

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P1773.11	
WARD :	Cranham	Date Received: 23rd November 2011
ADDRESS:	9 Avon Road Upminster	
PROPOSAL:	Two storey side and single storey rear extension Revised plans Received 20.01.2012 & 28.03.2012	
DRAWING NO(S):	BR/01, PP/03 & PP/04 PP/02A & PP05A	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reasons: given at the end of the report.	

CALL-IN

This application has been called in by Councillor Brace.

SITE DESCRIPTION

The application premises comprise of a two storey semi-detached dwelling located on the junction of Avon Road and Severn Drive. There is parking for three vehicles on the hard standing to the front of the dwelling. Development in the surrounding area is characterised by two storey semi-detached dwellings. The ground level is relatively flat in the rear garden. There is a tree in the rear garden which may be affected by the proposed development, although this is not protected by a Tree Preservation Order. The site is bounded by a 2m/1.8m high close boarded fence adjacent to Severn Drive and the neighbour at No.191 Severn Drive.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for a two storey side and single storey rear extension. The two storey side extension would measure 4.6m wide, 12.5m deep and have a hipped roof with a height of 8.5m. The existing porch would be extended across the two storey side extension and measure 1.2m in depth.

The first floor element would project 3m from the rear wall of the dwelling with a hipped roof. The single storey rear extension would measure 4m deep and 6.6m wide with a pitched roof with an eaves line of 2.7m rising to an overall height of 3.95m.

RELEVANT HISTORY

P1472.11 - Single storey detached garage to rear - Approved.

CONSULTATIONS/REPRESENTATIONS

Seven neighbours were notified regarding the application and no letters of representation were received.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document. DC33 & DC61 - LDF Core Strategy & Development Control Policies Development Plan Document.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

STAFF COMMENTS

An attempt was made to negotiate with the agent to reduce the width of the two storey side extension, although this was not successful and the application remains the same as that originally submitted.

DESIGN/IMPACT ON STREET/GARDEN SCENE

In the case of side extensions for semi-detached properties, policy DC61 and the Supplementary Planning Document are relevant and detail criteria associated with the appearance to maintain Havering's existing open a spacious residential character. The character is derived from the uniform spacing of dwellings and their symmetry on the street scene. It is important when accessing side extensions that they do not upset the balance of the street scene.

The main concern is with the two storey element of the proposal. The proposed development is situated in a visually prominent location, at the junction between Avon Road and Severn Avenue. The proposed two storey side extension would be set off the boundary by a minimum of 1.2m to comply with Council policy. However, following a site visit, it was noted that the attached neighbour has benefited from a two storey side extension which is approximately 3.2m wide.

The width of the proposed two storey side extension is 4.6m, which would equate to approximately 69% of the width of the original dwelling. It is considered that the two storey side extension, when viewed in conjunction with the loft conversion and large rear dormer window (which was recently constructed under permitted development), would have a detrimental impact on the street scene. It is Staff's view that the proposed two storey side extension would give the appearance of a new dwelling in the street scene, instead of a subservient extension. As a result the proposed side extension would poorly relate with the existing dwelling and have an unbalancing effect on the pair of the semi-detached properties.

Originally, the two storey side extension was to be set back by 1m at first floor level as per Council guidelines to create a break in the roofline. Further to the negotiations between the case officer and the agent it was suggested that a deviation from normal guidelines may be agreeable for the first floor side extension to be flush with level with main wall of the dwelling house subject to the width of the two storey side extension being reduced. This would also bring a sense of symmetry back to the pair of semi detached properties as the attached neighbour has already got a two storey side extension level with the main wall of dwelling house albeit which has a width of 3.25m.

The applicant has made reference to properties in the immediate vicinity which have been extended in particular Nos.7 and 19 Avon Road but also No.3 Chelmer Road. Staff consider that No.3 Chelmer Road is not a comparable site as the application dwelling (No.9) is located on a crossroads and not the inside of a bend. Secondly, Chelmer Road is a cul-de-sac and not on a main road and finally, the application dwelling (No.9) is on a prominent corner location.

However, the other two examples at No.7 and No.19 Avon are considered to be acceptable and further review of these examples has taken place. The first floor side extension at No.7 and the two storey side extension at No.19 were approved in 1992 and 2003 respectively; however both pre-date the Council's current guidelines. As previously mentioned No.9 Avon Road is located on a cross road junction and is more prominent than the site at No.19 Avon Road. The width of the extension at No.19 is approximately 4.8m wide and appears disproportionate. Furthermore, this site has not been substantially extended in the loft area with a large dormer window and a two storey rear projection.

As a result, it is considered that the two storey side extension, in terms of its excessive width,

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

bulk and mass prominent corner location and position forward of the building line along Severn Avenue, would appear a dominant and visually intrusive and be harmful to the open and spacious character of the street scene.

IMPACT ON AMENITY

Consideration has been given to the impact of the proposal on the neighbouring properties at Nos. 7 and No.11 Avon Road Avenue, primarily in respect of overshadowing and loss of privacy.

It is considered that the properties opposite the site at No.7 and to the rear along Severn Avenue would not be unacceptably impacted by the proposed development due to the separation distance between the application dwelling and these properties, which would mitigate any potential impact.

The proposed two storey side extension would be located on the west side of the dwelling. It is not envisaged that the proposal would have any impact on the amenity of the neighbour at No. 11 as they are located to the east.

The proposed single storey rear extension would project 4m from the rear main wall which complies with council policy. Even though, the overall height of this extension would measure 3.9m, the proposal would have a low eaves height of 2.5m and the roof would be hipped away from the attached neighbour. It is considered that the single storey rear extension would not have a detrimental impact on this neighbour. Finally, no letters of objections were received.

HIGHWAY/PARKING

There is hard standing to accommodate three parking spaces and a garage to the rear. The loft conversion and the proposal will increase the number of bedrooms by two to 5 in total. Policy DC33 in respect of car parking refers to the density matrix in policy DC2. The site is classed as Rest of Borough and therefore requires 2 parking spaces. Although some off street parking would be lost with the construction of the two storey side extension, it would still retain two parking spaces to the front of the dwelling and therefore should the application be approved a condition would be attached to ensure that two parking spaces are retained.

KEY ISSUES/CONCLUSIONS

For the reasons set out above the proposal is considered to be contrary to the aims and objectives of the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document and refusal is recommended accordingly.

DATE PASSED TO DC MANAGER: 22 March 2012

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed two storey side extension when viewed in conjunction with existing loft conversion and large dormer window would, by reason of its excessive width, bulk and mass and prominent corner location represent an unsatisfactory design solution which would unbalance the pair of semi-detached properties and would appear unacceptably dominant and visually intrusive in the street scene harmful to the character and

REGULATORY SERVICES COMMITTEE

5th April 2012

OUTSIDE STATUTORY PERIOD

appearance of the surrounding area contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P1908.11	
WARD :	Havering Park	Date Received: 4th January 2012
ADDRESS:	Ashbrook Nursing Home 217-219 Chase Cross Road Romford	
PROPOSAL:	Demolition of nos 2 & 2a Avelon Road and construction of a two storey extension to provide 28 additional bedrooms with associated facilities (at lower ground, ground & first floors). Internal reconfiguration of existing building to provide an additional 7 no. bedrooms with associated facilities (70 bedroom nursing home in total). revised description	
DRAWING NO(S):	A401 - Rev A unnumbered 3D visual A403 - Rev A A200 - Rev A A001 - Rev A E103 - Rev A E102 - Rev A A407 A406 - Rev A A400 - Rev A A404 A301 - Rev A A300 Rev A A201 - Rev A E101 - Rev A A000 - Rev A E104 - Rev A	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reasons: given at the end of the report.	

CALL-IN

Councillor Kelly has called in this application on the basis that this scheme is an improvement over the first scheme shown to Members and local residents during an open day, prior to the submission of a planning application.

SITE DESCRIPTION

The site is located on the corner junction between Chase Cross Road and Avelon Road and comprises a 35 bed care home.

The site has vehicle access from Chase Cross Road, a further vehicle access is located on Chase Cross Road, this is gated. Within the site is a landscaped garden with gazebo structure.

Refuse storage is located within a purpose built structure, accessed from Avelon Road.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

The surrounding locality is varied, Avelon Road is characterised by detached and semi-detached chalet bungalows, whilst Chase Cross Road is a mixture of semi-detached residential dwellings and commercial development. The Chase Cross Road minor local centre is located approximately 90m east of the application site.

DESCRIPTION OF PROPOSAL

Permission is sought for the demolition of No 2 and 2a Avelon Road and for the construction of a two storey extension.

On the lower ground level this would comprise a new entrance, 10 bedrooms, and communal lounge

At first floor there would be a further additional 8 bedrooms and communal lounge.

An internal reconfiguration of the existing care home, plus the extensions would provide a total of 70 bedrooms.

The extension would measure 22.6m wide, 16.8m deep (as maximums) and is set back 4m from the existing elevation. The extension has a maximum height of 8.7m and a minimum height of 7.2m.

RELEVANT HISTORY

P1529.90 - Erection of Nursing Home as amended - approved.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 32 properties. 38 representations were received. These include 7 letters of objection and 31 unaddressed letters of support were received.

The objections received are summarised below:

- Wrong location for this development
- Traffic implications
- Lack of parking
- Increase in noise and smells
- Disturbance during construction works
- Poor design

The received support letters are summarised below:

- Improved facilities
- High demand for dementia care in Havering
- Plans to integrate off street parking
- Design is of a high quality
- Reduce pressure on hospital beds

The Council's Environmental Health department require the submission of a land contamination report.

The Highways Authority object to the proposals, due to the lack of off-street parking.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

The London Fire and Emergency Planning Authority are satisfied with the proposals.

RELEVANT POLICIES

Policies CP2 (Sustainable Communities), CP17 (Design), DC5 (Specialist Accommodation), DC11 (Non-Designated Sites), DC33 (Car Parking), DC36 (Servicing), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Control Policies Development Plan Document, the Supplementary Planning Document.

The adopted Residential Design and Residential Extensions and Alterations SPD are also considered relevant.

PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport) are considered relevant to the determination of this application.

London Plan Policies 3.1 (Ensuring equal life changes for all), 3.17 (health and social care facilities), 5.2 (minimising carbon dioxide emissions), 5.7 (renewable energy), 5.8 (innovative energy technologies), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.4 (local character), 7.6 (architecture) are considered relevant.

STAFF COMMENTS

The issues for Staff to consider relate to the principle of development, design and impact within the streetscene, amenity of neighbouring occupiers, highway and parking.

Principle of development:

The development proposes an extension to an existing residential care home. No's 2 and 2a Avelon Road would be demolished to make way for the extensions, their replacement with residential care home accommodation is considered to be acceptable in principle, where the site is outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres.

DESIGN/IMPACT ON STREET/GARDEN SCENE

National policy guidance set out in PPS1 and PPS3 recognises the need for high quality design in residential development. In particular, PPS1 states that good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. As a consequence Council policy and guidance seeks to ensure that new residential development responds to the distinctive local building forms and patterns of development and respects the scale, massing and height of the surrounding physical context.

DC61 states that the design of buildings should respond to distinctive local building forms, patterns of development and respect the scale, massing and height of the surrounding physical context and further maintain, enhances or improve the character and appearance of the local area.

Policy DC5 echoes the criteria listed in DC61, but states that the proposal should be located within a residential area, unless the scale and nature of the facility is such as that it would be inappropriate in a residential setting.

The site is located on a corner plot, with prominent frontages along Chase Cross Road and

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

Avelon Road. These have a differing character, where Chase Cross Road is characterised by a mixture of commercial buildings, some of which form part of a minor local centre, and semi-detached two storey properties.

In contrast, Avelon Road is typified by detached and semi-detached bungalow and chalet bungalow properties. No's 2 and 2a Avelon Road are identical chalet bungalows with single flat roof front dormer windows. These are set back from the highway and are of an established appearance in the streetscene.

The proposal would involve the demolition of No. 2 and 2a Avelon Road and the construction of an extension measuring 22.6m wide, a maximum of 16.2m deep. This is recessed back 4m from the existing Avelon Road elevation to retain the existing building line of the street.

A design and access statement has been submitted with the application. This explains that the design of the elevations are articulated with staggered roof pitches to maintain the proportions of the residential dwellings in the street. The elevation facing Avelon Road further incorporates a mixture of materials, including render, red and yellow stock bricks to give the appearance of a collection of buildings, rather than one single building mass. The extensions are also explained as being set back from the street to maintain the existing building line which appears as a subordinate addition to the streetscene.

Although considering the design explanation above, Staff consider the proposals to be problematic for a number of reasons. The existing building is of a prominent impact and position, where Staff consider it to be overly dominant in its present form with a clumsy mixture of roof types, lack of defined entrance and poor landscaping. However, it's bulk is primarily centred towards Chase Cross Road, where there is a distinct change in character from Avelon Road. The proposals would extend the Avelon Road frontage from 25.8m to a total of 49m. This compares to surrounding frontages of between 8-15m on Avelon Road. A 49m frontage would therefore be highly disproportionate for this location and represent an overly bulky, dominant structure.

The articulation of the elevations, designed to achieve the appearance of separate buildings, has an overly complicated and fussy appearance. This is due to the inclusion of 4 differing eaves levels, mixture of large and narrow gables, half hips, and variation of roof pitches and large expanses of crown roof.

With regard to the height of the extensions, these would meet that of the existing building to measure 8.7m as a maximum, before stepping down to 7.2m facing no. 4 Avelon Road. The minimum height of 7.2m would represent a reduction of 0.6m from the existing height of no. 2a Avelon Road. However, the existing dwellings have a spacious appearance, which form part of the suburban character of Avelon Road. Staff consider that the extensions in all would not sit comfortably together and be overly prominent and bulky for this location. Although the height of the building steps down as it projects along Avelon Road, it is the form of the extensions which raises concern from Staff.

The existing building is of an established appearance with symmetrical elevations on the Avelon Road frontage arranged in 3 bays. The proposal would extend this to create 6 bays, of varying proportion and design. The extended 49m wide elevation would have a fussy, disjointed appearance which, although recessed from the existing building would not be of a high quality. The mixture of roof treatments is also considered to provide the extensions with a bulky appearance.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

The proposed mixture of materials is also considered to draw attention to the various design proposals, which on a single building, combined with the constant changes in roof design would be contrived and anomalous in the streetscene.

IMPACT ON AMENITY

The existing garden areas of no. 2 and 2a Avelon Road would be combined with the existing garden areas of the care home to create a single enclosed garden. Staff consider that this would be of an acceptable layout for occupiers of the care home facility.

The existing site has a lower level garden area adjacent to the main entrance. This would be enclosed by the proposed extensions to create a courtyard. The courtyard would provide additional amenity space and be overlooked by the communal lounge facility.

With regard to surrounding residential amenity, the most directly affected property would be No. 4 Avelon Road. The adopted Residential Extensions and Alterations SPD states that two storey rear extension should be set in from the common boundary with any attached dwelling by not less than 2m and project no more than 3m or 4m in exceptional circumstances. The SPD states that an equivalent degree of amenity should be secured for the neighbouring dwelling on the non-attached boundary.

At present no.2a Avelon Road is inset 1.8m from the boundary with no. 4 and projects back from by 3m. The proposed extension would be located 1.5m inset from the boundary with no. 4 and project back 3.5m before stepping in and projecting back a further 0.8m. It is noted that the total projection would be greater than the existing relationship and that stated within the SPD, however, this relationship is not considered to be harmful to this occupier in this instance to no. 4 given the arrangement of this dwelling. The garage of this property is currently built up against the boundary with no. 2a Avelon Road. The main dwelling is inset between 4m and 2.5m due to the positioning of the dwelling against the boundary, where there would be a total separation distance of between 5.5 and 4m between no.4 and the extended care home. Staff do not considered this to be unacceptable.

There are no flank windows in this elevation which would result in overlooking of this occupier, and this could be controlled via condition.

Objections received have objected in part due to the increase in noise levels from the extended care home and through the construction of the development.

The proposal is for a residential care home, and as such is not considered to be a particularly noise making activity. The residents would be able to use the garden areas, however, this is not considered to be a reason for refusal on amenity grounds. With regard to construction noise, if the application was recommended for approval, conditions could be attached which restrict the hours of construction and require the applicant to submit a construction methodology to the Council, as such, concern from construction noise and impact is not a reason for refusal.

HIGHWAY/PARKING

Representations received from the Highways Authority object to the proposals with regard to the lack of parking.

The care home would be expected to provide, in accordance with Annex 5 of the LDF 1 space per 4 resident bed spaces, i.e. $70/4 = 17.5$ spaces (rounded to 18 spaces). Policy DC5 also states that residents and visitors should be able to park, without detriment to the highway, and

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

take account of Policy DC33.

The care home at present has 4 car parking spaces, including 1 disabled space and thus at present represents a reduction on the standard required by the LDF. The development proposes to increase the parking provision to 8 spaces plus 2 disabled spaces (10 total). This is a reduction of 8 spaces as required by the LDF. The submitted plans shows on street parking bays. Although Avelon Road is not subject to parking control, Staff consider that the use of on street parking is unacceptable as this would result in increase demand for street parking.

In justification for this reduced level of parking, the applicant has submitted a Transport Statement and Green Travel Plan. This state that cycling would be promoted as a key mode of transport, and that a car sharing scheme is currently operated by the existing nursing home group and would be promoted as part of this development.

The Transport Statement states that visitor book records kept at the nursing home state that on average 9 people visit the nursing home per day, and that the majority travel by public transport or walk as residents are predominantly local. Of the 9 visitors per day, there is an average of 2 cars per day.

Given the objection from the Highways Authority, existing pressure for on street parking, combined with the proposed number of bedrooms and parking shortfall. Staff consider that the proposals would result in added pressure on the local highway and parking network.

OTHER ISSUES

Secured by Design:

The Metropolitan Policy CPDA has indicated that if planning permission is granted, suitable condition would need to be attached in order to ensure that this development needs this standard.

Refuse and Recycling:

The increase in size of the care home would inevitably increase the level of waste and refuse produced. The applicant has stated on the plans that the existing clinical waste bin facing Chase Cross Road would be enlarged. The existing refuse bin is located on Avelon Road and this would be repositioned so that it is located on Chase Cross Road in a new timber structure. If the application was recommended for approval, a suitable condition could be attached to require details of both waste and refuse stores.

Need:

The existing care home has 35 bedrooms but can accommodate 37 bed spaces, and accommodates for the frail elderly, terminally ill and those with dementia. It is proposed to extend the property and reconfigure the internal layout to provide 70 bedrooms. The applicant has submitted a London Dementia Needs Assessment which states that as a borough, Havering has the highest number of dementia patients, but one of the lowest number of places in registered homes per 1000 patients.

The report also concludes that the number of people with dementia in London is projected to increase by 16% from 2009 to 2021. The risk of getting dementia increases significantly after the age of 80. The GLA in 2009 projected that the number of Londoners over 80 would increase by

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

30% in the next 30 years to 352,000 by 2031. In the 2001 Census, the number of people aged 80 and over in Havering was 12,700. As dementia is prevalent among the older population, the number of people with dementia is expected to rise. With the growing ageing population base, there remains a need for further dementia care bed spaces within the Borough. Havering's over 80 population is above the London average.

Staff are aware of the need for additional bed spaces and accommodation in the borough, however, the design of the building is also of importance, and it is considered that the needs case here does not justify the poor design and bulk of the building. Staff also note that approval has been granted for other dementia facilities and care home extensions, these are listed below:

- P1862.11 - The Lodge Care Home, Collier Row - this is nearing completion - total of 69 bed spaces.

- P0738.10 - Tyes Farm, Upminster - this is nearing completion - total of 50 bedrooms.

Permission has also been granted, although not yet taken place for the following care home schemes:

- P0420.11 - 227 London Road, Romford - 63 bed care home - approved

KEY ISSUES/CONCLUSIONS

In conclusion, whilst Staff consider the principle of development acceptable, and recognise the need for bed spaces in the borough. The design proposals are considered to be problematic and as such would result in a highly prominent building which would dominate views from this corner junction. The extensions by reason of the mixture of roof types and materials would appear overly fussy and result in a dominant elevation located in a street typified by modest bungalows and chalet bungalows.

The proposals also represent in a reduction in the required parking standards as required by the LDF. Although a Transport Assessment has been submitted, there remains an objection from the Highways Authority. As a result, it is considered that the proposals would result in added pressure for on street parking.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed extensions would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the Avelon Road streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for refusal - Parking Deficiency

The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC33 of the LDF Core Strategy and Development Control Policies DPD.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

APPLICATION NO:	P1937.11	
WARD :	Heaton	Date Received: 3rd January 2012
ADDRESS:	Hogbar Farm (East) Lower Bedfords Road Romford	
PROPOSAL:	Variation of Conditions 1, 2 and 3 of permission granted on appeal APP/B5480/C/06/2007653 revised statement and layout plan	
DRAWING NO(S):	Proposed Utility Blocks	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The site forms a broadly rectangular area. The site's north western boundary lies adjacent to Lower Bedfords Road; the south western boundary abuts Hog Bar Farm; The south eastern boundary runs alongside residential properties located at Stanwyck Gardens; and the north eastern boundary adjoins a neighbouring Traveller settlement known as Fairhill Rise. A further Traveller site, known as Vinegar Hill Grove, is located to the north east.

The application site is a formerly approved Traveller site, which currently contains 12 static caravans, 4 touring caravans, a twin unit mobile home, and 5 utility blocks. Most of the site is covered in hardstanding, with access being taken from Lower Bedfords Road, at the south western corner of the site.

The site is located in the Green Belt.

DESCRIPTION OF PROPOSAL

This Section 73 application seeks to vary conditions 1, 2, and 3 of the planning permission granted at appeal (Reference: APP/B5480/C/06/2007653). These conditions are as follows:

"1. The use hereby permitted shall be carried on only by Mr John O'Connor, Mr Miles Martin O'Connor, Mr Jeremiah O'Connor, Mr Larry O'Connor (67), Mr John O'Connor, Mr Larry O'Connor (34), Mr Jim O'Connor and their respective wives and children and also Mrs Marion O'Brien and her children and shall be for a limited period expiring on 31 December 2011, or the period during which the premises are occupied by them, whichever is the shorter.

2. When the premises cease to be occupied by those people referred to in condition 1 or on 31st December 2011, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition.

3. No more than 15 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 7 shall be a static caravan or mobile home) shall be stationed on the site at any time."

The site does not currently benefit from planning permission as the consent granted at appeal required the use to cease and for the site to be restored to its former condition at the end of 2011.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

This planning application proposes amending the above conditions to allow for more families to occupy the site; to make the site permanent, or if not permanent, then to allow for the retention of the site for a further temporary period; and to allow for an increase in the number of caravans from 15 (maximum of 7 statics) to 18, of which 12 are to be statics, along with a twin unit mobile home and 5 touring caravans. The submitted information states that the increase in families and therefore units required at the site is the result of an expansion of the family.

RELEVANT HISTORY

The previous planning decision of most relevance to this application is that arising from the following appeal(s) on 27th February, 2008.

APP/B5480/C/06/2007653 (Appeal A)

Appeal against enforcement notice (TP2808) alleging the material change of use of land to residential involving the siting of mobile homes and touring caravans together with the parking of vehicles and the storage and laying of an ancillary hardstanding.

Appeal allowed.

APP/B5480/C/06/2007656 (Appeal B)

Appeal against enforcement notice (TP2808) alleging the undertaking of operational development consisting of earth moving, excavation, and mounding of soil, deposition and redistribution of rubble, building materials, the formation of a hardstanding, and the erection of fencing.

Appeal dismissed.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the local press as a departure from Green Belt policy. Neighbour notification letters have also been sent to the occupiers of 36 neighbouring properties. Objections have been received from one of the occupiers of properties along Stanwyck Gardens stating that the site is detrimental to the Green Belt and is diminishing the value of local properties.

Highways - No objections

Environment Agency - No objections

RELEVANT POLICIES

Policies DC8, DC45 and DC61 of the Development Control Policies Development Plan Document ("the LDF").

Policy 7.16 of the London Plan (2011) and the provisions of PPG2 (Green Belt).

Articles 1 and 8 of the first Protocol of the European Court of Human Rights.

In addition to the above, the Government guidance document entitled "Planning Policy for Traveller Sites" is a material consideration in the determination of this application. Paragraphs 21-27 of that document provide guidance in relation to the determination by local planning authorities of planning applications for Traveller and Gypsy related development.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

The Core Strategy and Development Control Policies Development Plan Document gives a commitment to the production of a DPD on Gypsy and Traveller site provision. The Council's draft DPD on Gypsies and Travellers was considered at the Council's Cabinet meeting on 18th January 2012. The DPD indicates that sites with temporary planning permission, such as the application site, should be made permanent to meet the demand for gypsy/traveller sites in the Borough. It is anticipated that the DPD will be adopted in early 2013, subject to public consultations and an Examination in Public.

STAFF COMMENTS

The issues arising from this application are whether the development is acceptable in principle; the impact on the visual amenities of the Green Belt and the local area, the impact on local amenity, along with parking and highway issues.

PRINCIPLE OF DEVELOPMENT

Policy DC8 of the LDF relates to Gypsy and Traveller related development and stipulates criteria that must be satisfied in order for planning permission to be granted. The criteria concerning matters not related to the principle development will be considered later in this report. The site is one that has previously been granted temporary planning permission. It is considered that the site meets an identified need given that it relates to an existing site that has been occupied, until recently with planning consent, for several years. The site is considered to be located within reasonable distance of services and community facilities and to be capable of accommodating the number of units proposed. It is unclear whether the site is supplied with essential services such as water, sewerage, and drainage, however, the submitted information states that the site is capable of receiving essential services.

Policy DC8 also states that:

"Sites within the Green Belt will only be acceptable in exceptional circumstances and where through their design, layout and landscaping they minimise its impact on the openness of the Green Belt, do not prejudice the purposes of including land in the Green Belt, do not prejudice the recreational usage of the Green Belt or involve the loss of high grade agricultural land."

The proposed development would take place within the Green Belt. A neighbouring occupier has objected to the proposal stating that it is detrimental to the Green Belt.

Policy DC45 of the LDF states that planning permission will only be granted for development if it is for given purposes, including outdoor recreation. The proposed use of land for residential purposes, including the siting of caravans and utility blocks, is not considered to be in accordance with Policy DC45.

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.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

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).

In terms of Green Belt policy, the application proposes the change of use of land. 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 use of land, which involves the siting of static and touring caravans, and utility blocks, along with parked vehicles and other domestic paraphernalia, is detrimental to the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt, namely to assist in safeguarding the countryside from encroachment. Moreover, government guidance relating to the determination of traveller-related applications states that "traveller sites (temporary or permanent) in the Green Belt are inappropriate development."

The proposed development is considered to be unacceptable in principle having had regard to Policies DC8 and DC45 of the LDF, along with the guidance contained in PPG2.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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.

The site is well screened from the public highway by trees and other vegetation, along with fencing along the site's north western boundary. It is considered that the proposed siting of caravans, utility blocks, and a mobile unit, particularly given the increase in the number of these units now being applied for, would be detrimental to the visual amenities of the Green Belt by virtue of their appearance, which would have an urbanising effect within the Green Belt. However, as discussed earlier in this report, very special circumstances have been demonstrated that, which, it is considered, overcome the harm to the Green Belt by reason of inappropriateness and other harm; the other harm comprising the impact on the visual amenities of the Green Belt. The granting of a temporary planning permission would ensure that the site is cleared and restored to its former condition in the event that it is not eventually included in the emerging Gypsies and Travellers DPD.

The location of the site, the siting of the proposed units, the presence of existing vegetation, and the presence of fencing around the site, are such that it is considered that the proposal would not result in a significant adverse visual impact on the neighbouring built-up areas, which are located outside of the Green Belt.

Subject to the granting of a temporary planning permission, officers consider that any significant adverse visual impacts that the proposal would have, are justified by very special circumstances, which overcome contrariness to Policy DC61 and the Green Belt policy and guidance contained in the LDF and PPG2.

IMPACT ON AMENITY

Policy DC8 of the LDF states that Traveller sites should have no adverse impacts on the safety

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

and amenity of occupants and their children, or the amenity of neighbouring occupiers. Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

It is considered that the proposal would not have any significant adverse impact on local amenity or the amenity of neighbouring occupiers and that the site would provide an adequate level of safety and amenity for the occupiers of the site and their children.

In terms of the impacts the proposal would have on local amenity and the amenity of the site's occupiers, it is considered that it would be in accordance with Policies DC8 and DC61 of the LDF.

HIGHWAY/PARKING

Policy DC8 of the LDF states that planning permission will only be granted for sites that provide safe and convenient access on to the public highway and not cause a hazard to other highway users. It is also stated that sites should make provision for parking, turning, service, emergency vehicles and the servicing of vehicles.

The Highway Authority was consulted about the proposal and raised no objections. The proposal is therefore considered to be acceptable, and in accordance with Policy DC8, in terms of the impact on the highway and in terms of the proposed access arrangements.

OTHER ISSUES

The applicants have submitted very special circumstances in an attempt to justify the harm the site causes to the Green Belt by reason of inappropriateness and other harm. The other harm in this case, as discussed earlier in this report, concerns detriment to the visual amenities of the Green Belt.

Paragraph 22 of Planning Policy for Traveller Sites states that, in the determination of planning applications, that decision makers should give consideration to the following factors:

- "a) The existing level of local provision and need for sites;
- b) The availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e) That they should determine applications for sites from any travellers and not just those with local connections."

The submitted very special circumstances are as follows:

- a) The Gypsy-Traveller status of the site's inhabitants;
- b) There is an unmet need for more authorised Traveller sites within the borough. At the time of writing, Havering does not have any publicly provided Traveller sites;
- c) A failure of local policy to progress the delivery of necessary sites;
- d) There are personal needs for the applicants to stay settled in one location. It is stated that the educational needs of the site's children, who attend a local primary school and that several of the site's inhabitants are suffering from health problems and/or are pregnant.

In light of the planning guidance in relation to traveller sites, it is considered that these very

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

special circumstances, taken together, are sufficient to overcome the harm to the Green Belt by reason of inappropriateness and other harm. The failure of the borough to provide appropriate, authorised sites is, on its own, a material consideration to be given considerable weight and this has been the conclusion reached at several recent appeals. Paragraph 25 of Planning Policy for Traveller Sites states that:

"... if a local planning authority cannot demonstrate an up to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission."

It is considered that the proposed development would constitute inappropriate development in the Green Belt but that there are very special circumstances in this case, which, taken together, justify the harm to the Green Belt. The proposal is considered acceptable in principle having had regard to Policy DC45 of the LDF and the guidance contained in PPG2.

Concerning the issue of whether a permanent or temporary planning permission should be granted. The Planning Inspector who granted the consent being varied as part of this application stated that:

"I agree with the inspector who dealt with the adjoining site that it would not be appropriate to grant a permanent permission to any of these sites in isolation and it is possible that they may not be allocated in the DPD as permanent sites even though well established. The harm caused is also not sufficiently outweighed by other factors in my view to justify the grant of permanent permission for this site."

It is considered that the same arguments made by the Planning Inspector are also applicable in this case. The Council's Gypsies and Traveller's DPD has not been adopted and whilst there are compelling personal circumstances and that the site's inhabitants have Traveller status, the increase in the number of units at the site has increased the harm to the openness and visual amenities of the Green Belt. The continued process of adopting authorised sites on the part of the Council would make the grant of a permanent permission premature, it is also considered that the harm caused to the Green Belt by the site is not sufficiently outweighed by other factors to justify the grant of a permanent planning permission.

Whilst it is anticipated that the emerging DPD will be adopted by early 2013, there may be delays and it is therefore considered that, should Members be minded to approve the application, that a temporary permission of two years be granted in anticipation of authorised Traveller sites being formally adopted as part of the DPD.

A neighbouring occupier has objected to the proposal stating that it would have a detrimental impact on local property values. This is not a material planning consideration.

KEY ISSUES/CONCLUSIONS

The proposed variation of conditions, which would result in the site being expanded and the time limit for its cessation extended, is considered to constitute inappropriate development in the Green Belt. However, it is considered that there are sufficient very special circumstances to justify the harm the proposal would cause by reason of inappropriateness and other harm. In all other respects, officers consider the proposal to be acceptable, subject to the planning permission being granted for a temporary period and to the imposition of conditions. subject to the conditions, the proposal is considered to be in accordance with Policies DC8, DC45, and DC61 of the LDF and all other material considerations.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

RECOMMENDATION

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

5. SC32 (Accordance with plans)

1. Non standard condition

The use hereby permitted shall be carried on only by those named on pages 2-4 of the Revised Supporting Statement dated 1st February 2012 and referenced L6- J58-03a.

Reason:-

To ensure the site is only occupied by those for whom a need to occupy the development has been identified.

2. Non standard condition

When the premises cease to be occupied by those people referred to in condition 1 or on 30th April 2013, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition.

Reason:-

In the interests of the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies DC8, DC45 and DC61, along with the guidance contained in PPG2.

3. Non standard condition

The use hereby permitted shall cease and all caravans, structures, equipment and materials brought on to the site for the purposes of the use shall be removed within 28 days of the failure to meet anyone of the requirements set out in (i) to (iv) below:

i) Within 3 months of the date of this decision a scheme for (a) the proposed and existing external lighting on the boundary of and within the site; (b) the internal layout of the site, including the siting of caravans and any other mobile and temporary structure, hard standings and parking and amenity areas; (c) the landscaping of the site comprising tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities hereafter referred to as the site development scheme shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.

ii) Within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to and accepted as valid by the Secretary of State.

iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason:-

In the interests of the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies DC8, DC45 and DC61, along with the guidance contained in PPG2.

4. Non standard condition

At the same time as the site development scheme required by condition 3 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of 2 years of the proposed planting commencing at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge, or shrub that is removed, uprooted, or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Reason:-

In the interests of the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies DC8, DC45 and DC61, along with the guidance contained in PPG2.

6. Non standard condition

No more than 18 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 13 shall be a static caravan or mobile home) shall be stationed on the site at any time.

Reason:-

In the interests of local amenity and the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies DC8, DC45 and DC61, along with the guidance contained in PPG2.

7. Non standard condition

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

Reason:-

In the interests of local amenity and the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies DC8, DC45 and DC61, along with the guidance contained in PPG2.

8. Non standard condition

No vehicle over 3.5 tonnes gross unladen weight shall be stationed, parked or stored on this site.

Reason:-

In the interests of the visual amenities of the Green Belt, in order that the development accords with the Development Control Policies Development Plan Document Policies

REGULATORY SERVICES COMMITTEE
5th April 2012
OUTSIDE STATUTORY PERIOD

DC8, DC45 and DC61, along with the guidance contained in PPG2.

1 **INFORMATIVE:**

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 DC8, DC45, and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, and the guidance contained in PPG2 and Planning Policy for Traveller Sites.

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.
