



REGULATORY SERVICES COMMITTEE

6 March 2014

REPORT

Subject Heading:

**P1547.13: Store at Junction of
Chudleigh Road & Lindfield Road,
Harold Hill**

**Demolition of existing dilapidated
buildings on the site and replacement
with a modular unit for storage and
distribution purposes. (Application
received 20 December 2013)**

Report Author and contact details:

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Policy context:

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

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee because the application site is Council owned land.

The proposal is for the demolition of the existing buildings and the construction of a 12m deep x 21m wide, and 2.97m high modular building. An existing set of gates to the north of the site will be re-instated enabling access to an off street parking area laid out with 2no. car parking bays. The proposal will involve the removal of the existing palisade fencing with the modular building abutting the site boundary to the east and west.

The building will be used as a food bank storage and distribution centre by The Harold Hill Foodbank Charity providing emergency food, debt advice, household items, mentoring and advice and other charitable services.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted.

RECOMMENDATIONS

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

1) Time Limit

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

3. Parking Provision

Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. Restricted Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the B8 Storage and Distribution use hereby permitted shall be as a Food Bank and its associated charitable services only and shall be used for no other purpose(s) whatsoever, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Hours of Use

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 17:00 on Monday to Friday and 09:00 to 12:00 on Saturday and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

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

6. Contaminated Land

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works in accordance with the approved Remediation Strategy as mentioned in (a) above, a 'Verification

Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

7. Contaminated Land

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 the 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site is the storage area located adjacent to the junction of Chudleigh Road and Lindfield Road in Harold Hill. The site comprises of a series of metal containers and shed structures set behind a metal palisade fence. There are 3no. sets of gates providing access onto Chudleigh Road. The site has been used as a storage yard for several years.

- 1.2 The site is set within an area of open space adjoining Carter Brook with Brookside Junior and Infant School some 38m to the west. Around the junction of Chudleigh Road and Lindfield Road are 3-storey accommodation leading into the wider residential estate.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing buildings and the construction of a 12m deep x 21m wide, and 2.97m high modular building. An existing set of gates to the north of the site will be re-instated enabling access to an off street parking area laid out with 2no. car parking bays. The proposal will involve the removal of the existing palisade fencing with the modular building abutting the site boundary to the east and west.

- 2.2 The building will be used as a food bank storage and distribution centre by The Harold Hill Foodbank Charity providing emergency food, debt advice, household items, mentoring and advice and other charitable services. The food bank will be open to clients between the hours of 10:30 to 13:30 on

Monday to Friday. The proposed facility will be operated by staff between 09:00 and 17:00 Monday to Friday and 09:00 to 12:00 on Saturday.

3. Relevant History

- 3.1 P1856.06 – To replace existing timber and brick building with single storey portable building to be used as office - Withdrawn

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 32 properties. 1 representation was received as a result of the consultation raising the following issues:
- Insufficient parking on surrounding streets, which is already a problem for residents of Wolverton House due to parents parking badly to drop off and pick up children from the nearby school.
 - Insufficient space for vehicles to pass each other when vehicles are parked on the road.
 - Potential noise and disruption during demolition and construction.

5. Staff Comments

- 5.1 The issues arising from this proposal are the principle of development and the impact on character and appearance of the surrounding area.
- 5.2 Policies CP17 (Design), DC26 (Location of Community Facilities), DC33 (Car Parking), DC61 (Urban Design) and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document we considered to be relevant.
- 5.3 Policies 3.17 (Health and Social Care Facilities) and 7.4 (Local Character) of the London Plan (2011) and the National Planning Policy Framework (NPPF) are also relevant.

6. Principle of Development

- 6.1 The proposal is for the construction of a modular building to be used as a food bank for storage and distribution purposes. The site was last used as a depot for the storage of furniture. It is unclear how long the site has been in its current state but this relatively low-key use appears to have ceased and the site has become neglected and overgrown.
- 6.2 The site is located on a strip of open space under Council ownership between Chudleigh Road and a narrow brook water course. As such it is prominent within the streetscene but is afforded a degree of separation from the residential accommodation to the east by the road and the adjacent junction.

- 6.3 According to policy DC26 opportunities for the development of new community facilities can be limited as they cannot compete financially on equal terms for land against uses such as residential and retail which attract higher land values.
- 6.4 The Harold Hill Food Bank currently occupies a property in Hilldene Avenue, Harold Hill which has now been sold. There is now the requirement to move to a permanent facility. Following discussions with the Council the Chudleigh Road/ Lindfield Road storage site has been suggested. The Food Bank have been offered the proposed modular building by Persimmon Homes who are currently developing land to the rear of Harold Hill Community Centre.
- 6.5 Given the material considerations of the previous storage use at the site, the current dilapidated state of the facility, the proposed operating hours as well as the practical requirement for the charity to relocate to new premises within a competitive land market, the proposed development is considered to be acceptable in principle.

7. Design/Impact on Street/Garden Scene

- 7.1 Policy DC26 states that planning permission for new community facilities will only be granted where they, amongst other things, do not have a significant adverse effect on residential character and amenity.
- 7.2 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.
- 7.3 The demolition of the existing dilapidated shed buildings and the removal of the containers will serve to improve the visual amenity of the area. The replacement modular building however will form a prominent feature in the streetscene and consideration needs to be given to its relative height and scale in comparison to its surroundings.
- 7.4 The proposed flat roof modular building will have a floor area of approximately 248 sq.m, which will occupy up to 74% of the 333 sq.m site. The side elevations will be 2.97m in height incorporating UPVC double glazed window units set within timber panelled sections coated with a light grey plastisol finish. Given the nature of the surrounding topography the building will be visually prominent from all surrounding aspects.
- 7.5 The residential accommodation on the adjacent side of Chudleigh Road is formed of 3-storey blocks with considerable height and bulk. The scale and massing of the proposed modular building in comparison will be less significant and as a result will not appear to form a visually intrusive feature within this setting of larger buildings. The proposed materials and colour scheme will be different to the brickwork of the residential blocks, but will harmonise with the design and appearance of some of the buildings at the

nearby school campus to the west. Tree coverage along Carters Brook will offer some screening from the west.

- 7.6 The proposed development will effectively tidy up a neglected and visually poor site, replacing dilapidated shed buildings and shipping containers with a modern structure that will enhance the current visual appearance of the site.
- 7.7 Overall it is considered that the proposed modular building will sit comfortably within its surroundings without having an adverse impact on the character and appearance of the street scene.

8. Impact on Amenity

- 8.1 The proposed modular building would be situated on the opposite side of the highway some 19m from the nearest residential properties at Morecombe House, 23m from Wolverton House and 34m from Newmarket House. As a result it is not considered that the siting of the building will result in an unacceptable level of overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to the neighbouring residential properties in accordance with policy DC61.
- 8.2 The Food Bank proposes to open to customers between 10:30 and 13:30 Monday to Friday, with the charity expecting on average around five clients visiting per day. The facility will be operated by staff between 09:00 to 17:00 Monday to Friday and 09:00 to 12:00 on Saturday. On average the charity expects three to four visits per week from people donating food. The opening hours are considered to be acceptable and reasonable operating times in this predominantly residential location. It is considered that the proposed facility will form a relatively low-key use in terms of noise and disturbance, operating within daytime hours and resulting in a minimal impact on the amenity of the neighbouring properties.

9. Parking and Highway Issues

- 9.1 Policy DC26 states that planning permission for new community facilities will only be granted where they, amongst other things, ensure that any on-street parking which is likely to be generated by the use can be accommodated without detriment to pedestrian and highway safety.
- 9.2 Given the special nature of the proposed use the parking standards set out in Annex 5 of the Core Strategy and Development Control Policies DPD do not generally apply to this proposal. The requirement for a B8 Storage and Distribution use would be to provide 1 lorry space per 200 sq.m. It is not considered appropriate to apply this standard to the proposed development, but instead evaluate the proposed parking arrangements on their own merits.
- 9.3 The proposal will provide 2no. off street car parking spaces for members of staff, and set aside an area for up to one vehicle to pull in off the street for

deliveries and visits. Concerns have been raised with regard to parking problems occurring on surrounding roads around school drop off and pick up times. The proposed facility will only be open to customers between 10:30 and 13:30 Monday to Friday outside the main pick up/ drop off times for the neighbouring school. As a result it is not considered that the proposed use will exacerbate any existing parking problems created as a result of the school.

9.4 It is considered that parking in this area during the proposed opening times is unlikely to cause any significant issues to pedestrian and highway safety.

9.5 The Local Highway Authority has raised no objections or comments in relation to the proposal.

10. Community Infrastructure Levy

10.1 The applicant is The Harold Hill Foodbank, which is a registered charity and will operate the proposed facility for charitable purposes. It is therefore exempt from CIL liability.

11. Conclusion

Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable. Staff are of the view that due to the siting, scale and location the proposal would not be disproportionate or have a harmful impact on the character of the street scene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

(a) Equalities Implications and risks:

Section 149 of the Equalities Act 2010(EA) consists of a general equality duty, for the public sector and specifies duties which came into law on 10 September 2011, in England and 6 April, in Wales and consolidates and incorporates “positive equalities duties” found in Section 71 of the Race Relations Act 1976. (RRA) The general duty of Section 149(EA) came into force on 5 April 2011.

Section 49 of the Disability Discrimination Act 1995 (DDA) and Section 76(A) of the Sexual Discrimination Act 1975(SDA) so that due regard must be had by the decision maker to specified equalities issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998. Article 8 – Right to respect for private and family life is not an absolute but a qualified right. Having considered the above Equalities Act duty there are no direct equality issues raised.

BACKGROUND PAPERS

Application form, drawings and supporting statement received on 19 December 2013.