a flat roof at a height of 4.6m above ground level with the entrance section facing west having a maximum height of 6.1m above ground level. The proposed materials are glass and metal panel cladding. The pavilion would be accessible from both the car park and the pedestrian footway.
- 2.3 It is proposed that the pavilion would provide 20 full-time positions and it would open between 8am and 8pm each day including Sundays and Bank Holidays.
- 2.4 The proposal would result in the removal of existing trees and cycle racks and it is proposed that these would be relocated and two new trees would be planted. Some of the existing ground level car parking spaces would be reconfigured.
- 2.5 Reports have been submitted by the applicant in respect of the trees, impact on the River Rom culvert, contaminated land, noise impact, waste management, extract ventilation system and a Safer Places Statement.
- 2.6 The proposed pavilion would be in a different location from the two units which remain to be implemented under the 2009/2010 approval and would

be approximately double the size. The applicants have submitted a draft Unilateral Undertaking which is to confirm that Unit 3 approved in 2009/2010, which would otherwise be located in very close proximity to the subject pavilion, would not be constructed if this scheme is implemented.

3. **History**

- 3.1 P1207.97 - Construction of hypermarket etc. - approved 12/8/99
- P1081.99 - reserved matters pursuant to P1207.97 - approved 2/11/99
- P1099.99 - reserved matters pursuant to P1207.97 - approved 17/10/99
- P1694.99 - relaxation of conditions attached to P1207.97 - approved 16/3/00
- P1177.00 - construction of bus terminus and petrol station - approved 28/3/01
- P0232.01 - amendment of planning condition attached to P1081.99 - approved.
- P0291.04 – erection of pavilions for A1 and A2 use – refused 22/3/05 – subsequent appeal – approved 6/9/05.
- P0924.07 – erection of three retail pavilions for use within Classes A1, A2 and A3 – approved 5/7/07
- P0323.08 – erection of three retail pavilions for use within Classes A1/A2/A3 – withdrawn 20/5/08
- P0196.09 – erection of three retail pavilions for use within Classes A1/A2/A3 – approved 3/4/09
- P0565.10 – variation of conditions attached to P0196.09 to enable the phased implementation of the three retail pavilions – approved 11/6/10

4. **Consultation/Representations**

- 4.1 106 neighbouring occupiers were notified of the proposal. At the time of drafting the report the consultation period had not ended. Any replies received will be reported orally at the Committee meeting.
- 4.2 The Metropolitan Police Crime Prevention Design Advisor has advised that a suitable condition should be attached regarding the provision of CCTV and has asked for an informative to be attached.
- 4.3 The Environment Agency advise that the proposal would be located sufficiently far from the culvert that it would be acceptable.

5. **Staff Comments:**

- 5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies DC15, DC33, DC55, DC61, DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, Policies ROM9, ROM12, ROM20 and ROM21 of the Romford Area Action Plan are considered to be relevant. Also relevant are The London Plan (2011) Policies 2.15, 4.7, 4.8, 7.3, 7.4, 7.5 and 7.6 and the National Planning Policy Framework (NPPF).

Principle of development

- 5.2 The principle of the development of Pavilions to this side of the pedestrian walkway has previously been considered to be acceptable. This application proposes a pavilion which would be approximately twice as big as those previously approved and in a different location and would front onto the car park (as opposed to fronting onto the walkway). Whilst the LDF Core and Development Control Policies and the Romford Area Action Plan Policies have since been adopted and the NPPF has been published, Staff consider that the principle of the proposal would remain acceptable in terms of its proposed land uses in the Town Centre, and, more specifically within The Brewery.

Design/Impact on Street

- 5.3 While the proposed pavilion would be double the size of the approved Units, this would be only in respect of the width of the unit with the depth and height remaining roughly the same as that previously approved.
- 5.4 When viewed from outside the site, the pavilion would again, appear relatively small, against the background of the existing two/three storey grey/white buildings. The proposed building would be similar to the approved pavilions which would provide effectively rectangular boxes reflecting the existing square/rectangular form of the existing Commercial development at The Brewery. As single storey units which are at eye-level, the developers have sought to use materials which are of high quality and interest. The proposed pavilion would, unlike the previous pavilions, look outwards onto the car-park area with an entrance feature and, if subsequently granted consent, advertising. It would nonetheless have an entrance from the pedestrian walkway and it is considered that its additional width would not of itself result in it having an unacceptable impact on visual amenity in the streetscene/pedestrian environment.
- 5.5 A Unilateral Undertaking has been submitted by the applicants to effectively quash the implementation of Unit 3 of the 2009/2010 approval. The location of Unit 3 would have been extremely close to the proposed pavilion such that, in Staff's view, this would, together with the new pavilion, have appeared cramped and ill-conceived, adversely impacting on visual amenity. Conversely Unit 2, which would continue to maintain a reasonable distance and relationship with the proposed pavilion could still be implemented without appearing as an afterthought.

Impact on Amenity

- 5.6 The proposed pavilion would be located approximately 250m from the nearest residential property to the north of the application site. It is not considered that day-time or evening activity would result in any significant adverse impact on residential occupiers, given that they are located within a Town Centre where there is a generally a higher level of activity at those times.

Highway/Parking

- 5.7 Although the proposal would result in the loss of 8 car parking spaces, the previously approved scheme allowed for the removal of 12 spaces. On this basis and given the total number of remaining spaces within The Brewery, it is considered that this element of the scheme is acceptable. There are no other parking or highways issues raised by the proposal
- 5.8 Servicing of the Unit would be in accordance with The Brewery's current waste management scheme which would be acceptable.
- 5.9 In line with Annex 6, cycle parking would need to be re-provided within The Brewery and would be subject to a suitable planning condition.

Section 106 agreement

- 5.10 The proposed Unilateral Undertaking would remove the applicant's ability to fully implement an existing planning permission. This is necessary due to the proposed pavilion being sited within very close proximity of the approved Unit 3 and as this pavilion would effectively replace Unit 3. If both units were to be implemented, it is Staff's view that they would appear cramped and unevenly spaced detached units which would appear un-coordinated such that they would have an adverse impact on visual amenity in the streetscene.

Other Issues

- 5.11 Trees – The proposal would result in the loss of 4 small trees and their replacement with two trees to the flanks of the building. There are a number of trees to the walkway and car park and it is considered that the proposal would result in an acceptable level of replacement planting.
- 5.12 Secured by Design – The Metropolitan Police Crime Prevention Design Advisor has advised that a suitable condition should be attached regarding the provision of CCTV and has asked for an informative to be attached.
- 5.13 Impact on River Rom culvert – The Environment Agency advise that the proposal would be located sufficiently far from the culvert that it would be, subject to their Engineer's confirmation, acceptable.
- 5.14 The proposal is liable for the Mayoral Community Infrastructure Levy. This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here equals £5,640 based on 282sq.m of floorspace at £20 per square metre. This payment is secured by way of a Liability Notice which will be issued with the Decision Notice should planning permission be granted.

6. **Conclusions**

- 6.1 The proposal is for the erection of a detached building (pavilion) for uses within A1, A2 and A3 Use Classes within the town centre. It is considered that the proposal would be acceptable in principle and that the details of the scheme are acceptable in accordance with Policies DC15, DC33 and DC61 of the LDF Core Strategy and Development Control Policies and ROM9, ROM12, ROM20 and ROM21 of the LDF Romford Area Action Plan as it would not, subject to the non-implementation of Unit 3 under P0196.09/P0565.10, result in any adverse impact on visual amenity or residential amenity or any adverse impact on highways/servicing etc.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

- 7.1 None

8. **Legal Implications and risks:**

- 8.1 A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted by the developer/owner to prevent the implementation of Unit 3 of Planning Approval P0196.09/P0565.10, this will need to be considered.

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. The building would be provided with level access.

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

26 April 2012

Subject Heading:	<p>P1079.11 – White Bungalow, Southend Arterial Road, Hornchurch</p> <p>Demolition of existing bungalow and erection of 1 No. single storey dwelling (Application received 8th July 2011)</p>
Report Author and contact details:	<p>Helen Oakerbee (Planning Control Manager) 01708 432800</p>
Policy context:	<p>Local Development Framework</p>
Financial summary:	<p>None</p>

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

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	[]
Valuing and enhancing the lives of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the applicant is a Councillor. The application seeks planning permission for the demolition of an existing bungalow and the erection of 1 No. single storey dwelling. Staff conclude the proposal to be acceptable. The application is recommended for approval subject to conditions and a Section 106 Agreement which revokes the previous planning permission for application P0404.11 without compensation.

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 revocation of planning permission P0404.11 without compensation on the issue of planning permission pursuant to planning application reference P1079.11.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.

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

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

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

Reason:-

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

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include the planting of native species on all perimeters of the application site as well as 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

3. 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.

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

Reason:-

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, no development and hardstanding under Classes A, B, C, D, E and F and fences and boundary treatments under Part 2, Class A shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: To enable to the Local Planning Authority to retain control of future development, given the site's location within the Metropolitan Green Belt.

6. The residential curtilage of the new dwelling shall solely comprise of the whole width of the plot from its boundary with the Southend Arterial Road to a depth of 15 metres taken from the recessed rear façade of the dwelling hereby approved.

Reason - To protect the open nature of the Green Belt from residential incursion.

7. Prior to the commencement of the development, the existing bungalow and all outbuildings shall be demolished in their entirety and all material arising there from permanently removed from the site. Prior to first occupation, the site shall be reinstated in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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

8. Prior to the commencement of the development, details of the surfacing materials to be employed in the construction of the access and driveway to the new dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

9. Prior to the commencement of the development, the design of the vehicular access to the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The access shall provide satisfactory visibility splays, allowing for safe access from and egress on to Southend Arterial Road. The access and sight splays shall be provided prior to the first occupation of the dwelling and thereafter permanently retained and maintained.

Reason: In the interests of highway safety.

10. Prior to the commencement of development, an assessment shall be undertaken of the impact of the road noise emanating from Southend Arterial Road 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".

11. 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.

12. Prior to the first occupation of the development hereby permitted, a domestic sprinkler system shall be installed and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of safety.

13. Prior to the commencement of any works pursuant to this permission, a desktop study to verify if there are any protected species on the site shall be submitted to and approved in writing by the Local Planning Authority. If protected species are found on site, the desktop study shall be accompanied by a mitigation strategy, which shall also be approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the mitigation strategy.

Reason: In the interests of biodiversity and geodiversity.

14. INFORMATIVES:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP17, DC3, DC32, DC33, and DC61 of the Local Development Framework Core Strategy and Development Control Development Plan Document together with the National Planning Policy Framework. Other material considerations namely the extensive planning history on the site, the fallback position of an existing planning permission, the requirement to remove existing buildings and the improvement of living conditions for the future occupants of the property, together constitute very special circumstances which justify exception in this case to the strict application of DC45 of the LDF Core Strategy and and Chapter 9 of the National Planning Policy Framework.

The Applicant is advised that this planning permission does not constitute Highways approval, which will need to be sought separately prior to the commencement of the development.

In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Police Crime Prevention Design Advisor through Havering Development and Building Control or Romford Police. He is able to provide qualified designing out crime advice, taking account of local conditions and risks. You are strongly advised to contact him at the earliest opportunity.

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 site is roughly rectangular in shape, measures approximately 30m wide by 129m maximum depth and is located on the northern side of the Southend Arterial Road, west of its junction with the M25.

- 1.2 A number of derelict outbuildings are located on the site, which is bounded by open fields to the north, east and west. The site forms part of the Metropolitan Green Belt.
- 1.3 Vehicular access to the site in its current form is achieved via a dropped kerb from Southend Arterial Road.

2. Description of development:

- 2.1 The application seeks planning permission for the demolition of an existing bungalow and the erection of 1 No. single storey dwelling. The proposed replacement bungalow measures, at its maximum, 11.9m wide by 7.5m deep by 5.6m high. The bungalow is proposed to be set approximately 49m due north of the back edge of the footway, with access obtained via a driveway.

3. Relevant History:

P0404.11 - Extension of time limit on application P0239.08, renewal of P1296.99 and P2206.04 – replacement bungalow – Approved.

P0239.08 – Replacement bungalow, renewal of permission P1296.99 and P2206.04 – Approved.

P2206.04 – Variation of condition 1 of planning permission P1296.99 to permit erection of bungalow after 23.12.04 – Extension of time limit – Approved.

P1296.99 – Replacement bungalow – Approved.

P1417.95 – Part demolish and extend bungalow – Approved.

P0430.93 – Demolish existing bungalow and construct new bungalow – Refused and dismissed on appeal.

4. Consultations/Representations:

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Eight neighbouring occupiers were notified of the planning application.
- 4.2 The London Green Belt Council – objects to this application, inappropriate in the Green Belt. The proposed development cannot be regarded as an extension, alteration or re-use of an existing dwelling for the following reasons:
 - Doubtful if the remains of the old building ever had a true residential use. Even if it did, it appears that the residential use was abandoned long ago and the building no longer constitutes a dwelling.

- If the building was a dwelling, the proposal does not constitute as an extension to a dwelling. This does not apply as the replacement building is located in a different place, in a position further from the main road and therefore a more obvious intrusion into the Green Belt.
 - Even if the proposed development was considered to be an alteration, there is no evidence of what the size of the White Bungalow was on 1st July 1948, or when first built, if later. There is no way of judging if the replacement building is disproportionate or not.
 - If the old building was not a dwelling, the proposal would not be acceptable as a re-use of a building as PPG2 expressly excludes complete reconstruction. The proposed development must be regarded as a new bungalow, which is inappropriate in the Green Belt. No very special circumstances and should be refused.
- 4.3 Campaign to Protect Rural England (CPRE) NE London Group - Objects to the erection of a new residential building in a green belt location. Views into and out of the green belt would be affected. No very special circumstances. The plot is within a designated mineral site safeguarded by policies CP13 and DC43. The site forms an essential part of the Ingrebourne Valley Wildlife Corridor – a designated Metropolitan site of ecological importance. Subject to major conservation improvement works. The new carriageway access would contravene the policy and be hazardous to highway safety.
- 4.4 Environmental Health – Recommend conditions if minded to grant planning permission.
- 4.5 Crime Prevention Design Advisor – Recommends an informative if minded to grant planning permission.
- 4.6 StreetCare acting as the Highway Authority for Borough maintained roads (not the Southend Arterial Road (A127) has no objection to the proposals.
- 4.7 Transport for London has no objection to the proposed development.
- 4.8 London Fire and Emergency Planning Authority – Access should comply with Section 11 of ADB volume 1. A pump appliance should be able to approach to within 45m of all points within the dwelling. Any roadway should be a minimum of 3.7m between kerbs and be capable of supporting a vehicle of 14 tonnes. Turning facilities should be provided in any access road which is more than 20m in length.
- 4.9 In response to the above, it is accepted that very special circumstances need to be demonstrated. The remaining comments will be addressed in the following sections of this report.

5. Staff Comments:

5.1 This application is brought before committee because it is an application submitted by a Councillor. The application file has been seen by the Monitoring Officer and pursuant to the constitution the Monitoring Officer has confirmed that the application has been processed in accordance with standard procedures .

5.1.1 The main issues in this case are considered to be whether the development is acceptable in principle and, if not, whether there are very special circumstances sufficient to justify the development, the impact upon the character and appearance of the Green Belt, the impact on the streetscene, impact on local amenity and parking and highways issues. The judgement here is whether resiting the dwelling would result in material harm to the open and spacious character of the Green Belt, the streetscene and the impact on amenity.

5.1.2 Policies CP1, CP2, CP14, CP16, CP17, DC3, DC32, DC33, DC45, DC58, DC59 and DC61 of the LDF Core Strategy and Development Plan Document are considered material, together with the Residential Design Supplementary Design Guidance, Protecting and Enhancing the Borough's Biodiversity Supplementary Planning Document, the National Planning Policy Framework, 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 also relevant.

5.2 Background

5.2.1 Planning permission was originally granted to part demolish and extend the bungalow in 1995, although this was not implemented. A replacement bungalow was approved in 1999. Planning permission was subsequently granted for extension of time applications for a replacement bungalow in 2004, 2008 and 2011. Planning application, P0404.11, sought permission for a replacement bungalow which was set 31m due north of the back edge of the footway, which was approved. This application seeks to relocate the bungalow a further 18m into the site, so it would be set approximately 49m due north of the back edge of the footway, with access obtained via a driveway.

5.3 Principle of Development

5.3.1 Within the Green Belt national and local planning policy seeks to prevent urban sprawl by keeping land permanently open. Government guidance in respect of Green Belts contained within the National Planning Policy Framework (NPPF) advises that the essential characteristics of Green Belts are their openness and their permanence. The NPPF states the construction of new buildings, such as the provision of a new residential dwelling, is inappropriate in Green Belt. As with previous Green Belt policy, inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this instance, it is considered that the development comprises inappropriate development and 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.

5.4 Impact on the character and appearance of the Green Belt

- 5.4.1 Policy DC45 states that 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. In granting permission for the part demolition and extension of the existing bungalow in 1995, the Council accepted that the very limited habitable floorspace of the building warranted an extension greater than 50% of its original volume. In granting permission in 1999 for the erection of a replacement bungalow, weight was given to the fact that the size and footprint of the proposal was the same as that granted in 1995. As detailed above, this permission was successively renewed. Application reference P0404.11 also maintained an identical footprint.
- 5.4.2 Although the current proposal is not being treated as a replacement bungalow, the size and footprint of the bungalow continues to be identical to that previously considered acceptable by the Council.
- 5.4.3 It is noted that there is a change in ground levels across the site and the replacement bungalow would not be directly visible from the open fields adjoining the site to the west, north and east including the footpath near Pages Wood. In addition, there is extensive landscaping that surrounds the site, including a copse to the rear of the site, which provides screening and would help to mitigate the impact of the proposal. In the event that planning permission is granted, a landscaping condition will be placed to include the planting of native species on all perimeters of the application site to supplement the existing screening on the site boundaries.
- 5.4.4 Although the bungalow would be relocated a further 18m into the site compared with the previous planning application (P0404.11), Staff are of the opinion that the replacement dwelling would not be materially harmful to the open character and appearance of the Green Belt, or would have a significantly greater impact compared to the dwelling it would replace and the replacement dwelling already approved. The existing bungalow is of a poor construction and in a dilapidated condition. In Staff's opinion, the building is not fit for living accommodation and has an adverse appearance on the Green Belt. The proposal would see a building of improved quality and character and in light of the new position of the dwelling, is not considered to be harmful in

Green Belt terms. The proposal is therefore considered to be acceptable in this respect.

- 5.4.5 Given the siting of the proposed bungalow in comparison to the siting of the previously approved bungalow, to prevent a scenario where both bungalows are constructed, which would cause harm to the character and appearance of the Green Belt, Staff recommend that the applicant enters into a Section 106 Agreement to revoke the planning permission granted under reference P0404.11. This will ensure that only one bungalow is constructed.

5.5 Site Layout

- 5.5.1 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. Amenity space provision for the dwelling accords with the Supplementary Planning Guidance on Residential Amenity Space.

5.6 Design/impact on street/Garden scene

- 5.6.1 It is considered that the replacement bungalow would not be harmful to the streetscene, as it would be set back 49 metres from the Southend Arterial Road and is single storey. Furthermore, there is a change in ground levels across the site and the replacement bungalow would not be directly visible from the open fields adjoining the site to the west, north and east including the footpath near Pages Wood. In addition, there is extensive landscaping that surrounds the site, including a copse to the rear of the site, which provides screening and would help to mitigate the impact of the proposal. In the event that planning permission is granted, a landscaping condition will be placed to include the planting of native species on all perimeters of the application site to supplement the existing screening on the site boundaries.

5.7 Impact on amenity

- 5.7.1 As the site is bounded by open fields to the north, east and west, it is not considered that it would appear unduly overbearing or dominant or give rise to an unacceptable loss of privacy or amenity.

5.8 Highway/parking issues

- 5.8.1 The application site is located within PTAL Zone 1-2, where 2-1.5 parking spaces are required for each property. The bungalow would benefit from 2 no. driveway spaces, therefore no objection is raised in this regard.

- 5.8.2 Vehicular access to and from the site would be obtained directly from the Southend Arterial Road, which is a very busy major route through the Borough. Given that the site has an existing vehicular access, an objection in principle to the vehicular access would be difficult to substantiate. However, a condition requiring the provision of visibility splays is recommended to ensure safe access and egress from the site.
- 5.8.3 The Fire Brigade objected to the proposals as the proposed driveway is not suitable for a Brigade appliance, therefore access is calculated from the public highway, the distance to the furthest part of the proposed building is in excess of the prescribed 45 metres. Any roadway should be a minimum of 3.7m between kerbs and be capable of supporting a vehicle of 14 tonnes. Turning facilities should be provided in any access road which is more than 20m in length. In this instance, the access road has a width of 2.5 metres and there is no turning area. Access for emergency vehicles is a building control issue. In the event that more extensive hardstanding is required, this would need to be considered separately. The Fire Brigade confirmed that the provision of domestic sprinklers to the proposed dwelling would be an acceptable solution to the extended access distance. The installation of a domestic sprinkler system can be achieved by condition.

5.9 Other issues - Site of Nature Conservation Importance

- 5.9.1 The site is located in the Green Belt and within the Ingrebourne Valley Metropolitan Site of Importance for Nature Conservation. Policies DC58 and DC59 state that biodiversity and geodiversity will be protected and enhanced throughout the borough by protecting and enhancing Sites of Special Scientific Interest, and all sites of metropolitan, borough or local importance for nature conservation as identified in Protecting & Enhancing the Borough's Biodiversity SPD. Planning permission for development that adversely affects any of these sites will not be granted unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation can be provided and no alternative site is available.
- 5.9.2 It is noted that all previous planning applications, P0404.11, P0239.08, P2206.04, P1296.99 and P1417.95 were granted planning permission without an upfront desktop study. Therefore, it is considered difficult to justify a refusal in the absence of an upfront desktop study. Given that planning permission has been granted for a replacement bungalow that is identical in terms of its size and footprint to the proposal, albeit that it would be located 31m due north of the back edge of the footway (application P0404.11), it is Staff's view that relocating the dwelling a further 18 metres into the site would not be materially more harmful to Ingrebourne Valley than the current extant permission. Nonetheless, a condition can still be imposed requesting a desktop study to verify if there are any protected species on the site prior to the commencement of the development.

5.10 Other Issues

5.10.1 The proposal is liable for the Mayoral Community Infrastructure Levy. This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here equals £1,240 based on 62sq.m of floorspace at £20 per square metre. This payment is secured by way of a Liability Notice which will be issued with the Decision Notice should planning permission be granted.

5.11 The Case for very special circumstances

5.11.1 A statement of very special circumstances has been submitted in support of the application, which is detailed as follows.

- It is unreasonable to consider that the original bungalow has been abandoned, as planning permission has recently been granted for a replacement bungalow about 15 metres away from the application site.

Staff comment: Staff consider that in all of the circumstances very special circumstances have to be demonstrated in accordance with guidance in chapter 9 of the NPPF.

- Resiting the bungalow 18m further from the A127 would not intrude into the Green Belt, as the bungalow has already been approved and is obscured from view by trees and bushes. The Chase, who own and manage the adjoining property, has planted the side and rear boundaries of the site with a very high hedge of bushes and trees. Therefore, the bungalow would only be seen from the other side of the Ingrebourne Valley with the aid of a pair of binoculars.

Staff comment: this issue has been addressed previously in this report.

- Re-siting the bungalow further from the road will provide a better environment for future occupiers and improve the access.

Staff comment: it is Staff's view that extending the length of the driveway by 18 metres would not improve the access in itself. It is the provision of visibility splays which would achieve any improvement.

- When the property was originally built, the A127 was a single lane road and the land in front of the bungalow was taken to convert the A127 to a dual carriageway. As a result, the existing bungalow is unacceptably close to the A127. Resiting the bungalow further away from the A127 will protect future occupiers in the event that the A127 is made wider in the future. In the event that planning permission is granted, a condition has been placed to undertake an assessment of the impact of the road noise emanating from Southend Arterial Road upon the development to protect future residents against the impact of road noise.

Staff comment: it is Staff's view that the application has to be assessed on its own individual planning merits with regard to current circumstances.

- The speed and volume of traffic on the A127 has increased, which is detrimental to the access and egress to the dwelling and results in noise and disturbance.

Staff comment: in the event that planning permission is granted, a condition has been placed to undertake an assessment of the impact of the road noise emanating from Southend Arterial Road upon the development to protect future residents against the impact of road noise.

- The existing site does not allow access and egress safely, particularly due to the BP garage slip road which is on a bend.

Staff comment: it is Staff's view that extending the length of the driveway by 18 metres would not improve the access in itself. It is the provision of visibility splays which would achieve any improvement.

- Due to the enhanced use of the Forestry Commission's woodland walkways, resiting the dwelling would give further quietude to the dwelling.

Staff comment: it is Staff's view that pedestrians walking along the footpaths would not result in a loss of amenity to future occupiers in terms of noise and disturbance.

- To increase the separation distance between 2 telecommunications columns and the proposed dwelling. (M0013.04).

Staff comment: it is considered that resiting the dwelling 18m further from the A127 would help to minimise the visual impact of the telecommunications columns.

- Reference was made to planning application P1212.11, The Willows in Hubbards Chase, which was granted planning permission of a replacement bungalow in the Green Belt. The supporting statement states that the original dwelling did not have any services, was not in residential use for over 30 years and a replacement dwelling was built over 15 metres from the original dwelling. The statement states that there is no screening and the bungalow is in full view, yet consent was granted.

Staff comment: in this case, planning permission was granted for this application, as the proposal involved resiting the bungalow to the front of the site, which would have a siting consistent with its neighbouring properties and would be visually more in keeping with this part of the Green Belt. It was considered that resiting the dwelling would help to maintain the openness of the Green Belt towards the rear of the site. In this instance, it is considered that planning application P1212.11 does not share any similarities with the proposal.

- General references were made to a garden centre on the A127 towards Southend, whereby planning permission was refused for a bungalow on the site. The appeal was subsequently upheld, as the Planning Inspector stated that it was screened from the main A127 and would not be an intrusion into the Green Belt

Staff comment: planning records of this application could not be found.

5.11.2 Staff must consider the relevant planning guidance and policy. Paragraph 88 of the NPPF states:- 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. On balance, it is considered that there are sufficient very special circumstances in this case, namely the extension planning history for the site, the fallback position of an existing planning permission, the requirement to remove existing buildings and the improvement of living conditions for the future occupants of the property, which collectively outweigh the in principle harm. Nevertheless, it is open to Members to form their own view of the proposal and apply different weight to the very special circumstances identified..

6. Conclusion

6.1 The proposal is considered to be acceptable in terms of its impact on the street scene and would not result in any material harm to neighbouring amenity. There are no highway or parking issues and amenity space provision is considered sufficient. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that revokes the previous planning approval for application P0404.11 without compensation.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits and independently from the applicant as a Councillor.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application forms and plans received 08/07/2011.

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

10

REGULATORY SERVICES COMMITTEE

REPORT

26 April 2012

Subject Heading:

P0414.12 – Forest Row Community Centre, Lodge Lane

Part change of use of existing sports hall to allow for a childcare facility. External awning to elevation, fencing (2-3m high) and external storage containers (application received 29/03/2012).

Report Author and contact details:

**Helen Oakerbee, 01708 432 800
helen.oakerbee@havering.gov.uk**

Policy context:

Local development Framework

Financial summary:

None

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

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

SUMMARY

This proposal is put forward before the committee due to the development site being in Council ownership, and elements of the being scheme contrary to the relevant Green Belt policies.

Allowing for margins of judgement, Staff consider the proposals to be acceptable and it is therefore recommended that planning permission be granted.

RECOMMENDATIONS

Subject to the expiration of the consultation period on 27th April 2012 and any consultation responses received raising no new material considerations other than those already considered by Committee it is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the following conditions. If new material considerations are raised, then the matter shall be remitted back to Regulatory Services Committee for its further consideration and resolution:

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

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

2. The storage containers hereby permitted shall be used for a limited period only expiring on 31 May 2014 on or before which date the containers shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of protecting the character and appearance of the Green Belt, and in order that the development accords with Development Control Policies Development Plan Document Policy DC45.

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

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made

from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 16:30 on Mondays to Fridays and not at all on Saturdays, Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

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

5. The number of children accommodated within the nursery shall not exceed fifty (50) at any one time, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control and to avoid disturbance to the adjoining residents.

6. There shall be no more than twenty five (25) children playing in the external enclosed area at any one time, without the prior written consent of the Local Planning Authority.

Reason: In order to protect the amenity of adjacent residential occupiers.

7. Prior to commencement of the development, details of the external finish and colour of the fencing hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The fencing shall be provided in strict accordance with the agreed details and thereafter permanently retained in the form agreed.

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

INFORMATIVES

INFORMATIVE:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC36, DC53, DC55, DC61, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document. Other material considerations namely the need for childcare provision in Havering Park ward, justify exception in this case to the strict application of DC45 of the LDF Core Strategy and Development Control Policies and Chapter 9 of the National Planning Policy Framework,.

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 is located east of Lodge Lane and comprises a contemporary sports hall with associated changing rooms in a single building located to the northwest of the site. Vehicular access into the site is via Lodge Lane. Parking is provided around the building.
- 1.2 Ground levels rise to the north where there is a mature line of trees, this provides a screen for the sports hall. Views from the west, east and south are more open in character. The site is wholly located within the Metropolitan Green Belt. Open fields surround the site to the north, west and south. To the east lining Lodge Lane are residential properties, these are located approximately 75m east from the application site.

2. Description of proposal

- 2.1 Planning permission is sought for a part change of use from the existing sports hall to allow for the provision of a child care facility. The existing sports hall is able to be divided by screens to create two spaces; the childcare facility would occupy one half, with the other left for other sporting uses. In the evenings and weekends, the hall would be re-opened to create a single space.
- 2.2 Outside of the sports hall would be an area of fencing up to 3m in height to provide a secure outdoor play area. A retractable awning would be installed on the external elevation to provide shade over this outdoor area.
- 2.3 To the rear of the building would be 2 external metal storage containers. The first measuring 1.3m high, 1.5m wide and 0.95m deep and the second measuring 2m high, 2.2m wide and 2.25m deep.
- 2.4 The childcare facility would cater for up to a maximum of 50 children at any one time, with a maximum staff ratio of 10. This provider is to be relocated from an existing facility which is due to close. The use is proposed to run between the hours of 08:30-16:00 Mondays to Fridays only.

3. Relevant History

- 3.1 P0675.06 – New community facility incorporating sports hall, changing rooms, meeting rooms, multi use games area, play are and parking – approved.

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 43 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 for neighbour letters will have expired; any representations received will be reported verbally to Members. The site notice is dated 6th April and will expire the 27th April, and press publicity will also expire on the 27th April, both of which are after the committee date. Staff therefore request that authorisation be given for the Head of Development and Building Control to grant planning permission on expiry of the publicity period, subject to the conditions set out at the beginning of this report, provided that no representations are received. In the event that representations are received, Staff seek that the Head of Development and Building Control, after considering the representation, be authorised to grant planning permission provided such representations do not raise any new material considerations which haven't been considered within this report. In the event that new material considerations are so raised, the application shall be referred back to the Regulatory Services Committee for determination.

5. Relevant Policies

- 5.1 Policies DC26 (Community Facilities), DC33 (Car Parking), DC36 (Servicing), DC45 (Appropriate Development in the Green Belt) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies DPD are considered relevant.
- 5.3 Policies 3.17 (health and social care facilities), 3.18 (education facilities), 3.19 (sports facilities) 6.13 (car parking), 7.6 (architecture), 7.16 (green belt) of the 2011 London Plan are also relevant.
- 5.4 Section 9 (Green Belts) of the National Planning Policy Framework (2012) is also relevant.

6. Staff Comments

- 6.1 The issues for Members to consider are the principle of development, demolition, impact upon the setting and character of the Green Belt, the existing community facility, neighbouring residential amenity, the highway and parking.
- 6.2 Principle of Development

- 6.2.1 The site is situated within the Metropolitan Green Belt where development is restricted in order to restrict the sprawl of urban settlements, safeguard the countryside from encroachment and preserve the setting and character of historic towns. Green Belts are characteristically open in character where, Section 9 of the National Planning Policy Framework states the construction of new buildings is inappropriate unless for certain agricultural, forestry and certain recreational uses. Where a building is proposed with a use not outlined in the NPPF, it constitutes inappropriate development, and should not be approved except in 'very special circumstances; which clearly outweigh the identified harm to the Green Belt.
- 6.2.2 The NPPF further states that the re-use of existing buildings in the Green Belt, need not be inappropriate, provided that they do not conflict with the purposes of including land in Green Belt. In this instance, the use proposed includes an associated awning to the building, boundary fencing and external storage containers. LDF Policy DC45 state that planning permission will not be granted for development which has an impact on the openness or character of the Green Belt. Where development is contrary to the provisions of the NPPF and DC45, or where development is judged to be harmful to the character of the Green Belt, the applicant should provide very special circumstances to justify the proposal.
- 6.2.3 The proposals constitute inappropriate development. Prior to the appraising, the very special circumstances which are being promoted in this case, the impacts of the scheme must be assessed.

6.3 Green Belt Implications

- 6.3.1 The site is accessed from Lodge Lane and comprises a sports hall building located to the north east corner of the site, surrounded by open area of hard standing used for parking and a playground. From the access the sports hall building is screened by exiting residential properties in Lodge Lane and Stapleford Gardens. From the south, west and north, the sports hall is partially visible through boundary trees across the open fields providing an established, developed appearance.
- 6.3.2 The existing site is enclosed with a 2m high palisade fence. The proposed fencing reaches up to 3m high, and would enclose an area to the north/ east of the building. This proposed arrangement is not considered to be intrusive in the streetscene or open Green Belt, where it would enclose existing areas of hard standing, rather than soft landscaping. The proposed awning to the building is located on the western elevation facing Lodge Lane. Staff raise no objection to the awning, as this would appear integral to the building and given it's positioning to one section of the sports hall would not appear dominant, as it is located away from the primary front elevation.
- 6.3.3 The proposed external storage containers arise from the fact that the existing sports hall benefits from little internal storage. Where it is proposed to use half the sports hall unit on a flexible weekday basis, on site storage is required. Given the layout of the building, there is little scope for internal

storage without either reconfiguration of the building or extension to the building.

6.3.3 In setting terms the site is designated as Metropolitan Green Belt and is a developed site, largely covered in hard standing. To the north, west and south are open fields; these are set at a higher level than the sports hall, where the containers are likely to have minimal prominence, their presence in the Green Belt however is inappropriate by definition, for which very special circumstances have been submitted.

6.4 Impact on Amenity

6.4.1 The building is set approximately 77m east from the nearest properties in Stapleford Gardens and over 100m north of properties in Litten Close. This distance is not considered to be harmful to residential amenity. Activity within the site would largely take place to the northern end, away from residential properties.

6.4.2 The proposed use is to run between the hours of 08:30-16:00 Mondays to Fridays, with no hours on weekends or bank holidays. These hours are within those permitted for the Sports Hall and are therefore acceptable. The applicant has confirmed that there would be a maximum of 50 children on site, with a maximum staff ratio of ten staff per day. There are currently 25 staff members who work for the childcare business on a shift/ rota basis.

6.4.3 Given the relative isolation of the sports hall, away from residential properties and ability to control the intensity of the use with conditions. Staff consider that there would be no adverse impact to neighbouring occupiers.

6.5 Highway/Parking

6.5.1 The site has access from Lodge Lane with an open forecourt covering the majority of the site; this provides significant areas for parking. No changes to the access are proposed, and it is proposed to utilise the existing parking areas, of which there are 133 parking spaces. Given the limited hours of use proposed, restricted to weekdays, it is not considered that there would be any harmful impact upon the highway or existing parking situation.

6.6 Very Special Circumstances

6.6.1 The applicant has submitted a very special circumstances case in order to justify the proposals. These revolve around the need for child care provision in the borough, especially in light of their existing premises which are due to close. These are discussed below.

Childcare provision

6.6.2 The applicants existing premises, at Dukes Hall, in Hornchurch are due to close in May, and it is therefore imperative that an alternative suitable premises is found. Part of the existing childcare business is funded by grants, provided by the Councils Foundation Years and Independent Advice

Service (FYIAS). Should an alternative provision not be found before funding deadlines, then there is the real possibility that the business would see closure, resulting in the displacement of childcare places in the borough.

- 6.6.3 The existing sports hall is classed as a community facility, open to the general public. Nurseries are also accepted as being 'community facilities', where there is a requirement for places within the borough. The Borough's Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places.
- 6.6.4 Policy DC29 seeks to ensure that the provision of educational facilities is of sufficient quantity and quality. The nursery here has an Ofsted rating of 'Good' meaning that it provides high quality care for children.
- 6.6.5 The Borough's Childcare Sufficiency Assessment 2011, states that in 2010 there were 1400 under 5's in Havering Park ward, and 21100 for the whole borough. By 2015, the projected population increase for under 5's in Havering are 7% on average for each ward, with higher projections for South Hornchurch (33%), Romford Town (20%) and Brooklands (18%). This will have a resultant impact on the demand and requirements for day care throughout all wards in the borough.
- 6.6.6 The Boroughs Childcare Sufficiency Review 2010/2011 states Havering Park has amongst the highest level of enquiry about childcare provision, accounting for 8% of the entire borough. The age group the nursery caters for is 0-5 year olds. This age group represents 86.1% of the total demand of care for the entire borough. The provision of a childcare facility in this location would therefore contribute towards filling this demand for places.
- 6.6.7 The same review, on page 35, states that there is a particular gap in places for children aged 3-4, which is covered by the nursery, Havering Park has a deficit of 171 places and adjacent Mawney's ward has a deficit of 152 places. The provision of a child care facility in this location would therefore contribute towards providing for this significant shortfall in places.
- 6.6.8 The provision of a childcare facility within the existing unit is therefore considered acceptable, as this is located within an existing building and is classified as a 'community use'. The required fencing, although up to 3m in height, is located around a modest section of the building footprint, well away from the principle front elevation. It would also allow for a secure enclosure, which would allow the childcare facility to meet the Ofsted requirements of 'free flow'. The storage containers are also located in a position where they would be least visible from surrounding public view points, and would provide much needed storage space whilst the nursery becomes established.

6.7 Conclusions

- 6.7.1 Staff consider that the very special circumstances case submitted is acceptable. The childcare facility is considered to be acceptable, where there is a genuine need in the borough for this type of provision. Externally, the fencing and storage containers are required elements of the child care business. The fencing specifically raises no concern, and whilst the storage containers are located in a position to the rear of the building as to minimise their impact, a temporary consent of these is recommended for a two year period, until a more permanent solution is found.
- 6.7.2 The proposed fencing and external storage containers would remain sufficiently screened the higher ground levels north of the site and surrounding boundary screening. There are not considered to be any adverse highway or amenity implications arising from the proposals. In view of the above factors, staff consider that the proposal accords with the provisions of LDF Policy DC33, DC36, DC53, DC55, DC61, DC63 and that the justification presented warrants a departure from Policy DC45 and Chapter 9 of the National Planning Policy Framework, in this instance, where it is recommended that permission be granted subject to conditions.

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. The proposals would provide much needed childcare provision within a ward which has a shortfall of places.

BACKGROUND PAPERS

Application forms, site plan, received 29th March 2012.

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Item 11

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Page No.	Application No.	Ward	Address
1-3	A0009.12	Romford Town	76 South Street Romford
4-6	P0057.12	Emerson Park	2A Sylvan Avenue Hornchurch
7-13	P0192.12	Rainham & Wennington	Former Rainham Police Station/houses Rear of 1-6 New Road Rainham
14-16	P0217.12	Romford Town	76 South Street Romford
17-20	P0225.12	Romford Town	76 South Street Romford

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OUTSIDE STATUTORY PERIOD

APPLICATION NO:	A0009.12	
WARD :	Romford Town	Date Received: 17th February 2012
ADDRESS:	76 South Street Romford	
PROPOSAL:	1 Internally Illuminated Fascia Sign 1 Internally Illuminated Projecting Sign	
DRAWING NO(S):	L 203 - A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

Councillor Curtin has requested that the matter be determined at Committee as it is considered that the application does not represent best practice in relation to visual appearance of the streetscape.

SITE DESCRIPTION

The application site is located within the retail core area of Romford Town Centre on the western side of South Street directly opposite the junction with Western Road. At the time of writing the report the ground and upper floors of the building are vacant. However works are underway to establish a Tesco store on the site.

The site is not located within a Conservation Area.

The South Street frontage of the building is flanked on both sides and opposite by buildings of similar heights. A first floor office is located to the west, with bar/restaurant at ground floor and travel agency to the east.

The ground floor of the building is not in its original condition and has been subject to previous approvals. In terms of the ground floor facade and streetscape the fascia has been made excessively deep, and in turn the shop front is very squat and it does not relate to the proportions of the building as a whole. The adjacent property at number 72 South Street is also part of the same building as number 76, which has a much taller frontage with slim fascia panels, which exacerbates the visual impact of the subject site.

To the rear of the site is Exchange Street with the service yard area of the Brewery complex beyond.

Directly opposite the site is the recently completed, Havering Visitor Information Centre in South Street.

DESCRIPTION OF PROPOSAL

It is proposed to erect new illuminated signage identifying the new retail premises.

- 1 x illuminated flush mounted fascia sign (9.0m x 0.80m)
- 1 x projecting sign at fascia level,(0.8m x 0.5m)

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The sign letters would be internally illuminated with lux levels proposed at 150cd/sq metre.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 26 adjoining occupiers with one letter of objection received.

A response has been received from Andrew Rosindell MP, on behalf of a constituent. The issues raised in the objection relate to the use of the premises as a supermarket, and do not discuss the specifics of the changes to the façade proposed.

LBH Highways reviewed the application and have no objection.

The Council's Heritage Officer has reviewed the application, and noted the relationship between the current sign application and the changes to the building façade, the subject of a separate application (P0225.12).

"it is unfortunate that a deep rendered panel will be retained behind the signage, rather than increasing the height of the shop front which would positively readdress the proportions of the building, as well as providing an improved, open frontage to the Tesco store".

RELEVANT POLICIES

- DC61 and DC65 of the Local Development Framework, Development Control Policies Development Plan Document.
- Romford Area Action Plan, Development Plan Document

STAFF COMMENTS

The main issues for consideration in this instance are the principle of advertisement signs in this location, and their impact on the character and appearance of the street scene.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

Policy DC65 states that consent for advertisements will only be granted if:

- they complement the scale, form and architectural composition of individual buildings;
- they are by size, design, siting and degree of illumination in character with the surrounding area and the buildings they are on;
- when displayed on a paved forecourt, or in a pedestrianised area, their dimensions are in scale with other street furniture and should not be overwhelming upon pedestrians in the area;
- when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location;
- they do not materially harm the visual amenity in the area; and
- they do not unduly compromise public safety or pose a hazard to traffic.

Policy DC65 further states that advertisements above fascia level are unlikely to be acceptable since they tend to form an excessively prominent and incongruous feature in the street scene.

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There were previously no signs of significance on the façade. It is considered that the siting, size and design of the sign, is sympathetic to the character and appearance of the host building, and the South Street streetscape. The sign is of horizontal proportions, in an appropriate location on the building, at the fascia level above the entrance.

The signs are generally of the same scale and proportions of those that are present elsewhere in South Street. The proposed flush sign is narrower than that found on the building to the west, Number 72, and which also contains projecting signs at Parapet Level. The projecting sign is of the same proportions as this found on the adjoining buildings.

The signs proposed are at an appropriate location on the building and are not of an excessive size. It is not considered that the application would pose any adverse impact on the character and appearance of the streetscene.

For illuminated advertisements, the Council has regard to standards recommended by the Institute of Lighting Engineers. The proposed level of illumination is consistent with these standards.

IMPACT ON AMENITY

The application will not create any adverse amenity impacts due to the location of the sign.

KEY ISSUES/CONCLUSIONS

The proposal will provide signage for the new supermarket. The signs are of a scale and type that are appropriate to the host building and surroundings, and will not be an excessively prominent or incongruous feature of the streetscape.

The proposal is consistent with adopted policy, and the application is therefore recommended to Members for approval.

RECOMMENDATION

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

1. SC01A (Standard advert condition)
2. SC32 (Accordance with plans)
- 1 Reason for Approval

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

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

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OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0057.12	
WARD :	Emerson Park	Date Received: 19th January 2012
ADDRESS:	2A Sylvan Avenue Hornchurch	
PROPOSAL:	Single storey side extension	
DRAWING NO(S):	4335/1 4335/2 Location plan scale 1:500	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The subject site is a two-storey detached house located in Sector 6 of the Emerson Park Policy Area. There is a double garage and space for at least six vehicles on hardstanding. There is a 1.8 metre high wooden fence on the eastern, western and rear boundaries. The ground level gently slopes from south east to north west at the application site. Development in the area is characterised by similar two storey detached dwellings.

DESCRIPTION OF PROPOSAL

The application comprises of a single storey side extension, which has a width of 2.7 metres at the front and 2.2 metres at the rear with a height of 2.7 metres. The single storey side extension would be flush with the front facade of the dwelling. The proposal features an archway to the front and rear of the side extension. The space created would be utilised for a store with two W.C. s. The side extension would be constructed of a metal powder coated sheet cladding over metal studwork with a toughened glass conservatory roof. The side extension would be located 0.2 metres from the eastern boundary of the site.

RELEVANT HISTORY

P0015.10 Front boundary wall, railings and gates Approved.
P1489.10 Single storey side extension and rear conservatory Approved.
P1581.04 Detached house renewal of planning permission P1127.99 (L/HAV/1569/84, P1318.89 and P1224.94 previously) Approved.
P1534.04 Front and rear extensions and front boundary wall Approved.
P1127.99 Renewal of P1224.94 Approved.
P1224.94 Renewal of P1381.89 Approved.
P1381.89 Detached house Approved.
P0768.86 Two storey side extension Approved.
L/HAV/2497/79 Proposed garage and bathroom extension and change use of existing garage to bathroom Approved.
L/HAV/1992/74 Detached house Approved.

CONSULTATIONS/REPRESENTATIONS

9 neighbouring properties were notified of the application and no letters of representation were received.

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RELEVANT POLICIES

Residential Extensions and Alterations SPD
Emerson Park Policy Area SPD
DC33, DC61 and DC69 LDF Development Control Policies Development Plan Document.

STAFF COMMENTS

It is noted that there is a discrepancy on Section 10 - materials of the application form, as it states that the proposed walls would be render. However, Drawing No. 4335/2 states that the walls of the side extension would be metal powder coated sheet cladding over metal studwork, although this has not affected the determination of this application.

The main issues in this case are the impact on the streetscene, the impact on neighbouring amenity and any highway or parking issues.

DESIGN/IMPACT ON STREET/GARDEN SCENE

DC69 states that planning permission will only be granted if it maintains, or enhances, the special character of the Emerson Park Policy Area which is typified by large and varied dwellings set in spacious mature, well landscaped grounds.

The Emerson Park Policy Area SPD states that the minimum requirement will be that no part of any new building or extension to an existing building will be permitted to be built within a minimum of 1m from an adjoining common party boundary at ground floor or 2m at first floor. It is emphasised, however, that these are minimum requirements and that in the majority of cases, the Council will expect them to be exceeded.

In this instance, the single storey side extension would be located 0.2 metres from the eastern boundary, which is contrary to the Emerson Park Policy Area SPD. Having reviewed the merits of this application, it is Staff's view that there are exceptional circumstances in this case which justify a relaxation of the normal SPD requirements. Firstly, there are areas of soft landscaping in the front garden of the application site and in particular, there are trees, laurel bushes and shrubs to the front of the dwelling and adjacent to the eastern boundary of the site as well as along the western boundary of the neighbouring property, No. 2 Sylvan Avenue, which provide a significant level of screening. Secondly, the extension is single storey, relatively low in height at 2.7 metres with a glass conservatory roof and would be partly screened by the archway located directly in front of it. Thirdly, the dwelling is set back approximately 19 metres from Sylvan Avenue, which minimises its prominence in the streetscene. In addition, there is a 1.8m high timber paling fence on the eastern boundary of the site, which would provide some screening. Taking the above factors into account, it is considered that the single storey side extension would not be directly visible in the streetscene and therefore, would not result in material harm to the character and appearance of the Emerson Park Policy Area. As a matter of judgement, it could be argued that the single storey side extension would, by reason of its siting and proximity to the eastern boundary, result in a cramped form of development harmful to the open and spacious character of the streetscene. However, Staff consider that this may not be a particularly strong reason for refusal in itself.

IMPACT ON AMENITY

It is considered that No. 2 Sylvan Avenue would not be adversely affected by the proposal, as its flank wall is located approximately 8 metres from the eastern boundary of the site. In addition, the side extension would be screened by a 1.8m high timber paling fence on the eastern boundary and is single storey. It is noted that there are trees and shrubs along the western boundary of No. 2 Sylvan Avenue, which would provide some screening and help to mitigate the

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impact of the proposal. The side extension does not feature any flank windows, so it is considered it would not result in any undue overlooking or loss of privacy.

It is considered that the proposal would not adversely affect Nos 12 and 14 Elm Grove, as it would not be located adjacent to the western boundary of the site.

HIGHWAY/PARKING

Policy DC33 of the Core Strategy is relevant. The proposal maintains a double garage and hard standing for six cars to the front of the dwelling. The Highway Authority has no objection to the proposal.

KEY ISSUES/CONCLUSIONS

The single storey side extension would be located 0.2 metres from the eastern boundary, which is contrary to the Emerson Park Policy Area SPD. It is Staff's view that there are exceptional circumstances in this case, comprising of soft landscaping, boundary fencing and the 19 metre setback of the dwelling which justify a relaxation. In addition, the extension is single storey, relatively low in height at 2.7 metres with a glass conservatory roof and would be partly screened by the archway located directly in front of it. Taking these factors into account, Staff consider that the single storey side extension would not be directly visible in the streetscene and therefore, would not result in material harm to the character and appearance of the Emerson Park Policy Area, although this is a matter of judgement for members. It is considered that the proposal would not be materially harmful to residential amenity. It is considered that the proposal would not create any highway or parking issues. Having regard to all material planning considerations, it is recommended that planning permission be approved.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
 2. SC10 (Matching materials)
 3. SC32 (Accordance with plans)
 4. SC46 (Standard flank window condition)
- 2 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions and Alterations SPD and the Emerson Park Policy Area SPD.

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

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OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0192.12	
WARD :	Rainham & Wennington	Date Received: 13th February 2012
ADDRESS:	Former Rainham Police Station/houses Rear of 1-6 New Road, Rainham	
PROPOSAL:	Construction of 2X3 bedroom chalet style bungalows with new access road and private amenity	
DRAWING NO(S):	2701_PL31; -PL32; -PL33; -PL34	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

Councillor David Durant has called in the application on the grounds that it is an over-development of the application site which may give rise to overlooking.

SITE DESCRIPTION

The application site comprises open land to the rear of the former Rainham police station and police houses (No.s 1-6 New Road) and was previously used as garden areas. Planning permission was granted in August 2011 for the conversion of the former police station/houses to three semi-detached dwellings.

The site's northern boundary abuts neighbouring residential properties located along Davies Close. The eastern boundary lies adjacent to land associated with a private meeting hall, whilst the western boundary abuts land associated with a retirement home located along New Road, accessed from Glebe Road. The site's southern boundary abuts the gardens of Nos. 1-6 New Road, and New Road itself, from which the site is accessed. The site access runs between Nos.6 and No.51 New Road and would be shared with Nos. 1-6.

The site constitutes unallocated land in the LDF, and has previously been the subject of landfilling operations.

DESCRIPTION OF PROPOSAL

This is a resubmission following planning permission for two dwellings houses to the rear of 1-6 New Road, Rainham last year. The current planning application proposes the erection of a pair of two storey, pitch-roofed, semi-detached dwellings. The first floor accommodation would be contained within the roof space, which would include dormers to the front and rear in each case along with roof lights. The dwellings would have a ridge height of approximately 6.3m. Each of the two dwellings would be accompanied by a rear garden, side access path, and two car parking spaces along with the shared drive.

The proposed dwellings would be orientated such that their main elevations would face towards the east and west. The gable ends, which would include a door and a window to the ground floor, would face towards the properties along Davies Close and Nos. 1-6 New Road. No.5 New Road would be located approximately 10m to the south of the proposal's southern (gable) elevation. No.51 New Road would be located approximately 17.5m from the main elevation of the proposal and orientated at an oblique angle to it, whilst the rear curtilage of No.51 would be located approximately 13.5m from the main elevation of the proposal, which includes two first

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floor dormer windows relating to bedrooms. The neighbouring meeting hall would be located approximately 20m from the rear elevation of the proposal, and also located at an oblique angle. The dwellings located along Davies Close would be in excess of 21m from the proposed development.

The proposal would have a site density of approximately 30 dwellings per hectare. The proposed dwellings would be constructed of brick and render to the walls, and concrete tiles to the roof.

The main difference between the approved scheme and the current scheme is the increase in the width of the dormer at the rear of the building such that they would meet across the pair of semi-detached properties to provide an additional (3rd) bedroom to each property.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 25 neighbouring properties. There have been no replies.

Comments have been received from the following consultees:

Thames Water - No objections.

Essex and Suffolk Water - No objections.

Crime Prevention Design Advisor - No objections; condition and informative recommended.

London Fire Brigade - a new private fire hydrant is needed

The London Fire and Emergency Planning Authority (LFEPa) - the access should comply with Section 11 of the ADB Volume 1 (Building Regulations). Fire appliances need an access width of 3.7m and will not attend more than 20m from an access road

Further consultation is being undertaken jointly with the London Fire Brigade and LFEPa and any comments received will be orally reported at the meeting.

RELEVANT POLICIES

NPPF

STAFF COMMENTS

The main issues in this application are considered to be the principle of development, the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers, and highway/parking issues. Since planning permission has already been granted for a pair of semi-detached chalet bungalows, the only issue is whether the additional dormer/additional bedroom would be acceptable.

PRINCIPLE OF DEVELOPMENT

Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application proposes the erection of new housing on unallocated land. The proposal is considered to be acceptable in principle, in accordance with Policy CP1.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC3 of the LDF stipulates the appropriate residential densities in given areas of the borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

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The site is located in a residential area that can be defined as "suburban", and which is characterised by a variety of house types, including pitch roofed, semi detached dwellings. The proposed density of approximately 30 dwellings per hectare is considered to be appropriate. It is considered that, should planning permission be granted, conditions be imposed requiring the submission of details relating to the proposed hard and soft landscaping, and the proposed use of building materials, for the approval of the local planning authority.

The proposed dwellings are sited to the rear of the existing dwellings fronting New Road and would have limited visual impact in the wider street scene.

Given the nature of the amended proposal, including its siting, scale, density, and design, it is considered that the proposal would not have any significant adverse impacts on the character of the area and that it would therefore not be contrary to Policies DC3 and DC61 of the LDF and the guidance contained in the SPD, subject to the imposition of the aforementioned condition.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The SPD provides guidance in relation to the provision of adequate levels of amenity for the future occupiers of new dwellings.

The Council's Environmental Health officers were consulted about the proposal and raised no objections subject to the imposition of conditions requiring sound insulation, limitations to the hours of construction, and in relation to contaminated land. These conditions can be imposed should planning permission be granted.

The site access does pass between an existing residential property and a proposed dwelling at the former Rainham police station (plot 6) that benefits from planning permission. Plot 6 would have openings in its gable wall facing the proposed access, most notably, relating to the kitchen. Given that the proposal would not result in a large number of daily vehicle movements, it is not considered that any significant harm would result in this regard, providing adequate boundary treatment is provided at this part of the site.

It is considered that the proposal would provide an adequate amount of amenity space for the enjoyment of future occupiers, however, a condition is recommended requiring the submission of details relating to the proposed use of boundary treatment between the proposed dwellings and between the site and existing neighbouring properties.

Given the siting, orientation, scale, and design of the proposal, and given the size of the neighbouring gardens and the location of neighbouring properties, it is considered that the amended proposal would not result in any significant adverse impacts on amenity in relation to outlook and overlooking. Consideration has been given to whether there would be unacceptable of the rear garden of Glebe House to the west of the site but given the distance of the proposed dwelling over 13m from this boundary the impact is considered, on balance, to be acceptable and not result in a material loss of privacy or amenity. Furthermore, this is land that would be used for communal purposes by residents of the nursing home. To prevent an unacceptable degree of overlooking in future, a condition can be imposed preventing the insertion of windows into the flank walls of the property. It is considered that the proposal would be in accordance with Policy DC61 of the LDF, and the guidance contained in the SPD, subject to the imposition of the afore mentioned conditions.

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OUTSIDE STATUTORY PERIOD

HIGHWAY/PARKING

DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development. The proposal would include the provision of two car parking spaces per dwelling, which is in accordance with the guidance contained in the LDF.

Highways have expressed concerns regarding the width of the access in relation to Fire Engine access and also in respect of the access for servicing vehicles. The Fire Service confirm that the access should comply with the building regulations. The proposed access would be 3.1m wide and 20m long such that it would not comply with the building regulations requirements. A suitable sprinkler system would be needed and a suitable condition will be attached to any grant of planning permission.

No indication has been given of the proposed waste storage area for this proposal. It is recommended that a condition be imposed requiring the submission and approval of details relating to the storage and collection of refuse/recycling materials.

The proposal is considered to be acceptable in highways terms.

OTHER ISSUES

Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be acceptable having had regard to Policies CP1, DC2, DC3, DC33, DC36, DC61 and DC63 of the LDF, the guidance contained in the SPD, and all other material considerations.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. M SC09 (Materials)
9. SC46 (Standard flank window condition)

4. Non standard condition

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

Reason:-

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

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OUTSIDE STATUTORY PERIOD

DC61.

5. Non standard condition

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

Reason:-

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

6. Non standard condition

No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. 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.

7. Non standard condition

Prior to the commencement of the development the developer shall submit for the written approval of the Local Planning Authority and carry out as required the following:

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 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.

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 of 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

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OUTSIDE STATUTORY PERIOD

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.

i) 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 Local Planning Authority; and

ii) 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 and in order that the development accords with Development Control Policies Development Plan Document policy DC53

8. Non standard condition

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured By Design accreditation 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

10. Non standard condition

The buildings hereby approved shall be constructed so as to provide sound insulation internally of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason:-

To protect the amenity of future occupiers in accordance with the Development Control Policies Development Plan Document Policy DC61.

11. Non standard condition

No construction works or deliveries into the site shall take place other than between the hours 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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3 **INFORMATIVE:**

In aiming to satisfy condition 8, 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).

Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Residential Design SPD and Policies CP1, DC2, DC3, DC33, DC36, 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.

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OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0217.12	
WARD :	Romford Town	Date Received: 16th February 2012
ADDRESS:	76 South Street Romford	
PROPOSAL:	Installation of ATM	
DRAWING NO(S):	P 103-2- A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

Councillor Curtin has requested that the matter be determined at Committee as it is considered that the application does not represent best practice in relation to visual appearance of the streetscape.

SITE DESCRIPTION

The application site is located within the retail core area of Romford Town Centre on the western side of South Street directly opposite the junction with Western Road. At the time of writing the report the ground and upper floors of the building are vacant. However works are underway to establish a Tesco s store on the site.

The South Street frontage of the building is flanked on both sides and opposite by buildings of similar or greater storey heights. A first floor office is located to the west, with bar/restaurant at ground floor and travel agency to the east.

South Street contains a mixture of retail, offices, banks, bars and restaurants. There are other ATMs within close proximity to the subject site, associated with bank. Council records indicate that an ATM machine was previously approved on the site.

To the rear of the site is Exchange Street with the service yard area of the Brewery complex beyond.

Directly opposite the site is the recently completed, Havering Visitor Information Centre in South Street.

The site is not located within a Conservation Area.

DESCRIPTION OF PROPOSAL

The proposal is for the installation of a new ATM and surround within the new shopfront. The ATM surround will measure 0.86m x 1.57m

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 26 adjoining occupiers. One letter of representation has been received at the time of writing this report.

A response has been received from Andrew Rosindell MP, on behalf of a constituent. The issues

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OUTSIDE STATUTORY PERIOD

raised in the objection relate to the use of the premises as a supermarket, and do not discuss the specifics of the changes to the façade proposed.

The Council's Heritage Adviser has reviewed the proposal and advised that:

There is no objection in principle to the insertion of an ATM at this property; the frontage is of sufficient width to allow for the ATM to be incorporated without detrimentally impacting on the proportion of active frontage. There is also no objection to the proposed signage in terms of size, colour, illumination and positioning.

RELEVANT POLICIES

Policy DC 61 of the LBH Core Strategy and Development Control Policy DPD

STAFF COMMENTS

The main issues in this case are considered to be the impact upon character and appearance of the commercial street scene.

PRINCIPLE OF DEVELOPMENT

The use of the premises for retail purposes is established. The application is for external works to incorporate an ATM only.

The application is for an ATM machine within a new shopfront on a main commercial street within Romford that is currently undergoing changes. Automatic Teller Machines in association with retail uses are an accepted part of the retail streetscape. The principle of the application is appropriate.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. The new ATM will be incorporated within the façade of the new shop front. The proposal includes small information signs that are considered appropriate for the new ATM.

The new ATM will not dominate the shopfront nor streetscene. It is of similar design and scale to others in the street and is an appropriate inclusion into South Street. The ATM will be placed in position that will still allow for pedestrian traffic to pass between it and the new Visitor Centre. It will be located in a position whereby there is public surveillance and is not in a position whereby users will be vulnerable.

IMPACT ON AMENITY

Staff are of the view that the proposed ATM machine will not result in an adverse impact on amenity.

KEY ISSUES/CONCLUSIONS

The application proposes an ATM in a new shopfront. This is reflective of others that can be found on similar stores, and elsewhere within the commercial precinct outside of the Romford Conservation Area. The application is recommended to Members for approval.

RECOMMENDATION

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OUTSIDE STATUTORY PERIOD

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

1. SC32 (Accordance with plans)
- 4 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy DC 61 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.

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OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P0225.12	
WARD :	Romford Town	Date Received: 16th February 2012
ADDRESS:	76 South Street Romford	
PROPOSAL:	Installation of a New Shopfront and External Alterations to Rear Elevation	
DRAWING NO(S):	(P) 203-1 C (P) 103-B	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

Councillor Curtin has requested that the matter be determined at Committee as it is considered that the application is a poor design of a shop front, not taking account of best practice in relation to visual appeal of the streetscene.

SITE DESCRIPTION

The application site is located within the retail core area of Romford Town Centre on the western side of South Street directly opposite the junction with Western Road. At the time of writing the report the ground and upper floors of the building are vacant. However works are underway to establish a Tesco store on the site.

The site is not located within a Conservation Area.

The South Street frontage of the building is flanked on both sides and opposite by buildings of similar heights. A first floor office is located to the west, with bar/restaurant at ground floor and travel agency to the east.

The ground floor of the building is not in its original condition and has been subject to previous approvals. In terms of the ground floor facade and streetscape the fascia has been made excessively deep, and in turn the shop front is very squat and it does not relate to the proportions of the building as a whole. The adjacent property at number 72 South Street is also part of the same building as number 76, which has a much taller frontage with slim fascia panels, which exacerbates the visual impact of the subject site.

To the rear of the site is Exchange Street with the service yard area of the Brewery complex beyond.

Directly opposite the site is the recently completed, Havering Visitor Information Centre in South Street.

DESCRIPTION OF PROPOSAL

The application seeks full planning permission to undertake changes to the existing facade at ground floor level, and also minor changes at the rear of the store. On the South Street frontage the existing deep recessed doorway has been removed and a new automatic opening bi-parting slide door entrance installed. The door and shop frames are aluminium.

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The frame to the doors will be recessed (approx 0.5m) behind the existing column, leaving this exposed to the streetscape. An internal roller shutter is proposed.

An ATM machine will be incorporated into the facade.(Note this is subject to a separate application P0217.12 to be considered by Members. Similarly a separate application for signage A0009.12 is presented to Members). The changes to the rear elevation include a new security door. An external refuse area and two freezers will be provided. (These are also subject of a separate application, considered under delegated authority)

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 26 adjoining occupiers.

A response has been received from Andrew Rosindell MP, on behalf of a constituent. The issues raised in the objection relate to the use of the premises as a supermarket, and do not discuss the specifics of the changes to the facade proposed.

The Highway Authority has no objection to the proposal. However, given the potential for damage to the newly upgraded South Street during the construction process the Highway Authority has requested that the developer provide a detailed Construction Method Statement prior to commencement. Works have commenced on site and this condition will be redundant if attached to a decision notice in the event that the application is approved by members.

The Council's Heritage Officer states that there is no objection in principle to the proposal. The Heritage Officer notes that the current shop front is rather basic in its form and detracts from the quality of the streetscene due to its inappropriate proportions.

The Council's Heritage Officer states that in terms of the shop front proposal, it is acknowledged that that in planning terms, there is not a material difference between the existing shop front and the proposed. However, the quality and success of a town centre relies heavily on the quality of the retail frontages, and therefore it is unfortunate that, despite advice from officers, the design of the commercial frontage for such a prominent retailer could not be amended to provide a high quality, modern frontage which would set a positive precedent for Romford town centre.

Notwithstanding this the proposed alteration to the exterior of the building would not be harmful to the appearance of the building or the street scene. In the context of the detail of the previous facade and those found on adjoining buildings the proposed changes are considered appropriate and does not propose a ground floor elevation that could not reasonably be expected to be found in a commercial setting, such as that which exists in South Street.

RELEVANT POLICIES

- DC 61, and of the LBH Core Strategy and Development Control Policy DPD
- Romford Area Action Plan: Rom 8, Rom10
- National Planning Policy Framework (NPPF) 2.3 Ensuring the vitality of Town Centres, 7 Requiring Good Design

STAFF COMMENTS

The main issues in this case are considered to be the principle of the development, suitability of the proposal and impact upon character and appearance of the commercial street scene.

REGULATORY SERVICES COMMITTEE

26th April 2012

OUTSIDE STATUTORY PERIOD

PRINCIPLE OF DEVELOPMENT

The use of the premises for retail purposes is established on the site. The application is for external works only. The application proposes changes to an existing shop front in a busy commercial setting. The exterior of retail premises are regularly upgraded to reflect the changing nature of the businesses within. The principle of development is established on the site.

National and Local Policy provisions (through the NPPF, LBH Core Strategy and Development Control Policy DPD and Romford Area Action Plan) is supportive of vibrant town centres, that includes appropriate design outcomes. There is, therefore, general support for the principle of the upgrading of commercial premises in town centres.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. The most visible impact of the proposal are the changes to the facade at South Street. The proposal involves an alteration to the existing shop front at ground floor to form a wider entrance to South Street, and create three large windows.

The previous original facade had a single width door, located on the west side, with the facade flush to the building alignment onto South Street, with a single column located in alignment with the wider column on the upper floor. The application is to change the facade to include wider sliding opening doors recessed on the western side.

The proportions of the facade will be relatively similar to original with the vertical column remaining, however this is now more prominent with the glazing setback behind this. The tiled feature on the western column is to remain. The frames of the doors and windows are aluminium.

There are a mixture of shopfront styles within the existing streetscape in the vicinity of the subject site that reflect the variety of uses. The site to the immediate west (of which the subject site appears to be a part of an original pair) features vertical columns with raised floor. To the east the shopfronts are staggered, with the premises are recessed by approximately 2.0 metres with the first floor overhanging above.

The current application does not necessarily represent the most desirable upgrade to the shopfront in terms of restoration. However it is considered that the design is not so incongruous that that it can be considered to be inconsistent with the surrounding townscape given the diversity of uses and associated shopfronts present along South Street.

The application involves the upgrading of an existing vacant unit, and changes to the shop front to facilitate this. Investment in the Borough's Town Centre is welcomed, and the application represents the opportunity to achieve betterment in terms of the visual upgrade of Council's main thoroughfares. The Council's policies recommended that development should improve and enhance streetscapes wherever possible.

The Romford Area Action Plan (ROM10) actively encourages retail uses to establish in the Retail Core including South Street. New retailers invariably require alterations to the existing premises to suit their needs and accommodate corporate standards. The application proposes changes that facilitate a national retailer establishing within Romford Centre.

The application maintains an active frontage to South Street, with windows allowing visibility in and out of the premises. It does not include a roller door over the full width of the premises, (as do others in the street), and in doing so avoids presenting a blank facade to the street.

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The external changes to the rear of the building as part of this application, involve the inclusion of a security door. This faces the rear towards Exchange Street and is considered appropriate in the context of the adjoining buildings which include similar features.

IMPACT ON AMENITY

Staff are of the view that the proposed alteration to the exterior of the building would not result in an adverse impact on amenity. The application does not propose any physical components that would create conditions that could compromise pedestrian safety.

HIGHWAY/PARKING

The application raises no Highways issues.

KEY ISSUES/CONCLUSIONS

The application represents the upgrade of an existing shopfront. This is reflective of others within the commercial precinct outside of the Romford Conservation Area. Whilst the shopfront is not the optimum outcome that could be achieved for the site, the application still represents development that is appropriate for its commercial setting.

The application is recommended to Members for approval subject to conditions.

RECOMMENDATION

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

1. SC32 (Accordance with plans)
- 5 Reason for Approval

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

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



12

**REGULATORY
SERVICES
COMMITTEE**

REPORT

26 April 2012

Subject Heading:	<p>Application for the Stopping Up of Highway Land adjacent to the West of Dunningford Close and to the North of the A125 Rainham Road, Hornchurch, London RM12 5JP (OS 551907, 185305)</p> <p>(Application received 30th March 2012)</p>
Report Author and contact details:	<p>Alexander O'Dwyer, 01708 432468 Alexander.odwyer@havering.gov.uk</p>
Policy context:	<p>Local Development Framework</p>
Financial summary:	<p>None</p>

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

- 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 []
- Valuing and enhancing the lives of our residents []
- Delivering high customer satisfaction and a stable council tax []

SUMMARY

This report relates to an application received on 30 March 2012 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1689.11). The planning permission (planning reference P1689.11) dated 30 March 2012 involves the construction of 119 residential units, together with associated car parking, landscaping and infrastructure works and involving some encroachment on public highway land (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the areas of highway shown zebra hatched on the plan (entitled ‘Dunningford Close - Stopping Up Plan’ drawing number ‘Plan 3’) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter

may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 15 March 2012 the Council resolved to grant the Planning Permission (planning reference P1689.11) for a development comprising 119 residential units, together with associated car parking, landscaping and infrastructure works. The Planning Permission was issued on 30 March 2012.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of two sections of existing highway.
- 3.3 The first section of highway to be stopped up is: 189.5 meters in length and 8.8 meters in width and lies adjacent to the West of Dunningford Close, Hornchurch. The terminal points of this section of land are: (a) a point where the back of the footway on the western side of Dunningford Close terminates; to (b) a point located approximately 189.5 meters northwest along Rainham Road measured from the back footway at the junction with Dunningford Close.
- 3.4 The second section of highway land to be stopped up is 57.6 meters in length and 5.8 meters in width and lied adjacent to the North of the A125 Rainham Road, Hornchurch. The terminal points of this section of land are: (a) a point where the back of the footway on the eastern side of Rainham Road intersects with the footpath located immediately to the northwest of the site boundary; to (b) a point located to the back of the footway measured at approximately 57.6 meters south along Rainham Road.
- 3.3 The development involves building on land which includes areas of adopted highway (footway, maintained verge and access road). In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.

- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the Consultation process and mediate any negotiation with objectors.

4.3 **Human Resources Implications and Risks:**

None directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

None directly attributable to the proposal.

CONCLUSION

The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate the development of 119 residential units pursuant to the Planning Permission (reference P1689.11). It is therefore recommended that the necessary Order is made and confirmed.

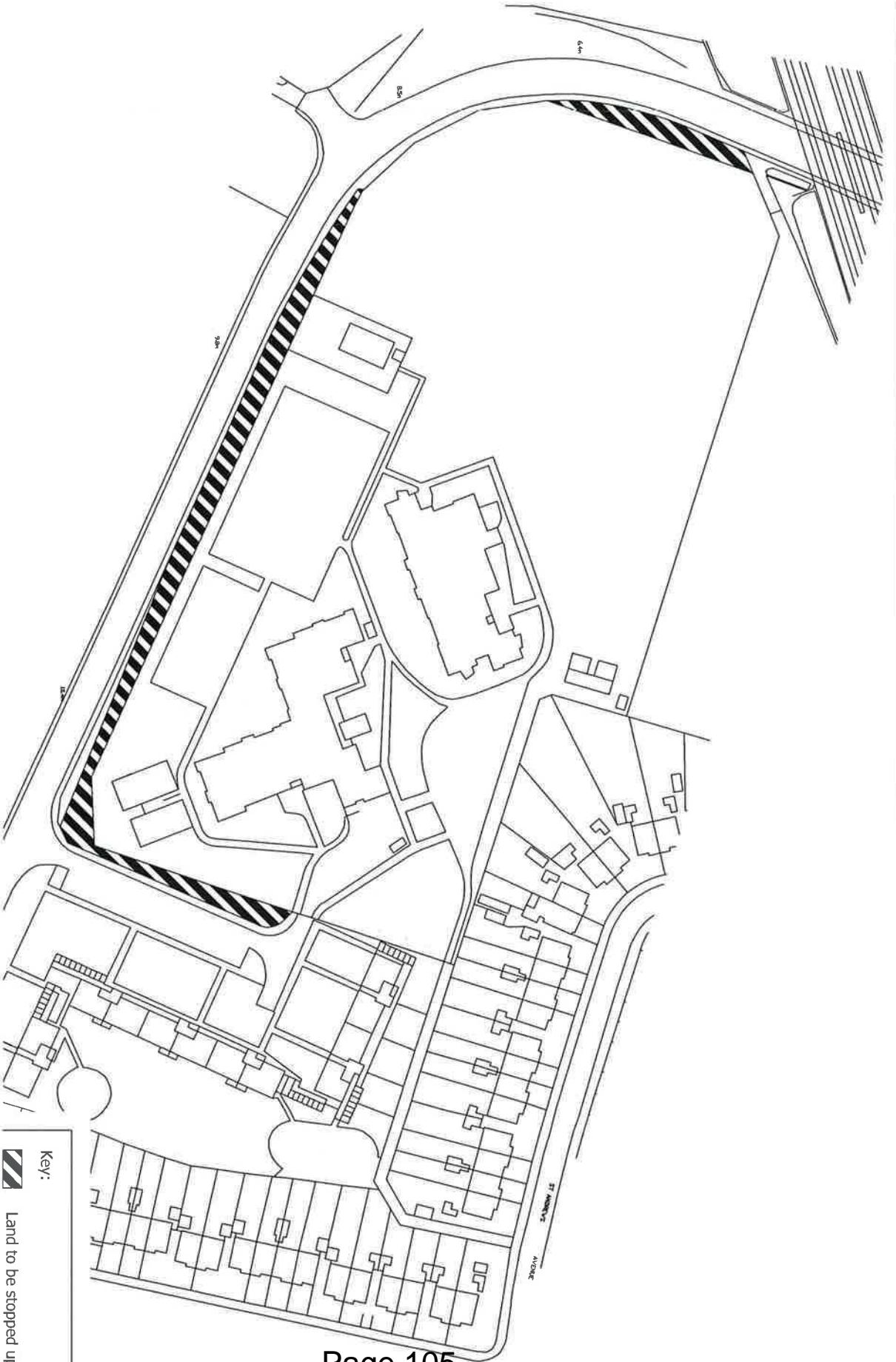
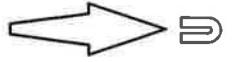
Staff Contact: Bob Wenman
Designation: Head of Streetcare
Telephone No: 01708 432720
E-mail address: bob.wenman@havering.gov.uk

CHERYL COPPELL
Chief Executive

Background Papers List

1. Report of Regulatory Services Committee dated 15 March 2012 which granted planning permission under planning reference P1689.11 [Item No. 6]
2. Plan (Title 'Dunningford Close - Stopping Up Plan' drawing number 'Plan 3') showing the area to be stopped up

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Key:
 Land to be stopped up



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client
 BELLWAY HOMES THAMES GATEWAY DIVISION

project
 DUNNINGFORD CLOSE

title
 STOPPING UP PLAN

scale
 1:1000@A3

date
 MARCH 2012

drawing number
 PLAN 3

drawn by
 MP

lead file
 MBSK120327-1.DWG

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checked by
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