

Meeting:	Development Control Committee
Date:	Wednesday 15 March 2006
Subject:	Service road to the rear of 62-72 Orchard Grove, Kenton
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the unauthorised change of use from a service road to a builders yard and the erection of a pole with a CCTV camera.

The service road is currently being used as a builders yard, with the unauthorised erection of a pole with a CCTV camera. The current use of the property is not compatible with the residential character of the surrounding area, resulting in the harmful impact on adjoining neighbours in particular the loss of amenities of neighbouring occupiers and the character of the locality, contrary to policy EM22 and the more general policy SD3 of the Harrow Council Unitary Development Plan 2004.

The Council does not consider that planning permission should be granted because planning conditions cannot overcome these problems. It is recommended that an enforcement notice be served.

Decision Required

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:

- (b) (i) The cessation of the use of the service land at the rear of 62-72 Orchard Grove, Kenton as a builders yard.
- (ii) The permanent removal from the land of all materials related to the use of the land as a builders yard including all wood, barrels, petrol cans, piping, wheel barrows, cones, concrete, buckets, fencing, scaffolding, steal and sand.
- (iii) The permanent demolition of the CCTV camera and pole.
- (iv) The permanent removal of the materials arising from compliance with the requirements (b) (iii) above from the land.
- (c) (b) (i) (ii) (iii) and (iv) should be complied with within a period of three (3) months from the date on which the Notice takes effect.
- (d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.
- (e) Institute legal proceedings in event of failure to:
- a. supply the information required by the Borough through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;
- and/or
- b. comply with the Enforcement Notice

Reason for report

To ensure that the alleged breach of planning control is ceased in the interests of amenity.

Benefits

To enhance the environment of the Borough.

Cost of Proposals

None at this stage.

Risks

Any enforcement notice may be appealed to the Planning Inspectorate.

Implications if recommendations rejected

Failure to take action would mean that the amenities of the neighbouring occupiers properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

- 2.1 Planning permission P/438/05/DOU - Invalid
- 2.2 Planning permission P/1466/04/DOU - Invalid

Background Information

- 2.4 The service road where the builders yard is located is on the southern side of Orchard Grove, Kenton, at the rear of properties 62-72 Orchard Grove. The service road is accessed via Honeypot Lane, a fence has been erected at the beginning of Honeypot Lane, which restricts access into the builder yard. A CCTV camera has been installed at the top of a pole overlooking the builders yard. The area directly behind 62 and 64 Orchard Grove is being used for the storage of building equipment, including the storage of wood, barrels, petrol cans, piping, wheel barrels, cones, concrete, buckets, fencing, scaffolding, steal and sand. The area between 64 and 72 Orchard Grove is used for the purpose of gaining access by commercial vehicle to the business use. A fence has been erected at the entrance of the private accessway behind 72 Orchard Grove. Two planning applications have been lodged with Council but haven't been validated due to insufficient information.
- 2.5 The following Policies of the Harrow Council Unitary Development Plan 2004 are relevant on this occasion:
 - Policy EM22, Businesses and their environmental impact *Environmental Impact of New Business Development Policy*
 - D4 *The standard of design and layout*
- 2.6 The CCTV camera and pole does not constitute permitted development under the auspices of the Town and County Planning (General Permitted Development) Order 1995. The camera and pole constitute an alien feature in a residential area, and are detrimental to visual amenity. As such the erection of a pole and CCTV camera is not in accordance with policy D4 of the Unitary Development Plan 2004.
- 2.6 The Council requires a satisfactory relationship to be achieved between development uses and adjoining properties and the surrounding area, such that the amenities of occupiers and nearby residents are not adversely affected. The area surrounding the rear of 62 to 72 Orchard Grove is a mix of terraced single family residential properties and recreation land. The unauthorised use of the land as a builders yard has lead to open storage of building materials, equipment and waste materials in the service road. This areas area is overlooked by many properties and the recreation ground, therefore the current use of the property is not compatible with the residential character of the surrounding area, resulting in a harmful impact on the residential amenities of the occupiers of adjoining properties and the area as a whole.

- 2.7 The daily activities associated with the unauthorised use of the land as a builders yard include deliveries early in the morning, and in the evening. The noise associated with such activities is detrimental to the amenity of the occupiers of the surrounding dwellinghouses, particularly those adjacent to the site. Paragraph 7.78 of the Harrow Council Unitary Development Plan 2004, Part of the commentary to Policy EM22, states “ new businesses which are likely to involve dangerous or noxious processes or otherwise be ‘bad neighbours’, are unlikely to be acceptable in the Borough because of the proximity of residential areas”. Policy EM22 is clear that in considering such development the Council will pay due regard to: “The potential impact on the amenity of adjoining properties, and on the character of the area”. In its detrimental impact on amenity, the change of use is contrary to this Policy.
- 2.8 The builders yard and the factors mentioned above associated with the change of use are out of character with the residential development surrounding the land. A builders yard in its current location is not compatible with adjoining residential development and is contrary to policies EM22 and D4. The development is harmful to the amenity of adjoining neighbours and the character of the area. The CCTV camera and pole are obtrusive and are detrimental to the visual amenity of the surrounding area.

2.9 **The alleged breach of planning control**

Without planning permission, the unauthorised change of use from a service road to a builders yard and the unauthorised installation of a pole with a CCTV camera.

3.0 **Reasons for issuing the notice**

It appears to the Council that the above breach of planning control occurred within the last 10 years and the CCTV camera and pole have been constructed within the last 4 years.

The use of the land as a builders yard is out of character with, and detrimental to the amenity of the surrounding residential area, contrary to policies EM22 and D4 of the Harrow Council Unitary Development Plan 2004.

The CCTV camera and pole are detrimental to the visual amenity of the surrounding area, contrary to policies D4 of the Harrow Council Unitary Development Plan 2004.

The Council do not consider that planning permission should be granted because planning conditions cannot overcome these problems.

3.1 Consultation

- Ward Councillors copied for information
- Harrow Council Legal Services
- Harrow Council Financial Services

3.2 Financial Implications

None

3.3 Legal Implications

As contained in the report.

3.4 Equalities Impact

None.

3.5 Section 17 Crime and Disorder Act 1998 Considerations

None.

Section 3: Supporting Information/ Background Documents

None