

# Raymond Stemp Associates

Planning and Development Consultants

## e-Newsletter

July 2009

### Shops and flats allowed in Orpington



RSA acted on behalf of the Applicant in preparing a design for two lock-up shops on the ground floor and two 2 bedroom flats above. The proposal is extended to three floors,

car parking was shown on the forecourt of the shops. The London Borough of Bromley granted planning permission subject to conditions.

It is noted that a previous application for a similar form of development was refused by the Council in 2008 on the grounds of overdevelopment and the harm the proposal would cause to the amenities of the occupiers of neighbouring properties.

### Appeal Case Dwelling allowed in Great Waltham

RSA acted on behalf of Mr Carter in the preparation of a planning application for a new detached dwelling within the centre of Great Waltham. Planning permission was refused by Chelmsford Borough Council for reasons relating to the impact of the proposal on the local character and street scene and the provision of on site car-parking. RSA then represented the Applicant at a planning appeal.

At the hearing, the Council accepted that the level of provision was in accordance with parking standards but considered that the location of the parking space for the existing dwelling would be inconveniently located and its use would harm the living conditions of the occupiers of the new dwelling.

On the first issue, the Inspector concluded that subject to conditions covering design and appearance, the proposal would not cause undue damage to the character and appearance of the local area or street scene.

With regard to the second issue, the Inspector concluded that the proposed parking space for the existing dwelling is appropriately



located and its use would not cause significant harm to the living conditions of the occupiers of the proposed dwelling. Consequently, the proposal does not conflict with local or national planning policies related to the location of parking spaces and the provision of reasonable living conditions.

### Appeal Case Flats allowed in Woodford Green

RSA represented the Appellants, Chigwell Construction PLC in an appeal against the decision of the London Borough of Redbridge to refuse planning permission for the construction of a three storey block of nine flats at Snakes Lane East, Woodford Green. The scheme was designed by Architects, White and Milestone of Buckhurst Hill, Essex.

At this appeal, which was dealt with by way of a hearing, the main issue was whether or not the position, number and design of the proposed car parking would be such as to result in any harm to highway safety. At the hearing, the Council accepted that they had no specific concerns about the impact of the scheme on what was described in their notice of refusal as "the free flow of traffic".

There have been a number of recent attempts to develop the site. An appeal was dismissed in 2007 for a block of 13 flats; a scheme for 10 flats was refused in 2006 and a revised scheme was refused in August 2007. the application the subject of the appeal was a further attempt to respond to the various reasons for refusal of earlier plans.

The Planning Inspector, Mr David Kaiserman, in reaching a decision considered that there was nothing unusual about the number or pattern of accidents recorded over a 3 year period and many accidents did not appear to have a direct relationship with the

If we can be of any assistance to you on any projects do give us a call on:-  
Chelmsford - 01245 398702, Crawley - 01293 763114 or Derby - 01332 638107



*An integrated Planning and Architectural design service*

Raymond Stemp Associates Ltd, Registered Office: Aquila House, Waterloo Lane, Chelmsford, Essex CM1 1BN

Registration No. 6229594



If you do not wish to receive future newsletters from us, please email us so we can take you off our mailing list.

# Raymond Stemp Associates

Planning and Development Consultants

## e-Newsletter

July 2009

appeal site.

The Inspector concluded that any deficiencies which there may be in the access arrangements are insufficient to warrant the dismissal of the appeal on these grounds alone. The Inspector gave weight to the fact that this is a vacant site in a prominent location which would be of general benefit to the area to be developed for a form of housing which, in all other respects, the Council appear now to find satisfactory. The Inspector allowed the appeal subject to a number of conditions.



### London Borough of Redbridge Ordered to pay costs

Arising out of the above appeal, RSA made an application for an award of costs. The claim was submitted on behalf of the Appellants on the grounds that the Council produced insufficient evidence to substantiate the refusal of planning permission. It was stated that the parking layout the subject of the appeal was identical to that shown on previously submitted applications and did not then form the reason for refusal. Further, at a previous appeal, the Planning Inspector considered parking at the front of the site to be an acceptable approach.

The Planning Inspector commenting on the application for an award of costs, stated that the Council had on several occasions been in a position to consider the safety of right-angled parking at the front of the site and never gave the Appellants case to believe that they had and reservations about it. He considered that the report to the committee was clear but it appeared that Members chose to attach very little or no significance to this point.

The Planning Inspector concluded that the Council acted unreasonably in refusing the application, given the issues raised during the lengthy history of the site, the Appellant's willingness to resolve outstanding disagreements and the Officers analysis of the history and the merits of the latest scheme. He indicated that none of the highway evidence put before him at the hearing, appears to have been in front of the Members of the committee. He indicated that had it been, then the Appellants might have been in a position to respond to it. It was unreasonable of the Council simply to reject the Officers recommendation on highway safety grounds; at the very least, members might have deferred the application in order to take further advice. He agreed with the Appellants that they had no alternative but to lodge an appeal, an appeal which the Inspector considered could have been avoided.

He therefore reached the overall conclusion that a full award of costs was justified.

### Latest Flood Risk Assessment

The Environment Agency has warned that the annual cost of damage to residential and commercial property from flooding in England, as well as the cost of further disruption, damage to infrastructure and loss of business, could rise from £2.5 billion to £4 billion by 2035 unless flooding defences increase.

The new figures release show that:-

- One in 6 homes in England is currently at risk of flooding from rivers, the sea or surface water from overflowing drains.
- More than 5 million people live or work in 2.4 million properties at risk from rivers or the sea.
- An additional 2.3 million properties are currently at risk of flooding from surface water and,
- Some 55% of water treatment works and pumping stations, 14% of electricity infrastructure, 2358 schools and 2363 doctors surgeries are situated in a flood risk area.



If we can be of any assistance to you on any projects do give us a call on:-  
Chelmsford - 01245 398702, Crawley - 01293 763114 or Derby - 01332 638107



*An integrated Planning and Architectural design service*

Raymond Stemp Associates Ltd, Registered Office: Aquila House, Waterloo Lane, Chelmsford, Essex CM1 1BN

Registration No. 6229594



If you do not wish to receive future newsletters from us, please email us so we can take you off our mailing list.