

APPLICATION NO:	P1347.11	
WARD :	Rainham & Wennington	Date Received: 15th September 2011 Expiry Date: 10th November 2011
ADDRESS:	48 Warwick Road Rainham	
PROPOSAL:	Demolish existing industrial unit and erect part2/part3 storey building comprising 6 flats with associated parking, cycle store, bin store and amenity space outline Revised plans received 30-05-2012	
DRAWING NO(S):	2700/TP/01; -02 2700/TP/03D; -04G; -05G	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

BACKGROUND

This application was previously considered at the Regulatory Services Committee on 23rd February 2012, with Members resolving that planning permission should be refused. Members considered that the proposal was unacceptable on grounds of the proposed building's excessive bulk and overbearing form being harmful to character and appearance of streetscene.

Unfortunately, due to human error, the revised elevations which had already been received were not displayed at the meeting. In the circumstances, from a legal point of view, it could be judged that the decision to refuse permission based on incorrect information was unsound. In the light of this and in fairness to all parties, it is considered necessary to re-present the proposal to Committee with the correct revised plans available to view. The applicants have taken the opportunity to make a drafting change to the rear part of the single-storey section to add matching roofing materials details and to correct other minor drafting errors resulting in various revisions which were the subject of further consultation. Since the report itself originally addressed the revisions, there is no change to the remainder of this report, which is as presented on 23 February 2012 with an update in the section on Consultation Responses.

Also, since February 2012 the London Mayor has issued his requirement for all proposals with decisions made after April 1 2012 to make a contribution towards infrastructure projects known as Community Infrastructure Levy or CIL Liability. The scheme is liable for this payment and a suitable paragraph has been added to the original report.

SITE DESCRIPTION

The site comprises an existing single-storey commercial unit at No.48 together with 4 lock-up garages to the rear of No.50, 50A and 50B Warwick Road. The site is roughly rectangular, some 35m deep and 16m wide (increasing to 27m wide to the rear). There are two accesses, one to No.48 and a second one to the garages to the rear of the flats at No.50. The surrounding area is mainly residential to Warwick Road, mainly one and two storey but with some 3-storey town houses at the cul-de-sac end to the West of the application site. Also to this end are two-storey works buildings; some of which are currently vacant.

DESCRIPTION OF PROPOSAL

The proposal is an outline application for the demolition of the existing industrial unit and the erection of a 1-1/2-storey building with accommodation in the roof space comprising 6 flats with 10 parking spaces (8 to the rear and two to the front), cycle store, bin store and amenity space.

Matters to be considered at this stage are access, scale, appearance and layout with landscaping to be determined as reserved matters at a later stage.

The access is proposed to the western boundary and the proposed layout for the building to be sited to the road frontage with amenity space, car parking, bin and cycle storage in the rear garden area. The proposed building would have a maximum ridge height of 9.35m, width of 12.5m and length of 13.4m. It would have hipped, pitched roofs in traditional materials.

RELEVANT HISTORY

- P0106.11 - Demolish existing industrial unit and erect part2/part3 storey building comprising 7 flats with associated parking, cycle store, bin store and amenity space
Withdrawn 21-06-2011
- P1995.08 - Demolition of existing industrial buildings and erection of one block of 7 flats with associated parking and amenity space.
Refuse 23-03-2009
- P0380.08 - Demolition of existing industrial buildings and erection of one block of 8 flats (2x1 bed, 6x2 bed) with associated parking
Refuse 10-06-2008
- E0011.07 - Storage and auxilliary office use accommodation
PP is required 07-09-2007
- P1399.89 - Replacement spray booth for sp raying cars (revised plans received 12/10/90)
Refuse 14-02-1991

CONSULTATIONS/REPRESENTATIONS

35 adjoining and nearby occupiers were notified of the proposal. There were 13 letters raising objections on the following grounds:

- the proposal does not address parking and traffic as an increase of 6 properties will create further problems of congestion
- a block of flats is not appropriate as there is limited on-street parking
- too little on-site parking proposed
- overdevelopment/too high density
- upto 12 people could live in the flats which is too many for such a small site
- overlooking of existing flats at No.50 Warwick Road
- undue noise and activity due to main entrance close to side boundary with adjoining residential property
- the existing use is unauthorised and shouldn't be a reason to allow development
- the scheme is almost identical with earlier proposals except for the differences
- the proposal is too close to the boundary with the adjoining semi-detached bungalows
- it will excessively extend beyond the rear of existing adjoining properties
- overbearing and visually dominating
- the Planning Inspector in dismissing an earlier appeal indicates that there would be a poor physical relationship with No. 46 Warwick Road
- the garden area does not accord with the Council's guidelines for amenity space

- the development should not be three-storey as this would be out of character
- the existence of three storey development in a nib at the end of Warwick Road are not visible generally and should not act as a precedent
- the Juliette balconies will result in loss of privacy at the end of adjoining gardens
- there is likely to be contamination and asbestos at the application site
- planning permission should be refused as the applicant causes disruption
- out of character/flats will be an eyesore
- the proposal results in the flats at No. 50 Warwick Road losing their parking provision resulting in more on-street parking
- the public consultation period is too short particularly as plans can only be viewed at the Council offices for 5 hours a day

Also raised is that building works will cause undue disruption, traffic and parking problems and where the existing vehicles on site would be stored if planning permission is granted, that the applicant's current business causes problems for residents.

Following various mainly minor revisions (following the February Committee meeting) 16 further letters were received; one is a holding letter from the Rainham Horticultural Society; three are letters of support and the others mainly reiterate comments made above but also raising the following:

- emergency vehicles may be unable to access the whole of Warwick Avenue due to additional on-street parking from the flats
- bungalows or two houses would be more appropriate/acceptable
- the revised plans are almost identical with the plans shown at the February Committee meeting
- the revisions do not address the concerns raised previously, which they should have done
- the proposal does not comply with the Planning Inspector's decision to dismiss an earlier scheme
- the existing business at the site would continue but with all the cars now parked there being parked on the public highway causing parking problems
- the garages included in the application site once belonged to the flats at No. 50 Warwick Road causing these occupiers to park on street instead
- increase in pollution
- the driveway access is too narrow for two vehicles to pass at the same time

The London Fire and Emergency Planning Authority have written to indicate that access should comply with Building Regulations documents.

The Metropolitan Police's Crime Prevention Design Advisor has written to advise that the communal entrance's location may be vulnerable to crime and Flats 2 and 3 have windows directly next to the driveway such that no defensible space is provided. He nonetheless suggests the attachment of conditions and an informative relating to Secured by Design.

Thames Water have written to remind the developer that it is their responsibility to make proper provision for drainage. In respect of sewerage infrastructure they do not have any objection.

English Heritage have written requesting a programme of archaeological works to be undertaken through a suitably worded condition and informative attached to any grant for planning permission.

RELEVANT POLICIES

LDF

CP1 - Housing Supply

CP2 - Sustainable Communities

LDF

CP9 - Reducing the need to travel
DC2 - Housing Mix and Density
DC3 - Housing Design and Layout
DC33 - Car Parking
DC35 - Cycling
DC36 - Servicing
DC61 - Urban Design

OTHER

LONDON PLAN - 3.3 - Increasing housing supply
LONDON PLAN - 3.5 - Quality and design of housing developments
LONDON PLAN - 3.8 - Housing choice
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture

MAYORAL CIL IMPLICATIONS

The proposal is liable for the Mayoral CIL. This liability is based on gross internal floor area and is £20 per square metre. The total payable would therefore be 252.50 sq.m x £20 = £5,050. A Liability Notice will be issued once the final details under pre-commencement conditions are discharged.

STAFF COMMENTS

Matters to be considered at this stage are access, scale, appearance and layout with landscaping to be determined as reserved matters at a later stage.

The issues in this case are the principle of the development, the impact of the development in the street scene and on the amenities of nearby residential occupiers and highways/parking.

BACKGROUND

Planning application P0380.08 was a proposal for one block of 8 flats. It was refused consent in June 2008 for the following reasons:

"The proposal would, by reason of its bulk, massing, height and siting close to a single-storey property result in an overbearing form of development adversely affecting visual amenity in the street scene contrary to Policy DC61 of the Core Strategy and Development Control Policies Submissions Development Plan Document.

" The proposal would, by reason of its scale and limited amenity area result in a form of development which provides a sub-standard level of amenity for future occupiers adversely impacting on residential amenity contrary to Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.

"The proposal would have insufficient parking provision resulting in likely on-street parking to the detriment of traffic flow contrary to Policy DC2 of the Core Strategy and Development Control Policies Submission Development Plan Document.

"In failing to achieve a high quality of design through the deficiencies described in reasons 1, 2 and 3, the proposal would fail to justify such high density of development contrary to Policy DC2 of the Core Strategy and Development Control Planning Submission Development Plan Document and Planning Policy Statement 3 (Housing)."

Planning application P1995.08 was a proposal for 7 flats. It was refused and subsequently dismissed on appeal. The Planning Inspector concluded that the block would contrast significantly with the single-storey bungalows and the proposed substantial side elevation would be very apparent from along Warwick Road to the east such that it would be a visually dominant feature out of place in the streetscene. He also considered that the proposed different shapes and proportions of the components, particularly the roofs would lack cohesion and that the western elevation would be monotonous and the rear elevation bulky. He considered that the 175 sq.m of amenity area would be well below the Council's guidelines (specified in the UDP Guidance). He considered that the higher density of the scheme was not acceptable as the layout and design failed. He further considered that the 10 parking spaces was below the lower end of the standard of 10.5 spaces but that there was good reason to require parking to at least meet this minimum. He considered that the proposed building would offer a poor outlook for the occupiers of No.46 Warwick Road and be overbearing due to its close proximity.

While the proposed scheme is in outline, the main changes to the scheme from that considered by the Planning Inspector in 2008 (P1995.08) are:

- reduction from 7 flats to 6
- change from all 2-bed flats to 1x2-bed and 5x 1-bed units
- reduction from two-storey to one-storey element closest to No.46 Warwick Road
- increase from 175 sq.m to 185 sq.m to rear amenity space

PRINCIPLE OF DEVELOPMENT

The proposal is for housing in the form of 6 flats. The site is currently in non-residential use and the proposal for redevelopment to residential use would, in principle, be acceptable in accordance with national, regional and local planning policy CP1 of the LDF Core Strategy and Development Control Policies DPD.

DENSITY/SITE LAYOUT

The proposed density would be 94 units per hectare. The density range for this site is 30-50 units per hectare and it is therefore considered that the proposal would be well in excess of the range for this area. Nonetheless, it is recognised that as flatted development does tend to have higher densities, such a proposal may be acceptable where it demonstrates a high standard of design and layout.

The London Plan indicates that residential development should meet minimum internal space standards. The London Plan indicates at Policy 3.5 that 2-bed units should have a minimum space of 61 sq.m for 3 people units and 70 sq.m for 4 people units with 1-bed units for 1 person 35 sq.m and 2 people 50 sq.m. The size for the 2-bed flat would be approximately 82 sq.m and the smallest 1-bed flat would be approximately 37 sq.m. It is considered that the proposal would be acceptable.

The proposed layout would provide a frontage development with an amenity area to the rear retaining an existing vehicular access to an existing rear parking area to the west of the application site.

The building would be one-storey closest to No. 46 Warwick Road and 2-storey otherwise. It would be located 1m from the shared boundary with No.46 Warwick Road (to the rear this increases to 6.4m - previously 2m) and 1.82m from No.46's side elevation. In relation to No.s 50a and b, the proposed building would be located 3.5m (previously 4m) from this neighbouring property's side elevation. The building would be located directly adjoining the proposed vehicular access (previously 0.25m); it is considered that the windows in this elevation would be high level

and would be located a reasonable distance from the neighbouring property.

The proposal would have frontage parking for 2 vehicles in addition to the existing vehicular access adding an additional access. Some landscaping could be provided between the parking spaces and the access road which is widened to 5m width at the access point. Staff consider that the proposed frontage parking would be similar to other residential properties in the locality and would provide some landscaping to protect visual amenity and the amenities of future occupiers.

The proposal would be provided with 185 (previously 175) square metres of rear amenity space. The Residential Design SPD differs from the UDP guidance (which the Planning Inspector considered in relation to the 2008 appeal) as it does not indicate specific levels of amenity space.

Staff consider that the proposal would provide a reasonably private and usable space, with easy access for all future residents. In comparison, the amenity space for the four, 2-bed flats at No.50 Warwick Road is 9m deep and 10m wide (90 sq.m). Staff therefore consider that proposed amenity space would be relatively comparable with that at No.50 and is therefore in character with existing flatted development and therefore accords with the guidance contained in the Residential Design SPD.

Staff therefore consider that the proposed density and layout would be acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal is for a one-/two-storey development with accommodation in the roof space. The existing character in the street scene, is mainly two-storey development although there are single-storey dwellings immediately adjacent to the East of the application site.

The main ridge height (and associated eaves) would be the same height as that of the two-storey flats directly to the west of the application site. In relation to the eastern side of the proposed building adjoining No. 46 Warwick Road, the ridge line shown to the single-storey section is lower with a lower eaves height. Staff consider that this would be significantly lower than the two-storey element of the scheme dismissed on appeal and that this would overcome the concerns raised in relation to the relationship of the proposed development with the adjoining bungalows. Staff consider that the development would not be out of character with existing development in this street scene and, with its hipped, pitched roofs and that the development would not appear unduly over-dominant in relation to the adjoining bungalows.

The single-storey element of the development would not incur into either a 45 degree line measured at 4m from the rear of No.46 Warwick Road, nor extend unacceptably beyond the rear of the adjoining properties. Staff therefore consider that the proposed development would not have a significant material impact in the rear garden environment.

IMPACT ON AMENITY

Properties to the rear of the site in Upminster Road North would be at least 45m from the proposed rear elevation, such that Staff consider that there would not be any loss of privacy for those occupiers.

In relation to the existing neighbouring properties, it is considered that there would be some over-shadowing of the garden of No. 46 during the afternoon period because the application site is to the west of No.46 which has a north-facing garden. However, it is considered that while No.

46 has benefitted from the existing site building only being one-storey, that a two-storey development with a single-storey section closest to this bungalow, would not result any undue harm to residential amenity.

Proposed windows in the side elevations would mainly be high-level or could be fitted with obscure glazing by the imposition of a suitable condition such that Staff do not consider that there would be no loss of privacy.

The proposed vehicular access lies along the flank wall of two of the No.50 flats and the parking area which would also adjoining their rear boundary would introduce a materially different type of noise and activity than at present. The existing commercial activity at No.48 would be removed and Staff consider that, on balance, the proposed development would result in a general improvement in residential amenity. Nonetheless, it is considered that a suitable boundary treatment should be provided to the side and rear boundaries of the No.50 flats to avoid any undue impact on these occupiers amenity. This can be secured through the attachment of a suitable condition for boundary treatment.

HIGHWAY/PARKING

Policy DC2 of the LDF Development Control Policies DPD indicates that residential properties in this location would be expected to have between 1.5 - 2 parking spaces each, i.e., between 9 and 12 parking spaces. The proposal would provide 10 parking spaces which, as 5 of the units would have a single bedroom, Staff consider this would be acceptable in relation to the proposed development. There are therefore no highway objections to this proposal.

Suitable provision of a collection point for refuse would be needed and a condition can be attached to require details to be submitted.

SECURED BY DESIGN

The Metropolitan Police Crime Prevention Design Advisor has written raising concerns that the access to the flats may be vulnerable to crime and that there is no defensible space provided adjacent to the proposed driveway. Details could be added to overcome these concerns at the reserved matters stage. The CPDA nonetheless advises that a condition and informative should be attached to any grant of planning permission to require submission of Secured by Design details.

KEY ISSUES/CONCLUSIONS

The proposal for residential development would be acceptable in principle. Staff consider that the proposal would be acceptable and in accordance with the Local Development Framework Policies.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC02 (Time limit for details) 3yrs
2. SC03 (Time limit for commencement) 2yrs
3. S SC06 (Parking provision)
4. S SC09 (Materials)

5. S SC11 (Landscaping)

6. S SC13 (Screen fencing)

Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres high shall be erected to the rear and side boundaries of the site, including to the rear garden of the flated block at 50 Warwick Road 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 prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. S SC32 (Accordance with plans)

8. S SC34 (Obscure glazing)

The proposed windows to the atrium/stairwell shall be permanently glazed with obscure glass 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.

9. M SC40 (Soundproofing) ENTER DETAILS

The buildings shall be so constructed as to provide sound attenuation of not less than 45dB(A) against the internally generated noise and 62dB(A) against impact noise 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, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

10. S SC46 (Standard flank window condition)

11. S SC57 (Wheel washing)

12. M SC62 (Hours of construction)

13. M SC63 (Construction Methodology)

14. Non standard condition

Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and the London Plan (published February 2011).

15. Non standard condition

The proposed development shall be no greater than 1-storey height within 5m of the shared boundary with No. 46 Warwick Road and shall be no greater than 2-storey height across the remainder of the building.

Reason: To ensure that the proposal would have an acceptable impact on the character of the locality and on visual amenity in the streetscene and on the amenities of adjoining occupiers.

INFORMATIVES

1 Informative - Reason for Approval

This decision to grant planning permission has been taken:

I. having regard to Policies CP1, CP2 CP9 and CP17, of the LDF Core Strategy Development Plan Document and Policies DC2, DC3, DC33, DC35, DC36 and DC61 and Annexes 5 and 6 of the LDF Development Control Policies Development Plan Document, the London Plan and Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Guidance Note 13 'Transport' and Planning Policy Statement 17 ' Planning for Open Space, Sport and Recreation'.

II. For the following reason: The proposed development would provide much needed smaller/more affordable housing units. Whilst the proposed development would have an impact upon the street scene and adjoining residential occupiers, this harm would not be prejudicial and the proposals would help to deliver the Borough vision of making Havering an inclusive place in which to live, work and visit.

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

2 Secure by Design Informative

The applicant should seek the advice of the Police Crime Prevention Design Advisor. The London Borough of Havering seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative, which is supported by the Home Office Crime Reduction and Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award. For additional information, please contact the Borough Crime Prevention Advisor through the London Borough of Havering Regulatory Services or Romford Police Station, 19 Main Road, Romford, RM1 3BJ. The services of the local

Police CPDA are available free of charge.

It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

APPLICATION NO:	P0259.12	
WARD :	Rainham & Wennington	Date Received: 6th March 2012 Expiry Date: 5th June 2012
ADDRESS:	22 Lamson Road Rainham	
PROPOSAL:	Change of use from a warehouse development to a solid recovered fuel facility.	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report.	

SITE DESCRIPTION

The site is an irregular shaped area of land located on the eastern side of Rainham Creek, measuring approximately 2 hectares in area. The site includes four buildings that have previously been in use for B8 purposes along with hardstanding areas for the parking and manoeuvring of vehicles.

The site is bounded to the south west and south east by neighbouring sites being used for industrial, warehousing, and waste purposes. The site's north western boundary lies adjacent to Rainham Creek, which is a Site of Nature Conservation Importance, whilst its north eastern boundary abuts the public highway. Access to the site is taken via Lamson Road, off Ferry Lane North.

The site is located on land designated as a Strategic Industrial Location in the LDF and is located in the London Riverside Business Improvement District. The site is located within Flood Zones 2 and 3a, as defined by Havering's Strategic Flood Risk Assessment. The Inner Thames Marshes Site of Special Scientific Interest (SSSI) is located to the south east. The site is also located on land designated as a Channel Tunnel safeguarding area.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of existing warehouse buildings into a waste processing facility. The submitted information states that only two of the four buildings at the site would be used for waste processing, although the remaining buildings would also be subject to the change of use if planning permission were to be granted. The only operational development would involve the erection of a covered waste conveyor bridge between the two waste processing buildings. Plant and machinery would be installed in the two buildings to facilitate the waste processing. The proposed operating hours are 24 hours per day, 7 days per week. Information submitted with the application indicates that the proposal would generate 50 operational jobs

The proposed waste processing facility would have a capacity of 210,000 tonnes per annum (tpa). The proposal would handle commercial and industrial waste derived from waste bins and processing. The submitted information states that the sources of waste would be subject to contract, but it is expected that it would be sourced from East London and the wider London boroughs. The applicants anticipate that the composition of the waste will be as follows: 41% paper, 22% plastics, 17% organic fines, 15% textiles, 3% wood, and 2% metals.

The facility would process this waste material into solid recovered fuel (SRF) (70%), organic/heavies (14%), organic/fines (14%), and metal (2%). Of the 210,000tpa of waste processed, 147,000 tonnes of SRF would be produced; 58,000 tonnes of organic heavies/fines would be transported off site for use in anaerobic digestion, secondary aggregate production, or landfill covering; and 4,200 tonnes would be sent off site for recycling elsewhere.

The SRF produced would be exported off site by road for use in the cement-making and energy industries as an alternative to fossil fuels. The submitted information states that the applicant will initially aim to send 20% of the SRF output to a London based facility, with the remainder being exported to areas outside London, including Europe. The operator would seek to send more of the fuel to local cement-making and energy facilities in the medium-long term.

RELEVANT HISTORY

The previous planning decisions of most relevance to this application are as follows:

P0559.96 - Single storey extension of canopy between two warehouses.

P0016.92 - Erection of warehouse.

CONSULTATIONS/REPRESENTATIONS

This application was advertised by site notice and in the local press. Notification letters were sent to 71 neighbouring addresses. Representations have been received from a neighbouring business and the London Riverside Business Improvement District. The following objections are raised:

- i) There are enough waste facilities already located in the local area;
- ii) There will be an increase in dust and dirt resulting from the types of material being transported and handled;
- iii) The proposal would have a detrimental impact on the Business Improvement District and the efforts that have been made to raise the profile of the area;
- iv) The proposal would result in a steep increase in vehicle movements and a strain on the highway network in comparison to that likely with the existing use;
- v) There would be an adverse impact on highway safety;
- vi) The turning of lorries in the highway would be detrimental to the access points of neighbouring sites;
- vii) The anticipated use of public transport amongst staff is considered to be exaggerated and more off street parking would therefore be required;
- viii) There are likely to be odours resulting from the handling of organic waste;
- ix) The proposal would be incompatible with the other businesses located in the area.

Statutory Consultees

Environment Agency

No objections; conditions recommended.

Greater London Authority

The proposal is not currently considered to be acceptable but can become compliant subject to the following:

- i) The proposal is contrary to the Joint Waste DPD. Additional information should be provided in relation to the alternative site selection and the anticipated treatment processes;
- ii) Contributions being made towards green infrastructure under the London Riverside

Opportunity Area Planning Framework;

iii) The applicant should confirm arrangements with the anaerobic digestion operator at Rainham to take the organic waste produced;

iv) A construction and logistics plan and revised Travel Plan should be secured by condition; contributions towards local pedestrian improvements are required and formal cycle parking and changing facilities should be provided.

Non statutory Consultees

Environmental Health

No objections. Planning conditions recommended in relation to noise, air quality, and contaminated land.

Highways

No objections subject to a planning obligation.

Thames Water

No objections.

Essex and Suffolk Water

No objections.

RELEVANT POLICIES

Core Strategy and Development Control Policies Development Plan Document ("the LDF"):

CP11 (Sustainable Waste Management)

DC9 (Strategic Industrial Locations)

DC32 (The Road Network)

DC34 (Walking)

DC48 (Flood Risk)

DC50 (Renewable Energy)

DC52 (Air Quality)

DC53 (Contaminated Land)

DC55 (Noise)

DC58 (Metropolitan Site of Nature Conservation Importance)

DC59 (Biodiversity in New Developments)

DC61 (Urban Design)

DC72 (Planning Obligations)

Joint Waste Development Plan Document (the Waste DPD)

W1 (Sustainable Waste Management)

W2 (Waste Management Capacity, Apportionment and Site Allocation)

W5 (General Considerations With Regard to Waste Proposals)

Site Specific Allocations DPD

SSA9 (Channel Tunnel Rail Link)

The London Plan

Policy 5.16 (Waste Self-Sufficiency)

Relevant national planning guidance:

The National Planning Policy Framework

PPS10 (Planning for Sustainable Waste Management)

MAYORAL CIL IMPLICATIONS

The proposed development would not give rise to a contribution under the Mayoral CIL Regulations.

STAFF COMMENTS

This proposal is put before Planning Committee as it is a Major development, which is contrary to the Development Plan. Should Members be minded to approve the application, then the application will need to be readvertised as a Departure application, and brought before Members again with recommended conditions. Officers would also advise that planning consent should only be granted subject to the completion of a legal agreement, which has yet to be negotiated, to secure contributions towards highways and environmental improvements.

The main issues to be considered by Members in this case are the principle of development, visual impact, amenity, access considerations, and other considerations.

PRINCIPLE OF DEVELOPMENT

A neighbouring business has objected to the proposal stating that there are enough waste facilities in the area already, that the proposal would not be compatible with other uses in the Business Improvement District, and that the proposed development would have a detrimental impact on the Business Improvement District and the efforts that have been made to raise the profile of the area.

The proposed development would process up to 210,000 tpa of commercial and industrial waste, converting approximately 70% of it into SRF for use in industry, much of it in Europe, with the remainder being transferred to other waste facilities for further processing or recovery.

Policy CP11 of the LDF states that the Council is committed to increasing recycling and reducing the amount of waste being sent to landfill. Policy W1 of the Joint Waste DPD states that the East London Waste Authorities (ELWA) will encourage the reuse and recycling of materials, and the recovery of resources. The proposal would assist in diverting waste from landfill by creating SRF for use in off-site power generation and preparing waste for further off-site recycling. The proposal is therefore considered to be in accordance with Policy CP11 of the LDF and W1 of the Waste DPD.

The site is located on land designated in the LDF as a Strategic Industrial Location. Policy DC9 states that within such areas, with the exception of the Beam Reach Business Park, B2 and "waste uses" will be considered acceptable providing they are in accordance with the Joint Waste DPD and Policy CP11 of the LDF.

The Waste DPD was formally adopted by the East London Boroughs on 27th February 2012. This document sets out East London's waste planning strategy to 2021, identifying the levels of waste management capacity required by the area and guiding the location of facilities to address this requirement. One of the Waste DPD's main objectives is to:

"Reverse the historical trend of the ELWA area being the dumping ground for London's waste."
(Paragraph 3.2)

The waste apportionment for the East London boroughs, which the area is expected to provide capacity for dealing with, is significantly higher than the amount of waste that the four boroughs actually produce. However, a lot of effort has been exercised by the four boroughs to ensure that the apportionments for the area are as low as possible, in pursuance of the above mentioned objective.

Policy W2 of the Waste DPD sets out the amount of waste to be managed by the East London boroughs up to 2021, as established in the London Plan, and identifies preferred sites within the plan area that can be developed to provide the required capacity to manage this waste. The identified waste capacity requirement refers to the difference between the amount of processing capacity available and the amount of waste that needs to be dealt with. In relation to recycling, the Waste DPD states that East London has a surplus of capacity up until 2021 and beyond, meaning that no more recycling facilities are needed in order for the ELWA boroughs to meet their apportionment. However, in relation to the recovery of waste, which includes the use of waste as a fuel, the Waste DPD identifies that there is a capacity gap, meaning that more processing capacity is needed in order to meet the apportionment.

As of 2011, the identified capacity gap in relation to the recovery of waste is identified as being 262,710 tpa, increasing to 269,370 tpa by 2021. This means that in order for the East London Boroughs to meet their London Plan waste apportionment, new waste recovery facilities will be required to address this shortfall.

Paragraph 4.11 of the Waste DPD states that:

"... sites will only be approved where they are needed to contribute to meeting the London Plan apportionment figures for the ELWA boroughs, and capacity sought only where there is an identified need."

The proposed facility would have a processing capacity of 210,000 tpa, producing around 147,000 tpa of fuel and 24,000 tpa material for use in anaerobic digestion (both constituting recovery) with the remaining 39,000 tonnes being recycled. The 39,000 tpa of additional recycling capacity would only add to East London's surplus of recycling capacity and is therefore not required. The submitted information states that the additional recovery capacity would assist in meeting the capacity gap for recovery (262,710 tpa) identified in the Waste DPD. However, this fails to take account of new recovery capacity that has already been approved in the ELWA area, including 100,000 tpa of capacity at Frog Island in Rainham, and approximately 190,000 tpa of capacity at Dagenham Dock, which the London Borough of Barking and Dagenham expected to be implemented in the near future.

If the proposal under consideration were also to be approved and subsequently implemented then the identified capacity gap for recovery would be significantly exceeded. Even the currently identified requirements for the year 2021 would have been exceeded by over 170,000 tpa, assuming that no other new waste processing capacity were to be approved and brought forward in East London for the next 9 years.

As the proposal would bring forward new capacity that is not required to meet the area's waste apportionment, it is considered contrary to Policy W2 of the Waste DPD.

Policy W2, in addition to outlining the amount of waste capacity that East London requires, also establishes preferred sites for the development of new capacity. Schedule 1 sites are safeguarded waste management facilities that are already in operation, and Schedule 2 sites are locations where additional waste management operations would be encouraged. The site under

consideration does not constitute either a Schedule 1 or Schedule 2 site.

Policy W2 does state that where an applicant can demonstrate there are no opportunities within the preferred Schedule 2 areas for a waste management facility, that sites within designated industrial areas will be considered. The site is located within an industrial area, and as a waste use, could be in accordance with Policy DC9 of the LDF, providing it complies with the Joint Waste DPD. As part of their submission, the applicants have undertaken an assessment of the suitability of the Schedule 2 sites, which include the Ferry Lane North site in Rainham, Dagenham Dock in the London Borough of Barking and Dagenham, and Beckton Riverside in the London Borough of Newham.

Paragraph 6.1.5 of the submitted assessment concludes that the Schedule 2 sites are unsuitable for the following reasons:

- The Ferry Lane North site is considered to be too small to accommodate the proposed development and its development would displace an existing waste use;
- There are no suitable sites available for the proposed facility at Dagenham Dock;
- The Beckton Riverside site is too constrained.

The application site however is said to be available for development and includes existing buildings and infrastructure that can readily be used to accommodate the proposed development. It is also stated that the application site would be favourable from an environmental perspective.

Policy W2 of the Waste DPD states that alternative sites will be considered where it can be demonstrated that there are no opportunities at the preferred sites for waste facilities. The applicants have only attempted to demonstrate whether the preferred sites could accommodate their own proposal, rather than demonstrate that there are no opportunities for waste facilities generally. However, the submitted justification for not using one of the preferred sites fails to sufficiently explain why even the proposed development could not be located on one of the preferred sites.

That the application site would be more convenient and/or cost effective for the developer, or that the preferred sites are not currently under their control, are arguments that are considered to be of limited weight. Moreover, the submitted appraisal of the preferred sites, and the evidence for why these cannot be developed, is considered to fall far short of what is required to justify the development of an alternative site such as that under consideration. Insufficient information has been submitted to demonstrate that Beckton Riverside and Dagenham Dock are either not available or not capable of accommodating the proposed development.

The GLA have stated that the applicant should provide further information in relation to the site selection process.

The Joint Waste DPD was only adopted in February 2012 and the ten year waste planning strategy for the East London boroughs is therefore at a very early stage. The proposed development would be located on an unallocated site and, based on the information currently before us, would be likely to result in the plan area exceeding its waste apportionment by 210,000 tpa. Even if no more waste processing facilities were to be approved in East London for the next 9 years, if the proposal were added to those facilities already approved by the East London boroughs, then the ELWA area would still significantly exceed its 2021 waste apportionment. As discussed, the London Plan waste apportionment already significantly exceeds the amount of waste that the East London boroughs actually produce.

Members should also be mindful that whilst the proposed waste facility relates to two of the four buildings at the site, the change of use would apply to all four of the buildings and it is therefore possible that these buildings could be converted in future without the need for planning consent, which could add to the waste processing capacity at the site.

In addition to undermining one of the Waste DPD's main objectives, a further consequence of approving a facility that is not required, on unallocated land, is that it may result in the safeguarded sites being sterilised. Paragraph 5.12 of the Waste DPD states that:

"It is important that the ELWA boroughs work together to ensure that new development does not constrain land that has been safeguarded for waste management facilities."

This statement is double-edged. On the one hand it is saying that the sites identified as being suitable for waste development, and safeguarded in the Waste DPD, should be retained for these purposes. On the other hand, if waste development is allowed on unallocated sites, and the waste apportionment is met or exceeded, then safeguarded sites may need to remain vacant for a number of years until such time as new waste capacity is required. They would be safeguarded for waste development, but the required capacity would have been provided elsewhere.

Policy W5 states that applications for new facilities that manage non-apportioned waste must demonstrate that there is not a more suitable site nearer to the source of waste. The application under consideration proposes a new facility for the management of non-apportioned waste without demonstrating that there is a more suitable site nearer to the source of waste. It is therefore considered that the proposal is contrary to Policy W5 of the Waste DPD.

Given the lack of convincing evidence to justify the proposed development at an unallocated site; the absence of any demonstration to show that there are no suitable sites located nearer to the source of waste; and given that the proposal is likely to result in the area's waste apportionment being significantly exceeded; the proposal is considered to be contrary to Policies W2 and W5 of the Waste DPD and is therefore considered to be unacceptable in principle.

Whilst the proposal would be contrary to the Waste DPD, weight must also be given to the other material considerations, which might be considered sufficient to overcome the departure from the Development Plan. The submitted information states that the proposal would generate 50 permanent jobs. Officers consider that this factor is of limited weight given that the existing buildings, had they not been in the ownership of the applicant for the past year, might well have come forward for B1 or B8 development that could provide a similar number of, if not more, jobs than would be generated by the proposed waste processing facility. Moreover, given that the site is located in a Business Improvement District and that a neighbouring business has objected to the proposal, partly on the grounds that they consider the proposal incompatible with the existing businesses, it is possible that a development of this nature might be detrimental to the attractiveness of the area, not only for existing, but also for future employment occupiers, which could have a detrimental impact on employment levels.

All waste-related development will create employment. Members will need to consider whether the benefits of this, and future proposals of this nature, outweigh departures from the Development Plan, including the recently adopted objectives and policies of the Waste DPD for East London.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The site is located on land designated as a Strategic Industrial Location and the surrounding area is characterised by employment related development, particularly warehousing along with storage and low quality waste processing uses to the south. The proposal would result in the change of use of existing warehouse buildings with most of the proposed works, such as the installation of plant, being internal and therefore not constituting development. The only operational development would include a conveyor bridge connecting the two waste processing buildings, but this would not be visible from beyond the site's boundaries.

It is considered that the storage of containers, plant, and waste material in the external areas of the site would result in a significant adverse impact on the visual amenities of the local area. It is recommended that conditions be employed, should planning permission be granted, requiring the use of matching materials for the conveyor bridge; requiring the submission of details relating to the proposed boundary treatment and landscaping; and to prevent the storage of plant, containers, and material in the open air.

Given the nature of the proposal, including its siting, scale, and design, it is considered that it would be in accordance with Policy DC61 of the LDF, subject to the imposition of the aforementioned conditions.

IMPACT ON AMENITY

Policy DC52 of the LDF states that planning permission will only be granted providing significant harm to air quality would not be caused. Policy DC53 states that planning permission will only be granted for development that would not lead to future contamination of the land in and around a site, and, where contamination is known to exist at a site, a full technical assessment is undertaken. Policy DC55 states that consent will not be granted for development that would result in unacceptable levels of noise and vibrations affecting sensitive properties. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

A neighbouring business has objected to the proposal on the grounds that it would result in dirt, dust, and odour problems in the local area, and would be detrimental to the Business Improvement District.

The site is located in an industrial area and has established use rights for B8 purposes. The nearest residential properties are located at Creekside, approximately 70m to the north of the site, and around 100m to the north of the proposed waste processing buildings. The occupiers of these properties were consulted about the proposal but no representations have been received. These properties are separated from the site by Rainham Creek, including an area of dense vegetation.

The submitted information states that the waste processing activities would take place entirely indoors and that the process would not give rise to the emission of odours. The Council's Environmental Health officers were consulted about the proposal and have raised no objections subject to the use of conditions relating to the control of emissions, contaminated land, and noise. Should planning permission be granted, it is also recommended that conditions be imposed preventing the storage of waste in the open air; prohibiting the importation of putrescible waste; and requiring the submission of details relating to the control of dust, odour, and mud on the road.

It is considered that, given the nature of the proposed development, including its siting, scale and design, there would not be any significant adverse impacts, in terms of noise, odour, or pollution, on local or residential amenity if this application were approved. The proposal is considered to be acceptable subject to the imposition of the aforementioned conditions. It is considered that the proposal would be in accordance with Policies DC52, DC53, DC55, and DC61 of the LDF.

HIGHWAY/PARKING

Policy DC32 of the LDF states that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

A neighbouring business has objected to the proposal stating that it would lead to a dramatic increase in vehicle movements, placing a strain on the local highway network, and that it would be detrimental to highway safety.

The GLA have stated that a construction and logistics plan, revised Travel Plan, formal cycle parking, and changing facilities should be provided. These requirements can be achieved through the use of planning conditions should Members be minded to grant planning permission.

The site is located in an existing industrial area that is served by a public highway suitable for heavy goods traffic. The site access and turning areas are equipped to handle HGVs movements. It is estimated that the proposal would generate around 110 lorry movements per day. The Council's Highway officers have considered the proposal and have raised no objections subject to a planning obligation that the developer makes a financial contribution of £20,000 towards the maintenance of Lamson Road. The GLA have stated that contributions should be sought towards local pedestrian improvements.

In order to protect highway safety and amenity, it is recommended that a condition be imposed requiring details of the methods proposed to prevent the deposit of material in the public highway be submitted for the LPA's approval.

In terms of its impact on highway safety and amenity, and having regard to access considerations generally, it is considered that the proposed development would be acceptable and in accordance with Policy of the LDF, subject to the imposition of the aforementioned conditions and the completion of a Section 106 agreement. In the absence of any legal agreement, the proposal is considered to be contrary to Policies DC32 and DC72 of the LDF and is therefore unacceptable.

OTHER ISSUES

Environmental Considerations

The site is located alongside a Metropolitan Site of Nature Conservation Importance and in close proximity to the Inner Thames Marshes SSSI. Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. Natural England have been consulted about this proposal and raised no objections subject to the use of a condition relating to the control of drainage and pollution between the site and the neighbouring designated site. The Environment Agency have also proposed a condition in relation to the control of drainage, and it is recommended that this condition be imposed, should consent be granted, along with a further condition relating to the control of Japanese Knotweed.

The site is located in Flood Zones 2 and 3, as defined by Havering's Strategic Flood Risk

Assessment. Policy DC48 of the LDF stipulates various requirements relating to major development proposed in Flood Zone 1, and any other development located in Flood Zones 2 and 3. The application is accompanied by a Flood Risk Assessment, which has been considered by the Environment Agency with no objections being raised, subject to the use of a condition relating to drainage arrangements, which can be imposed should planning permission be granted. No objections have been raised from Essex and Suffolk or Thames Water.

Subject to the use of the aforementioned conditions, the proposal is considered to be acceptable, having had regard to Policies DC48, DC58, and DC59 of the LDF.

Other

Policy W5 of the Waste DPD stipulates the types of information that should be included with planning applications for waste development, including mitigation measures to minimise or avoid various types of impact. With the exception of that part of this policy already discussed above, the proposal is considered to be in accordance with this policy in all other respects.

Policy SSA9 of the Site Specific Allocations DPD states that the Council is required to facilitate the Channel Tunnel Rail Link. However, the proposal under consideration relates to an existing site and buildings. The proposal is not considered to be contrary to Policy SSA9.

The GLA have stated that contributions should be sought towards green infrastructure under the London Riverside Opportunity Area Planning Framework. The Council's Regeneration officers have recommended that planning obligations be sought to contribute to environmental improvements in the local area, should planning permission be granted for the proposal. These include contributions towards environmental and public realm improvements along Lamson Road and Ferry Lane, and a contribution towards the Creekside Park refurbishment. In the absence of a legal agreement to secure these contributions, the proposal is considered to be contrary to Policies DC34, DC59, and DC72 of the LDF.

KEY ISSUES/CONCLUSIONS

The proposal is considered to be contrary to the objectives and policy contained in the Waste DPD. The proposal would be likely to result in the area's waste apportionment being significantly exceeded and would result in the development of a waste processing facility outside of the preferred sites without the required justification having been provided. Moreover, in the absence of a Section 106 agreement, there is no mechanism through which the Council can secure necessary contributions towards highway, environmental, and public realm improvements.

Officers consider the proposal to be unacceptable, having had regard to Policies W2 and W5 of the Waste DPD, Policies CP11, DC9, DC32, DC34, DC48, DC50, DC52, DC53, DC55, DC58, DC59, DC61, and DC72 of the LDF, and all other material considerations.

The Council is required to consult the Greater London Authority prior to releasing its decision.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the reason(s)

1. Refusal non standard Condition

The capacity of the proposed development would be in excess of what is required by the East London Waste Authority boroughs to manage the waste apportioned to them

in the London Plan. The proposal would be likely to result in significantly more waste being imported to the area than is required by the London Plan and is therefore considered to be contrary to the objectives, and Policy W2, of the Joint Waste Development Plan for the East London Boroughs.

2. Refusal non standard condition

The application proposes the development of a waste processing facility outside of the preferred areas established in the Joint Waste Development Plan Document without adequately demonstrating that there are no opportunities within these preferred areas for a waste management facility. The proposal is therefore considered to be contrary to Policy W2 of the Joint Waste DPD for the East London Boroughs.

3. Refusal non standard condition

In the absence of a Section 106 agreement intended to secure contributions towards highway, green infrastructure, and other environmental and public realm improvements, the proposal is considered to be contrary to Policies DC32, DC34, DC59, and DC72 of the LDF.

APPLICATION NO:	P0427.12	
WARD :	Hylands	Date Received: 3rd April 2012 Expiry Date: 29th May 2012
ADDRESS:	28 Harrow Drive Hornchurch	
PROPOSAL:	Single and two storey rear extensions, single storey front extension amended plans received 21-6-2012	
DRAWING NO(S):	P.01 P.02 P.03 Rev A P.04 P.05A (revised) P.06A (revised) P.07 P.08 P.10 (additional) APPLICATION 1 (revised) APPLICATION 2 (revised) APPLICATION 3 (revised)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

CALL-IN

The application has been called in by Councillor Galpin as she considers the proposal raises neighbourliness and streetscene issues.

SITE DESCRIPTION

The subject dwelling is a substantial and previously extended detached house on the east side of Harrow Drive. There is an attached double garage located on the northern side of the dwelling and ample off-street parking available at the property. The surrounding area comprises mixed residential properties and the land is fairly level. No trees will be affected by the development.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single storey front extension and single and two storey rear extensions.

In the front facade an extension will be constructed to provide an extended hall and wc which will be 1.9m deep for a width of 3.1m and will then step back 300mm and extend a further 1.970m. It will have a gabled roof 3.8m high.

On the left hand side of the property (north), a single storey rear extension is proposed which will step in 400mm from the existing flank wall at the rear of the existing garage (with study beyond) for a depth of 3.10m and width of 5.210m and will then step back 2.450m for a width of 12.430m. This will result in this element being 3.10m deeper than the existing projection on the left hand side of the property (north) and 3.80m deeper in the centre with the existing projection on the

right hand side (south) 1.690m deeper. A hipped roof will be provided on the northern side and a mono-pitched roof will be provided over to the rest.

At the rear at first floor level on the left hand (northern) side of the property, a 3.80m deep by 4.150m wide extension is proposed and on the southern side a 3.0m deep by 4.150m extension is also proposed. Hipped roofs 8m high will be provided over both first floor extensions.

The proposed development will provide no additional bedrooms.

RELEVANT HISTORY

Building Control records are copied below:

1841/54 - Private garage
8666/78 - Kitchen modification and new cloakroom
7307/85 - Rear extension

Available planning history:

L/HAV/1539/87 - Two storey side extension and garage - Approved
P0151.11 - Two storey side and rear extensions and single storey side extension - Refused
P0911.11 - Single storey front extension, single/two storey, side/rear extensions and single/two storey rear extensions - Refused

CONSULTATIONS/REPRESENTATIONS

The application has been advertised by the direct notification of surrounding residential properties.

Two letters of objection have been received from two neighbours at the same address and a local Councillor. Their comments are summarised below:

* The writers have objected to both previous applications on broadly similar grounds each time, namely - the impact of the scale, bulk and massing of the proposal on the amenity of adjacent properties and the physical incongruity between the excessive scale of the proposal and its immediate surroundings in the street and rear garden scenes.

Whilst it is acknowledged the application now under consideration represents a variation on the previous schemes, with specific reference to their property, the proposed changes remove none of the previous objections; the proposed extension to the southern side of the rear elevation includes a 3m deep extension at first floor level, identical to the last application; it is noted that the ground floor extension in this location proposes a slightly shorter rearward extension (1.69m as opposed to 1.99m in the last application) but this minimal alteration does not sufficiently help to overcome the impact on their property.

The writers also draw attention to the emphasis that Members placed upon the poor relationship between this element of the proposed extension and their bungalow and the impact such an out of scale scheme would have on the single storey property. Visual impact, bulk and massing were also raised.

Turning to the development on the northern side of the property, it is acknowledged that the proposed extension at first floor level has been reduced in scale, but the ground floor extension (annotated as a kitchen) extends a significant distance into the rear garden (3.10m). Although the overall height will be reduced, height, bulk and massing, complete with the proposed roof

design, will still render the proposal inappropriate in respect of the way it negatively impinges on the rear garden environment and how it adversely affects the residential amenity of No.34.

The extension of the rear wall across the entire width of the property will be harmful to the rear garden environment;

The submitted plans are inaccurate in that they seem to delineate the bungalow by utilising the outline of the roof and associated eaves, rather than the actual position of the exterior walls which has the effect of misrepresenting the relative positions of the two properties and also the position of the flank windows in relation to the proposed flank wall of the subject dwelling;

Certain health problems are being experienced by the writers which are being made worse by the stress of the proposed development;

It is also requested that the application be called into Committee for decision and if approved a construction condition attached.

One letter has also been received from a local Councillor objecting to the proposal on the grounds that this resubmission is not unlike the one refused recently at Committee and that the refusal put emphasis on the impact the resultant building would have on the character, and local environment and the bungalow at No.24;

The Councillor goes on to say that the plans are incorrect insofar as the position of the windows in the bungalow property are concerned. The proposed development continues to be out of character and over-development for the site.

RELEVANT POLICIES

Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.
Residential Extensions and Alterations SPD.

STAFF COMMENTS

A previous application, reference P0151.11, was refused planning permission on 31st March 2011 under Delegated Powers. It was considered the proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the street and rear garden scene, harmful to the appearance of the surrounding area and also that it would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development, as well as having an adverse effect on the amenities of adjacent occupiers.

A subsequent application, reference P0911.11 -

- * altered the gabled roof at first floor level on the northern side to a hip;
- * provided a 1m separation from the northern boundary instead of about 600mm;
- * reduced the width of the first floor rear extension in the centre of the property from 6.930m wide to 5.560m.
- * reduced the length of the first floor on the southern side from 4.090m to 3m and provided a hipped roof over the single storey element below;

That scheme was considered to be acceptable by officers but was called into Committee by a Councillor for decision. The decision was to refuse planning permission for the same reasons as before.

The application now under consideration has reduced the scale of development again in the following ways:

- * Apart from the addition of a new front porch, the property will not appear altered from existing when viewed from the front streetscene;
- * The first floor element on the northern side of the property (above the existing garage) is now deleted;
- * The existing garage will remain as existing (600mm off the northern boundary) with the single storey extension to the rear now being brought 1.0m off the boundary. The depth will remain at 3.100 as in the previous proposal;
- * The depth of the single storey extension at the rear, roughly in the middle of the property, will remain as in the previous application 3.80m.
- * The depth of the single storey rear extension on the southern side will now be 1.690m rather than 1.990m and provided with a mono-pitched roof;
- * At first floor level at the rear the extension closest to the northern boundary will now be 4.150m wide rather than 5.560m. The depth will remain the same 3.86m;
- * The first floor rear extension close to the southern boundary will remain the same (4.150m wide by 3.000m deep).

The acceptability of these changes will be discussed later in the report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Harrow Drive is an attractive road of very mixed size and design residential properties, with many dwellings being set within generally spacious plots.

The subject dwelling lies on the east side of Harrow Drive, between a two storey house to the north, No.34 and a bungalow to the south, No.24 (note numbering anomaly). The subject dwelling was originally a modest, detached, gabled property with a two storey front projection and a small detached hipped roof building to the side, separated by a small picket gate. It is noted that the property in its original form measured approx 12.7m wide by 5.5m deep with a two storey, front forward projection of 1.3m on the southern side.

Following two recent refusals for substantial additions to this property, the proposal now under consideration, when viewed from the front streetscene, only intends a front porch addition which is considered to relate acceptably to the property. No undue front streetscene issues will now arise.

When viewed in the rear garden environment, it was considered in both the previous applications that the development would have resulted in development that would have appeared bulky, dominating and incongruous, to the detriment of the property itself and the surrounding area.

When viewed from the rear garden environment, the current application differs in that the space above the garage is now maintained, the extension behind the garage has been reduced in width and the larger of the first floor rear elements has been reduced in width from 5.560m to 4.150m.

On balance, staff consider the general bulk of the development in the rear elevation has been reduced sufficiently to overcome previous concerns.

Having regard to the above, Staff consider that the development as revised has addressed previously identified visual impact concerns. The design, bulk and scale of the development is

considered acceptable and will not now cause harm to the surrounding area.

IMPACT ON AMENITY

Dealing firstly with the bungalow property to the south, No.24, this property has an approximate separation from the party boundary of 1.3m and the proposed development on the southern side of the subject dwelling will be approximately 3.43m further away. It should be noted at this point that this bungalow's rear building line is approximately 800mm deeper into the garden than the subject dwelling would be if extended at ground level and 2.2m than the first floor. This bungalow has two windows in the flank wall facing the subject dwelling and it is noted that submitted plans indicate their positions to be slightly incorrect. Nonetheless, one is an obscure glazed window which serves the bathroom, therefore less weight will be attached to any loss of light and the second window is a secondary source of light to the kitchen. Objection therefore is difficult to substantiate on the grounds of loss of sunlight that may occur to the flank windows of this property.

Although it is accepted the single storey rear extension close to this neighbour has only been reduced in depth by 300mm, the overall bulk of the proposed development has been greatly reduced when viewed from the rear garden area of this neighbour.

Turning now to No.34, this property lies to the north of the subject dwelling and is a two storey dwelling house. Site visit reveals this property is set away from the common boundary by about 5.5m and has a 1.6m high approx screen hedge. It has an attached double garage with a small greenhouse to the rear close to the common boundary. It has no flank windows to be affected by the proposals.

The development on this side is now to only be at single storey level which will be 400mm less wide than the existing garage. Staff consider these changes drastically reduce the bulk of the proposed development and its potential impact upon the patio area and general outlook of this neighbour.

It is noted that a flank window is proposed at ground level facing this neighbour which serves a utility room. In the event of planning permission being granted, a condition is suggested to ensure this window is obscure glazed with top hung fanlight opening only to protect this neighbours' privacy.

Having regard to the above, Staff consider the scheme as revised to have satisfactorily addressed neighbourliness concerns and no objections are raised to this aspect of the development.

HIGHWAY/PARKING

No additional bedrooms will now be provided to the property, and present parking arrangements will remain, therefore no highway issues arise.

KEY ISSUES/CONCLUSIONS

For the reasons discussed above, the proposal is now considered to be in accordance with the above Policies and approval of planning permission is now recommended, subject to conditions.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)
4. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed window in the north facing flank wall that serves the utility room hereby permitted, 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.

5. SC46 (Standard flank window condition)
-

INFORMATIVES

3 Reason for Approval

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

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

APPLICATION NO:	P0451.12	
WARD :	Upminster	Date Received: 3rd April 2012 Expiry Date: 3rd July 2012
ADDRESS:	Industrial building adjacent to Franks Farmhouse Franks Farm St Mary's Lane Upminster	
PROPOSAL:	Proposed erection of a replacement industrial building for B1 & B8 business use. Revised plan received 29-05-2012	
DRAWING NO(S):	Site Location Plan FF 03352 (1 of 2) FF 03352 (2 of 2)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

SITE DESCRIPTION

The application site comprises land that was previously occupied by two former agricultural buildings that were being used for B1 and B8 purposes, and a third building still in agricultural use. The use of the two B1/B8 buildings was lawful, having been approved at appeal in 1992. The site is located within a complex of agricultural and former agricultural buildings at Franks Farm.

The existing buildings, which are single storey, pitch-roofed buildings are arranged around a square yard. This was formerly a farm yard but is now an area of hardstanding being used as a car park. The application site forms the western range of the former yard, whilst the southern wing is formed by what appear to be vacant agricultural buildings. Part of the northern wing is being used as a gym accessible to members of the public. It is unclear at this time whether this is a lawful use of the building and to what extent it fills the building. Half of the building forming the northern wing was the subject of the 1992 appeal referred to above, where its use for furniture storage and repair was granted.

The three buildings forming the application site were attached, pitch roofed structures forming the western range of the complex of buildings located at Franks Farm. The smallest and northernmost of the three was approximately 4m in height and had a volume of approximately 115m³. The largest building, located between the other two, was approximately 8.3 metres in height and had a volume of around 1930m³. The southernmost building had a height of approximately 6.5m and a volume of around 763m³. These buildings have been demolished and are in the process of being replaced with a new building and the site is currently occupied by an unauthorised, steel-framed structure.

The site's western boundary lies adjacent to open grassland and a pond, beyond which is a Grade II listed building known as Frank's Farmhouse. The southern boundary abuts an existing, single storey, pitch-roofed building. The eastern boundary adjoins what was a farm yard but is now a car park associated with the gym and the commercial uses. The northern boundary abuts the northern wing of the complex of buildings, which is being used as a gym.

The site is located approximately 90m to the west of the M25; 410m to the north of St Mary's Lane from which the site is accessed via a single lane, private access road; and 35m to the east

of the afore mentioned listed building. The site is located in the Green Belt and within the setting of a listed building.

DESCRIPTION OF PROPOSAL

This partly retrospective planning application seeks planning permission for the demolition of three buildings, two of which were lawfully in use for B1/B8 purposes, and a third which was in agricultural use, and the erection of a replacement building to be used for B1/B8 purposes. The proposal would therefore result in the material change of use of the land occupied by the afore mentioned agricultural building, along with the proposed building operations.

This application is a re-submission, following the refusal of a previous scheme. The proposed development now under consideration is smaller than the previous proposal, being around 2m lower in height (to ridge), a smaller footprint, and therefore a smaller overall volume. The profile of the building has also been re-designed, and changes have been made in relation to the fenestration, to give the building a more agricultural appearance. For instance, the previously proposed roller-shutter doors are replaced by sliding, wooden, agricultural doors, and the various other openings are more in keeping with the existing buildings at the site.

The replacement building has been partially erected with the steel frame structure being in place. The building would largely continue the established B1/B8 uses at the site. The proposal, when completed, would be a pitch roofed building approximately 8m in height. The footprint of the building, approximately 455sqm in area, is smaller than the combined footprint of the three former buildings, which was approximately 505sqm in area. The proposal would have a lower volume than that of the three former buildings combined, being approximately 2802m³ compared to approximately 2810m³.

RELEVANT HISTORY

The following planning decisions are of relevance to this application:

P1906.11 - Retrospective application for the demolition of buildings and the erection of a replacement building for B1 & B8 business use - Refused for the following reasons:

"1) The proposed development would be detrimental to the openness of the Green Belt as it would result in a replacement building that is significantly larger than the buildings it replaces. The proposal is therefore contrary to Policy DC45 of the Core Strategy and Development Control Policies DPD.

2) The proposed development would constitute inappropriate development in the Green Belt with no very special circumstances having been submitted that outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The proposal is therefore contrary to the guidance contained in PPG2, and Policy DC45 of the Core Strategy and Development Control Policies DPD.

3) The proposed building, by reason of its height and overall scale, bulk and massing, would be detrimental to the visual amenities of the Green Belt and the character of the area and would therefore be contrary to the guidance contained in Paragraph 3.15 of PPG2 and Policy DC61 of the Core Strategy and Development Control Policies DPD.

4) It is considered that the proposed development, by reason of its height, bulk, massing, and its proximity to Franks Farmhouse, would be detrimental to the setting of a listed building, contrary to Policy DC67 of the Core Strategy and Development Control Policies DPD and the guidance

contained in PPS5."

T/APP/C91/B5480/609578-81/P6 - Appeal against an enforcement notice served by the London Borough of Havering alleging the unauthorised material change of use of land/buildings. Appeal allowed and notice quashed, 1992.

This appeal decision effectively granted planning permission for the use of two of the demolished buildings as workshops and storage. The application under consideration proposes B1/B8 uses, which are considered to be consistent with the uses approved as part of the appeal. The remaining demolished building, at the northern end of the western range of buildings, was not referred to in the appeal, and in the absence of any evidence to the contrary, is considered to have remained in agricultural use.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 19 neighbouring properties; a site notice was placed in the vicinity of the site; and advertisements have been placed in the local press.

Comments have been received from the following consultees:

Highways - No objections.

Environmental Health - No objections; condition recommended.

London Fire Brigade - No objections.

Heritage Officer - No objections; condition recommended.

Natural England - No objections.

RELEVANT POLICIES

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

DC61 - Urban Design

DC63 - Delivering Safer Places

DC67 - Buildings of Heritage Interest

National Planning Guidance

The National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The application under consideration would give rise to a Mayoral CIL payment of £9,100 as it proposes the erection of a new building of 455sqm in area, where the previous buildings have not been in use for at least six months of the last twelve.

STAFF COMMENTS

This application is brought before Members as it proposes inappropriate development in the

Green Belt and therefore a Departure from the Development Plan. Officers consider that the main issues to be considered are the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

PRINCIPLE OF DEVELOPMENT

The proposed development would take place within the Green Belt. Policy DC45 of the LDF states that planning permission for the redevelopment of authorised commercial/industrial sites will be granted provided there is a substantial decrease in the amount of building on the site and improvements to the local Green Belt environment. The preamble to this policy implies that this aspect of Policy DC45 concerns instances where an existing commercial site is redeveloped as a new use, such as housing or a mix of uses, and that the Departure procedure would apply. The development in question proposes the replacement of buildings, which, for the most part, would not involve a change of use. The change of use that would occur would relate to a very small area.

However, as the proposal is not entirely for the redevelopment of an authorised commercial/industrial estate, given that it includes an element of agricultural use, it is considered that the proposal would not be in accordance with Policy DC45 of the LDF.

National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

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

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

In terms of Green Belt policy, this application proposes the erection of a new building to replace former commercial/agricultural buildings, and the change of use of a small area of land (approximately 16sqm) from agricultural to B1/B8 uses. Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate unless it is for given purposes. These include the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces. Whilst the proposal under consideration is mainly in the same use as the buildings it would replace, and smaller than them, part of the re-developed area would result in a change of use. The proposal does not therefore accord with this aspect of the guidance. The guidance contained in the NPPF indicates that material changes of use in the Green Belt constitute inappropriate development.

It is therefore considered that the proposal would constitute inappropriate development in two

respects. The proposed building operations and the proposed material change of use would constitute inappropriate development in the Green Belt.

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88). Prior to appraising the very special circumstances case put forward, it is necessary to consider whether any other harm would arise from the development. This is explored in the following sections.

It is considered that the proposed building, given its siting, scale and design, and the small scale of the proposed change of use, particularly compared to the buildings it replaces, would not be detrimental to the openness of the Green Belt or conflict with any of the purposes of including land in the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The site is located within in the Green Belt.

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

It is considered that the proposal, in terms of its form and materials, the latter of which could be controlled by a condition, would have a rural character in keeping with the surrounding landscape. In terms of its footprint and volume, the proposal would be smaller than the buildings it replaces, which were in a run-down condition, and would not be out of scale with the existing buildings at the site. It is considered that the proposed building, given its siting, scale and design, and the small scale of the proposed change of use, particularly compared to the buildings it replaces, would not be detrimental to the openness of the Green Belt

Given the nature of the proposal, including its siting, height, bulk, and massing, it is considered that it would not result in any significant adverse impacts on the visual amenities of the Green Belt or the character of the area, and that it would therefore be in accordance with Policy DC61 of the LDF and the guidance contained in the NPPF.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

The Council's Environmental Health Officer has recommended the imposition of a condition relating to contaminated land. This condition can be imposed should planning permission be granted.

The proposed building would continue the B1/B8 uses of the buildings it replaces, although it would also change the use of land that was formerly occupied by a small agricultural building. The proposed change of use, which is modest in relation to the pre-existing commercial uses, and in terms of the physical changes to the structures at the site, it is considered that the proposal would not result in any significant adverse impacts on local amenity. The nearest residential properties outside the ownership of the applicant are located in excess of 400m from the site.

Given the nature of the proposal, including its siting, scale and design, it is considered that there would not be any significant adverse impacts on the amenity of neighbouring occupiers, and the proposal would not be contrary to Policy DC61 of the LDF.

HIGHWAY/PARKING

DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development. The proposed development would largely continue an existing, lawful use although, by reason of the increased size of the building, the proposal could result in an intensification of the use of the site. However, the Council's Highway Authority has considered the application and raised no objections. The proposal is therefore considered acceptable in terms of the proposed parking and access arrangements.

OTHER ISSUES

Green Belt - Very Special Circumstances

The proposed development would result in a decrease in the amount of building at the site, although not a substantial decrease, with the volume of the buildings reducing by approximately 8m³. The footprint of the building would be less than the previous buildings, whilst, overall, the height would be slightly higher. Overall, the built volume would be reduced. The buildings being replaced were in a run-down condition and it is therefore argued that the proposal would result in an improvement to the visual amenities of the area. The applicants also state that the proposal would assist in reducing the transmission of noise from the M25 to Franks Farm House.

Given that the proposed change of use would be very modest in scale, and that the overall outcome would be a smaller building than what occupied the site previously, and given that the former buildings were in a poor state of repair and that the proposal would reflect the vernacular of the area, it is considered that the harm, which is by reason of inappropriateness only, is overcome by very special circumstances.

Listed Building Impact

Policy DC67 of the LDF states that planning applications involving listed buildings or their settings will only be allowed where they do not adversely affect a listed building or its setting. The guidance contained in the NPPF states that when assessing development affecting the setting of designated heritage assets, "great weight should be given to the asset's conservation."

The site is located approximately 35m to the east of the Grade II listed Frank's Farmhouse, which dates from the fifteenth century. The Council's Conservation Officer has raised no objections to the proposal. English Heritage has raised no objections subject to the use of a condition to protect any on-site archaeological remains. The proposal is considered to be in accordance with Policy DC67 of the LDF and the guidance contained in the NPPF, subject to a condition controlling the use of external materials, and the aforementioned archaeological condition.

In terms of nature conservation considerations, the proposed development has so far resulted in the demolition of three buildings, which may have been inhabited by bats. Whilst it is now too late to request a bat, or other protected species survey, a condition could be imposed, should planning permission be granted, requiring the submission of details relating to nature conservation measures, such as the installation of bat boxes.

KEY ISSUES/CONCLUSIONS

The application proposes inappropriate development in the Green Belt, however, it is considered that the very special circumstances submitted overcome the harm by reason of inappropriateness. Whilst the proposal is contrary to Policy DC45 of the LDF, it is considered that the very special circumstances and the nature of the proposal, in comparison to what it would replace, overcome this. In all other respects, the proposal is considered to be acceptable.

The proposed development is considered to be acceptable having had regard to Policies DC22, DC33, DC45, DC61, DC63, and DC67 of the LDF, and all other material considerations.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

3. SC4 (Time limit) 3yrs
4. SC09 (Materials) (Pre Commencement Condition)
5. SC32 (Accordance with plans)
6. SC77 (Archaeological investigation) (Pre Commencement)

2. Non Standard Condition 31
No further development shall take place until a scheme is submitted for approval in writing by the Local Planning Authority detailing the wildlife habitat measures to be incorporated into the development. These measures should include bat and bird boxes. The development shall be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason:

In the interests wildlife and to compensate for any potential loss of habitats that might have arisen from the unauthorised demolition of the site's former buildings.

7. Non Standard Condition 37
Prior to any further works pursuant to this permission taking place, the developer shall submit for the written approval of the Local Planning Authority;
 - a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Continued ↓.

- 2 -

Part A Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B Following completion of the remediation works a Validation Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, Land Contamination and the Planning Process .

Reason: To protect those engaged in construction and occupation of the development from potential contamination.

INFORMATIVES

4 Non Standard Informative 1

The application proposes inappropriate development in the Green Belt, however, it is considered that the very special circumstances submitted overcome the harm by reason of inappropriateness. No other harm has been identified. Whilst the proposal is contrary to Policy DC45 of the LDF, it is considered that the very special circumstances and the nature of the proposal, in comparison to what it would replace, overcome this. In all other respects, the proposal is considered to be acceptable.

The proposed development is considered to be acceptable having had regard to Policies DC22, DC33, DC45, DC61, DC63, and DC67 of the LDF, and all other material considerations.

APPLICATION NO:	P0493.12	
WARD :	Romford Town	Date Received: 5th April 2012 Expiry Date: 31st May 2012
ADDRESS:	91 Waterloo Road Romford	
PROPOSAL:	Variation of condition 4 of planning permission P1285.06 in order to enable prayers to take place daily during the months of April, May, June, July, August and September between 0400 and 2330	
DRAWING NO(S):	OS Map	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

BACKGROUND

Members will be aware that planning permission was granted in March 2007, under application reference P1285.06, for a change of use of the building for Class D1 purposes. The building has since been adapted from its former use as a fireplace showroom to a community centre, which has been operating for over four and a half years. The centre known as the Havering Islamic Cultural Centre is principally used for community purposes, including religious instruction and prayer meetings. Internally the building comprises at ground floor a creche facility, ladies room, office, toilets, library and elders day room and at first floor a multi-purpose hall, gymnasium, IT room and toilets. The first floor multi-purpose hall is used for prayer meetings and at other times for either table games or language classes.

The most important Muslim practises are the Five Pillars of Islam. The Five Pillars of Islam are the five obligations that every Muslim must satisfy in order to live a good and responsible life according to Islam. These pillars are the declaration of faith, performing ritual prayers five times a day, giving money to charity, fasting during the month of Ramadan and a pilgrimage to Mecca (at least once). Carrying out these obligations provides the framework of a Muslim's life, and weaves their everyday activities and their beliefs into a single cloth of religious devotion.

The five daily prayers referred to above are obligatory and they are performed at times determined essentially by the position of the Sun in the sky. It is for this reason that the Prayers take place at different times throughout the year and throughout the world.

The five prayers are undertaken as follows as specified within the Quran:

The Dawn Prayer (Fajr) - dawn, before sunrise

The Noon Prayer (Zuhr) - after the sun passes its highest point

The Afternoon Prayer (Asr)

The Sunset Prayer (Maghrib) - just after sunset

The Night Prayer (Isha) - between sunset and midnight

On a typical day this means that the five Prayer meetings are held around 0700, 1330, 1630, 1800 and 2030. On a Friday between 1230 and 1430 a congregational Prayer gathering replaces the Noon Prayer.

In granting planning permission for the change of use of the building to a community centre the Council imposed an hours of operation condition which prevents the use of the centre other than

between the hours of 0700 and 2130 on any day. The purpose of this condition was to safeguard residential amenity. Although not apparent at the time the original application was approved the hours of operation condition essentially prevents the carrying out of the Morning Prayer and the Night Prayer at the centre during the summer months. During the summer months sunrise and sunset occurs outside of the permitted hours.

It was for this reason that a planning application (reference P1509.08) was submitted in August 2008 seeking permission for the hours of operation condition attached to P1285.06 to be varied to allow the centre to open between 0400 and 2300 on any day during the months of May, June and July in order to enable Morning Prayer and Night Prayer. Planning permission was granted for a temporary one-year period.

A further application was submitted in June 2010 (reference P0737.10) seeking permission for the centre to open throughout the year on any day between 0400 and 2300 rather than just on specific months of the year. Members subsequently approved this application for a temporary period of one year expiring on 19th July 2011 in order that the impact of the extended hours of operation could be monitored. At the time when this application was considered Members raised no concerns in respect of the impact on residential amenity.

In June 2011 a planning application was submitted seeking a permanent permission for the extended hour of operation of 04:00 till 23:00 on any day (ref. P0927.11). As per the 2010 temporary permission the application sought a permanent extension of operating hours throughout the year rather than on selected months of the year. The applicant has indicated that this was a mistake and that the application should have been presented as seeking a permanent extension of hours on selected months only. The application was presented to Committee with a recommendation for approval, however Members resolved to refuse the application in November 2011 for the following reason:

1. The proposed additional hours of operation would, by reason of noise and disturbance caused by visitors entering and leaving the premises, vehicles parking and manoeuvring, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Local Development Framework Development Plan Document.

SITE DESCRIPTION

The application site is situated on the eastern side of Waterloo Road to the south of the railway line. The site is occupied by a two storey building which is being used by the Havering Islamic Cultural Centre for community related purposes under a Class D1 use. Vehicular access to the site is via Bridge Close to the rear. The Centre has recently purchased a parcel of adjoining land to the north and east of the building for use as a car park. This car park is capable of holding approximately 50 cars and is accessed from Bridge Close. To the southern side of the subject building is a further area in which approximately 5 cars can be parked.

To the east of the site is the Bridge Close industrial estate and to the south of the site is a row of terraced residential properties fronting onto Waterloo Road. The portion of Bridge Close which runs to the rear of these properties is presently subject to a single yellow line parking restriction on the eastern side of this road, which operates between 0800 and 2030 on any day and a double yellow line (no waiting and no loading at any time) restriction on the western side of this road. Similarly Waterloo Road itself is also subject to a double yellow line parking restriction between 0800 and 2000 on any day. Opposite the site on the western side of Waterloo Road is a flatted development on the former Oldchurch Hospital site.

DESCRIPTION OF PROPOSAL

This application seeks planning permission to vary condition 4 of planning permission P1285.06 in order to enable prayer to take place daily during the months of April, May, June, July, August and September to enable the centre to operate between the hours of 04:00 and 23:30 on any day.

The premises are currently subject to a condition in respect of operating hours, which was imposed on planning permission P1285.06. The condition states 'the premises shall not be used other than between the hours of 0700 and 2130 Mondays to Sundays and at no other time without the prior consent in writing of the Local Planning Authority'.

Therefore, this proposal seeks an additional 3 hours operation in the morning between 0400 and 0700 and an additional 2 hours in the evening between 2130 and 2330. As explained above within the background section of this report Muslim's undertake five Prayers each day the first at sunrise and the last at sunset. The proposed extension of operating hours would enable Morning Prayer and Night Prayer to take place at the centre during the months (predominantly in the Summer season) when sunrise is early in the morning and sunset is late in the evening. The applicant has advised that current attendance figures for the Dawn Prayer are between 5 and 10 people. The Night Prayer is typically attended by between 10 and 20 people.

RELEVANT HISTORY

- P0927.11 - Use of premises as a community centre on a permanent basis between the hours of 04:00 and 23:00 on any day to enable prayer.
Refuse 17-11-2011
- P0737.10 - Continued use of premises as a community centre (class D1) with variation of condition 4 of planning permission P1285.06 to enable 4 am to 11pm opening on any day
Apprv with cons 19-07-2010
- P1509.08 - Continued use of premises as a Community Centre (Class D1) with variation to condition 4 of planning permission P1285.06
Apprv with cons 10-10-2008

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 20 adjoining occupiers with two letters of objection and approximately 242 letters of support being received. Objections were raised on the grounds of noise and disturbance caused by visitors entering and leaving the premises and vehicles parking and manoeuvring causing unacceptable impact on neighbouring amenity. Concerns were also raised regarding the vehicles being parked in front of neighbouring driveways.

The Highway Authority raises no objection to the proposals.

RELEVANT POLICIES

LDF

- DC32 - The Road Network
- DC33 - Car Parking
- DC61 - Urban Design

OTHER

OTHER

LONDON PLAN - 6.13 - Parking
NPPF - National Planning Policy Framework

STAFF COMMENTS

The issues arising from this application are the principle of development, design/street scene issues, impact on amenity and parking/highway issues.

PRINCIPLE OF DEVELOPMENT

The principle of the community centre use has been established by planning permission reference P1285.06. Staff raise no objections in principle to the proposed extension of operating hours subject to compliance with other plan policies.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal would not result in alterations to the appearance of the premises. The proposed additional operating hours would have no impact upon the existing environment.

IMPACT ON AMENITY

As explained above the proposed extension of operating hours between 0400 and 2330 on any day for the months of April to September would enable the centre to offer the five obligatory Prayers on any day. The present operating hours prevent the Morning Prayer and Night Prayer from taking place at the centre on a number of days throughout the year when sunrise is early in the morning and sunset is late in the evening (i.e. outside of the current permitted hours). It should be noted that the only difference between current the proposal and the temporary permission granted in 2010 under P0737.10 is a closing time of 2330 rather than 2300.

In any event the centre has an established permanent planning permission which enables it to operate between the hours of 0700 and 2130 on any day. Consideration should therefore be given to the potential impact on neighbouring amenity for the additional hours requested between 0400 and 0700 in the mornings and 2130 and 2330 in the evenings on any day for the months of April to September.

In order to reach a conclusion as to whether the additional opening hours would be harmful to residential amenity it would be helpful to understand the number of Centre members involve and how the Centre would be used during these hours.

The agent has stated that the Centre has a membership of approximately 100 members. The Dawn Prayer is typically attended by between 5 - 10 people and the Night Prayer typically by between 10 and 20 people. Members usually arrive between 5 - 10 minutes before the start of a prayer session with the sessions lasting no longer than 20 minutes. The Centre would therefore only be used for a limited time during the additional hours being sought. It should also be noted that the Centre would only be used for prayer during these additional hours sought and that any other community activities would take place between the normal hours of 0700 and 2130.

Residential properties are located immediately to the south of the site fronting Waterloo Road, with no. 95 Waterloo Road being the closest. Members may recall from the previous applications that the entrance to the centre is located on the western elevation of the building fronting to Waterloo Road. Furthermore, the flank elevation of the neighbouring property does not have any window openings facing the site. Although it is acknowledged that the ambient noise levels in the locality are generally lower during the additional periods of operation being sought, than during the daytime, the site is located on a busy road and adjacent to a main

railway line. Staff are of the view that in this town centre location a lower level of amenity is generally afforded than in a predominantly residential area.

As part of the current submission the applicant has also conducted a noise impact assessment. This was done after pre-application discussions with Environment Health. The survey is based on a typical mid evening service of 22 members and demonstrates that no sound emanating from activities within the centre would be audible from outside the centre, even during lulls in passing traffic.

The previous application was judged by Members to be contrary to Policy DC61 of the LDF in that likely noise and disturbance generated by visitors entering and leaving the premises together with vehicles parking and manoeuvring would be harmful to residential amenity.

The agent has indicated that although parking is currently unrestricted on the eastern side of the road behind the properties along Waterloo Road between the hours of 2030 and 0800, the attendance outside of these hours would be limited and could be sufficiently catered for in the Centre's car park on the northern side of the Centre. Noise generated by doors slamming, engines starting and people entering and leaving the premises would be contained in the car park which is situated way from residential properties and contained between the existing building on site and the adjacent rail embankment.

The agent has also indicated that the applicant has no objection to suitable conditions to limit the number of people attending the building and a condition to preventing amplified music or speech during the additional hours of operation. The centre is also willing to introduce additional management measures which would include:

1. display of internal signage to remind members to leave the Centre in a quiet manner and not to congregate outside the building.
2. ensure that the members attending the Dawn and Night Prayers only park within the Centre's car park behind the building.

Given the limited amount of people that would attend the Centre during the extended hours and the ability to cater for these vehicles in an area which is set away from neighbouring properties, Staff do not consider the additional noise and disturbance created would be to an unacceptable degree given the surrounding noise from a busy road and rail line. Staff are of the view that in event Members are minded to grant planning permission for this current application a condition to limit the number of people who can occupy the building and preventing amplified music or speech during the additional hours of operation should be attached.

HIGHWAY/PARKING

At the time when the original planning permission was granted in March 2007 the centre had limited off street car parking with space for only five cars within the confines of the site. Based upon the floor area of the building the Council's maximum parking standards set out in the LDF advise that 120 off street spaces should be provided for a use of this nature. Given the location of the application site within a highly accessible town centre location and in view of the anticipated number of visitors staff considered that it would be unreasonable to require the centre to provide such a high level of car parking. Members therefore resolved to approve the original planning application on the basis that the centre would seek to discourage car use and advocate public transport through a travel plan. Members also gave consideration to the fact that off street parking is available within the nearby Brewery centre car park.

Since the centre has been open it has grown in popularity and this has resulted in an increased number of people travelling to the centre from further afield often by car. Despite the proactive approach taken by the centre to discourage car usage and to encourage considerate parking Members will be aware that there has been concerns raised regarding parking problems within Bridge Close.

It also should be noted that that parking tickets were regularly being issued for vehicles parked in Bridge Close believed to be visiting the centre.

In recognition of the parking problems caused within Bridge Close by visitors the centre has taken additional steps to remedy the problem. Firstly the centre obtained a parcel of land to the north and east of their building. The land, which was previously used as car park for a nearby business, is now available for the parking of vehicles belonging to visitors attending the centre. The capacity of this unmarked car park is large enough for approximately 50 cars. Several members of the centre have also taken on a parking management/attendant role and seek to monitor parking during busy periods with a view to preventing incidents of inconsiderate on street parking. These measures has significantly reduced incidents of on-street parking and its associated problems. The Centre also operates a travel plan which encourages members to car share, cycle or use public transport whenever possible.

It should also be noted that the portion of Bridge Close, that leads up to the Centre is presently subject to a single yellow line parking restriction on the eastern side of this road, which operates between 0800 and 2030 on any day and a double yellow line restriction which was recently introduced (no waiting and no loading at any time)on the western side of this road. Similarly Waterloo Road itself is also subject to a double yellow line parking restriction between 0800 and 2000 on any day.

It is evident that the operation of the centre has resulted in on street parking difficulties within Bridge Close. In reaching a conclusion on this application Members will wish to give consideration to the fact that the centre has an established planning permission enabling operation between 0700 and 2130 on any day. The judgement therefore is whether the proposed additional hours of operation are likely to give rise to a significant impact on the function of the highway.

Staff are of the view that the current on street parking restrictions in the vicinity of the site are sufficient to prevent significant incidents of parking on the highway during the hours the restrictions are in operation. Clearly outside of these hours on street parking could occur however in the event that an adjoining residential driveway was to be obstructed the Police could take action. In the event that on street parking continues to result in the future despite the current parking restrictions then staff are of the view that there are enforcement mechanisms in place separate from planning legislation to deal with this issue. However given the limited number of Centre members likely to attend Dawn and Night Prayers Staff do not consider the additional hours of operation to give rise to unacceptable parking concerns. The Highway Authority raised no objection to the proposals.

KEY ISSUES/CONCLUSIONS

The application seeks planning permission for a variation of the original permission for the centre to enable hours of operation between 0400 and 2330 on any day for the months of April to September . Members will be aware that planning permission was previously refused for additional hours sought between 0400 and 2300 throughout the year due to the potential harm to neighbouring amenity as a result of noise and disturbance. Staff consider, on balance, that the applicant has sufficiently demonstrated that the current proposal has addressed the previous

reason for refusal by providing a parking area away from residential properties and assessing the potential impact of a limited number of members that would attend the Dawn and Night Prayers. Staff consider the current proposal acceptable subject to conditions and do not consider the proposals to result in an unacceptable impact on adjoining residential occupiers or the public highway.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. Non standard condition

From April to August the premises shall not be used for the purposes permitted other than between the hours of 0400 and 2330 on any day. Between the hours of 0400 & 0700 the premises shall not be occupied by more than 10 people at any one time and between the hours of 2130 & 2330 the premises shall not be occupied by more than 20 people at any one time. From October to March the premises shall not be used for the purposes permitted other than between the hours of 0700 and 2130 on any day.

Reason:-

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

2. Non standard condition

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the building hereby permitted shall be used solely as office, prayer/education and meeting/social facilities and for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority unless otherwise agreed in writing of the Local Planning Authority.

Reason: To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over future use not forming part of this application.

3. Non standard condition

The use hereby permitted shall continue to operate in accordance with the Travel Plan submitted to and agreed in writing by the Local Planning Authority pursuant to planning permission reference P1285.06

Reason: In the interest of highway safety and residential amenity.

4. Non standard condition

No amplified music or speech shall be relayed on the site including within the building unless details and specifications of the equipment has first been submitted and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

5. Non standard condition

The noise insulation scheme submitted to and agreed in writing by the Local Planning Authority pursuant to planning permission reference P1285.06 shall continue to be retained.

Reason: To protect the amenity of nearby residents.

INFORMATIVES

5 Informative - Reason for Approval

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

6 Non Standard Informative 1

The applicant is reminded that this permission does not in any way change or alter the planning conditions imposed on planning permission reference P1285.06.

APPLICATION NO:	P0501.12	
WARD :	Romford Town	Date Received: 26th April 2012 Expiry Date: 21st June 2012
ADDRESS:	10 Princes Road Romford	
PROPOSAL:	Two storey side and single/ two storey rear extensions (revised plans received 6/6/12)	
DRAWING NO(S):	Site plan CS04 Block plan CS05 Ground and first floor plan CS03 rev A Front and rear elevation CS01 rev A North and south elevation CS02 rev A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report.	

CALL-IN

This application has been called to Committee by Councillor Andrew Curtin as he considers there are issues relating to the quality of living space which would be created.

SITE DESCRIPTION

A two storey, end of terraced property located within a block of 5 dwellings on the west side of Princes Road. The property has a hipped roof and is finished in painted render on the front elevation with yellow stock bricks at the rear.

The land level drops to the rear of the property (west) and no trees are affected by the development.

There is parking space to the side of the dwelling for 2-3 vehicles and the front of the property is paved over.

DESCRIPTION OF PROPOSAL

A two storey side extension and part single, part two storey rear extension is proposed. The side extension projects up to the side boundary and measures approx 2.3m wide and extends 7m for the full depth of the dwelling. At first floor the front will be stepped back 0.8m and a matching hipped roof will be formed over.

At the rear an existing small conservatory is to be demolished to make way for the construction of a full width ground floor extension to a depth of 3m over which a first floor addition will be formed 2.5m deep x 3m wide incorporating a hipped roof.

RELEVANT HISTORY

P0123.06 - Two storey side extension and conversion of property to form 3 No flats - Refused
P0847.06 - Conversion of existing house to form 2 No flats with single rear extension - Refused

CONSULTATIONS/REPRESENTATIONS

7 adjoining residents were notified of the development. A total of 13 representations have been received via email or hard copy including one representation from a local Councillor.

The objectors raised the following main areas of concern in summary form:-

- Appearance and scale of development out of character with surrounding area;
- Cramped appearance;
- Loss of light;
- Overlooking and loss of privacy;
- Loss of parking provision on site leading to overspill parking on to street;
- Additional noise and disturbance both during construction and afterwards;
- Existing multiple occupation increased as a result of the development;
- Concern that the development will not be finished to a satisfactory standard;
- Adequacy of drains;
- Plans lack detail with no scales or dimensions shown;
- Site plan inaccurate;
- Precedent set to allow more development in the area;
- Garden space inadequate for extended building;
- Anti-social behaviour by occupants.

A local Councillor expressed concern that the scheme would give rise to a cramped appearance which would be harmful to both the street scene and rear garden environment, would cause light loss to the neighbouring property, give rise to unacceptable noise and disturbance and result in loss of outlook.

A response to the planning issues raised by objectors is contained in the officer assessment below.

RELEVANT POLICIES

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

MAYORAL CIL IMPLICATIONS

None

STAFF COMMENTS

None

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed development is acceptably designed and relates satisfactorily to the existing terraced block in terms of scale, bulk and massing. Given the staggered relationship between the subject dwelling and No 8, the development is unlikely to produce an unacceptable terracing effect. Indeed, it is noted that terraced properties are not an uncharacteristic feature of the surrounding area.

Subject to the use of appropriate matching materials, no objections are raised to the development from the visual impact point of view, and the development is considered to comply with guidelines. Such a view is not inconsistent with the decision to refuse planning permission for an earlier application, P0123.06 where a similar development was proposed. In that case gable roofs were proposed and the size of the first floor rear extension was significantly larger.

IMPACT ON AMENITY

The potential impact upon neighbouring occupiers is the most sensitive issue in this case. In relation to the attached neighbour, No.12. This property lies to the south of the subject dwelling and therefore will experience no sunlight loss. At a depth of 3m at ground floor level, the development complies with guidance. With a maximum overall height of 3.2m a small part of the development is slightly in excess of guidelines. However with the particularly favourable aspect, staff consider any adverse impact upon the attached neighbour from the ground floor component will be modest and acceptable.

The first floor extension is well removed from the common boundary with No.12 and given the favourable aspect will cause no significant loss of amenity. It is further noted that the proposal will not impinge a notional line formed from a 3m deep rear projection set 2m away from the common boundary as required by guidance.

In relation to No.8. This property is set further back into its plot and has an attached garage to the side. There is a small window at first floor level which serves the landing area. Due to the staggered relationship with the subject property, staff consider the development will not unduly impact upon the amenity and outlook of this neighbour and the spirit of guidelines is met. Again, the proposal will not impinge upon a notional line applied from the rear corner of this neighbour's property as suggested by guidance.

The proposal is not considered to be unneighbourly and no objections are raised to this aspect of the development.

Response to issues raised by Objectors:

Analysis of representations reveals an underlying concern of residents that the premises are currently in multiple occupation and that were the development to be approved, existing noise/disturbance and parking problems would be exacerbated. In this respect, whilst the submitted plans fail to identify the nature of the accommodation to be provided, it is possible within planning legislation for up to 6 unrelated adults to live together sharing communal facilities. Any use beyond this level would be unauthorised and potentially could lead to enforcement action if it were deemed appropriate. Details of these concerns have been referred to Enforcement for investigation and monitoring and need not delay consideration of the application as presented.

Noise and disturbance during construction and subsequently would be addressed under separate Environmental Health legislation.

Drainage matters and the finished standard of workmanship is a matter for Building Control and not a planning consideration.

Potential anti-social behaviour is a matter for the Police.

Parking issues are addressed below.

Remaining issues which have not been addressed above are either not material planning considerations or do not constitute a reason for refusal of planning permission.

HIGHWAY/PARKING

Staff consider that parking concerns form the second most sensitive issue in this case.

In this respect, this proposal will result in the loss of parking potential to the side of the property.

The parking space available to the front of the property is substandard in size and awkward to use.

The site lies within a PTAL area indicating 2-1 parking spaces should be available on site to meet the needs of the development. Resident permit parking is in place along this part of Princes Road with two wheel on, two wheel off parking bays. Given the availability of one parking space on site (albeit substandard and awkwardly positioned) a refusal on the basis of insufficient parking provision would be difficult to justify in the event of an appeal.

Overspill or illegal parking as may arise would be a matter for StreetCare enforcement and not a planning consideration.

KEY ISSUES/CONCLUSIONS

The proposed development complies with guidelines in respect of neighbourliness and visual impact and no objections are raised to these aspects of the development. The development has one substandard parking space available on site but any overspill parking would be a matter for parking enforcement.

The concerns about the intended future use of the premises by residents is natural but the application must be considered on the merits of the case as presented.

The proposals are considered to comply with guidelines and approval of the application is recommended.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s)

1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)
4. SC31 (Use as part of main dwelling) ENTER DETAILS

The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 10 Princes Road and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the subdivision of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. SC46 (Standard flank window condition)
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INFORMATIVES

7 Reason for Approval

Reason for Approval

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

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