



REGULATORY SERVICES COMMITTEE

22 March 2012

REPORT

Subject Heading:

P1578.11 – No.143 Crow Lane, Romford

**Change of use from storing, sorting,
handling & processing of scrap metal
to B1/B8 (Received: 19/10/2011)**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input 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 planning application proposes the change of use of the site for B1/B8 use. The existing buildings would be retained and would be subject to some operational development in the future to make them more suitable for B1/B8 uses. The existing access would be retained, whilst the yard would be used as a parking area, with the existing weighbridge being removed. This application is related to a separate submission (reference P0962.11) being considered by the Council, to move the

existing scrap metal business and weighbridge to the former Premier Motors site at the junction between Crow Lane and Jutsums Lane.

RECOMMENDATIONS

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

- That, should planning permission be granted for planning application P0962.11, that prior to commencement of the use of the scrap metal facility at the former Premier Motors site, the operation of the existing scrap metal facility at No.143 Crow Lane, permanently cease, and all plant, machinery, containers, and materials associated with it be permanently removed.
- That prior to commencement of the use of the scrap metal facility at the former Premier Motors site a Certificate of Lawfulness of Existing Use or Development issued under Section 191 of the Town and Country Planning Act 1990 under reference E0006.95 dated 5th January 1996 relating to the site at 143 Crow Lane is set aside without compensation so that it no longer has legal effect.
- The Council's reasonable legal fees for preparation of the agreement irrespective of whether or not it is completed.

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

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

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

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

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

LDF Development Control Policies Development Plan Document Policy DC61.

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

Reason:-

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

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

Reason:-

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

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

Reason:-

In order that the development accords with the Development Control Policies Development Plan Document Policy DC33.

6. Prior to the commencement of the development hereby approved, all plant, containers and material associated with the scrap yard business shall be removed from the yard. Thereafter, the outside areas of the site shall not be used for the storage of plant, containers or material.

Reason:-

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

7. Prior to the development hereby approved being brought into use, the weighbridge located within the yard shall be removed and the ground re-surfaced to match the remainder of the yard. The resultant materials/equipment shall be permanently removed from the site.

Reason:-

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

8. Permitted Development Rights - Notwithstanding the provisions of Classes A and B (a) of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), extensions or other alterations to the approved building shall not be undertaken without the prior written approval of the Local Planning Authority.

Reason:-

In the interests of the amenity of neighbouring occupiers, the character of the area, and the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies DC45 and DC61.

9. Operating Hours - The operating hours of any B1 or B8 uses shall be limited to the hours 0800-1800hrs Monday-Friday, 0900-1300hrs Saturdays, with no operations on Sundays, Bank, or Public holidays.

Reason:-

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

INFORMATIVES

Reason for Approval:

Having considered the principle of development, the visual impact, the impact on amenity, highways and other considerations, the proposed development is considered to be acceptable, having had regard to the Development Plan and all other material considerations. The proposal is considered to be in accordance with the aims, objectives of Policies DC22, DC33, DC45, DC55, DC61, and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document, and the guidance contained in PPG2.

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 dwelling house) is needed.

Planning Obligations

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

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

REPORT DETAIL

1. Site Description

- 1.1 The application site, which is primarily located to the rear of No.143 Crow Lane, comprises land and buildings being used as a scrap yard. The site access, which is taken from the southern side of Crow Lane, passes by the side of 143 Crow Lane, which is a former dwelling that appears to be used as a beauty salon and site office and which for the avoidance of doubt does not form part of the application site. The scrap metal storage, sorting, and processing operations take place to the rear of the afore mentioned building within an open yard and flat-roofed brick buildings running along the site's southern, eastern and western boundaries. The yard is occupied by metal containers of various sizes, along with a fork-lift truck. The processing of metals, which includes the stripping, compacting, and bailing of copper, bronze, aluminium, stainless steel, and other metals, takes place within the buildings.
- 1.2 The scrap metals are brought to the site by contractors and members of the public, and are processed, stored, and then transferred off site. The site also includes a public weighbridge.
- 1.3 The site's northern boundary abuts the public highway and the rear of No.143 Crow Lane. The western and eastern boundaries lie adjacent to neighbouring residential properties, whilst the southern boundary abuts a golf course. The area is characterised by a mixture of commercial and residential properties located along Crow Lane.
- 1.4 The site is located in the Green Belt and on land designated as Thames Chase Community Forest.

2. Description of Proposal

- 2.1 This planning application proposes the change of use of the site for B1/B8 use. Ultimately, this would result in the conversion of the buildings at the site, although the required works are understood to be of a generally superficial nature, and would need to be the subject of a future planning application.
- 2.2 The existing buildings would be retained and would be subject to some operational development in the future to make them more suitable for B1/B8 uses. The existing access would be retained, whilst the yard would be used as a parking area, with the existing weighbridge being removed.
- 2.3 This application is related to a separate submission (reference P0962.11) being considered by the Council, to move the existing scrap metal business and weighbridge to the former Premier Motors site at the junction between Crow Lane and Jutsums Lane.

3. Relevant History

- 3.1 This planning application was put before Members at the 23rd February 2012 Regulatory Services Committee meeting, recommended for approval by officers. Members debated, and deferred, a separate planning application, which is intended, effectively, to enable the transfer of this scrap metals facility onto the vacant Premier Motors site located between Crow Lane and Justsums Lane. This was to allow time for the applicants to prepare terms for a possible Section 106 agreement with appropriate planning condition and additional information, and to enable officers to identify planning conditions. Because of the linkages between the two sites, this application was also deferred.
- 3.2 P0962.11 - Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges - Under consideration.

4. Consultations/Representations

- 4.1 Notification letters were sent to 15 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press. Four representations have been received from local residents supporting the proposal for the following reasons:
 - i) The existing site is too confined and results in amenity and traffic impacts;
 - ii) Moving the scrap metal use to more appropriate premises would have a beneficial impact on local amenity;
 - iii) The proposal would improve the site and therefore be beneficial to the Green Belt;
 - iv) The existing site is an eyesore that diminishes the amenity of local residents.

4.2 Comments have been received from the following consultees:

Highways - No objections.

Thames Water - No objections.

London Fire Brigade - No objections.

Secured by Design Advisor - No objections.

5. Relevant Policies

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

DC22 - Thames Chase Community Forest

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC55 - Noise

DC61 - Urban Design

DC63 - Delivering Safer Places

5.2 National Planning Guidance

PPG2 - Green Belts

6. Staff Comments

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

6.2 Principle of Development

6.2.1 The site is located on land designated as Thames Chase Community Forest. Policy DC22 of the LDF states that opportunities for informal recreation in the countryside will be increased by various means. As the site is already developed and has no capacity for incorporating any of the schemes referred to, then it is considered that the proposal would not be contrary to Policy DC22.

6.2.2 The proposed development would take place within the Green Belt. Policy DC45 of the LDF states that planning permission for the reuse of existing buildings will only be granted if the criteria set out in PPG2 is satisfied, and that particular care will be taken to ensure a proposal would not have a greater impact on the openness of the Green Belt.

6.2.3 In terms of the guidance contained in PPG2, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.
 - b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.
- 6.2.4 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (PPG2, paragraph 3.2).
- 6.2.5 In terms of Green Belt policy, the application proposes the re-use of an existing building and the material change of use of land associated with it, including the yard and access.
- 6.2.6 Although no physical changes are proposed to the buildings as part of this planning application, it is anticipated that physical changes would be sought in the future and the applicant is aware that planning permission would be required. Paragraph 3.8 of PPG2 states that the re-use of buildings in the Green Belt is not inappropriate development providing that it does not have a materially greater impact on the openness of the Green Belt than the present use; that strict control is exercised over the extension of re-used buildings; that the buildings to be re-used are of permanent and substantial construction and capable of conversion without major or complete reconstruction; and that the form, bulk and general design of the buildings are in keeping with their general surroundings. It is considered that the proposed re-use of the buildings at the site would be in accordance with the criteria contained in Paragraph 3.8 of PPG2.
- 6.2.7 The existing use involves the storage of numerous metal containers and scrap metal outdoors. Should planning permission be granted, then a condition could be imposed preventing the storage of plant or material in the open air. Furthermore, the application does not propose the extension of the existing buildings. It is therefore considered that the proposal would result in an improvement to the openness of the Green Belt compared to the present use. The existing buildings are considered to be of substantial and permanent construction and capable of conversion without major or complete reconstruction. Information submitted by the applicant states that only superficial changes would be required to modify the buildings, such as changes to the cladding, which would be the subject of a future planning application. As the buildings on site would generally remain as existing in terms of their scale, it is considered that the proposal would not result in the buildings being out of keeping with the surrounding landscape.

6.2.8 Paragraph 3.12 of PPG2 states that material changes in the use of land, constitute inappropriate development in the Green Belt except where they maintain openness and do not conflict with the purposes of including land in the Green Belt. It is considered that the proposed change of use relating to the yard and access would benefit the openness of the Green Belt as a condition could be employed, should planning permission be granted, requiring the removal of the containers, waste and equipment within the yard, and preventing any outdoor storage in future. The proposal would not conflict with the purposes of including land in the Green Belt when considering the existing scrap yard use.

6.2.9 It is therefore considered that the proposed development would not constitute inappropriate development in the Green Belt and that it is therefore acceptable in principle, having had regard to Policy DC45 of the LDF and the guidance contained in PPG2.

6.3 **Design Considerations**

6.3.1 The site is located within the Green Belt.

6.3.2 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. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be harmed by development within or conspicuous from the Green Belt, by reason of their siting, materials or design.

6.3.3 As discussed, the proposed re-use of the buildings at the site would not result in any significant changes to their overall height, bulk and massing. The external changes required would be relatively superficial and would, if necessary, be the subject of a future planning application. The Local Planning Authority can therefore ensure that any changes that do occur, such as the insertion of new openings, or changes to the exterior materials, will be acceptable in terms of the visual amenities of the Green Belt and the impact on the character of the area. Moreover, a condition can be imposed, should planning permission be granted, requiring the removal of the containers, waste, and plant stored in the yard, and preventing outdoor storage in future. A further condition requiring the submission of details relating to the boundary treatment would ensure the removal of some of the existing boundary treatment, the height, design and materials of which are unsightly.

6.3.4 Details have not been submitted in relation to the storage of refuse and recycling; a condition can be imposed requiring the submission of these details for the approval of the LPA. It is recommended that a further condition be imposed removing permitted development rights as Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows for extensions and alterations to warehouse buildings. It is considered that the approval of the Council should

be sought for any future extensions or alterations to protect the visual amenities of the Green Belt and the local area.

- 6.3.5 Given the nature of the proposal, in particular the proposed height, bulk, and massing of the re-used building, and the ability of the LPA to control any likely operational development in future, it is considered that it would not have a significant adverse impact on the visual amenities of the Green Belt or the character of the area. Moreover, there would be an improvement to visual amenity through the prevention of storage in the open air and an improvement to the boundary treatment. It is therefore considered that the proposal would be in accordance with Policy DC61 of the LDF and the guidance contained in PPG2, subject to the use of the afore mentioned conditions.

6.4 Amenity Considerations

- 6.4.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.4.2 The site is located in very close proximity to sensitive land uses, including the two neighbouring land uses, which are residential properties. It is considered that the proposed B1/B8 uses would result in an improvement to the amenity of local occupiers. The current use involves noisy activities such as the depositing of scrap metal in metal containers within the yard, and the movement of metal containers within the yard. The site generates a significant number of vehicle movements, not only smaller vehicles but HGVs, some of which visit the site to make use of the weighbridge.
- 6.4.3 As discussed, this proposal is related to a separate application to move the existing scrap metals business and weighbridge to the former Premier Motors Site. A condition can be imposed to prevent the future storage of containers, plant, and material in the yard, which would ensure that the bulk of activities would occur within the buildings. A condition could also be imposed requiring the removal of the weighbridge. These conditions would ensure that, should the consent be implemented, that significantly less activity would occur in the yard in future than is presently the case. The intensity of the site's use would diminish, and B1/B8 uses are generally, by their nature, less harmful to amenity than scrap metal uses. Conditions could also be imposed restricting the operating hours, where there are currently no restrictions, and requiring the submission of details relating to the site's boundary treatment. Currently, the site is bounded by high fencing, the removal of which would be beneficial to the outlook of neighbouring occupiers. It is recommended that a further condition be imposed removing permitted development rights as Class A of Part 8 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows for extensions and alterations to warehouse buildings. It is considered that the approval of the Council should be sought for any future extensions or alterations to protect the amenity of neighbouring occupiers.

6.4.4 Subject to the use of the afore mentioned conditions, it is considered that the proposed change of use would result in a significant improvement on the amenity of neighbouring occupiers, and the proposal would therefore be in accordance with Policy DC61 of the LDF.

6.5 **Parking and Highway Issues**

6.5.1 Policy DC33 of the LDF stipulates the parking requirements for new development in the borough. Annex 5 of the LDF states that for B1 uses, 1 space for every 100sqm of floor area should be provided, which in this case would amount to a requirement for 4 parking spaces. However, this requirement is a maximum number; there are no minimum requirements for car parking in this case. The parking requirements for B8 uses are for a minimum of 1 lorry parking space. The submitted plans do not indicate the proposed parking spaces, although it is stated that parking would take place in the yard. It is considered that the four car parking spaces could be provided within the yard. Whilst there is room for a lorry parking space, there is no manoeuvring space for such a vehicle meaning reversing into the site from the highway or vice versa would be necessary.

6.5.2 The Highway Authority was consulted about this application and raised no objections on the basis that the proposed use would be likely to have less of an impact on the highway than the existing use in terms of vehicle movements, and no objections have been raised in relation to parking.

6.5.3 It is considered that, whilst vehicle parking at the site would not be ideal, and a lorry parking space could not be provided without the need to reverse into the highway, as the proposal would be an improvement over the existing use, it is considered to be acceptable.

6.5.4 Cycle parking spaces can be required by means of a planning condition.

7. **Conclusion**

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

IMPLICATIONS AND RISKS

Financial implications and risks:

The application site comprises land which has been disposed of by the Council.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

BACKGROUND PAPERS

Planning application P1578.11