



Application Reference:	P1845.23
Location:	63-65 Butts Green Road
Ward	Emerson Park
Description:	The installation of portable cabin for office use for a temporary period.
Case Officer:	Habib Neshat
Reason for Report to Committee:	A Councillor call-in has been received which accords with the Committee Consideration Criteria

1 BACKGROUND

- 1.1 The proposal relates to a parcel of land to the rear of the commercial buildings fronting onto Butts Green Road. This is hard surfaced area which appears to be currently used for storage of cars associated with a car showroom at the corner Butts Green and Wykeham Avenue. However, the lawful use of this area of land has not been formally determined. The proposal is to provide a portable cabin to be used as an independent office use.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The proposal would be in line with council's policy with respect to the provision of employment uses within town or local centre location. The proposal would not have significant adverse impact upon the amenities of the adjoining occupiers, nor would it have any impact upon the free flow of traffic or highway safety. For a temporary period, the portable building would present an acceptable design and not significantly impact upon the character and appearance of the site or area.

3 RECOMMENDATION

- 3.1 That the Committee resolve to grant planning permission subject to the following conditions;

Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

For the avoidance of doubt and to ensure that the development is carried out as approved.

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the building hereby permitted shall be limited to an office use class E(g)(i) and shall be used for no other purpose(s) whatsoever including any other use in Class E of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

3. The use of the building hereby permitted shall be limited to 8:30am to 9pm Mondays to Saturdays, and 9am to 7pm on Sundays, Bank or Public Holidays.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity.

4. This permission shall be for a limited period only expiring on 1st January 2027 on or before which date the temporary building carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-

The temporary nature of the building(s) is such that permanent permission would not be appropriate in the interests of amenity. This permission is therefore granted on a temporary basis to enable the Local Planning Authority to retain control.

5. The car parking spaces as shown on the drawings hereby approved shall only be used in connection with the existing use of the site for

commercial purposes within Class E and shall not be used for any trade whatsoever.

Reason

In the interest of highways safety and the amenities of adjoining premises.

6. The portable cabin shall be occupied until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

7. There shall be no floodlighting unless it is approved in writing by the Local Planning Authority.

Reason

In the interest of amenity

4. Site and Surroundings

- 4.1 The application site relates to an area of hardstanding, behind two adjoining commercial buildings that front onto Butts Green near its junction with Wykeham Avenue in Hornchurch. The lawful use of this site is not clear, but it appears that the area is currently used for the storage of cars.
- 4.2 The application site partly backs onto an electric substation and partly to a residential dwelling facing onto Wykeham Avenue.
- 4.3 The car park and associated commercial building is located between 67 Butts Green Road - which is a two storey plus accommodation within pitched roof and single storey commercial buildings to the south. The vehicular access to the car park is between the application site and number 67.
- 4.4 The site is not within a conservation area. This part of Butts Green is a designated local shopping centre.

The Public transport accessibility level (PTAL) is 2.

- 4.5 Butts Green Road is subject to parking restrictions, including paid parking bays for maximum of two hours. There are double yellow line restrictions at the junctions. However, the side roads in the immediate vicinity are not subject to Residential Controlled Parking Zone restrictions and the parking spaces are not dedicated to residents.

5 PROPOSAL AND LOCATION DETAILS

- 5.1 The proposal is to locate a portable cabin, at the rear of the site to be used for office use, independent of the commercial unit to the front.

6. Planning History

- 6.1 The entire site (including the main buildings) has been subject to a number of recent pre application and applications schemes; including two unsuccessful attempts for total redevelopment of the sites to provide two or three storey buildings to be used for commercial purposes. Further, since this application has been submitted a conditional planning permission has been granted for change of use of one unit within the building to an Education Use (Tuition Centre) (details below).
- 6.2 On 01-11-24 Planning permission Ref; P0392.24 was granted for, “the change of use from commercial/business to Class F1A - Provision of education. (Retrospective) Subject to the following conditions;
1. Limit the use to tuition centre
 2. Limiting the number of pupils at any time to 10.
 3. Management plan to include; to restrict activities (gathering/ waiting/ children playing) in outdoor areas. And measures to ensure that all parking associated with the premises takes place responsibly;
 4. Travel Plan encourage use of sustainable transport,
 5. Limiting the hours of operation between the hours of 8:30am and 9pm Mondays to Saturdays, and 9am and 7pm on Sundays, Bank or Public Holidays.
2. On 03-11-23 Planning permission Ref; P1104.23 was refused for, “the demolition of the existing buildings and the construction of 3 storey commercial building (Use Class E) and associated landscaping and parking. For the following reason;

The proposed development would, by reason of its height, bulk, mass, and external appearance appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy 26 (Urban design) of the adopted Local Plan 2021 and policies D1 and D4 of the London Plan 2021 and the National Planning Policy Framework which seeks high quality of design.

7 CONSULTATION RESPONSE

LOCAL REPRESENTATION

7.1 21 letters of notifications were sent to the adjoining occupiers. One objection has been received, raising concern with respect to loss of parking spaces, and the likelihood of increase associated noise and light pollution.

7.2 The objection in details has highlighted the following points;

- The area for the proposed Portakabin is currently used for storage of current car stock for Imperials and Sales to customers are conducted on this site 7 day a week.
- The noise from the performance cars and their sales taking place within meters of our kitchen is not welcome.
- The area is floodlit at night due to the nature of the cars' values. The light is intrusive to our property.
- An education centre operates from this site. It operates 7 days a week until 9pm. In winter we do not hear it. In summer we hear this in our kitchen from early until late, particularly on Sundays. The education centre has never applied for planning and works far in excess of hourly restrictions set to the other applications for this location.
- Any historic planning applications for these offices have had restrictions on hourly usage.
- If a Portakabin office was added to this location and operated in a similar manner our home would be affected greatly by more lighting, footfall, noise and commercialisation of a residential home bordering what was once a quiet car park all within a few meters of our kitchen window.

7.3 **Comments with respect to the above points;**

The use of the car park for storage purposes or demonstrating vehicles has not been authorised through a planning permission or certificate of lawfulness.

Since this application has been lodged a conditional planning permission has been granted for the use of one unit within the main building into a tuition centre, please see above for details.

The other issue with respect to amenities and highways would be further considered below.

Internal Consultation:

The following responses were received from statutory and London Borough of Havering consultees:

London Borough of Havering Highway officers

The Highways officers have commented the access to the site is extremely poor and the lesser its use the better. The proposal would allow three car parking spaces to remain. There would be sufficient space remaining for cars to park and manoeuvre within the site to enter and egress in forward gear. Inevitably, two cars would be displaced.

Environmental Health –

There is no objection.

Councillors concern;

The application has been Called in by Councillor Godwin raising the following concern:

- Proposal would result in loss of parking
- Insufficient parking for the proposed use

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main issues to be considered;

- Whether the proposal would have an acceptable impact upon highways condition.
- Whether the proposal would have an acceptable impact upon the amenities of the adjoining occupiers.
- Whether the proposal would have an acceptable impact upon the visual amenity of the area.

Impact upon highways condition

8.2 The issue with respect to highways condition needs careful consideration. The NPPF, London Plan as well as the adopted local policies, all seek to combat congestion on the roads, reduce air pollution, reduce traffic hazards, and bring about a healthier lifestyle.

- 8.3 Policies T1 - T6 of the London Plan seek to ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. The London plan seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well-considered travel plans aim to reduce reliance on private means of transport.
- 8.4 This is also echoed by policy 23 of the adopted Local Plan which indicates proposals will not be supported where they would have an unacceptable adverse impact on the capacity or environment of the highway network.
- 8.5 The vehicular access to the site is particularly poor. The access is narrow, with poor visibility sight line. It is located near a busy junction arriving at a Zebra Crossing. Hence for highways safety purposes the less the car park is used would improve highway safety. The proposal would result in the reduction of the car parking spaces available by two, which would mean there would be less opportunity to use the car park, thereby alleviating the conflict between the users of the car park and pedestrian and highways users in this part of the road.
- 8.6 The highways officers have confirmed that that resultant layout with the portable building in place would enable cars to enter and exit in forward gear, reducing the potential impact upon highways safety and free flow of traffic.
- 8.7 The adequacy of parking provision should be assessed in accordance to the standards set out in London Plan, Policy T6.2. With respect to office use (Class E), the London Plan sets a maximum standard of 1 space per 100 square metres of floorspace. The proposal would provide three car parking spaces (disabled standard) which would exceed the London Standards, but it is acceptable in the view that it reduces the number of current parking spaces rather than providing new additional spaces.
- 8.8 The proposed office use of the portable cabin, in itself would not be likely to generate a significant degree of vehicular trips.
- 8.9 In conclusion, in highways terms, it is not considered that the proposed building would result in any significant traffic or parking issues in surrounding roads.

9 Impact upon the amenities of the adjoining occupiers;

- 9.1 The proposal in itself would not amount to significant degree of amenity issues. However, it would appear that there are existing issues with respect to the use of the car park associated with the nearby car show room. To some extent, the installation of a portable office building on site

would reduce the current activities, if lawful, or reduce the opportunity to carry out unauthorised activities.

- 9.4 Therefore, subject to conditions, the reduction in the use of car park, would be likely to alleviate potential inconsiderate uses associated disturbance to the residents. Therefore, overall the proposal would have a positive impact upon the amenities of the local residents.

10 **Impact upon visual amenity;**

- 10.1 The proposed portable cabin would not have street presence and it would largely be concealed from view by the surrounding buildings. Therefore, it would not have a significant impact upon the amenities of the locality. However, portable buildings do not match the pattern of the development in the area, can appear out of place over time and hence a temporary permission is recommended.

11 **EQUALITIES AND DIVERSITY**

- 11.1 Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 11.2 For the purposes of this obligation the term protected Characteristics includes: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

- 11.3 In recommending the application for approval, officers have had regard to the requirements of the Act and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty.

12 **Conclusions**

- 12.1 In light of the above, the proposal is considered to be in accordance with national regional and local policy in particular with respect to providing an environment which is accessible to all.
- 12.2 The proposal would not have a significant impact upon the amenities of the adjoining occupiers, whilst it would result in improvement to highways safety and the free flow of the traffic.