

**REGULATORY SERVICES COMMITTEE**  
**25th August 2011**  
**OUTSIDE STATUTORY PERIOD**

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

## RECOMMENDATION

It is recommended that planning permission be granted.

## SITE DESCRIPTION

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

## DESCRIPTION OF PROPOSAL

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

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

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

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

### **RELEVANT HISTORY**

P2101.08 - Replacement detached dwelling - Refused. Appeal dismissed.  
P0556.09 Replacement detached dwelling Refused.

### **CONSULTATIONS/REPRESENTATIONS**

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

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

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

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

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

### **RELEVANT POLICIES**

LDF: DC3, DC33 and DC61

The Design for Living Supplementary Planning Document

Emerson Park Policy Area Supplementary Planning Document

London Plan July 2011: Policies 3.3, 3.4 and 3.5

PPS1 (Delivering Sustainable Development) and PPS3 (Housing)

### **STAFF COMMENTS**

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

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

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

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

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

### **DENSITY/SITE LAYOUT**

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

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

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

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

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

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

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

#### **IMPACT ON AMENITY**

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

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

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

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

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

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

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

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

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

### **HIGHWAY/PARKING**

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

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

### **TREES**

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

### **KEY ISSUES/CONCLUSIONS**

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

### **RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs

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

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

Reason:-

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A, B and C, no enlargements, improvements or other alteration shall take place to the dwellings unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

12. Non standard condition

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

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

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**13.** Non standard condition

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

Reason:-

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

**14.** Non standard condition

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

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

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

Reason:-

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

**1** **INFORMATIVES:**

1. Reason for approval:

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

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

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission/Licence Approval process.

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

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

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

### **CALL-IN**

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

### **RECOMMENDATION**

That planning permission should be refused.

### **BACKGROUND**

This application was last brought to the 30th June Regulatory Services Committee. At that meeting, Staff requested the deferral of the application to provide further information on various issues which are addressed in the following section of this report. The application was called-in to committee by Councillor Kelly on the grounds that No. 39 Wood Lane is a Medical Centre, which needs to be developed and expanded. The single storey rear extension would not be intrusive on neighbouring properties. The Medical Centre has short opening hours, as it is closed from 7pm until 9am.

### **REASONS FOR THE DEFERRAL:**

Further information was requested regarding:

The medical 'need' case for the applicants

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

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

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

Clarification as to whether there are parking problems in this locality

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

The proposed arrangements for staff parking

The agent confirmed that Wood Lane Medical Centre has three full time staff and seven part time staff (which equate to 3 full time staff). At present, there is space for five vehicles on hardstanding at the front of the site. Four members of staff park on the hardstanding in front of the medical centre, which comprise of three full time doctors and one part time staff member. The remaining parking space on hardstanding in front of the medical centre is used on an irregular basis, as the staff member lives within walking distance of the site. The agent advised that all members of staff live within the local area.

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

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

Provide planning conditions in the event of an approval

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SITE DESCRIPTION**

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

## **DESCRIPTION OF PROPOSAL**

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

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

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

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

## **RELEVANT HISTORY**

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

## **CONSULTATIONS/REPRESENTATIONS**

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

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

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

## **RELEVANT POLICIES**

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

## **STAFF COMMENTS**

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

## **PRINCIPLE OF DEVELOPMENT**

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

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

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

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

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

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

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

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

### **IMPACT ON AMENITY**

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

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

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

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

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

### **HIGHWAY/PARKING**

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

### **KEY ISSUES/CONCLUSIONS**

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

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

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

**RECOMMENDATION**

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

**1. Reason for refusal**

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

**2. Reason for refusal**

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

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

## **RECOMMENDATION**

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

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

## **SITE DESCRIPTION**

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

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

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

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**DESCRIPTION OF PROPOSAL**

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

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

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

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

**RELEVANT HISTORY**

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

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

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

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

**CONSULTATIONS/REPRESENTATIONS**

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

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

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

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

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

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

Highways have no objection to the proposal provided that:

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

### **RELEVANT POLICIES**

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP4 (Town Centres), CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to Residential and Subdivision of Residential Uses), DC16 (Core and Fringe Frontages in District and Local Centres), DC32 (Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC51 (Water Supply, Drainage and Quality), DC55 (Noise), DC56 (Light), DC61 (Urban Design), DC62 (Access), DC63 (Crime) and DC72 (Planning Obligations) of the Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

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

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

### **STAFF COMMENTS**

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

### **BACKGROUND**

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

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

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

### **PRINCIPLE OF DEVELOPMENT**

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

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

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

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

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

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

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

### **DENSITY/SITE LAYOUT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **IMPACT ON AMENITY**

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

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

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

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

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

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

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

It is considered that the noise levels within the car park resulting from vehicular movements and general disturbance (doors shutting, engines and talking) would not be unreasonable. The open space provided to the rear, the distance from residential properties and screening of the rear boundary would further ensure that no significant noise would be experienced by neighbours.

## **HIGHWAY/PARKING**

In respect of car parking, the guidance contained in Policy DC33 advises that 1.5 to 1 car parking spaces should be provided to each unit in this location. Furthermore the proposed D1 use would require 1 parking space per practitioner plus 1 per 2 additional staff and 2 per consulting room. The D1 unit would accommodate 4 consulting rooms with 7 full time members of staff and 2 part time (a total of 9).

Based on the above a maximum of 25 car parking spaces should be provided. A total of 8 car

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parking spaces would be required for the residential element and 17 spaces to the commercial use. The proposed 9 car parking spaces could therefore only provide a third of the required maximum car parking spaces. Given the site's good PTAL (Public Transport Accessibility Level) of 3-4 and proximity to public car parks in the area, the level of parking is considered consistent with both national and local policy requirements.

In support of their application, the applicant states that 3 dentists and 3 hygienists using the practise will be working on a part time basis. The applicant also states that the surgery is an existing practise in the area that is re-locating to this site and that many of the patients and staff will be able to walk to the surgery. The applicant has submitted an appendix to their application from the local PCT indicating the dental practises in the area that have no, or little car parking. Furthermore, with regards to the car parking allocation, the applicant suggests that the dental surgery would be positioned in close proximity of a large public car park, which should reduce the need for car parking spaces for the surgery.

Parking is provided at one space per flat to the new block of flats to the rear with the remainder allocated to the staff of the commercial unit. The use of the dental surgery between normal trading hours with no weekend operation would leave the car park open solely to residents at weekends and evenings. The scheme further proposes two separate cycle storage areas for use by the residential and commercial units which is consistent with requirements for both residents and staff of the dental practise. This would promote green travel and reduce the need to travel by car.

The proposed new crossover and vehicular access off High Street would incorporate a passing area and 4 pedestrian safety bollards to the site forecourt. The proposed vehicular access point would provide adequate access to the site with sufficient visibility splays. Both the parking and access arrangement has been agreed with the Council's Highway officers.

The site layout as proposed does not provide adequate servicing by larger vehicles, in particular refuse lorries. It has however been agreed with the applicant to provide a loading bay which would form part of the highway regeneration aspirations for Hornchurch, which would be located on Hornchurch Road in front of the site. The financial obligation is secured by way of Section 106 Agreement. Any alterations with regards to the existing pedestrian footway should be submitted to ensure that sufficient space would be maintained for the unobstructed and free flow of pedestrian traffic whilst enabling the servicing of the site without obstructing the free and safe flow of vehicular traffic on High Street.

The proposed access and parking arrangements are not considered to significantly add to additional local traffic and would not cause adverse conditions to highway safety. The proposed layout and servicing of the site would ensure that no adverse effect is experienced by pedestrians or motorists and would be consistent with Policies DC32 and DC36.

The proposals would be consistent with Policies DC32, DC33 and DC36 subject to the satisfactory completion of a Section 106 Agreement and a Section 278 Agreement under the Highways Act, together with standard conditions.

## **OTHER ISSUES**

Policy DC72 in the LDF requires planning obligations to be sought towards sustainable development where appropriate. Given the likely impact the proposals would have on the function of the town centre, it is recommended that a condition be imposed requiring improvements to the highway. The Applicant has agreed to contribute financially through a

Section 106 Agreement towards the identified transport infrastructure improvements in the area.

A hard and soft landscaping condition could secure appropriate replacement planting to compensate for the removal of trees to the rear of the site and also to improve the residential setting within the central part of the site. The loss of the unpreserved trees to facilitate the development is considered to be acceptable.

Given the scale of development there would be no implications in terms of affordable housing or education contributions or any other obligations as expressed within Policy DC72.

### **KEY ISSUES/CONCLUSIONS**

The proposed mixed use scheme is considered to be acceptable in principle. The impact of the frontage development is considered acceptable, as is amenity space provision within the site.

Whilst the overall scale of the development is considered acceptable, staff are concerned regarding the bulk, massing and design of the block to the rear. This is considered to be visually intrusive when viewed from residential properties to the rear of the site. The proposal is considered to be acceptable in terms of car parking subject to a Section 106 agreement for the provision of a loading bay. This cannot however be secured as the application is recommended for refusal. Staff therefore recommend that planning permission be refused.

### **RECOMMENDATION**

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

**1. REFUSAL - Non Standard**

The proposal, by reason of the width, bulk, massing and design of the building to the rear of the site, would be a visually intrusive development and would appear as an overbearing addition from within the rear garden environment to the north of the site, and would be materially harmful to local character and neighbouring residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

**2. REFUSAL - Non Standard**

In the absence of any mechanism to secure a highways contribution towards the provision of a loading bay the proposal is considered to give rise to inadequate servicing facilities, which would give rise to obstruction of the highway, to the detriment of highway safety and the free flow of traffic and contrary to Policy DC36 of the LDF Core Strategy and Development Control Policies DPD.

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<b>APPLICATION NO:</b>	<b>P0919.11</b>	
<b>WARD :</b>	Harold Wood	<b>Date Received:</b> 16th June 2011
<b>ADDRESS:</b>	91 SHEPHERDS HILL ROMFORD	
<b>PROPOSAL:</b>	Single storey front, side and rear extensions, replacement doors and windows and associated external alterations, extract ducting, enclosed yard/bin store, reconfiguration of parking area and alterations to form a single point of access, hardstanding, landscaping and patio area.	
<b>DRAWING NO(S):</b>	2485.01.00 2485.02.00 2485.03.00 2485.04.00 2485.06.00 Ordnance Survey plan	
<b>RECOMMENDATION :</b>	It is recommended that <b>planning permission be GRANTED</b> subject to conditions given at the end of the report.	

### **RECOMMENDATION**

It is recommended that planning permission be granted.

### **SITE DESCRIPTION**

The Shepherd and Dog public house is situated to the north of Shepherds Hill. The application site is surrounded by residential properties to the east, south and west. The frontage to the public house is open with views across and into the premises, car park and garden. The site is within the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

The proposal is for single storey front, side and rear extensions, replacement doors and windows and associated external alterations, extract ducting, enclosed yard/bin store, reconfiguration of the parking area and alterations to form a single point of access, hardstanding, landscaping and patio area.

The single storey front and partial rear extensions includes the installation of sliding patio doors to enclose the three covered porches - two either side of the public house and one to the rear, to enlarge the internal trade area. There would be a glazed entrance lobby with a depth of 1.7 metres, a width of 2.1 metres and a height of 3.5 metres.

The single storey side extension adjacent to the western boundary would have a maximum depth of 3.2 metres, a width of 5.7 metres and a height of 3 metres. The space created would be utilised for new female toilets. The existing female toilets would be converted into a disabled W.C.

The single storey side extension adjacent to the eastern boundary would have a depth of 4 metres, a width of 5.6 metres and a height of 3 metres. The space created would be utilised for male toilets and a lobby.

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One single storey rear extension would have maximum and minimum depths of 3.6 and 2 metres, a width of 5.2 metres and a height of 3.4 metres. The space created would be utilised to enlarge the kitchen.

One single storey rear extension would have a depth of 2 metres, a width of 1.7 metres and a height of 2.8 metres, which would be used as a lobby.

The extraction ducting would have a depth of 0.5 metres and a width of 0.5 metres. The extract ducting would have a return with a width of 4.2 metres and a height of 4 metres.

The yard/bin store would be enclosed with a 1.8m high featherboard fence and gates.

The reconfiguration of the parking area involves the removal of the semi-circular grassed area adjacent to the southern boundary, which will be replaced with an area of hardstanding to create five additional car parking spaces. Furthermore, the proposal would form a single point of access. The landscaping scheme includes new planters with shrubs on the southern boundary.

The existing concrete patio area to the rear of the public house would be resurfaced.

### **RELEVANT HISTORY**

A0026.09 1 No. externally illuminated sign and 1 No. non-illuminated post sign Part approved, part refused (respectively). The non-illuminated post sign was allowed on appeal.

### **CONSULTATIONS/REPRESENTATIONS**

The proposal was advertised by way of a site notice and in the local press as development is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. 16 neighbouring occupiers were consulted and no letters of representation were received.

### **RELEVANT POLICIES**

The Residential Extensions and Alterations Supplementary Planning Document is relevant. Relevant policies from the LDF Development Control Policies Development Plan Document are DC33 Car Parking, DC45 Green Belt, DC55 Noise and DC61 Urban Design. Consideration should also be given to the provisions of PPG2 (Green Belts). Policies 4.1 (Developing London s Economy) and 7.16 (Green Belts) of the London Plan July 2011 are relevant.

### **STAFF COMMENTS**

The main issues in this case are the principle of development, the impact on the character and openness of the Metropolitan Green Belt, the impact on the streetscene and neighbouring amenity and any highway or parking issues.

### **PRINCIPLE OF DEVELOPMENT**

Within the Green Belt national and local planning policy seeks to prevent urban sprawl by keeping land permanently open. Government guidance in respect of Green Belts contained within Planning Policy Guidance Note 2 (PPG2) advises that the most important attribute of Green Belts is their openness. PPG2 makes it clear that there is a general presumption against inappropriate development which is harmful to the Green Belt except in very special circumstances. PPG2 advises that development inside a Green Belt is inappropriate unless it is for specified purposes and provided that openness is preserved.

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The enlargement of a public house is not one of the specified purposes listed in PPG2 and as such this proposal is inappropriate in principle. PPG2 provides that where inappropriate development is proposed within the Green Belt planning permission should not be granted unless the applicant can demonstrate very special circumstances exist that outweigh the harm resulting from the development. Before appraising those very special circumstances, it is necessary to evaluate the impact of the proposal in all other respects.

### **GREEN BELT IMPLICATIONS**

It is considered that the front, side and rear extensions would not result in material harm to the character and openness of the Green Belt, as they are single storey and of a relatively modest size. The public house is set back approximately 21 metres from Shepherds Hill and would be partly screened by trees and an existing hedge adjacent to the western boundary, which would help mitigate the visual impact of the extensions and the enclosed yard/bin store.

It is considered that replacing the semi-circular grassed area with hardstanding would not be materially harmful to the character and openness of the Green Belt, as it is a relatively small area in comparison with the existing hardstanding to the south and eastern side of the public house. Also, the landscaping would help to mitigate the visual impact of the hardstanding.

It is considered that resurfacing the existing concrete patio area to the rear of the public house would not adversely affect the character of the Green Belt.

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

It is considered that the proposal has been designed in sympathy with the existing public house and would not adversely affect the streetscene. It is Staff's view that the extensions are relatively modest and in proportion to the public house. In addition, the side and rear extensions would not be directly visible in the streetscene. The extract ducting and patio area would be located to the rear of the public house and would not be visible from the streetscene.

The public house is set back approximately 21 metres from Shepherds Hill and would be partly screened by trees and an existing hedge adjacent to the western boundary, which would help mitigate the visual impact of the extensions and the enclosed yard/bin store.

It is considered that the reconfiguration of the parking area and alterations to form a single point of access with hardstanding would integrate well with the public house and the streetscene. A landscaping condition will be placed if minded to grant planning permission.

### **IMPACT ON AMENITY**

Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

Although the extract ducting would be visible in the rear garden environment, it is considered that it would not appear unduly prominent or harmful to the visual amenity of adjacent occupiers, as there is a separation distance of approximately 15 metres between the eastern flank wall of No. 89 Shepherds Hill and the western flank of the public house. Also, there is a separation distance of approximately 13 metres (which decreases to 10 metres towards the rear) between the eastern flank wall of the public house and the western boundary of No. 93 Shepherds Hill.

It is considered that smell nuisance would not be unacceptable, as control over filtration

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equipment can be achieved by condition. Consequently, no material harm to amenity is considered to result and the proposal is compliant with Policy DC61 and with relevant conditions will comply with Policy DC55 of the LDF Development Plan Document.

It is considered that the remaining aspects of the proposal would not result in a significant loss of neighbouring amenity, as there is a separation distance of approximately 15 metres between the eastern flank wall of No. 89 Shepherds Hill and the western flank of the public house. Also, there is a separation distance of approximately 13 metres (which decreases to 10 metres towards the rear) between the eastern flank wall of the public house and the western boundary of No. 93 Shepherds Hill. It is considered that the proposal would not create any additional overlooking over and above existing conditions. It is Staff's view that five additional parking spaces would not create a significant degree of additional noise, fumes or disturbance over and above existing conditions.

### **HIGHWAY/PARKING**

The Highway Authority has no objection to the proposal. During a telephone conversation on 12th August 2011, the agent confirmed that the proposal would not involve any alterations to the public highway. It is considered that the proposal would not create any highway or parking issues. It is considered that the proposed bin store/yard would provide an accessible and convenient means of storing and collecting refuse.

### **OTHER ISSUES**

#### **VERY SPECIAL CIRCUMSTANCES**

The agent has submitted a case for very special circumstances. This public house has been neglected over its recent history and has not been able to compete in today's market, mainly due to the outdated facilities and food offered. The applicant intends to invest heavily in the site to create a traditional public house with an excellent beer, wine and food menu and comfortable surroundings. This will include high specification toilet accommodation and a new catering kitchen to cope with busy trade at peak times. There is also the inclusion of a new entrance lobby, replacement windows and doors. These works will be carried out along with the repair and redecoration of the premises. Also, a reconfiguration of the car parking is to be undertaken in conjunction with general improvements to the site.

The number of toilets required has been calculated using British Standard 6465 Part 1. A new wheelchair accessible W.C. will be provided. The current toilet facilities fall short of current health and safety standards. The applicant has designed the new catering kitchen to cope with the peak trading session and will install equipment that will be sufficient to deliver the menu. The kitchen accommodation is considered to be conservative in size to accommodate food preparation areas, dry goods storage, chilled and frozen goods storage and washing up facilities.

The available space for customer car parking has been reconfigured inclusive of a single vehicular access to maximum use of the site. This provides 42 car parking spaces for customers.

The new extensions and alterations to the public house have been designed to make the best possible use of the existing building, whilst providing additional space for much needed facilities and an improved internal layout. The sustainability of the business is an important factor in the current economy. The proposal should reinstate this traditional pub, so it functions to high standards for the local community. In light of the Ministerial Statement - Planning for Growth, it is

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considered that the proposal would provide long term economic benefits including business productivity. It is Staff's view that these very special circumstances justify the inappropriate development proposed, although this is a matter of judgement for members.

### **TREES**

The oak tree located at the end of the rear garden of the public house has a Tree Preservation Order (7-75). The Council's tree officer has viewed the plans and considered that the oak tree should not be affected by the proposal. A condition will be placed to ensure that no construction or site materials or associated equipment are stored within the Root Protection Area of the oak tree adjacent to the northern boundary of the application site if minded to grant planning permission.

### **KEY ISSUES/CONCLUSIONS**

The single storey front, side and rear extensions, replacement doors and windows and associated external alterations, extract ducting, enclosed yard/bin store, reconfiguration of the parking area and alterations to form a single point of access, hardstanding, landscaping and patio area constitutes inappropriate development in the Metropolitan Green Belt. It is considered that the harm to the open nature of the Metropolitan Green Belt by inappropriateness is outweighed by the above considerations together with the very special circumstances put forward by the agent. It is not considered that referral to the Secretary of State is necessary in this case. It is therefore recommended that permission be granted.

### **RECOMMENDATION**

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

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. S SC32 (Accordance with plans)
4. S SC48 (Balcony condition)
5. M SC11 (Landscaping)
6. Non standard condition  
The single storey front, side and rear extensions hereby permitted shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.

Reason:

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

7. Non standard condition

Before any works commence a scheme for any new plant or machinery shall be

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submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

**8.** Non standard condition

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

Reason:

To protect the amenity of occupiers of nearby premises.

**9.** Non standard condition

Before the works hereby permitted are commenced, a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented within three months of the date of this decision. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason:

To protect the amenity of occupiers of nearby premises.

**10.** Non standard condition

No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

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**11.** Non standard condition

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

Reason:-

In the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC32.

**12.** Non standard condition

No construction or site materials or associated equipment are to be stored within the Root Protection Area of the oak tree adjacent to the northern boundary of the application site.

Reason:

To protect the tree on the site subject to a Tree Preservation Order (TPO 7-75).

**2** **INFORMATIVES:**

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC45, DC55, DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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