



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
21 July 2011**

**Havering Town Hall,
Main Road, Romford**

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chairman)
Sandra Binion
Jeffrey Brace
Robby Misir
Frederick Osborne
Garry Pain

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:
Richard Cursons**

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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

The Chairman will announce the following:

These are the arrangements in case of fire or other events that might require the meeting room or building's evacuation. (Double doors at the entrance to the Council Chamber and door on the right hand corner (marked as an exit).

Proceed down main staircase, out the main entrance, turn left along front of building to side car park, turn left and proceed to the "Fire Assembly Point" at the corner of the rear car park. Await further instructions.

I would like to remind members of the public that Councillors have to make decisions on planning applications strictly in accordance with planning principles.

I would also like to remind members of the public that the decisions may not always be popular, but they should respect the need for Councillors to take decisions that will stand up to external scrutiny or accountability.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 16)

To approve as a correct record the minutes of the meetings of the Committee held on 23 June and 30 June 2011 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS (Pages 17 - 28)

- 6 **P1732.10 - THE PROPOSED STOPPING UP OF ADOPTED HIGHWAY AT LAND BETWEEN 52 AND 64 DAVENTRY ROAD, HAROLD HILL** (Pages 29 - 44)
- 7 **A0331.11 - BOOTS FARNHAM ROAD HAROLD HILL** (Pages 45 - 50)
- 8 **P0746.11 - 119 RAINHAM ROAD - FORMER CHERRY TREE PUBLIC HOUSE** (Pages 51 - 72)
- 9 **P0877.11 - 5 SLEWINS LANE - LAND ADJACENT** (Pages 73 - 90)
- 10 **P0322.11 - 63 PETTITS LANE ROMFORD** (Pages 91 - 98)
- 11 **P0301.11 - 63 PETTITS LANE ROMFORD** (Pages 99 - 106)
- 12 **P0086.11 - SNOWDON COURT GIDEA PARK** (Pages 107 - 112)
- 13 **P0905.11 - GARAGE SITE AT OAKLEY DRIVE HAROLD HILL** (Pages 113 - 124)
- 14 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS OUTSIDE STATUTORY LIMITS** (Pages 125 - 168)
- 15 **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Ian Buckmaster
Committee Administration &
Member Support Manager**

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE (Monitoring)
Thursday 23 June 2011 (7.30pm – 7:40pm)**

Present:

COUNCILLORS: 10

Conservative Group Barry Oddy (in the Chair), Jeff Brace, + Steven Kelly, Robby Misir, Fred Osborne, Garry Pain, + Billy Taylor and Barry Tebbutt

Residents' Group Linda Hawthorn
Brian Eagling

Labour Group Paul McGeary

**Independent
Residents' Group**

An apology for absence was received from Councillor Mark Logan

+ Substitute members: Councillor Steven Kelly (for Garry Pain) and Councillor Billy Taylor (for Sandra Binion)

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

11 P0650.11 – EAST LONDON SUSTAINABLE ENERGY FACILITY LAND WEST OF FAIRVIEW INDUSTRIAL PARK, OFF MARSH WAY, RAINHAM

It was **RESOLVED** that consideration be deferred at the request of staff to enable legal updates to the resolution wording in light of further information that had been received.

12 P0712.10 – 155 HALL LANE, UPMINSTER - Single storey rear conservatory

The Committee considered the report and without debate, **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 19th August 1993 in respect of planning permission P0536.93 to allow for a redefinition of the residential curtilage of the property.

That planning permission be granted subject to the following conditions.

1. The development to which this permission related must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. All new external finishes should be carried out in materials to match those of the existing building(s) to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority considered it essential that the whole of the development was carried out and that no departure whatsoever was made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accorded with Development Control Policies Development Plan Document Policy DC61.

13 A0024.11 – 265 CHASE CROSS ROAD, COLLIER ROW - Installation of 1 illuminated fascia sign and 1 projecting sign

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

14 P0615.11 – RAINHAM VILLAGE PRIMARY SCHOOL - Variation to conditions 3 (accordance with plans), 4 (parking standards), 5 (landscaping), 11 (boundary railings), 12 (details of playground) of P0128.11, to allow for a phased development

The report before members sought to vary the conditions imposed upon planning permission P0128.11 which granted consent for various extensions and landscaping works to the school in order to allow for a phased development.

The application was brought to the committee because the site was within Council ownership.

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

15 ALLEGED BREACH OF PLANNING CONTROL AT COUNTY SERVICE STATION, ESSEX GARDENS, HORNCHURCH

The Committee considered the report and without debate, **RESOLVED** that an Enforcement Notice be issued and served to require, within one month:

- (i) To cease the use of the land for the washing and valeting of vehicles.
- (ii) To cease the use of the land for storage of cleaning materials.
- (iii) Remove from the land all machinery, equipment, apparatus, cleaning materials, vehicles, tools, scrap, waste, signage and installations brought onto the land associated with the unauthorised use and to comply with requirements (i) and (ii) above.

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

16 PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

The report updated the Committee on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2010.

The Committee **NOTED** the report and the information contained therein.

17 PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 19 February 2011 and 3 June 2011

The report detailed that 41 new appeals had been received since the last meeting of the Monitoring Committee in March 2011.

The Committee **NOTED** the report and the results of the appeal decisions received.

18 SCHEDULE OF ENFORCEMENT NOTICES

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2011.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

19 PROSECUTIONS UPDATE

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

20 EXCLUSION OF THE PUBLIC

The Committee decided on the motion of the Chairman that the public should be excluded from the remainder of the meeting on the ground that it was likely that, in view of the nature of the business to be transacted, if members of the public were present there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972 and it was not in the public interest to publish the information.

21 PLANNING ENFORCEMENT: SCHEDULE OF COMPLAINTS

Attached to the report was a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 19 February 2011 and 3 June 2011.

The Committee **NOTED** the report and **AGREED** the actions being taken.

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Thursday 30 June 2011 (7.30pm – 10:20pm)**

Present:

| | |
|-------------------------------------|---|
| COUNCILLORS: | 10 |
| Conservative Group | Barry Oddy (in the Chair), Sandra Binion, Jeff Brace, Robby Misir, Fred Osborne, Garry Pain and Barry Tebbutt |
| Residents' Group | Linda Hawthorn Ron Ower |
| Labour Group | Paul McGeary |
| Independent Residents' Group | |

An apology for absence was received from Councillor Mark Logan.

Councillors Andrew Curtin, Keith Darvill, Steven Kelly, Eric Munday, Denis O'Flynn and Frederick Thompson were also present at the meeting.

24 members of the public and a representative of the Press were present.

Unless otherwise indicated all decisions were agreed with no vote against.

Through the Chairman, announcements were made regarding emergency evacuation arrangements and the decision making process followed by the Committee.

21 DECLARATIONS OF INTERESTS

Councillor Paul McGeary declared a prejudicial interest in application P0652.11 by virtue of predetermination. Councillor McGeary advised that he had previously voiced an opinion opposing the application. Councillor McGeary left the room during the discussion and took no part in the voting on that item.

Councillor Jeff Brace declared a prejudicial interest in application P0332.11 Councillor Brace advised that he owned a property in the immediate vicinity of the application site. Councillor Brace left the room during the discussion and took no part in the voting on that item.

22 P0332.11 – 17–19 STATION LANE, HORNCHURCH - Extensions to create second floor and roof garden. Alterations to the shopfront including bi-fold doors to the ground floor and access ramp, and render finish to first floor

It was **RESOLVED** that consideration be deferred at the request of staff to enable consideration of a third party representation on the certification requirements pursuant to the application.

23 MINUTES

The minutes of the meeting of the Committee held on 9 June 2011 were agreed as a correct record and signed by the Chairman.

24 P0652.11 – LAND BETWEEN 2 & 174 DAVENTRY ROAD, HAROLD HILL, ROMFORD - Two three bedroom semi-detached houses with provision of a parking area for local resident use

The Committee considered a report that related to the construction of a pair of semi-detached houses on a Council owned site. Planning permission had previously been refused for the construction of two houses on this site. Planning permission was refused at the Regulatory Services Committee meeting on 24 March owing to Members concerns in respect of the creation of an enclosed alleyway and displacement car parking. The current application sought to address the previous reasons for refusal.

In accordance with the public participation arrangements, the Committee was addressed by an objector without a response by the applicant.

With its agreement, Councillors Darvill and O'Flynn addressed the Committee. Councillors Darvill and O'Flynn remarked that the proposal would be impact on parking availability which was of a premium in the area due to other previously agreed schemes that had removed garage sites in the area. Councillor Darvill commented that there was a question mark over whether the stopping up order would be approved in the future. Councillor Darvill also stated that the provision of parking in the area needed to be considered as a separate strategic matter. Councillor Darvill remarked that there was a need for extra housing in the borough but that consideration should be given to other areas of the borough rather than concentrating schemes in one locale. Councillor Darvill asked that the Committee consider the impact on local parking and refuse the application.

A brief discussion ensued amongst members concerning the proposed gated area and concerns were raised that it. A planning condition was suggested for details of a scheme to secure the area be submitted in consultation with the Crime Prevention Design Advisor. Members confirmed that the approval for any process to stop up the area of highway would come before the Regulatory Services Committee in a separate report

Members also requested that the gated area be secure in design and constructed of material that would be aesthetically pleasing to a residential area and not constructed of a palisade design.

Following discussions Councillor Ower raised a motion for deferral which was seconded by Councillor Hawthorn on the grounds that officers needed to ascertain whether the applicant would be taking ownership of the gated area. The motion was defeated by 7 votes to 2. Councillors Hawthorn and Ower voted for the motion to defer.

It was **RESOLVED** that planning permission be granted subject to the conditions in the report and additional conditions requiring the gates securing the area to be secure in design and constructed of materials and appearance sympathetic to a residential area. The vote was 6 votes for and 2 against with 1 abstention. Councillors Hawthorn and Ower voted against the substantive motion. Councillor Tebutt abstained from voting.

As stated at the beginning of the minutes, Councillor Paul McGeary declared a prejudicial interest in this application. Councillor McGeary advised that he had previously voiced an opinion on the application. Councillor McGeary left the room during the discussion and took no part in the voting on that item.

25 P1184.10 – UPPER FLOORS OF QUADRANT ARCADE, MARKET PLACE, ROMFORD - Extension to third floor, alteration to window openings and conversion of first, second and third floor from retail and office use to form shared residential accommodation comprising 85 ensuite bedrooms with shared kitchen facilities.

The report before members detailed an application which related to the upper floors of the Quadrant Arcade which fronted onto the Market Place, Romford and was a locally listed building. The application sought full planning permission for an extension to the third floor of the building and the conversion of the first, second and third floors of the building from retail and office use to form shared residential accommodation comprising 85 ensuite bedrooms with shared kitchen facilities.

With its agreement, Councillors Curtin, Thompson and Munday addressed the Committee.

Councillor Curtin asked that proper controls were put in place regarding the design of the exterior of the building to ensure that any alterations were approved with English Heritage. Councillor Thompson expressed concern about the possibility of multiple occupancy residences and the possible fire hazards that could be associated with such properties. Councillor Munday commented that The London Fire and Emergency Planning Authority (LFEPA) were not satisfied with the proposal as it stood and stated that it was not normal practice to approve schemes where the LFEPA were not in agreement. Councillor Munday also commented that the environment surrounding the building could become “ghettoised” due to the amount of people living in such a small area.

During discussions members raised several concerns including the amount of residents living in the area, shared facilities, lack of access and egress from the building and the lack of waste management facilities.

Members felt that the living conditions would be unacceptable mainly due to the lack of amenity space.

Following discussions Councillor Tebbutt raised a motion for refusal which was seconded by Councillor Brace on the grounds that the proposal was unacceptable due to cramped living conditions, lack of access and egress from the site and lack of amenity space.

The motion was carried by 9 votes to 1. Councillor Oddy voted against the motion.

It was **RESOLVED** that planning permission be refused for the following reasons

- Poor quality living conditions and amenities for occupiers caused through cramped, intense layout and density of occupation; poor outlook and natural light; absence of any amenity space; unacceptably high ratio of units/occupiers to communal kitchen and sanitary facilities.
- Access/egress arrangements unacceptable to Fire Brigade.
- Cramped and unsatisfactory, dense occupation likely to create patterns of internal and external activity, waste, washing etc detrimental to character and appearance of the building, the surrounding public realm, the Market Place Conservation Area and setting of nearby listed buildings.
- Nature and density of occupation of building likely to encourage Anti-Social Behaviour.
- Unsatisfactory refuse storage and collection arrangements likely to create build up of waste harmful to health, visual amenity and appearance of the building and the Conservation Area. Also likely to necessitate collection arrangements harmful to the functioning of the Market Place.

- The management arrangements and occupier restrictions proposed within the legal agreement would not satisfactorily control day to day operation of this large densely occupied premises

26 P0517.11 – 39 WOOD LANE, HORNBURCH - Infill extension of existing patients entrance, relocation of patients entrance with front canopy, single storey rear extension with external alterations

The report before members detailed an application for an infill extension of the existing patients entrance, the relocation of the patients' entrance with a front canopy and a single storey rear extension with external alterations. The existing patients' entrance would be in filled. The new patients' entrance would be located on the western flank of the building leading directly into the waiting room.

The application had been called in for consideration by the Committee by Councillor Steven Kelly on the grounds that 39 Wood Lane was a medical centre, which needed to be developed and expanded.

With its agreement, Councillor Kelly addressed the Committee. Councillor Kelly advised that the medical centre needed to expand to be able to provide extra treatments such as ultrasound, gynaecology and neurology. Councillor Kelly also advised that the rear extension would not be obtrusive on neighbouring properties and that residential extension policy guidance should not apply as the property was of a commercial nature and not residential.

During discussions members raised several concerns including the relationship of the attached neighbour's extension to the shared boundary and whether parking for staff and visitors would be catered for. Members also wanted to know which aspects of the proposal required planning permission.

It was noted that one letter of representation had been received which detailed that the extension would be an eyesore and lead to a loss of light and increased demand for parking.

Following discussions Councillor Oddy raised a motion for deferral which was seconded by Councillor Tebbutt to allow staff to provide further information.

It was **RESOLVED** that planning permission be deferred to allow staff to provide further information on the following

- What was the medical 'need' case the applicants wished to be taken into account?
- The relationship of the attached neighbour's extension to the shared boundary, including how far set away.

- was this locality a parking problem hot spot?
- What were the proposed arrangements for staff parking?
- How was existing/proposed frontage parking accessed from highway given there is a grass verge with wooden posts in front?
- In the event of an approval, what aspects of the proposal should be addressed by planning conditions?

27 P0072.11 – 147 RAINHAM ROAD, RAINHAM - Demolition of the existing commercial building and construction of a three storey building with a retail unit (A1) at ground floor. Four 1 bedroom flats on the first and second floors and adaption of existing storage building to rear to provide car parking, storage and refuse/bike store.

The report before members detailed an application for permission for the demolition of the existing commercial building and construction of a three storey building with a retail unit (A1) at ground floor and four one bedroom flats on the first and second floors with a front entrance. The proposal included terraces to the rear of flats 1, 3 and 4.

In accordance with the public participation arrangements, the Committee was addressed by an objector, however the applicant had left the meeting before the item started and therefore was not present to reply.

During discussions members raised several concerns including the width of the entranceway, refuse arrangements, emergency services access and lack of parking.

It was **RESOLVED** that planning permission be granted subject to the conditions in the report and an additional condition requiring submission, approval and implementation and maintenance of external lighting scheme for the vehicular access way.

28 P0485.11 – LAND AT THE CORNER OF CAMBORNE AVENUE & FARINGDON AVENUE, HAROLD HILL - Construction of 7 dwellings with associated hard and soft landscaping.

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 29 P0688.11 – LAND ADJACENT 13-15 PARKWAY, RAINHAM - 4 1 bedroom flats and 2 two bedroom houses together with underground parking for 10 cars and 2 disabled spaces at street level together with refuse store and recycling area**

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 30 P0700.11 - LAND TO THE REAR OF 45-59 SALISBURY ROAD, ROMFORD - Erection of 5 houses following demolition of former commercial buildings**

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 31 P0631.11 – ST EDWARDS C OF E PRIMARY SCHOOL, HAVERING DRIVE, ROMFORD - Extension to existing school building to provide enlarged classrooms.**

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 32 P0368.09 - PELL COURT, 165 – 171 HORNCHURCH ROAD, HORNCHURCH - Variation of completed Section 106 Agreement following the grant of planning permission under reference P0368.09 for 23 sheltered residential apartments**

The Committee considered the report and without debate, **RESOLVED** that staff be authorised to enter into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) (the 1990 Act), with the agreement of all parties to the original agreement or their successors in title to secure the following Deed of Variation pursuant to Section 106A of the 1990 Act relating to clause 3.3 of the Section 106 Legal Agreement dated 10th June 2009 (the original agreement):

- The lease tenancy agreement licenses or other occupancy agreement relating to the dwelling unit known as Plot 18, shown hatched in red on the Second Floor Plan, should be amended to enable the prospective occupant to reside there.
- Save for the variation of clause 3.3 of the Section 106 Agreement dated 10th June 2009 all recitals, terms, covenants and obligations in the original agreement will remain unchanged.

33 P0578.11 – RIVERSIDE SEWAGE TREATMENT WORKS, FERRY LANE NORTH OFF LAMSON ROAD, RAINHAM - Variation of Condition 2 attached to planning permission reference U0005.08 dated 30 October 2009 to incorporate design changes to Sludge Storage and Dewatering Building, CHP Building and plant layout

The Committee considered the report and without debate, **RESOLVED** that the application was considered unacceptable as it stood but it would be acceptable subject to:

- a) No direction to the contrary from the Mayor for London;
- b) The prior completion of a S106 legal agreement to ensure that the provisions of the original S106 dated 30/10/2009 relating to U0005.08 were applicable to this application and to remove the LTGDC as a party to the agreement which would cover all of the planning obligations included in the original Section 106 agreement dated 30/10/2009:
 - The submission and agreement of an Odour Management Plan and Odour Management Protocols for the site prior to commissioning of the development and for the site to be operated in accordance with the OMP which may be modified and updated from time to time in agreement with the Local Planning Authority, including contributions towards the costs incurred by the Council in approving and auditing the said Agreement and Protocols ;
 - land for a potential future public right of way along the eastern boundary of the site from 'Ferry Lane North', south through to the A13;
 - a contribution of £10,000 towards a local employment scheme such as Job Net or an equivalent; and
 - that recruitment is sought through Job Net or a similar scheme.

CONDITIONS as per U0005.08 save for :

2. All works were to be completed in accordance with the following Drawing Numbers:

Figure 1 - Location Plan

Figure 2a - Riverside STW Ownership Area and Planning Application Plan

Drawing No. 9RTG-YY-02001 REV A - Existing Site Plan and Environs

Drawing No. 9RTG-YY-02000 REV A - Existing Site Plan

Drawing No. 9RTG-YY-02006 REV C - Proposed Site Plan

Drawing No. 9RTG-YY-02005 REV A - Contractors Working Area

Drawing No. 9RTG-YY-02010 REV D - Site Plan Sludge Digestion

Drawing No. 9RTG-YY-02011 REV C - Sludge Digestion Plant Sheet 1 of 2

Drawing No. 9RTG-YY-02012 REV C - Sludge Digestion Plant Sheet 2 of 2
Drawing No. 9RTG-YY-02015 REV A - Relocated Leachate Reception Facilities and Odour Control Unit Number 2
Drawing No. 9RTG-YY-02007 REV C - Planning Application - Sections 1
Drawing No. 9RTG-YY-02008 REV B - Planning Application - Sections 2
Drawing No. 9RTG-YY-02061 REV G - CHP Building External Elevations
Drawing No. 9RTG-YY-02060 REV C - CHP Building Plan and Sectional Elevations
Drawing No. 9RTG-YY-02032 REV C - Dewatering and Sludge Storage Building External Elevations
Drawing No. 9RTG-YY-02031 REV C - Dewatering and Sludge Storage Building Plan and Elevations
Drawing No. 9RTG-YY-02030 REV C - Dewatering and Sludge Storage Building Plan
Drawing No. 9RTG-YY-02055 REV A - Digester MCC
Drawing No. 9RTG-YY-02080 REV A - Leachate Reception Facilities Office
Drawing No. 9RTG-YY-02090 REV A - Typical Detail of Odour Control Units 1 & 2.
No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reasons: The Local Planning Authority considered it essential that the whole of the development was carried out and that no departure whatsoever was made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Policy DC61 (Urban Design) of London Borough of Havering's Development Control Policies Development Plan Document and Policy 4B.1 (Design Principles for a Compact City) of the London Plan (adopted February 2008).

34 P1705.10 – ASHLEA VIEW, TOMKYNS LANE, UPMINSTER - Stationing of three caravans for residential occupation by Gypsy family and storage of fourth caravan.

The report before members detailed an application for the stationing of 3 caravans for residential occupation by Gypsy family and storage of a 4th caravan on a permanent basis. The application was deferred by the Committee on 17 March 2011 to enable Officers to provide further photos of the current site in particular to show views of the additional mobile home including a view from access/entrance and to clarify details of waste and sewage disposal arrangements.

During discussions members raised several concerns including whether the applicant could apply for further planning permission for additional caravans at a later date and whether boundary treatment either side of the access gates would require planning permission.

It was **RESOLVED** that planning permission be granted subject to the conditions in the report and the addition of additional informatives covering the following

- To advise the applicant that boundary treatment either side of the access gates may need planning permission.
- That this permission related only to the site edged red and does not convey any consent for residential use outside that boundary.

35 SUSPENSION OF STANDING ORDERS

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Meeting Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

36 P0583.11 – REAR OF WOODSIDE CLOSE, RAINHAM - Construction of one 3 bed detached bungalow with garage & two semi-detached 1bed bungalows with parking spaces

The Committee considered the report and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

37 P0650.11 - EAST LONDON SUSTAINABLE ENERGY FACILITY LAND WEST OF FAIRVIEW INDUSTRIAL PARK, OFF MARSH WAY, RAINHAM - Extension of time limit of U0004.06 – Construction of sustainable energy facility comprising the erection of gasification power generation plant and associated building and plant

The Committee considered the report and without debate, **RESOLVED** that the application was considered unacceptable as it stood but it would be acceptable subject to:

- a) No direction to the contrary from the Mayor for London;
- b) The prior completion of a S106 legal agreement Deed of Variation pursuant to Section 106A of the Town and Country Planning Act 1990 (the 1990 Act) to ensure that the provisions of the original S106 dated 1st July 2008 as varied by a Deed of Variation dated 20th August 2010 relating to U0004.06 (referred to as the “Original Planning Permission”) in the original Section 106 as varied) are applicable to this application and to make the

London Borough of Havering party to the agreement as successor Local Planning Authority. Such Section 106 Deed of Variation will ensure that planning application under planning reference P0650.11 would be bound by the planning obligations in the original Section 106 as varied that apply to the “Original Planning Permission” and which are summarised, though not exhaustively below:

- A total financial contribution of £100,000 to cover:
 - i) improved public access to riverside areas;
 - ii) environmental improvements and landscaping in the vicinity of the site;
 - iii) improvements to public transport provision to the area;
 - iv) a contribution to a base line study to be undertaken by the Havering PCT of the impact of air pollution on respiratory problems within the local population (under 15s) and to monitor impact once plant is up and running.
 - To implement, review and maintain a staff travel plan throughout the life of the development and,
 - That no development under the permission is to commence until a contract with the East London Waste Authority (Shanks) for the supply of solid recovered fuel primarily from the Frog Island Bio-MRF (MBT) facility to the power generation plant has been signed and evidence of this provided;
 - The planning permission not be implemented prior to the developer providing conclusive evidence to the Council that all of the necessary authorisations required by the Environment Agency have been secured.
 - That SRF could only be taken from the Jenkins Lane Bio-MRF in circumstances where the Frog Island facility has been closed, totally or partially for maintenance or to maintain the operational capacity of the plant;
 - To specify the limited circumstances where SRF could be brought to the site from sources within the ELWA area other than the Frog Island and Jenkins Lane Bio-MRFs to maintain the necessary input for power generation.
 - To use reasonable endeavours to secure a conveyor link between the plant site and Frog Island; to regularly review the proposal to secure a conveyor link and to regularly report to the local planning authority with details.
 - Save for consequential amendments all other covenants, obligations and recitals of the original Section 106 dated 1st July 2008 shall not be varied.
 - Subject to payment of the Council reasonable legal fees associated with the Deed of Variation.
- c) the planning conditions set out in the report.

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Item 5

Regulatory Services Committee

21 July 2011

WITHIN STATUTORY PERIOD

| Page No. | Application No. | Ward | Address |
|-----------------|------------------------|-------------|---------------------------------|
| 1-9 | P0851.11 | Mawneys | 315 Collier Row Lane Romford |

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REGULATORY SERVICES COMMITTEE

21st July 2011

WITHIN STATUTORY PERIOD

| | | |
|-------------------------|---|-------------------------------------|
| APPLICATION NO: | P0851.11 | |
| WARD : | Mawneys | Date Received: 27th May 2011 |
| ADDRESS: | 315 Collier Row Lane Romford | |
| PROPOSAL: | Refurbishment of the first and second floors from office accommodation to 3x residential flats with amenity. New dormer window to front elevation. Part demolition of first and second floors. | |
| DRAWING NO(S): | 2656_PL01 - Location Plan 2656_SK02 - Existing ground & first floor plans 2656_PL02 - Existing second floor and roof plan 2656_SK04 - Existing elevations 2656_PL05 - Proposed ground & first floor plans 2656_PL06 - Proposed second floor & roof plan 2656_PL07 - Proposed elevations 2656_PL08 - Proposed site plan | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

CALL-IN

No.

RECOMMENDATION

That planning permission is granted for the reasons set out in the report below.

SITE DESCRIPTION

The application site is located to the western side of Collier Row Lane approximately 20m south of the Collier Row roundabout. The site comprises a 3-storey flat roofed building with a recessed hipped roof. On ground floor level the premises is currently occupied by hairdressers (A1 retail) whilst the 1st and 2nd floor is vacant however its last lawful use was for office accommodation (A2). The 1st floor occupies approximately 238sq metres of floor space.

The site is located in the Collier Row Minor District Centre and is surrounded by commercial units. The site is flanked to the north by commercial properties facing Collier Row Road with mostly residential flats above. Those residential flats above Nos. 1 - 7 Collier Row Road are accessed from the rear of the application site. To the south is a car sales and MOT centre with Tesco's on the opposite side of Collier Row Lane. The remainder of the area further south along Collier Row Lane is mainly characterised by residential development.

Access to the site is from the front via an entrance door to the side of the retail unit at ground floor level.

DESCRIPTION OF PROPOSAL

This Council is in receipt of a planning application seeking permission to refurbish the 1st and 2nd floors at No. 315 Collier Row Lane from office accommodation to 3 residential flats with amenity areas. Amenity spaces would be formed by demolishing part of the building in the

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middle.

Access to all 3 flats would remain from the single front door facing Collier Row Lane. On first floor level there would be 2 x 1-bedroom flats, each with a separate bedroom, open plan kitchen / living area and a bathroom. Each flat would have a small amenity area to the rear accessed from the bedrooms. Each amenity area would measure approximately 3m by 1.9m

The internal staircase then continues to the 2nd floor where there would be a 3rd 2-bedroom flat with separate kitchen, bathroom and living room. Amenity to the 2-bedroom flat is restricted to the terrace at 1st floor level which also provides access to Flat 2.

The proposal would mainly involve internal changes with the only external alterations the addition of a single, pitched roof front dormer at 2nd floor level.

No provision is indicated for off-street parking, refuse storage areas or cycle storage.

RELEVANT HISTORY

None relevant to this application.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 36 neighbouring properties with no letters of objection received.

The Council's Crime Prevention Design Advisor commented on the application and recommends appropriate conditions as the Design and Access Statement fails to demonstrate or mention how crime prevention measures have been considered in the design and how it reflects the 7 attributes of Safer Places as required by Policy DC63 (Delivering Safer Places).

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to residential and subdivision of residential uses), DC16 (Core and Fringe Frontages in District and Local Centres), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Residential Design Supplementary Planning Document.

The London Plan (Spatial Development Strategy for Greater London) is also a further material consideration.

PPS1 'Delivering Sustainable Development'

PPS3 'Housing'.

STAFF COMMENTS

The main issues to be considered in this case are the principle of development, site layout and amenity space, impact on local character and streetscene, residential amenity and highways/parking.

PRINCIPLE OF DEVELOPMENT

The site is located within the retail fringe of the Collier Row Minor District Centre where Policy DC16 sets out a presumption in favour of retail development (A1) at ground floor level. The

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subject site currently comprise hairdressers at ground floor level and the proposal would retain this A1 use with refurbishment works for the flats taking place on 1st and 2nd floor level.

Policy DC4 state that the conversion of space above retail units is encouraged as this can help bring activity to town and district centres and increase their vitality and viability.

Policy 3A.5 of the London Plan states that DPD policies should ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

PPS1 encourages a mixture of uses within town centres, which can assist in creating vitality, diversity and a reduction in the need to travel. PPS1 also seeks to ensure that housing is available where jobs are created and encourages the provision of a mixture and range of housing. PPS3 generally encourages the provision of residential development in urban areas. PPS6 encourages diversification within town centres and acknowledges that the occupation of flats above shops can increase activity in town centres during the evening and night, thereby contributing to personal safety. In order to include an element of housing within town centres planning authorities are encouraged to take a flexible approach to residential car parking and other standards. There is, therefore, general support for the principle of providing additional residential units in the town centre.

In principle town centre living is becoming increasingly popular as people are seeking to integrate their working, social and home lives by choosing to live in locations with easy access to facilities and public transport. Indeed Government guidance encourages the provision of residential development in town centre locations. As such, the creation of 3 self contained flats on 1st and 2nd floor would be acceptable in principle.

DENSITY/SITE LAYOUT

Policy DC4 requires that each flat should be adequately sized, self-contained and with reasonable outlook and aspect. The proposed flats are considered to be adequately sized and would be self-contained. The attractiveness of this property as living accommodation would ultimately be a matter of choice for a prospective occupier.

The proposal would involve part demolition of the middle section of the building to incorporate a terrace area which would serve as amenity to the proposed flats. The amenity area would be separated into 3 areas, providing Flat 1 and Flat 2 on 1st floor level each with a private amenity area of approximately 1.9m x 3m (approximately 5.7sq metres). Each flat would have direct access to the amenity areas via their bedrooms.

The drawings indicate a 3rd area on 1st floor level which would serve as amenity for the 2-bedroom flat on 2nd floor level. However, this is a shared area which also serves as a through-route to the main access to Flat 2 on 1st floor level. The area can also be accessed from Flat 1 and therefore does not provide a private, usable space to the flat on 2nd floor level. Staff can therefore conclude that Flat 3 on 2nd floor level has no amenity provision.

The Council's Residential Design SPD requires that every living unit should have access to a private amenity area which is practical for day to day use. Notwithstanding the requirements of the Residential Design SPD, Staff are of the opinion that amenity space requirements for flats in commercial areas may be considered more flexibly and this is supported by Government advice.

It is also noted on the drawings that outlook for Flat 3 is limited with 1 window serving the living area which will overlook Collier Row Road and 1 window serving the main bedroom, overlooking

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the rear of commercial units and a parking area.

In Staff's opinion, the proposed flats would be of adequately size, self-contained and adequate for town centre living. The attractiveness of this property as living accommodation would ultimately be a matter of choice for prospective occupiers. Members are however invited to apply their judgement to the lack of amenity space provision for Flat 3 which is the 2-bedroom flat and its limited levels of outlook

Overall the amenity space provision is considered compliant with the requirements of the Council's Residential Design SPD however there is a judgement for Members to be made on the quality of living accommodation provided by Flat 3 in light of the issues raised above.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The proposed refurbishment works would mainly be internal. A new dormer window is proposed within the front elevation on 2nd floor level serving the living area of Flat 3. Staff noted that the proposed dormer is similar in size and design when compared to the front dormers which were incorporated in the recently approved scheme at No. 311 Collier Row Road (Planning Ref: P0930.10) and therefore have no objections in terms of its size, location or design in the street scene.

The only other external works proposed is to demolish part of the middle of the building in order to provide a terrace / balcony area on 1st floor level with screening towards the sides. This area would serve as private amenity areas as mentioned above and due to its location and set-back from the front of the building, would not be visible from the street scene.

The proposal would not have any impact on the character and appearance of the street scene and is considered compliant with the aims and objectives of Policy DC61 of the LDF in this respect.

IMPACT ON AMENITY

Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

The proposal is for the conversion of an existing building, and would therefore not result in any overshadowing or overbearing appearance to neighbouring properties over and above what is currently experienced.

Assessing the impact of the proposal on the recently approved development (not yet constructed) at No. 313 (Planning Ref: P0930.10), the proposed amenity areas would be adjacent to the amenity area of the scheme at No. 313. The proposed amenity area and those approved at No. 313 would be on 1st floor level. The drawings approved at No. 313 indicate a matt frosted glass screen to be provided to the sides of the amenity areas at a height of 1.7m. Similarly, the current proposal indicates a screen to be provided to the sides of the amenity

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areas. Staff are therefore of the opinion that the amenity areas for both properties (No. 313 and 315) would be private, screened from public views and would not be overlooked as a result of this proposal.

It was noted upon site inspection that there are residential flats above commercial units directly north of the application site with balconies facing south towards the application site. Similarly to the relationship with No. 313, the proposal's provision of screening along the boundaries of the amenity areas would make it private and it is not considered that any overlooking would occur.

No additional flank wall windows are proposed and those which are already in the flank walls will serve the bathroom and bedroom of Flat 2 and bedroom of Flat 1. The proposal at the neighbouring property, No. 313 indicates no flank wall windows and as such, the flank wall windows in this current application is not considered to result in any potential for overlooking to the neighbouring property, once constructed.

Overall the development is not considered to result in a materially harmful impact on the amenities of future occupiers of the proposed flats or those amenities of surrounding neighbouring properties. Members, again, may wish to give consideration to the level of outlook provided to the 3 flats. Staff are however of the opinion that the proposal is consistent with the level of accommodation provided in town centres and given that 2 of the 3 flats have private amenity areas, all flats are of a decent size and self contained, overall the scheme is considered acceptable.

HIGHWAY/PARKING

Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Collier Row.

In this instance, no off-street parking provision are proposed. The applicant however submitted a Transport Statement in support of the lack of parking provision to the development. The transport statement makes mention of the fact that there are vast quantities of on-street parking available on the adjoining roads close to the application site. It is further mentioned that there is a bus stop directly opposite the site which provides services to the following destinations:

- 247 (Romford Station towards Barkingside Station)
- 365 (Mardyke Estate towards Havering Park)
- 175 (Hillrise Estate towards For Main Works)
- 294 (Havering Park towards Noak Hill)

It is further stated that the bus stop mentioned above is a 2min walk to Collier Row which gives access to the following bus routes:

- 252 (Hornchurch Town Centre towards Collier Row)
- 375 (Romford towards Passingford Bridge, Stapleford Abbots)

The Transport Statement gives the site a PTAL rating of 3, in accordance with that supplied by Transport for London. As mentioned above, mention is made of the accessibility to public transport and the statement relies on on-street parking along side roads within close proximity to the application site.

Parking provision at a range of 1.5-1 space per unit is anticipated for the proposed flats (4.5 to 3

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spaces). The proposal makes provision for 2 off-street parking spaces in connection with the commercial use(s).

The level of provision proposed is considerably below that anticipated and the Highways Authority object to the scheme on this basis. The acceptability of the level of provision made for off-street car parking is a matter of judgement, given the maximum nature of the standards. In light of the town centre location of the site (enabling easy access to services and facilities), the bus stop opposite the site from which a number of bus routes operate, the existence of a pay and display car park to the rear of Tesco, which is opposite the site and the current parking restrictions between 8am - 6.30pm Monday to Saturday on Collier Row Lane together with footway parking in Moorlands Close, Staff consider that it would be unreasonable to require a greater degree of off-street parking on the site, which is limited in its size. In order to make the best use of land, some compromise can be required and the compromise here is in relation to car parking.

Indeed, in choosing whether to purchase/rent a property in such a location, potential occupants would be aware of the lack of car parking facilities prior to occupation. Whilst Staff acknowledge that a similar proposal was granted permission in 2010 at the neighbouring site (Planning Ref: P0930.10, making provision for 2 off-street parking spaces in connection with the commercial use) which may arguably result in a combined impact in this location, Staff are of the view that the location of the site in proximity to shops and services and bus routes is sufficient to justify the level of provision in this instance. Members are however invited to apply their judgement.

OTHER ISSUES

Servicing for both the retail/commercial units and the flats would take place from Collier Row Lane and this is considered to be satisfactory. The forecourt in front of the unit would enable smaller delivery vehicles to pull up on it from the carriageway to service/delivery to the units/flats.

No provision has been made for refuse or cycle storage however, such details can be agreed by means of an appropriate condition.

KEY ISSUES/CONCLUSIONS

The proposed residential use of the site at first and second floor is acceptable in principle. The development involves minor external alterations which are not considered to detract from the character and appearance of the street scene. It is not considered that the proposal would result in a significant loss of amenity to neighbouring or future occupiers. The proposal presents adequately sized units however with a limited degree of outlook and although the 2 flats at first floor level have access to private amenity areas, flat 3 on 2nd floor level has no private amenity space. Staff consider this arrangement to be acceptable given its town centre location however, Members are invited to apply their judgement. The proposal would retain 2 off-street parking spaces for the retail unit at ground floor level however, no parking provision is made for the 3 flats above. Objections are raised by the Highways Authority however, Staff are of the opinion that the lack of dedicated parking provision would not be harmful to the adjoining side roads and that the development is close enough to shops, services and bus routes to justify this level of parking provision. Members are invited to apply their judgement to the level of parking provision.

For the reasons outlined in the report, Staff consider the proposal to be acceptable and approval is recommended accordingly.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. SC46 (Standard flank window condition)
4. M SC09 (Materials)
5. M SC59 (Cycle Storage)
6. S SC58 (Storage of refuse)
7. S SC06 (Parking provision)
8. M SC62 (Hours of construction)
9. Non standard condition
Prior to the commencement of the development, all details of boundary screening and screen walling shall be submitted to and agreed in writing by the Local Planning Authority 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 to prevent undue overlooking of adjoining properties.

10. Non standard condition
No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:

In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

11. 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:

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In the interest of residential amenity and creating safer, sustainable communities, reflecting guidance set out in PPS1 and Policies CP17, DC61 and DC63 of the Core Strategy and Development Control Policies Development Plan Document.

12. Non standard condition

Before any development is commenced, a scheme for protecting the proposed dwellings from noise from adjacent commercial uses shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason:

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994.

13. Non standard condition

The flats shall be so constructed as to provide sound insulation of 43 DnT,w + Ctr dB (minimum values) against airborne noise and 64 L'nT,w dB (maximum values) 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.

1 INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Design for Living Supplementary Planning Document and Policies CP1, CP2, CP17, DC2, DC3, DC4 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. In aiming to satisfy condition 11, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.

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 is needed.

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**REGULATORY
SERVICES
COMMITTEE**

21 July 2011

**6
REPORT**

| | |
|---|---|
| Subject Heading: | The proposed stopping up of adopted highway at land between 52 and 64 Daventry Road, Harold Hill |
| Report Author and contact details: | Andrew McMaster Legal Department Andrew.mcmaster@havering.gov.uk 01708 432840 |
| Policy context: | N/A - Statutory Process under Section 247 of the Town and Country Planning Act 1990 |
| Financial summary: | See Financial Implications |

The subject matter of this report deals with the following Council Objectives

| | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input type="checkbox"/> |
| Value and enhance the life of every individual | <input checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This report relates to an application for the stopping up of highway to enable the development of land between 52-64 Daventry Road, Harold Hill ("the Land")

The proposed development involves the construction of four, four bedroom semi-detached houses, for which planning permission was given on 14 January 2011.

The developers have applied to the Council under section 247 of the Town and Country Planning Act 1990 (as amended) ("the Act") to stop up areas hatched blue on the plan (Reference: 10.6861.24, dated March 2011) annexed to this report so that the development can be carried out.

It is proposed that the area of highway be stopped up to allow the development to be carried out. The area of highway proposed to be stopped up consists of a narrow strip of land running from Daventry Road (and currently acting as a driveway) onto the subject site, which opens up onto a larger rectangular portion of land. This larger area of land is currently used as a car park.

The Council's highway officers have considered the application and consider that the stopping up is required to enable the planning permission granted under planning reference P1732.10 to be carried out.

It should be noted that the practical effect of supporting the recommendations in this report (subject to the stopping up order being ultimately confirmed) would be to prevent members of the public from passing and repassing over the area on the land stopped up, which has formerly been adopted as public highway.

RECOMMENDATIONS

Subject to the developer paying the Council's reasonable charges in respect of the making, advertising and confirmation of the stopping up order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000, it is recommended that:

1. The Council makes a Stopping Up Order under the provisions of S.247 Town and Country Planning Act (as amended) in respect of the areas of adopted highway hatched blue on the attached plan as the Land is required to enable development for which the Council has granted planning permission granted under planning reference P1732.10.
2. In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
3. In the event that relevant objections are made by other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the order.
4. In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination.

| |
|-----------------------|
| REPORT DETAILS |
|-----------------------|

- 3.1 On 14 January 2011 the Council granted planning permission for the redevelopment of the land between 52-64 Daventry Road, Harold Hill. The proposal is for four, four bedroom two storey semi detached houses. The houses will front Daventry Road, and be developed with car parking to the front of each house, and a garden to the rear. A pedestrian laneway will be maintained on each side of the proposed development a round the rear of the Land, leading to Hilldene Road.
- 3.2 Once the proposed development is implemented the areas hatched would have been stopped up to enable the development to be carried out.
- 3.3 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council can confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

4 Financial Implications and Risks:

- 4.1 The costs of the making, advertising and confirmation, should the order be confirmed, will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

5 Legal Implications and Risks:

- 5.1 Legal Services will be required to draft the Stopping Up Order and notices.

6 Human Resources Implications and Risks:

- 6.1 None directly attributable to the proposals.

7 Equalities and Social Inclusion Implications:

7.1 None directly attributable to the proposal.

8 Conclusion

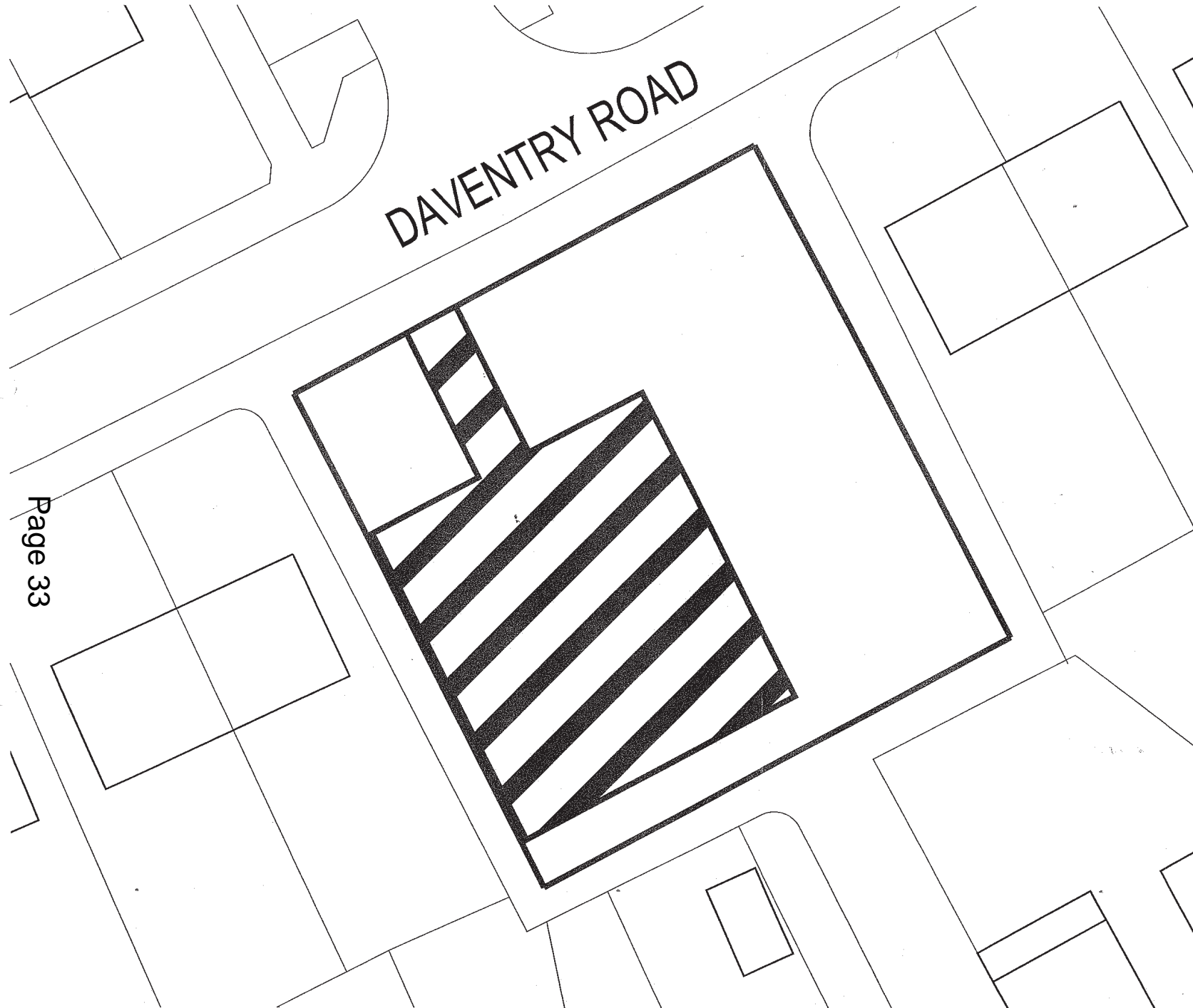
8.1 The proposed stopping up relates to areas of highway the stopping up of which is necessary to facilitate the development of the site. It is therefore recommended that the necessary Order is made and confirmed.

| | |
|-----------------|--|
| Staff Contact: | Bob Wenmam |
| Designation: | Head of Streetcare |
| Telephone No: | 01708 432720 |
| E-mail address: | bob.wenman@haverling.gov.uk |

CHERYL COPPELL
Chief Executive

Background Papers List

1. Planning Permission for Planning Application No. P1732.10 dated 14 January 2011, granting planning permission for the development of 4 No. four bed semi-detached houses on land between 52-64 Daventry Road, Harold Hill, Romford
2. Plan (Reference: 10.6861.24) showing the areas to be stopped up.



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Note: Area of Public Highway to be adopted shown hatched.

| | | |
|--|---|-------------------------------------|
|  | 32 High Street, Ingatstone, Essex CM4 9EE Telephone 01277 355007 Fax 01277 353006 | <input type="checkbox"/> |
| | 4-12 Morton Street, Loomington Spa, CV32 5SY Telephone 01926 436900 Fax 01926 436901 | <input type="checkbox"/> |
| | 3 Kings Court, Willie Snailth Rd, Newmarket, Suffolk CB8 7SG Telephone 01638 663838 Fax 01638 663836 | <input checked="" type="checkbox"/> |

Client:
HILL PARTNERSHIPS LTD

Project:
**LAND BETWEEN 52 & 64 DAVENTRY ROAD
HAROLD HILL**

Drawing:
SECTION 247 STOPPING UP PLAN SHEET 2

| | |
|----------------------------------|----------------------------|
| Scale: 1:200 @A3 | Date: MAR 2011 |
| Drawn By: G.C. | Checked By: G.C. |
| Drawing No: 10.6861.24 | Rev. No: - |

CAD Ref:
X:\Clients\Hill Partnerships\10-6861 Harold Hill Garage Site\Harold Hill North Westside 133 layout.dwg

SITE LAYOUT SCALE 1:200

THIS DRAWING IS A COPYRIGHT
All dimensions to be checked on site or in the workshop before work commences.
Only figured dimensions to be worked to. Any discrepancies to be reported to the Architect.

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LONDON BOROUGH OF HAVERING

TOWN AND COUNTRY PLANNING ACT 1990

To: Mr G Collett
CHBC Architects Ltd
32 High Street
Ingatestone
CM4 9EE

Mr N McQuire
Hill Partnerships Ltd
Gunpowder Mill
Powdermill Lane
Waltham Abbey
EN9 1BN

APPLICATION NO: P1732.10

In pursuance of their powers as Local Planning Authority, the Council have considered your application and have decided to **GRANT PLANNING PERMISSION** for the following development :

Proposal: 4 No. four bed semi-detached houses

Location: Land between 52-64 Daventry Road
Harold Hill
Romford

The above decision is based on the details in drawing(s):

10.6861.21
10.6861.24
10.6861.20
10.6861.25
10.6861.23
10.6861.22

subject to compliance with the following condition(s):

- 1 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 3** Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

- 4** Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 6 Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 7 Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36

- 8 Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

- 9** Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- 10** No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

- 11** Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls
 - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
 - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

12 Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) 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.

c) 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:

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.

d) 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

e) 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. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

- 13** The dwellings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L_{pnT,w} dB (maximum values) 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 and Noise*.

- 14** The proposed first floor flank windows serving bathrooms 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

- 15** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no window or other opening (other than those shown on the approved plans), shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future.

- 16** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, Article 3, Schedule 2, Part 1, Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellinghouses unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

- 17 The development shall not be commenced prior to six week after the publication of confirmation of the stopping up of that part of the application site which is highway land.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61 and to comply with statutory requirements under the Town and Country Planning Act 1990.

Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP15, CP17, DC2, DC3, DC11, DC32, DC33, DC34, DC35, DC36, DC40, DC53, DC56, DC58, DC59, DC60, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22, 3C.23, 3D.14, 3D.15, 4B.1, 4B.6 and 4B.8 of the London Plan.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. In aiming to satisfy conditions 8 and 9 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
3. The applicant is advised that part of the application site is adopted public highway and as such the necessary application to make a stopping-up order under Section 247(A) of the Town and Country Planning Act 1990 (as amended) will need to be sought prior to the commencement of the development to extinguish the highway rights that currently exist.

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

**NOTES IN CONNECTION WITH APPROVAL OF APPLICATIONS SUBJECT TO CONDITIONS
OR REFUSAL OF APPLICATIONS FOR PLANNING PERMISSION**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be made to the First Secretary of State at the Department for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. However, if an enforcement notice is subsequently served relating to the same or substantially similar land and development and you want to appeal you must do so within 28 days of the service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the Planning Inspectorate's web site, www.planning.inspectorate.gov.uk

- (2) When submitting the completed appeal form to the Planning Inspectorate, a copy should be sent to Planning, London Borough of Havering, 7th Floor Mercury House, Mercury Gardens, Romford, RM1 3SL. The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise these powers unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. Where the decision of the local planning authority is based upon a direction from the First Secretary; it is not the practise to refuse to accept appeals solely because of this direction.
- (3) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the First Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the London Borough of Havering requiring the council to purchase the land in accordance with the provision of Part VI of the Town and Country Planning Act 1990.
- (4) In certain circumstances, a claim may be made against the local planning authority for compensation where there has been an appeal or where an application has been referred to the First Secretary, and where planning permission is refused or granted subject to conditions. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- (5) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely Sections 70, 71 and 72(1) of the Act.

You are reminded that Building Regulations approval may also be required for these works. You must contact the Building Control Manager or Building Inspector to confirm if permission is required.

Note: Following a change in government legislation a fee is now required for the request for Submission of details pursuant to 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) will be required.

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**REGULATORY
SERVICES
COMMITTEE**

**7
REPORT**

21 July 2011

Subject Heading:

**A0031.11 – Boots Opticians, 16
Farnham Road, Harold Hill**

**Installation of 2 illuminated fascia
signs (Application received 2nd June
2011).**

Report Author and contact details:

**Helen Oakerbee, 01708 432 800
helen.oakerbee@havering.gov.uk**

Policy context:

Local development Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

| | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input type="checkbox"/> |
| Value and enhance the life of every individual | <input type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This proposal is put forward before the committee due to the application site being in Council ownership.

Staff consider that the proposal would accord with relevant policies contained in the LDF Core Strategy and the Development Control Policies Document Plan. Approval is therefore recommended, subject to planning conditions.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

1. This consent is granted for a period of five years commencing on the date of this notice.

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway, (including any coastal waters) or aerodrome (civil or military).

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Any advertisements displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason:-

To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. The maximum luminance of the two fascia signs hereby permitted shall not exceed 600 cd/m².

Reason:-

To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65.

INFORMATIVE

1. Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC32, DC61, DC65 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.

REPORT DETAIL

1. Site Description

- 1.1 The site is a commercial unit (A1), currently in use as an opticians, located within the retail core of Harold Hill on the junction between Farnham Road and The Arcade. The surrounding locality is commercial in nature at ground floor. There are residential flats above. Farnham Road has parking bays in the centre. Beyond the retail core are residential properties in a range of styles including semi-detached dwellings and larger blocks of flats.

2. Description of proposal

- 2.1 The application seeks consent for the installation of No.2, illuminated fascia signs. The first sign would front onto The Arcade and measures 2.4m wide, 0.5m high and is set 2m above ground. The second fascia sign fronts onto Farnham Road and measures 2.5m wide, 0.55m high and is set 2.7m above ground.

3. Relevant History

- 3.1 None

4. Consultations/Representations

- 4.1 A total of 54 neighbouring properties were notified in respect of the application, no representations were received.

5. Relevant Policies

- 5.1 Policies (DC61 (Urban Design) and DC65 (Advertisements) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

6. Staff Comments

- 6.1 This proposal is put forward before the committee due application site being in Council ownership.

6.2 Principle of Development

- 6.2.1 The site is located within a retail core of Harold Hill where signage defines the frontages of commercial properties. DC61 and DC65 require development to respect the scale, form and massing of individual buildings and the wider locality. In principle there is no objection to signage, subject to the submission of a detailed design proposal.

6.3 Impact on Amenity

6.3.1 The advertisements would not overlook or lead to the loss of light to any surrounding property, nor would they lie directly in front of a residential property. It is therefore considered that the proposals would not have an adverse impact upon amenity. The illumination is contained only to text of the signage.

6.4 Design/Impact on Street scene

6.4.1 DC65 states that advertisements will be only be granted if they complement the scale, form and architectural composition of individual buildings, are by their size, design, siting and degree of illumination in character with the surrounding area. The signage of commercial properties within this retail core creates definition to the parade. The proposed replacement signage for the A1 unit here would continue this pattern, the contemporary appearance of the signage is also considered to improve the overall appearance of the shop front, thereby contributing to the ongoing regeneration efforts of Harold Hill.

6.5 Highway/Parking

6.5.1 Policy DC65 states that the Council will ensure that any advertisements or signs do not pose a hazard to traffic. The signs visible from the public highway, and set on the site boundaries, however, the signs are considered to not result in any distraction or significant influence to the present traffic situation, given the surrounding commercial context.

6.6 Conclusions

6.6.1 It is considered that the replacement fascia signs are of an appropriate scale and form on the original building and within the wider street scene. They would enhance the commercial character and function of the designated retail core of Harold Hill. Additionally, the signs are not considered to unduly compromise public safety or pose a hazard to traffic, as they are situated on a building frontage.

6.6.2 The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to Equalities and Diversity. The signage would emphasise the outward appearance of the retail unit and is considered to add to the vibrancy of the retail core of Harold Hill.

BACKGROUND PAPERS

Application forms, site plan, received 2nd June 2011.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 July 2011

Subject Heading:

**P0746.11 – Land adjacent to the former
Cherry Tree Public House, 119
Rainham Road**

**Erection of restaurant with drive thru
facility (Class A3/A5), parking and
associated works (Application received
19th May 2011)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800**

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

| | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input type="checkbox"/> |
| Value and enhance the life of every individual | <input type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This application seeks full planning permission for the construction of a restaurant including drive thru facility with associated parking and access road. This proposal

follows an earlier application which was refused. The planning issues include the principle of development, design and street scene impact, parking and highway matters, amenity issues and community safety. These issues are set out in detail in the report below. Staff consider these revised proposals to be acceptable, subject to planning conditions and a legal agreement to secure a financial contribution towards improving bus stop accessibility. It is therefore recommended that planning permission be granted.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £8,000 to be used towards improving pedestrian accessibility to bus stops within the vicinity of the site.
- All contribution sums shall be subject to indexation on the basis of the Retail Price Index or an alternative index acceptable to the Council from the date of the agreement to the date of payment.
- All contribution sums once received shall include any interest accrued to the date of expenditure.
- The Council's legal fees for preparation of the agreement shall be paid on or prior to completion and the Council's planning obligation monitoring fees shall be paid as required by the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the

3. Car parking - Before the building hereby permitted is first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and recycling - Before the development hereby permitted commences, details of the proposed refuse storage and recycling facilities to be provided at the site for the use, together with arrangements for refuse disposal and details of recycling and collection shall be submitted to and approved in writing by the Local Planning Authority. The facilities as approved shall then be provided at the site prior to the commencement of

the use and retained at the site thereafter in accordance with the approved drawings at all times.

Reason: In order to ensure that any such facilities respect the visual amenity of the locality and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

7. Cycle storage - Prior to completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design 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 creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

9. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

10. External lighting - Prior to the commencement of the development a scheme for the lighting of the premises and associated external areas shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. Any lamp columns shall be so orientated so as not to cause glare or light spillage to surrounding residential properties or glare to the public highway. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

11. Details of CCTV - Prior to the commencement of use of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the purposes of community safety and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor. No part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interests of security and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC63 together with the provisions of Policy 4B.6 of the London

12. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

13. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

14. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to and approved in writing by 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 site 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 two parts:

Part A - Remediation Scheme 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. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

15. Sound insulation - Before the development hereby permitted commences details of a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the building. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details 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 and Noise'.

16. Details of new plant and machinery - Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter 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.

17. Highway works - Prior to the commencement of the development, details of the proposed works affecting the public highway including the loading bay shall be submitted to and approved in writing by the Local Planning Authority and all necessary legal agreements secured. The works shall be carried out in full and in strict accordance with the approved details prior to the first occupation of the development and thereafter permanently retained.

Reason: In the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC32.

18. Opening hours - The restaurant and drive thru shall not be used for the purposes hereby permitted other than between the hours of 1100 and 2300 on any day without the prior consent in writing of the Local Planning Authority

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.

19. Delivery and servicing hours - No deliveries or servicing shall take place other than between the hours of 0800 and 1100 on any day without the prior consent in writing of the Local Planning Authority.

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

20. Extraction and ventilation equipment - Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and to be approved in writing by the Local Planning Authority. After installation a certificate shall be submitted to the Local Planning Authority and the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason: To protect the amenity of occupiers of nearby properties and in order that the development accords with the LDF Core Strategy and Development Control Development Plan Document Policy DC61.

21. Noise and vibration from extraction and ventilation equipment - Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby properties and in order that the development accords with the LDF Core Strategy and Development Control Development Plan Document Policy DC61.

22. Restriction of use - Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be as a restaurant and drive thru only unless and until an application to change the use is permitted by the Local Planning Authority.

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

23. Litter management strategy - Prior to the commencement of use of the development hereby permitted, details of a litter management strategy for the site, including the external areas hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of amenity and in order that the development accords with the LDF Core Strategy and Development Control Development Plan Document Policy DC61.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. In aiming to satisfy conditions 8, 9, 10 and 11 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
3. The applicant is advised that in response to condition 11 (CCTV), the system will need to include an acceptable level of external coverage, where the cameras are capable of recording good quality images at all time of day and night.
4. Reason for Approval:

The proposal is considered to be in accordance with Policies CP4, CP9, CP15, CP17, DC32, DC33, DC34, DC35, DC36, DC40, DC52, DC53, DC55, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. The proposal is also considered to be in accordance with the provisions of Policies 2A.8, 3B.1, 3C.1, 3C.2, 3C.23, 3D.1, 3D.2, 4B.1, 4B.6 and 4B.8 of the London Plan.

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the eastern side of Cherry Tree Lane at the junction with Rainham Road. The site, which forms part of the Cherry Tree Corner Major Local Centre, comprises the car park area and beer garden of the former Cherry Tree Public House which closed in early 2010. The application site is roughly an L shape and has an area of 0.16 hectares. To the north the site is bounded by the former public house building which is due to be converted into a Tesco store and to the west the site is bounded by the rear garden area of no. 268 Cherry Tree Lane. To the east the site is bounded by the rear garden area of no. 10 Cherry Walk, garaging and a two storey building with commercial at ground floor and residential above.
- 1.2 Cherry Tree Lane is subject to parking restrictions on both sides of the carriageway from its junction with Rainham Road for approximately 130 metres south in the form of a single yellow line. The parking restrictions operate Monday to Saturday between 0800 and 1830 hours. There are no further parking restrictions on Cherry Tree Lane. Rainham Road is subject to parking restrictions on both sides of the carriageway in the form of a single yellow line, which also operates Monday to Saturday between 0800-1830 hours.

2. Description of Proposal

- 3.1 The application seeks full planning permission for the construction of a new KFC restaurant including drive thru facility with associated parking and access road.
- 3.2 The proposed building would be generally aligned with the main façade of the adjoining public house on the Cherry Tree Lane frontage. The building itself would be single storey and would cover approximately 268 square metres in area. The main façade would front towards Cherry Tree Lane. The design of the building would take a contemporary approach utilising large areas of glazing particularly on the front and side elevations. The proposed building would measure 10.5 metres in width by 25 metres in depth. The building would be covered by a flat roof of 4 metres in height. The external walls would be constructed in a metallic cladding with glazing panels across the front façade.
- 3.3 To the rear of the restaurant is an enclosed storage and service yard. Both pedestrian and vehicular access would be via Cherry Tree Lane with 11 parking spaces provided in front of the building for patrons of the restaurant. A drive through lane would be provided running around the building which would also have two individual parking bays for vehicles awaiting food collection.

- 3.4 Staff parking would be provided via 7 spaces positioned adjacent to the flank wall of the former public house and accessed off the Rainham Road. This area would also be utilised by service vehicles. Service vehicles would pull into the site from Rainham Road in a forward gear, then load/unload within a dedicated servicing area and exit the site using the drive thru lane onto Cherry Tree Lane. The applicant has advised that servicing would only occur outside of opening hours. Cycle parking would be provided for customers adjacent to the main façade. Cycle parking for staff can be provided within the secure rear service yard.
- 3.5 The applicant has advised that the development would provide in the region of 25 full time and 15 part time new jobs. These would be advertised via the local job centre so as to be accessible to local people. The applicant is seeking hours of opening between 1100 and 2300 hours seven days a week.

3. Relevant History

- 3.1 P0338.11 - Erection of restaurant with drive thru facility (Class A3/A5), parking and associated works - Refused and appeal lodged.
- 3.2 The above application which was submitted in February 2011 was refused in April 2011 under delegated powers for the following two reasons;
- *The proposed development would, by reason of its height, bulk, mass and projection into the rear of the site, appear as an unacceptably intrusive and visually overbearing feature in the rear garden environment of no. 268 Cherry Tree Lane harmful to visual amenity contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.*
 - *The proposal would, by reason of the likely noise and general disturbance caused by vehicles manoeuvring through the drive thru lane, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of no. 268 Cherry Tree Lane contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.*
- 3.3 This current application seeks to overcome those reasons for refusal. In order to address the concerns raised by staff previously the overall size of the proposed building has been reduced and pulled further away from the boundary with no. 268 Cherry Tree Lane. The proposed drive thru lane has also been pulled further away from the boundary with the neighbouring property in order to provide for a wider landscaped buffer.

4. Consultations/Representations

- 4.1 The application was advertised and neighbour notification letters sent to 175 adjoining addresses with 21 letters of representation being received at the time of writing this report. The letters raise objection to the application on the following grounds;
- Potential for youth congregation within the site

- Concentration of such uses in the locality
 - Additional noise and disturbance
 - Additional traffic and potential for drivers to disobey traffic signs at the Cherry Tree Lane/Rainham Road junction
 - Highway safety
 - Potential for additional rubbish
 - Devaluation of property
 - Cooking smells
 - Physical appearance of the proposed building
 - Potential to encourage vermin
 - Loss of trade to other businesses
 - Potential for large vehicles to park up on the highway in order to use the restaurant
- 4.2 A letter of representation has been received from Councillor Breading raising objection to the application on the grounds of highway safety, additional traffic and increased noise causing a nuisance to local residents. A letter of representation has also been received from Councillor Burton raising objection to the application on the grounds of highway safety and a concentration of such uses in the locality.
- 4.3 The London Fire Brigade is satisfied with the proposals.
- 4.4 The London Fire and Emergency Planning Authority are satisfied with the proposals.
- 4.5 The South Hornchurch Metropolitan Police Safer Neighbourhood Team (SNT) has raised objection to the application on the basis that the area has historically suffered from high levels of anti-social behaviour. Whilst these issues are presently under control the SNT consider that an additional take away facility of the nature proposed would act as magnet for youths. Concern is also raised about the potential rat running through the site.
- 4.6 The Borough Crime Prevention Design Advisor recommends that planning conditions are imposed in respect of the secure by design award scheme, opening hours, external lighting, boundary treatment, landscaping and CCTV.
- 4.7 Transport for London has no observations to make on the proposed development.
- 4.8 The acting Principal of the Brittons Academy raises objection to the proposal on the basis that it is likely to encourage school students to gather in the vicinity of the site and the potential harm which may result to students from vehicles. The letter also refers to the area being a historical hot spot for youth congregation and raises concerns that the proposal could act as a magnet for youths resulting in anti-social forms of behaviour occurring.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP4 – Town Centres
CP9 – Reducing the need to travel
CP15 – Environmental Management
CP17 - Design

5.2 LDF Development Control Policies Development Plan Document

DC32 – The road network
DC33 – Car parking
DC34 – Walking
DC35 – Cycling
DC36 – Servicing
DC40 – Waste recycling
DC52 – Air quality
DC53 – Contaminated land
DC55 – Noise
DC61 – Urban design
DC63 – Delivering safer places
DC72 – Planning Obligations

5.3 The London Plan

2A.8 – Town centres
3B.1 – Developing London's economy
3C.1 – Integrating transport and development
3C.2 – Matching development to transport capacity
3C.23 – Parking strategy
3D.1 – Supporting town centres
3D.2 – Development in town centres
4B.1 - Design principles for a compact city
4B.6 – Safety, security and fire protection
4B.5 – Creating an inclusive environment
4B.8 - Respect local context and communities

5.4 Government Guidance

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Guidance Note 13 – Transport
Planning Policy Guidance Note 24 – Planning and Noise

6. Staff Comments

6.1 The main issues in this case are considered to be the principle of the development, impact upon character and appearance of street scene, impact upon neighbouring occupiers, community safety, highways matters and car parking provision.

6.2 Principle of Development

- 6.2.1 The application site is located within the Cherry Tree Corner Major Local Centre as defined within the Council's LDF. National, strategic and local plan policy as demonstrated in PPS4, the London Plan and the Havering Core Strategy Development Plan Document each promote town centre uses such as restaurants and takeaways within established town centres. The existing Cherry Tree Corner Major Local Centre provides a range of retail and services uses for the local community. The addition of a purpose built restaurant and drive thru facility is considered to complement the existing local centre facilities and would be compliant, in principle, with planning policy.
- 6.2.2 PPS4 provides substantial support for providing sustainable economic development. Staff are of the view that the proposal would make an efficient and effective use of previously developed land within an established local centre. The proposal would also provide an opportunity for the creation of new employment opportunities which is encouraged by Policy CP4 of the LDF.
- 6.2.3 Policy DC16 of the LDF deals specifically with the Major Local Centres. It states that planning permission for service uses including Class A3 and A5 uses will only be granted within the retail core at ground floor level where; the use provides a service appropriate to a shopping area, the proposal will not result in the grouping of three or more adjoining non-retail uses and where the proposal will not result in the relevant frontage being greater than 33% in non-retail use.
- 6.2.4 In the case of this application the proposed restaurant use is considered to be appropriate to a shopping area and it would not result in the grouping of three or more adjoining non-retail uses. The proposal would result in an additional unit being created within the centre rather than the utilisation of existing shop premises, which is more often the case when considering proposals for new Class A3/A5 uses. Consequently the existing amount of retail floor space within the centre would remain unchanged and the calculation of non-retail uses within the frontage is not considered to be relevant in this case.
- 6.2.5 There are a number of existing restaurants in the local centre however these are removed from each other and the applicant site. Staff are of the view that the proposal would not result in an over concentration of such uses in the locality.

6.4 Site Layout and Design

- 6.4.1 The application site has a frontage onto both the Cherry Tree Lane and Rainham Road street scenes. The proposed building would be set back 39 metres from Rainham Road and as such would pose no adverse impact. The proposal would see the creation of a staff parking area to the side of the former public house building. This area is presently characterised by hard

surfacing therefore the proposal would result in material change to the street scene. The proposal indicates areas in which soft landscaping could be provided. Staff are of the view that details of surfacing materials and landscaping could be secured via condition.

6.4.2 The proposed building would be sited to face onto Cherry Tree Lane. The building would be of a fairly modern and contemporary design. Given the location of the site within a local centre staff are of the view that a contemporary design approach is not in principle unacceptable. The proposed building would be set back from the site frontage with a parking area in front of the building. The set back of the building would respect the existing building line in Cherry Tree Lane. The height and massing of the building is relatively low in height, being a single storey building in construction. Staff are of the view that the proposed building would have an acceptable impact on the street scene. In the event that approval was being recommended details of materials could be secured via condition.

6.4.3 The applicant has indicated that the access road and car parking areas would be lit from the proposed building although this could be supplemented with column lighting where required. Staff are of the view that lighting could be secured via condition in the event that Members are minded to grant planning permission.

6.4.4 The applicant's design and access statement advises that the proposal would seek to meet sustainability objectives through various measures including a high standard of insulation, natural ventilation and rain water harvesting.

6.5 Impact on Amenity

6.5.1 The nearest residential properties to the proposed development are at no. 268 Cherry Tree Lane and no. 115 Rainham Road. With regard to the latter property this is located on the upper floor above the Cherry Tree Fish Bar. This property is located within the local centre and fronts directly on to the busy Rainham Road. Given the location of the property above a commercial premises staff are of the view that occupiers would expect a lower level of amenity than if the property were located in an entirely residential area. Consequently the use of the access road in the vicinity of no. 115 Rainham Road by staff members and the occasional delivery vehicles would not in staff's view have an adverse impact on amenity having regard to the existing background noise levels and the activities previously associated with the Cherry Tree Public House.

6.5.2 The proposed site layout would see the building provided fairly centrally in the site with a car park to the frontage adjacent to Cherry Tree Lane. A drive through lane would be provided running around the building (in which vehicles would travel round the building in a clockwise direction) which would have two individual parking bays for vehicles awaiting food collection. Vehicles travelling through the drive thru lane would order food on the northern side of the building, make payment on the eastern side of the building and collection food on the southern side of the building. The

proposed layout of the drive thru lane is such that it would run parallel to the boundary with no. 268 Cherry Tree Lane. The existing house at no. 268 Cherry Tree Lane does not have any side facing windows within the property which looks towards the application site. The previous application was refused partly on the basis that the operation of the drive thru would be unacceptably harmful to the amenity of occupiers of this property. In order to address the reason for refusal this revised proposal would see the proposed drive thru lane and two parking bays for vehicles awaiting food collection moved further away from the boundary. The proposed drive thru lane would be removed from the boundary with no. 268 by between 3.8 metres and 2.2 metres. This would allow the introduction of a decent landscaped buffer with the adjoining property together with an acoustic fence on the boundary.

- 6.5.3 The applicant has provided information which provides an analysis of data indicating the average number of vehicle movements at a similar restaurant and drive thru in Waltham Cross. A forecast of the likely vehicle movements of the proposed restaurant has also been submitted. The information shows that at peak times on Fridays and Saturdays after 2100 the number of vehicle movements is likely to decrease compared with earlier times during the day. For the period between 2100 and 2200 the figures anticipate that 17 vehicles are expected to use the proposed drive thru lane (one in every 3.5 minutes). The submitted data suggests that the vehicle movements would reduce further for the period between 2200 and 2300 where a maximum of 11 vehicles are anticipated.
- 6.5.4 In terms of the potential impact of the proposal on no. 268 Cherry Tree Lane staff have given consideration to the fact that this property has historically been located immediately adjacent to a car park associated with the former public house. In view of this it is reasonable to conclude that the property will have been subject to vehicular noise and general disturbance. The former public house was licensed to open until 2300 therefore this provides a basis against which to assess the proposal. Staff accept that after the closing of the public house the adjoining property would have been subject to people returning to their vehicles and the associated noise from doors closing, engines starting etc. Such noise would have taken place throughout the car park area and not necessarily have been concentrated in the area adjacent to the boundary fence with no. 268.
- 6.5.5 The proposed development would see the drive thru lane run between the building and the boundary with the adjoining property. Given the proposed site layout vehicular noise from cars collecting food would be concentrated in this area. In refusing the previous application staff concluded that the proximity of the proposed drive thru lane to the boundary with the adjoining property at no. 268 would be likely to give rise to an unacceptable level of noise and general disturbance from revving engines, car radios and customers' voices. The judgement for Members in the case of this application is whether the changes made to the siting of the drive thru lane together with a noise report submitted by the applicant is sufficient grounds to overcome the previous reason for refusal.

- 6.5.6 The applicant's submitted noise report outlines that due to local traffic noise, opening the restaurant between 1100 and 2300 on any day is unlikely to give rise to noise levels that will be audible from the nearest residential property. The findings of the survey have been studied by staff from the Council's Environmental Health Service who are satisfied with the methodology used. Having regard to the findings of the applicant's noise survey, the likely number of vehicle movements during the later hours of opening sought and the separation of proposed drive thru lane from the adjoining residential property at no. 268 staff are satisfied that the operation of the premises between 1100 and 2300 would not give rise to material harm to residential amenity.
- 6.5.7 The proposed building would be sited fairly centrally on the site and would run rearwards parallel with the boundary of no. 268. The previous application was partly refused on the basis that the proposed building would have been an overbearing feature within the rear garden of no. 268. This revised proposal has seen the overall size of the building reduced in terms of depth from 27.5 metres previously to 24 metres and reduced in terms of width from 11.3 metres to 9.9 metres. The proposed building would also be set further off the boundary with the adjoining property. The setting back of the proposed building and drive thru lane from the boundary would also enable a decent landscaped buffer to be provided. The proposed building would be of a single storey construction and removed from the boundary by between 6.5 and 8 metres. At its closest point the previous application proposed the building at 5 metres from the boundary. The building would have a maximum height of 4 metres which remains unchanged from the previous application. The proposal would see the ground level within the site altered which would result in the site being 0.3 metres lower than the adjoining garden. A 1.8 metre fence is proposed on the boundary with the neighbouring property. The difference in levels together with the boundary fence means that 1.9 metres of the building would be visible above the fence from the neighbouring rear garden. Having regard to the changes outlined above staff consider that this revised proposal would have an acceptable impact on the rear garden environment of the adjoining property at no. 268.
- 6.5.8 The applicants have submitted details of fume extraction for consideration to ensure that the use does not result in an unacceptable loss of residential amenity. These details have been considered by the Council's Environmental Health service who does not object to the odour/extraction systems proposed, subject to a number of requirements/conditions being imposed. The Environmental Health service has also confirmed that the onus for ensuring that the system does not result in odour nuisance rests with the applicant and that if the system is subsequently found to be causing an odour nuisance at any point, modification works could be requested and an abatement notice served. Accordingly, staff are satisfied that there are appropriate controls to ensure that the use does not cause an odour problem.

6.6 Parking and Highway Issues

- 6.6.1 Access into the site would be taken from Cherry Tree Lane. An existing entrance to the former public house car park already exists in this location and would be upgraded to a suitable standard and this could be secured via a Section 278 agreement. The Council's Highway Engineers have raised no objection to the proposal in respect of access. Letters of representation raise concern that the proposed development would increase the frequency of vehicles disobeying the no right turn which exists at the junction with Cherry Tree Lane and Rainham Road to prevent vehicles from turning into Rainham Road. This problem is an existing situation and staff are of the view that it would be difficult to sustain a refusal of planning permission on the basis that the proposal may increase traffic infringements. Furthermore the enforcement of traffic regulations is a matter for the Police.
- 6.6.2 Letters of representation raise concern in respect of potential rat running through the site between Cherry Tree Lane and Rainham Road in order to avoid the traffic lights. The submitted plans indicate that lockable bollards would be used to segregate the proposed service area/staff parking area from the remainder of the site, so as to remove any opportunity for rat running. Staff consider these arrangements to be acceptable.
- 6.6.3 The applicant has submitted a detailed transport assessment. It is predicted that 24 two-way car trips would occur during the morning and evening peak periods as a result of the proposals. Staff are of the view that the existing transport network could accommodate the predicted walking, cycling and public transport trips resulting from the proposals. Staff are of the view that the proposal would not result in a material conflict with advice given in PPG13. The location of the application site benefits from good pedestrian and cycle facilities, and the applicant's intend to provide on-site cycle parking. There are number of bus stops located within close proximity to the site, which are relatively frequently served, providing access in and around an extensive catchment area. Staff are of the view that the proposal would not be detrimental to the local highway network.
- 6.6.4 Given that the proposal has the potential to result in an increased number of trips staff consider it reasonable that the applicant contributes towards highway improvements in line with Policy DC32 of the LDF. It is on this basis that a financial contribution of £8,000 has been requested from the applicant towards the cost of improving pedestrian accessibility to nearby bus stops. In the event that Members are minded to grant planning permission this could be secured via a legal agreement.
- 6.6.5 The maximum parking standards set out in the Council's LDF require one space per 10 square metres of floor space. For this proposal the standard equates to a maximum of 19 spaces. The proposal would provide for 11 customer spaces plus 7 staff spaces and 2 lay-by spaces for those awaiting drive through meals (a total of 20 spaces). Directly opposite the application site on the northern side of Cherry Tree Lane is a Council owned public car park providing 43 spaces. This car park is available on a 24 hour basis with parking charges limited to 20p for an initial 2 hour period. In addition it is

noted that the site is well served by local bus services. In particular Cherry Tree Lane is served by four bus services (routes 165, 365, 372 and 652) providing on average around 12 services per hour in either direction. Rainham Road is also served by a further bus service (route 103) with a 10 minute frequency. Having regard to the level of on-site parking to be provided and the availability of a nearby public car park and public transport, staff are of the view that the proposal is acceptable in respect of car parking. The proposal is judged to comply with Policies DC32 and DC33 of the LDF in this respect.

6.6.6 The applicant has advised that service vehicles would visit the site outside of the restaurant opening hours. Vehicles would enter the delivery area in a forward gear before using the drive thru lane to exit the site onto Cherry Tree Lane necessitating the temporary removal of the proposed bollards. The applicant has further advised that service vehicles would be limited to vans rather than larger heavy goods vehicles and this could be subject to a planning condition if Members considered it to be appropriate. Staff are of the view that the proposal is acceptable in respect of servicing and complies with LDF Policy DC36.

6.6.7 The submitted plans indicate that cycle parking would be provided for customers. In addition within the storage area to the rear of the building there is an opportunity to provide cycle parking for staff. Further details of this could be secured via condition and as such the proposal is judged to comply with Policy DC35.

6.6.8 In terms of pedestrian access the submitted plans indicates that suitable pavement and crossing areas would be provided within the site. The proposed building has also been designed to comply with Part M of the Building Regulations and the Disability Discrimination Act 2004. The proposal is judged to be acceptable in respect of LDF Policy DC34.

6.6.9 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. The applicant has advised that refuse storage could be contained with the rear service yard with an additional area identified on the eastern portion of the site for certain recyclable refuse. Further details of this could be secured via condition.

6.7 Community Safety

6.7.1 The area in which the application site is situated has historically suffered from disorder, mainly from youths. This problem has required close police attention over a number of years. It is important therefore that any new business does not lead to an increase in this type of problem and that suitable measures are put in place to reduce such risks. Crime prevention and community safety issues are material planning considerations and the Council has adopted planning policy and supplementary guidance to encourage safer places. Policy DC63 of the LDF advises that new development should address issues of community safety.

6.7.2 Concerns have been expressed in letters of representation that the proposed use could result in an increase in youth congregation and anti-social forms of behaviour. Staff are of the view that the proposed development would provide an opportunity to introduce additional surveillance onto the site which is currently unused. Staff consider it to be reasonable that details of a CCTV system are secured via condition in order to discourage any potential anti-social forms of behaviour which may otherwise result. In the event that Members are minded to grant planning permission a condition is also recommended to ensure that the proposed development adopts the principles of the Secured by Design award scheme.

6.8 Other matters

6.8.1 While it is accepted that such establishments can generate litter, this problem is not confined to the immediate vicinity of the premises given that meals may be carried for some distance prior to being consumed. The applicant has advised that litter patrols would take place four times a day where members of staff would patrol the premises both internally and outside in the immediate vicinity to pick up litter of any sort and dispose of this appropriately. In the event that the application was being recommended for approval a condition could be imposed requiring the applicants to produce a litter management strategy which should ensure that the site is maintained in a reasonable manner.

7. Conclusion

7.1 The application site is located within the Cherry Tree Corner Major Local Centre. The introduction of a restaurant with drive thru within the Local Centre is considered to be acceptable in principle having regard to national and local planning policy. The proposal is judged to be acceptable in terms of its design and impact on the street scene. The proposal is also judged to be acceptable in respect of parking and highway issues subject to securing a financial contribution towards bus stop accessibility improvements. The proposal is judged to be acceptable in respect of community safety issues subject to the imposition of conditions.

7.2 This application follows a previous proposal which was refused based upon the physical impact of the building on residential amenity and the likely noise and general disturbance caused by vehicles manoeuvring through the drive thru lane. This current proposal has been revised through a reduction in the depth of the proposed building and its siting further away from the boundary with the neighbouring property. It is also proposed to alter the ground level within the site so that the proposed building sits lower than the adjoining rear garden area. The proposed drive thru lane has also been pulled further away from the boundary with the neighbouring property in order to provide for a wider landscaped buffer. Having regard to the changes made and the findings of the submitted noise report staff are of the view that this revised proposal would now have an acceptable impact on residential amenity. Staff recommend approval of the application subject to the completion of a legal agreement and the imposition of planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed development would include level threshold access for the disabled together with two dedicated extra wide disabled parking bays. The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 3rd March 2011.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 July 2011

Subject Heading:

P0877.11 – 5 Slewins Lane and land adjacent, The Drill roundabout, Heath Park

Demolition of existing dwelling & the construction of a residential development comprising 8 no. 2 bed flats including external works & access – revised application of P1501.10 (Application received 7TH June 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework
London Plan
National Planning Policy**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

| | |
|--|-----|
| Clean, safe and green borough | [X] |
| Excellence in education and learning | [] |
| Opportunities for all through economic, social and cultural activity | [] |
| Value and enhance the life of every individual | [] |
| High customer satisfaction and a stable council tax | [] |

SUMMARY

This application relates to the redevelopment of a site which fronts onto The Drill roundabout, Heath Park to provide a residential development comprising 8 no. 2 bedroom flats. This application follows a previous application for essentially the same development which was approved in December 2010. This current proposal varies from that previously approved in that the roof space would be used for living accommodation necessitating the inclusion of several additional dormers. The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below. Staff consider the proposals to be acceptable, subject to a legal agreement to prevent future occupiers from obtaining parking permits. It is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATIONS

Recommendation A:

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A restriction on residents of the development, save for blue badge holders, applying for parking permits within the local area.

That staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be

acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and recycling - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

7. Cycle storage - Prior to completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design 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 creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

10. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development including the access road shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

11. Hours of construction - No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

12. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls
- d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

13. Land contamination - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) 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.

c) 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:

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.

d) 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

e) 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. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

14. Sound attenuation - The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) 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 and Noise'.

INFORMATIVES

1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering will require a licence and the applicant must contact the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
2. In aiming to satisfy conditions 8, 9 and 10 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
3. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP9, CP10, CP15, CP17, DC2, DC3, DC11, DC32, DC33, DC34, DC35, DC36, DC40, DC53, DC56, DC58, DC59, DC60, DC61 and DC63 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Policies 3A.1, 3A.2, 3A.3, 3A.5, 3A.6, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22, 3C.23, 3D.14, 3D.15, 4B.1, 4B.6 and 4B.8 of the London Plan.

4. Planning Obligations

The planning obligation recommended in this report has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligation is considered to have satisfied the following criteria:-

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

Recommendation B:

In the event that the applicant refuses to enter into a Section 106 agreement or the agreement is not completed by the expiry of this application on 2nd August 2011 that the Head of Development and Building Control be authorised to refuse planning permission for the following reason:

1. The proposed development would, by the reason of the likely overspill of vehicles onto the highway, inhibit the free and safe flow of traffic, to the detriment of highway safety, contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.

REPORT DETAIL

1. Site Description

- 1.1 The application site is situated on the eastern side of The Drill roundabout. The site has a curved frontage onto the roundabout and Slewins Lane with the return frontage running parallel with Manor Avenue. The southern portion of the site was until recently occupied by a residential dwelling (No. 5 Slewins Lane) and its associated rear garden. The plot of No. 5 Slewins Lane had a garage to the rear which was accessed from Manor Avenue. The northern portion of the site adjacent to Manor Avenue is an open parcel of land. This portion of the site was until relatively recently used by the Heath Park Motor Company to store vehicles. Access to this portion of the site is taken from Manor Avenue. The site has an overall area of 0.126 hectares. The site as a whole is presently behind a hoarding.
- 1.2 The character of the surrounding area is formed predominantly by two storey detached and semi-detached residential dwellings of varied architectural design. Centred on The Drill roundabout the building forms and land uses are however more varied in nature. To the western side of the junction is the Drill Corner minor local centre which is formed of two storey terraced buildings with commercial uses at ground floor with residential flats above. To the south west of the site is The Drill Public House and beyond this the buildings which until recently occupied by the Heath Park Motor Company. To the north of the site is the Gidea Park Methodist Church and hall.
- 1.3 The surrounding area is subject to a number of parking controls. The section of Manor Avenue and Slewins Lane at the junction with The Drill roundabout is controlled by a single yellow line Monday to Saturday between 0830 and 1830. Away from the junction both Manor Avenue and Slewins Lane are controlled by a single yellow line Monday to Saturday between 0800 and 1000. Within Manor Avenue there are also a number of marked parking bays which are for disc parking only Monday to Saturday 0830 till 1830.

2. Background Information for Members

- 2.1 Members will recall that the Committee granted planning permission for a new development of eight flats on this site at its meeting on 18th November 2010. This application relates to an almost identical proposal as that previously approved albeit the development now proposed would see additional living accommodation formed within the roof space of the building. The proposed additional living accommodation would necessitate four additional dormer windows, two to the front roof slope and two to the rear roof slope. In all other respects this application remains the same as previously approved.

3. Description of Proposal

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling at No. 5 Slewins Lane and the redevelopment of this site and the adjoining land to form a new residential development of 8 no. 2 bedroom flats. The layout of the proposed development is such that the proposed flats would be contained within a single two storey block positioned to the western end of the site fronting onto The Drill roundabout. To the rear of the block an area of communal amenity space is proposed totalling 300 square metres and to the side a gated parking area for 10 no. cars. Vehicular access to the parking area would be taken from Manor Avenue with a refuse and bicycle storage area being provided adjacent to the parking area.
- 3.2 The proposed block would adopt an 'L' shaped form which would follow the shape of the site and have three principal elevations facing the street. The first section of the building's façade would front onto Slewins Lane and measure 16.2 metres in width. The second portion of the building's façade would be a central section which would face onto the roundabout and measure 12.6 metres in width. The final portion of the building's façade would front onto Manor Avenue and would measure 18.5 metres in width. The building would have a maximum depth of 10.4 metres. The building would be covered by a hipped roof which would be 5.3 metres in height at the eaves and 9.4 metres to the ridge. The front elevation of the building would feature two projecting gable features at the pedestrian entrances with tiled canopies over. The central portion of the building would include two Juliet style balconies at first floor to the front façade and two pitched roof dormer windows to the roof slope above. A pitched roof dormer window is also proposed to the front elevation fronting onto Manor Avenue and a further pitched roof dormer window fronting Slewins Lane. Two flat roof dormer windows are proposed to the rear elevation of the building. The building would be finished in render with sections of facing brickwork to the proposed projecting gables and to form quoin features at the corners.
- 3.3 Internally the proposed flats would be arranged with four flats to the ground floor and four to the first floor. To the first floor flats would be arranged across two levels with the roof space being utilised to provide some accommodation.
- 3.4 To the front site boundary a new wall and railings is proposed. The proposed wall and railings would run almost the entire length of the front boundary a distance of 51 metres. The proposed boundary treatment would comprise a low height wall (0.7 metres) topped with galvanised open railings at a height of 1.75 metres from ground level. The proposed railings would be spaced approximately every 2.5 metres by capped brick piers with a maximum height of 1.8 metres. A sliding gate would be provided across the access to the proposed parking area.

4. Relevant History

- 4.1 The following planning applications have previously been submitted for the site of No. 5 Slewins Lane in isolation and did not include the adjacent land;
- P0126.08 - Demolish existing dwelling and replace with six two bedroom flats – Refused and appeal dismissed
 - P0986.08 - Demolish existing building and construct five new two bed flats - Refused
- 4.2 The following applications have previously been submitted for the application site as now proposed;
- P1219.10 - Demolition of existing dwelling & residential redevelopment 8No. 2Bed flats including external works & access – Withdrawn.
 - P1501.10 - Demolition of existing dwelling & the construction of a residential redevelopment comprising 8 no. 2 bed flats including external works & access – Refused.

5. Consultations/Representations

- 5.1 Neighbour notification letters have been sent to 41 adjoining addresses with one response being received raising objection on the grounds of a loss of privacy, the location of the proposed refuse store, car fumes and additional pressure on utilities. At the time of drafting this report the neighbour notification period has not yet expired but will have done prior to consideration of this application by the Committee (consultation period expires 11th July).
- 5.2 The Borough Crime Prevention Design Advisor considers that the proposal does not present any material crime prevention issues but requests conditions be imposed in respect of boundary treatment, landscaping, lighting and the Secure by Design award scheme.
- 5.3 The London Fire Brigade raise no objection.
- 5.4 Thames Water raises no objection to the proposal.

6. Relevant Policies

- 6.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP15 (environmental management), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC11 (non-designated sites), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC53 (contaminated land), DC56 (light), DC58 (biodiversity and geodiversity), DC59 (biodiversity in new developments), DC60 (trees), DC61 (urban design) and DC63 (crime) of the Local Development Framework Core Strategy and

Development Control Policies Development Plan Document are material planning considerations.

- 6.2 The Supplementary Planning Document for Residential Design is a material consideration as are the Supplementary Planning Documents for Sustainable Design and Construction and for Protecting and Enhancing the Borough's Biodiversity.
- 6.3 Policies 3A.1 (increasing London's supply of housing), 3A.2 (Borough housing targets), 3A.3 (maximising the potential of sites), 3A.5 (housing choice), 3A.6 (quality of new housing provision), 3C.1 (integrating transport and development), 3C.2 (matching development to transport capacity), 3C.3 (sustainable transport), 3C.21 (walking), 3C.22 (cycling), 3C.23 (parking strategy), 3D.14 (biodiversity), 3D.15 (trees), 4B.1 (design principles), 4B.6 (safety, security and fire prevention and protection) and 4B.8 (respect local context and communities) of the London Plan are relevant.
- 6.4 National policy guidance set out in Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Statement 3 'Housing', Planning Policy Statement 9 'Biodiversity and Geological Conservation' and Planning Policy Guidance Note 13 'Transport' are also relevant.

7. Staff Comments

- 7.1 The issues arising from this application are the principle of development, the density and site layout, design and street scene issues, impact on amenity, parking and highway issues and biodiversity.
- 7.2 Principle of Development
 - 7.2.1 The application site is partly previously developed land with the northern portion having most recently been in use for the storage of vehicles in connection with the car sales trade. The southern portion of the site (No. 5 Slewins Lane) has been partly previously developed and was until relatively recently occupied by a single dwelling and associated rear garden area. The redevelopment of the site as a whole is judged to be acceptable having regard to Policies CP1 and DC11, subject to the detailed design of the proposals. Indeed the principle of the development has previously been accepted through the approval of the previous application reference P1501.10. The proposal presents the opportunity to remove the former car storage use and to replace it with a land use more compatible with the surroundings.
 - 7.2.2 Government guidance relating to sustainable development is contained within PPS1. This document refers in particular to the need to locate new development on land within existing urban areas. With reference to housing and sustainability local planning authorities are encouraged to make efficient use of land within urban areas. The redevelopment of the site would therefore contribute to the principles of urban regeneration and sustainability. The proposed residential redevelopment would contribute to

the London Plan objective of increasing the overall supply of housing, specifically relevant are Policies 3A.1 and 3A.2.

7.2.3 In the event that Members are minded to grant planning permission staff recommend that a condition be imposed requiring an investigation of any potential contamination of the site.

7.3 Density and Site Layout

7.3.1 As Members will be aware Policy DC2 of the LDF seeks to guide a higher density of development into those parts of the Borough which are well served by public transport. The application site falls just outside of the Gidea Park Public Transport Accessibility Level (PTAL) zone with the boundary of this zone passing through the middle of the adjacent roundabout. Within the Gidea Park PTAL zone a development density of 30-65 units per hectare is anticipated whereas outside of this zone 30-50 units per hectare is anticipated. The proposed development of 8 no. flats would achieve a density of 63 units per hectare. Staff are of the view that the density of development proposed is acceptable and make efficient use of the site. The number of units proposed and density of development remains unchanged from that previously approved.

7.3.2 The Council's Supplementary Planning Document for Residential Design advises that in most cases, new developments should respond to traditional street patterns. In this case staff are of the view that the proposed site layout would respond to the existing street patterns by providing a building which would be positioned towards the frontage of the site and have a conventional amenity area to the rear. The form of the building in one single block which would turn the corner providing a frontage to several roads is considered to be reminiscent of the nearby Drill Public House. The proposed block would be sited in a manner which would enable the introduction of areas of soft landscaping to the frontage to soften the built form. The layout of proposed building on the site would provide active frontages with clear distinctions between public and private space. It is considered that the arrangement and setting of the proposed building would be compatible with development in the surrounding area.

7.3.3 In respect of amenity space the Supplementary Planning Document (SPD) does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In the case of flatted development the SPD recommends that balconies are included. The proposed development would provide a communal amenity space of 300 square metres to the rear of the building. Staff are of the view that the proposed external space would be of a suitably high quality and provide sufficient amenity space for future occupiers. Although the proposed building would not incorporate external balconies areas the omission of these is considered to be preferable in design terms given the location of the site and the form of the building.

- 7.3.4 The provision of amenity space is not only important for providing external space for future occupiers but also provides space around buildings. The proposed building would be positioned in an 'L' shaped form with the portion of the building fronting onto Slewins Lane achieving a garden depth of 29 metres. The portion of the building fronting onto Manor Avenue would achieve a rear garden depth of between 11.5 and 14.5 metres. Staff are of the view that the proposed site layout would ensure that sufficient space is maintained around the proposed building.
- 7.3.5 The submitted plans show detailed information in respect of proposed hard and soft landscaping including new tree planting. Staff are of the view that the proposed landscaping is acceptable and would help to create a pleasant and attractive environment for future occupiers. If Members are minded to approve this application the applicant would be required to submit further details for approval in this respect.
- 7.4 Design/Impact on Street scene
- 7.4.1 National policy guidance set out in PPS1 and PPS3 recognises the need for high quality design in residential development. In particular, PPS1 states that good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. As a consequence Council policy and guidance seeks to ensure that new residential development responds to the distinctive local building forms and patterns of development and respects the scale, massing and height of the surrounding physical context.
- 7.4.2 The character of the area surrounding the application site is drawn predominantly from two storey family housing of varying architectural styles and design. The proposed building would be of a two storey construction with hipped roof over and allowing accommodation within the roof space. A design statement has been submitted with the application. This explains that the height of the building has been designed to be compatible with that of adjacent residential development. It is intended that the proposed block would be of a timber framed construction and finished with render and facing brickwork. Members may agree that subject to a condition regarding materials the design of the proposed building would be of an acceptable appearance.
- 7.4.3 In respect of scale and bulk of built form, the proposed flatted block would be of greater scale and bulk than a conventional two storey dwelling. Notwithstanding this staff are of the view that there is scope on this site for a building of greater scale given the prominence afforded by this junction location. The application site fronts onto The Drill roundabout which is a busy road intersection where six roads converge. Surrounding the junction is a number of different building forms and land uses. These include the Gidea Park Methodist Church, The Drill Public House, the former Heath Park Motor Company's showroom and the terrace of buildings forming the minor local centre. Staff are of the view the provision of a building of the nature proposed would not be out of character in the street scene given the presence of a variety of building forms around the junction. It is recognised

that the proposed building would have a long frontage however the block has been designed to incorporate a number of architectural features which would provide relief to the elevations.

- 7.4.4 The proposed building differs from that previously approved in terms of external appearance through the addition of two additional pitch roof dormer windows to the front elevation and two additional flat roof dormer windows to the rear elevation. The dormer windows are proposed in order to provide head height and light into rooms within the roof space of the building. The proposed additional front facing dormer windows would be of the same size and design as the central dormers previously approved. Although the additional dormer windows would add some additional bulk to the roof of the building staff consider their visual impact to be acceptable.
- 7.4.5 The openness of the roundabout junction means that the application site is highly visible in the street scene from a number of vantage points. To the northern side of the roundabout the buildings tend to be well set back from the junction whereas to the west and south of the junction the adjoining buildings tend to be positioned in a manner tight to the back edge of the footway. The proposed building would be set back from the front site boundary with Slewins Lane by 11.5 metres and from the boundary with Manor Avenue by 3.6 metres. The southern portion of the proposed building would respect the existing building line in Slewins Lane and would adopt a similar footprint to the dwelling at no. 5 which has been recently demolished. The central portion of the building would be positioned 2.5 metres from the boundary at the closest point. The northern portion of the proposed building fronting Manor Avenue would respect the existing adjacent building line to the east. Staff are of the view that the set back of the building from the front boundary of the site would be sufficient to ensure that the building does not appear overly dominant in the street scene.
- 7.4.6 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

7.5 Impact on Amenity

- 7.5.1 The layout of the proposed development is such that the proposed flats would be contained within a single two storey block positioned to the western end of the site fronting onto The Drill roundabout. In terms of the impact of the proposed development on those properties to the south fronting Slewins Lane, the proposed building would adopt a similar footprint to the existing dwelling at no. 5 which is to be demolished. The southern portion of the proposed block would be contained within the existing front and rear building line of those dwellings to the south and as such would not have an adverse impact on light received or outlook. The northern section of the proposed block would turn the corner to be parallel with Manor Avenue however this portion of the building would be at least 11.5 metres from the boundary with the nearest residential dwelling at no. 7 Slewins Lane. Staff are of the view that this degree of separation is sufficient to

prevent the building being harmful to amenity. To the east of the site the nearest property to the application site is the dwelling at no. 4 Manor Avenue. The proposed building would be separated from this dwelling by at least 23 metres which is considered to be sufficient to prevent harm to residential amenity.

7.5.2 The proposed building would be internally configured so that the majority of window openings would face towards the street or towards the proposed rear garden area. Those windows proposed in the rear elevation facing east, including the one of the flat roof dormer windows, would be removed from the boundary with nearest adjoining property at no. 4 Manor Avenue by a distance in excess of 30 metres. A single bedroom window is proposed in the east facing flank wall of the building. This window would be removed from the boundary with no. 4 Manor Avenue by 17 metres. The proposed windows in the rear elevation of the building facing south would be removed from the boundary with no. 7 Slewins Lane by at least 11.5 metres at ground floor and 13.5 metres at first floor. At first floor level the building has been configured in such a manner which would see a window provided to the flank instead of the rear in order to protect the amenity of no. 7 Slewins Lane. The proposed flat roof dormer window facing east would be removed from the building with no. 7 Slewins Lane by at least 13.5 metres. The boundary with no. 7 is presently well screened by mature planting which would be retained. Staff are of the view that the degree of separation to neighbouring properties is sufficient to prevent a loss of privacy to adjoining occupiers.

7.5.3 To the eastern side of the proposed building a parking area is proposed for 10 no. cars. The proposed parking area would be removed from the southern site boundary with no. 7 Slewins Lane by a distance of at least 5 metres and screened by existing mature planting to this boundary. The proposed parking area would be positioned in a manner tight to the eastern site boundary however a degree of separation would be afforded to the nearest residential dwelling at no. 4 Manor Avenue by an existing garage and access way which is positioned between the two sites. Staff are of the view that the likely activity generated from the proposed parking area would not be harmful to residential amenity. The proposed parking area remains unaltered from the previous application.

7.7 Parking and Highway Issues

7.7.1 Policy DC2 recommends the provision of 2-1.5 parking spaces per unit in this location. The development would provide 10 no. off-street parking spaces resulting in the provision of 1.25 spaces per unit or the equivalent of one space per unit with two visitor spaces. The proposed development would therefore provide parking at a ratio below that advised by Policy DC2. Members will be aware that Government planning guidance contained within PPS3 places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible in allowing housing developments with limited or no off-street car parking in areas with good public transport accessibility and where effective on-street parking control is present or can be secured.

7.7.2 In this instance staff are of the view that a reduction in the parking standard would not be materially harmful in this location as there are existing on street parking controls in place. The application site is also located on several bus routes and within walking distance of Gidea Park railway station. In view of the shortfall in parking provision the applicant has confirmed a willingness, as per the previous application, to enter into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme in the event that Members are minded to grant planning permission.

7.7.3 The proposed development would incorporate provision for secure cycle storage. Staff are of the view that the proposal accords with Policy DC36 in this respect and that further details could be secured via condition.

7.7.4 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case it is envisaged that refuse and recycling would be stored within an outbuilding located to the rear of the proposed block. The proposed outbuilding would be capable of holding several bins which on collection day could be wheeled to a collection vehicle in Manor Avenue.

7.8 Biodiversity and Ecology

7.8.1 The application site is judged to presently be of low ecological value in being occupied mainly by hardstanding, amenity grass and buildings. The proposal would see new areas of soft landscaping provided which has the potential to enhance ecology on the site. Policy DC60 sets out a general presumption in favour of the retention of trees. The proposal would see the retention of the existing mature landscaping to the southern site boundary with no. 7 Slewins Lane and the retention of the existing mature coniferous trees to the Slewins Lane road frontage. To the south east corner of the site two Cypress trees are to be removed in order to provide the proposed parking area. The trees are not mature nor of any particular significance. Staff are of the view that their removal is acceptable given that the proposal presents an opportunity for their loss to be mitigated through new landscaping including tree planting.

8. Conclusion

8.1 In conclusion, residential development on the site is considered to be acceptable in principle and has previously been accepted through the last application (reference P1501.10). The proposal is considered to be acceptable in terms of scale, form, massing and visual impact. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues subject to the applicant entering into a legal agreement to prevent future occupiers from obtaining parking permits. It is therefore recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 7th June 2011.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 July 2011

| | |
|---|---|
| Subject Heading: | P0322.11 – 63 Pettits Lane, Romford Revised parking layout to create additional parking spaces with relocated boundary fencing (Application received 15th March 2011) |
| Report Author and contact details: | Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk |
| Policy context: | Local development Framework |
| Financial summary: | None |

The subject matter of this report deals with the following Council Objectives

- Clean, safe and green borough
- Excellence in education and learning
- Opportunities for all through economic, social and cultural activity
- Value and enhance the life of every individual
- High customer satisfaction and a stable council tax

SUMMARY

The application seeks permission to revise the existing parking layout of the nursery on site to create additional parking spaces with relocated boundary fencing.

This proposal is put forward before the committee due to the applicant being a direct relative of an elected councillor. This report has been passed to the

Monitoring Officer and the Monitoring Officer is satisfied that the application has been processed in accordance with standard procedure.

Staff consider that the proposal would accord with relevant policies contained in the LDF Core Strategy and the Development Control Policies Document Plan. Approval is therefore recommended, subject to planning conditions.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. The parking spaces shall be allocated as following, 1-5 & 8 for staff parking and spaces 6-7 as a drop off zone. Thereafter, this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate on-site parking is available.

4. The proposals shall provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access(es), set back to the boundary of the public footway. There shall be no obstruction or object higher than 0.6metres within the visibility splay(s).

Reason: In the interests of highway safety.

5. The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.

Reason: To ensure the interests of the travelling public are maintained and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

6. The 8 parking spaces shall remain in use for the nursery at 63 Pettits Lane only.

Reason: To ensure adequate on-site parking is available.

7. Before any of the development hereby permitted is commenced, details and samples (where appropriate) of all materials to be used in the construction of the car parking and fencing shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area, and that the Core Strategy and Development Control Submission Development Plan Document Policy DC61.

8. The development hereby permitted shall not be implemented other than in conjunction with a planning permission granted pursuant to planning application reference P0301.11.

Reason: To ensure the proper development of the application site.

INFORMATIVE

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy DC33, DC36, 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.

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. The developer, their representatives and contractors are advised that planning approval does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004.

Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

REPORT DETAIL

1. Site Description

- 1.1 The site lies on the eastern side of Pettits Lane on the junction with Havering Drive and comprises a detached two storey building currently used as a nursery. Off street parking is provided in bays accessed from Havering Drive with garages behind. The front of the property is occupied by a grassed area with nursery signage, while the boundaries are enclosed by close boarded fencing. The locality is predominantly residential in nature and typified by two storey dwellings with off street parking.

2. Description of proposal

- 2.1 Permission is sought for a revised parking layout to create additional parking spaces with a relocated boundary fence. There would be an additional 2 spaces to bring the total to 8. Parking spaces 1 and 2 are located in the existing garages. Spaces 3-5 and 8 are located off a crossover from Pettits Lane which will require an extension to incorporate space no. 8. Spaces 6 and 7 are located in front of the garages and are accessed from an existing crossover from Pettits Lane. The existing fencing divides the parking area in two halves; this would be removed to leave an open area of hard standing. The existing fence would be relocated to enclose space no. 8 from the garden area.
- 2.2 This application is linked to P0301.11 which seeks to vary the conditions imposed under P2091.04 to allow for an increase in children from 20 to 30 children on site.

3. Relevant History

- 3.1 P0301.11 – Variation to condition 4 of P2091.04 to increase the number of children on site from 20 to 30 – under consideration.

P1211.10 – Variation to condition 3 and 4 of P2091.04 to increase the number of children on site from 20 to 34 and number of children allowed outside from 10 to 20 – withdrawn.

P1212.10 – single storey garden pavilion – approved.

P2091.04 – Permanent retention of day nursery to first floor – approved.

P1593.03 – Extension of temporary planning permission for a further year – use of first floor as day nursery) – approved.

P0597.02 – Erection of no. 2 covered ways, and change of use of first floor from domestic to early years centre – approved.

P1470.99 – Single storey side extension and change of use of ground floor to day nursery with self contained flat above – approved.

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 15 properties. One representation was received, stating the following objections:

- Area is residential in nature
- Garden would decrease in size
- There are already excessive noise levels from the garden
- Current garages are not used by the nursery, so there is a shortfall in parking

5. Staff Comments

5.1 The issues for Staff to consider relate to the impact the increase in the number of children allowed on site would have upon the amenity of neighbouring occupiers, highway and parking demand.

5.2 Policies to be considered are DC29 (Educational premises), DC33 (Car Parking), DC36 (Servicing) and DC61 (Urban Design).

5.4 Principle of development

5.4.1 Policy DC61 states that planning permission will only be granted where development responds to distinctive local building forms, and respects the scale, massing and height of surrounding development.

5.4.2 Policy DC29 seeks to ensure that the provision of educational facilities is of a high quality. The additional parking would be required to facilitate a proposal for an increased number of children on site.

5.5 Design/Impact on Street scene

5.5.1 There would be an enlarged area of hard standing visible from the public highway. As this would appear as an extension onto an existing driveway; this is not considered to materially alter the character of the street scene. The existing fencing dividing the car park by the telegraph pole would be removed to create a larger, open area; the removal of fencing raises no concern from Staff, as it currently appears untidy within the streetscene.

5.6 Impact on Amenity

- 5.6.1 It is proposed to create an additional parking space, by removing an existing garden shed and increasing the area of hard standing. This would be accessed via an extended crossover. The garden area of the nursery would be smaller as a result, however, the garden area is currently occupied by a shed rather than open play space, and it is considered that there would be no loss of amenity to the nursery. The enlarged hard standing would increase the number of vehicles which can park, however, this intensity in use is not considered to result in a loss of amenity to neighbouring occupiers given the overall scale of development.

5.7 Highway/Parking/Access

- 5.7.1 Representations from Highways recommend the extension of the crossover to form 8 side by side parking spaces, including the extension towards Pettits Lane to provide an additional space. Subsequent Staff discussions have later considered this impractical as it would require the relocation of an existing telegraph pole, which would result in high cost to the applicant. Highways have stated that spaces 6 and 7 are impractical and should be removed as they block the garages. However, this is an area of existing hard standing and is currently being used for staff parking. As this is an existing situation, Staff raise no objections and it considered that a refusal on parking grounds would be difficult to substantiate given the wider improvements made to the parking layout. Highways have stated that this area in front of the garage could be used as a drop off zone.
- 5.7.2 It is considered that parking spaces 6 and 7 could be utilised as a drop off zone as per highway comments. Utilising this area as a drop off zone is not considered to prejudice the use of spaces 1 and 2 in the garages, as the drop off zone is not intended for long stay parking, instead for the drop off and collection of children from the nursery. This drop off zone can be secured by way of condition. A condition can also be used to secure staff parking in spaces 1-5 & 8.
- 5.74 The representation received stated that one of the garages is not used by the applicant and is rented out. The plans however, state that all parking spaces on site would be used by the applicant to provide parking. As this meets the policy, there is no objection. Furthermore, the increase in numbers of children can only be implemented once all parking has been provided.

6. Conclusion:

- 6.1 Staff consider that the revised parking layout to create additional spaces is acceptable. This revised layout creates one area of hard standing which provides 8 parking spaces. Although comments from Highways deem spaces 6 and 7 impractical as they are located forward of the garage, this is an existing area of hard standing and parking, as the number of parking

spaces meets the Highway standard, a drop off zone can be utilised in this area front of the garage, which would not prejudice the practicality of the garages. Staff considered the proposals acceptable.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: None

Human Resources implications and risks: None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. There is an existing need for nursery school places in Romford Town. There is an additional application on site which seeks to increase the number of places at the nursery; this would not be possible without the variation to the parking layout.

BACKGROUND PAPERS

Application forms and plans received 28/02/2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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REGULATORY SERVICES COMMITTEE

REPORT

21 July 2011

| | |
|---|--|
| Subject Heading: | P0301.11 – 63 Pettits Lane, Romford Variation to condition 4 of P2091.04 to increase the number of children on site from 20 to 30 (Application received 15 th March 2011) |
| Report Author and contact details: | Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk |
| Policy context: | Local development Framework |
| Financial summary: | None |

The subject matter of this report deals with the following Council Objectives

| | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input checked="" type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input type="checkbox"/> |
| Value and enhance the life of every individual | <input checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

The application seeks permission to vary condition 4 of P2091.04 to increase the maximum number of children permitted at the nursery at any one time from 20 to 30.

This proposal is put forward before the committee due to the applicant being a direct relative of an elected councillor. This report has been passed to the

Monitoring Officer and the Monitoring Officer is satisfied that the application has been processed in accordance with standard procedure.

Staff consider that the proposal would accord with relevant policies contained in the LDF Core Strategy and the Development Control Policies Document Plan. Approval is therefore recommended, subject to planning conditions.

RECOMMENDATIONS

That planning permission be granted subject to the following conditions.

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. The number of children accommodated within the nursery shall not exceed thirty (30) at any one time, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control and to avoid disturbance to the adjoining residents.

4. There shall be no more than ten (10) children playing in the nursery garden at any one time.

Reason: In order to protect the amenity of adjacent residential occupiers.

5. There shall be no increase in children on site until the increase in parking spaces approved under P0322.11 has been implemented in full. The provision of such parking shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure on-site parking is available.

6. The premises shall not be used for the purposes hereby permitted other than between the hours of 7.30am and 6.30pm on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

INFORMATIVE

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy DC33, DC36, 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.

REPORT DETAIL

1. Site Description

- 1.1 The site lies on the eastern side of Pettits Lane on the junction with Havering Drive and comprises a detached two storey building currently used as a nursery. Off street parking is provided in bays accessed from Havering Drive. The front of the property is occupied by a grassed area with nursery signage, while the boundaries are enclosed by close boarded fencing. The locality is predominantly residential in nature and typified by two storey dwellings with off street parking.

2. Description of proposal

- 2.1 Permission is sought for a variation of condition 4 of planning application P2091.04 in order to increase the maximum number of children from 20 to 30.

- 2.2 This application is linked to P0322.11 which seeks to revise the existing parking layout to provide 8 parking spaces. This is discussed in a separate report, found elsewhere on the agenda.

3. Relevant History

- 3.1 P0322.11 – Revised parking layout to create additional parking space with relocated boundary fencing – under consideration.

P1211.10 – Variation to condition 3 and 4 of P2091.04 to increase the number of children on site from 20 to 34 and number of children allowed outside from 10 to 20 – withdrawn.

P1212.10 – single storey garden pavilion – approved.

P2091.04 – Permanent retention of day nursery to first floor – approved.

P1593.03 – Extension of temporary planning permission for a further year – use of first floor as day nursery) – approved.

P0597.02 – Erection of no. 2 covered ways, and change of use of first floor from domestic to early years centre – approved.

P1470.99 – Single storey side extension and change of use of ground floor to day nursery with self contained flat above – approved.

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 15 properties. Three representations was received, stating the following objections and comments:

- Area is residential in nature
- Garden would decrease in size
- There are already excessive noise levels from the garden
- Current garages are not used by the nursery, so there is a shortfall in parking
- Parking is a problem on the junction with Pettits Lane with parents parking on the highway.
- Creating more parking spaces is welcome due to road congestion.

5. Staff Comments

- 5.1 The issues for Staff to consider relate to the impact the increase in the number of children allowed on site would have upon the amenity of neighbouring occupiers, highway and parking demand.
- 5.2 Policies to be considered are DC29 (Community facilities), DC33 (Car Parking) and DC61 (Urban Design).

5.4 Principle of development

- 5.4.1 Nurseries are accepted as being 'community facilities', where there is a requirement for places within the borough. The Borough's Childcare Sufficiency Assessment 2011 recommends that the Local Authority continues to support provisions in offering more flexible places.
- 5.4.2 Policy DC29 seeks to ensure that the provision of educational facilities is of sufficient quantity and quality. The nursery here has an Ofsted rating of 'Good' meaning that it provides high quality care for children.
- 5.4.3 The Borough's Childcare Sufficiency Assessment 2011, states that in 2010 there were 1000 under 5's in Romford Town ward, and 13560 for the whole borough. By 2015, the projected population figures for under 5's in Havering are set to increase, Romford Town has a projected 20% increase in population. This will have a resultant impact on the demand and requirements for day care.
- 5.4.3 The Boroughs Childcare Sufficiency Review 2010/2011 states that Romford Town ward has the highest level of enquiry about childcare provision, accounting for 12% of the entire borough. The age group the nursery caters for is 0-5 year olds. This age group represents 86.1% of the total demand of care for the entire borough. An increase in the number of children on site would contribute towards the demand for places and is considered acceptable in principle; however, this will need to be assessed in terms of neighbouring residential amenity and the impact upon car parking.
- 5.4.4 The same review, on page 6, states that there is a particular gap in places ages 3-4, which is covered by the nursery, Hyland's ward has a deficit of 128 places and Mawney's ward 126 places deficit for example. An increase in the number of children within this nursery would contribute, albeit in a small way to providing for the significant shortfall of places.
- 5.4.4 There are a number of other day care nurseries located nearby which have been converted from residential dwellings, their permitted numbers of children are listed below. These are considered comparable to the application site in terms of context and neighbouring residential amenity.

Fledglings, 61 Eastern Avenue – 34 children on site. No children outside.

Hunnypot Corner, 140-142 Squirrels Heath Road – 32 children on site, 6 outside.

The increased numbers proposed at the nursery here are in line with the above and are considered to be acceptable in principle.

5.5 Design/Impact on Street scene

5.5.1 The increase in the numbers of children would have no impact within the street scene. The alterations to the parking layout are discussed in a separate report for P0322.11.

5.6 Impact on Amenity

5.6.1 It was originally intended to vary condition 3 and 4 of P2091.04 to increase the number of children from 20 to 34 and the number of children allowed outside from 10 to 20. This however, was later revised following staff concerns regarding the potential for noise disturbance, to no longer increase the number of children allowed outside and to reduce the total number of children on site to 30. There would be a total of 6 staff members.

5.6.2 Representations received objected due to concerns over the level of noise from the site in a residential area. The nursery is detached and an increase in number of children internally is not considered to result in adverse noise levels to neighbouring properties. As there is no increase in the number of children proposed outside within the garden, it is considered that there are no reasonable grounds to base a refusal on harm to residential amenity. It is also not proposed to extend the hours of operation at the nursery which remain as previously approved on P2091.04, which permit hours between 7:30am and 6:30pm Mondays and Fridays and not at all on Saturdays, Sundays, Bank or Public holidays.

5.7 Highway/Parking/Access

5.7.1 In order to look after 30 children, 6 members of staff are needed. DC33 requires 1 parking space per staff member and a drop off zone for day nurseries. There are a total of 8 spaces which therefore satisfies the policy. Staff also note that existing staff do not all drive into work, but walk, or use public transport and the use of part-time staff means that spaces would be available during the day. The applicant has calculated the parking on the assumption that all staff members would drive to work. This is considered acceptable and would provide adequate on site parking.

6. Conclusion:

6.1.1 Staff consider that the proposal to increase the maximum number of children on site from 20 to 30 is acceptable. Members are invited to exercise their judgement as to whether this increase in children would materially impact residential amenity.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: None

Human Resources implications and risks: None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. There is an existing need for nursery school places in Havering, as outlined in the Borough's Childcare Sufficiency Review 2010/2011 and Sufficiency Assessment 2011. This nursery would be able to accommodate some of that need in an Ofsted 'Good' rated establishment.

BACKGROUND PAPERS

Application forms and plans received 28/02/2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 July 2011

Subject Heading:

Proposed variation of Section 106 agreement in connection with planning permission P0086.11 Snowdon Court, Elvet Avenue, Gidea Park:

Demolition of existing Snowdon Court buildings and the erection of two, new four storey buildings providing 38 sheltered flats and 60 extra care flats (total 98) with support facilities together with associated external landscaping.

Report Author and contact details:

**Helen Oakerbee
Planning Control Manager
(Applications)
helen.oakerbee@havering.gov.uk
01708 432800**

Policy context:

**Local Development Framework
The London Plan
National Planning Policy
Statements/Guidance**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

| | |
|--|-------------------------------------|
| Clean, safe and green borough | <input type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input type="checkbox"/> |
| Value and enhance the life of every individual | <input checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This report relates to proposals for residential development for 98 sheltered housing and extra care units on land at Snowdon Court, Elvet Avenue, Gidea Park. The site has the benefit of planning permission (under planning reference P0086.11) subject to a Section 106 legal agreement. The Section 106 agreement obligates the owners to provide 61 of the units as social rented flats, 20 of the units as shared equity flats and 17 of the units as discounted outright sale flats.

A request has been made to the Council to vary under Section 106A of the Town and Country Planning Act 1990 the legal agreement to convert the 17 units of discounted outright sale flats to social rented units in accordance with PPS 3 Housing June 2011.

RECOMMENDATIONS

It is recommended that the variation of the Section 106 agreement dated 29 March 2011 to change the tenure mix, to that set out below by Deed of Variation under Section 106A of the Town and Country Planning Act (as amended), be approved:

The provision of 78 units for social rented accommodation, comprising 38 one bed flats and 40 two bed flats and the provision of 20 shared equity flats, comprising 10 one bed units and 10 two bed units. Such units to be managed by the Registered Social Landlord or Registered Provider with the Council to receive 100% of the nomination rights which shall be subject to the sub regional nomination arrangements confirmed by the East London Housing Partnership (or its successor).

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 29 March 2011 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 29th March 2011 will remain unchanged.

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. The site to which this proposal refers is the former Snowdon Court sheltered housing block, located in Elvet Avenue, Gidea Park. The site has planning permission for residential development of 98 units sheltered housing and extra care units (under planning permission reference P0086.11). Permission for the development was granted subject to a number of planning conditions, as well as a Section 106 legal agreement signed and dated 29 March 2011.
2. The legal agreement includes restrictions on the tenure mix of the proposed development. It also restricts the age of occupants to 55 years and over. The tenure mix, as set out in the S106 agreement, is for 81 of the units to be provided as affordable housing, of which 61 are for social rented accommodation and 20 are shared equity units. A further 17 units within the development are to be provided as discounted outright sale flats (to be sold at 85% of market value).
3. It is now proposed to vary the Section 106 agreement dated 29 March 2011 so that the development would now comprise 100% affordable housing. This would consist of 78 units of social rented accommodation and 20 units of shared equity accommodation (sold at an initial 50% equity to over 55's in the London Borough of Havering).
4. Staff consider the proposed changes to the tenure mix to be acceptable. The provision of a 100% affordable housing development would accord in principle with Policy DC6 and the proposed tenure mix would achieve a higher proportion of general needs rented accommodation than achieved by the current agreement (currently 61 but proposed to increase to 78 units). Policy DC6 seeks a tenure split of 70:30 of social rented units to intermediate housing types. The split in this case would be just under 80:20 and Staff consider this to be acceptable and to meet the Council's affordable housing objectives. Havering Council will have nomination rights for the social rented units and a large number of these will be for direct referrals by L.B. Havering's Adult Social Care Service for clients with higher care needs. The proposal is supported by the Council's Adult Social Care service and the proposal is considered by planning staff to meet the Council's objectives for providing care for residents within the Borough with particular needs. The development will continue to be restricted to residents of 55 years and over.

5. The Council's Housing Service has confirmed that it is supportive of the proposed change of tenure mix for the following reasons:
 - There will be an additional 17 units of social housing to which the Council will have 100% nomination rights. This will potentially free up family housing stock elsewhere in the Borough that could be allocated to families in housing need.
 - All nominations will be via Havering in perpetuity rather than the proposed out-right sales being offered initially to Havering residents, with a cascade arrangement to out of Borough applicants if sales were not forthcoming within an agreed timeframe.
 - These new units will be at social rents rather than the new affordable rent product and therefore subject to the national rent regime.
6. The proposed change to the tenure mix would not change the number of units or bedrooms within the development. It is not therefore considered that there would be any material affect on the development as approved in terms of layout or design.
7. Staff have considered whether the proposed change to the tenure mix would materially affect the transport contributions, which are secured through the S106 agreement. The transport contributions were required to provide street lighting and footway works and for bus stop improvements. Highways have confirmed that the proposed change in tenure mix would not materially change the nature of highway improvement works required or the cost of these works. The S106 agreement also includes a requirement for the owners to enter into a S278 agreement for works affecting the public highway. This would not be materially altered by the proposed change in tenure
8. **Conclusion**
- 8.1 Staff consider that the proposed variation of the S106 agreement to change the tenure mix of the development approved under application reference P0086.11 is acceptable and accords with Policy DC6 of the LDF. It is therefore recommended that variation of the legal agreement in respect of the tenure mix is approved, subject to all other elements of the legal agreement remaining as per the original agreement signed and dated 29 March 2011.

IMPLICATIONS AND RISKS

Financial implications and risks:

The proposal gives rise to potential loss of overage from the sale of the 17 flats initially proposed for outright discounted sale.

Legal implications and risks:

Legal resources will be required for the variation of the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposal will assist in the provision of affordable housing within the Borough, consistent with Policy DC6 of the LDF Development Control Policies Development Plan Document. The proposal will provide sheltered housing and extra care housing for older residents of the Borough. The proposal therefore directly contributes to the Council's equality objectives by providing accommodation tailored towards those households within the Borough who have been identified in the LDF as having special needs.

BACKGROUND PAPERS

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REGULATORY SERVICES COMMITTEE

REPORT

21 July 2011

| | |
|---|--|
| Subject Heading: | P0905.11 – Garage site at Oakley Drive, Harold Hill, Romford Extension of time application to P0888.08 for demolition of 16 disused garages and the construction of 2 3 bed family houses (Application received 9th June 2011) |
| Report Author and contact details: | Helen Oakerbee, 01708 432 800 Helen.oakerbee@havering.gov.uk |
| Policy context: | Local development Framework |
| Financial summary: | None |

The subject matter of this report deals with the following Council Objectives

| | |
|--|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input type="checkbox"/> |
| Value and enhance the life of every individual | <input type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

The application seeks permission for the demolition of 16 disused garages and construction of 2, no. 3 bed dwellings with off street parking. This application is an extension of time of a previously approved application, reference P0888.08, which was approved at Regulatory Services Committee on 24th June 2008. Staff consider

that the proposals would accord with the relevant policies contained in the Local Development Framework Core Strategy and the Development Control Policies Development Plan Documents.

RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions.

1. Time limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with Plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Core Strategy and Development Control Submission Development Plan Document Policy DC61.

3. Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area, and that the Development Control Policies Development Plan Document Policy DC61.

4. Parking provision: Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Core Strategy and Development Control Submission Development Plan Document Policy DC33.

5. Hours of construction: No construction works or deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To protect residential amenity, and in order that the development accords with the Core Strategy and Development Control Submission Development Plan Document Policy DC61.

6. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Core Strategy and Development Control Submission Development Plan Document Policy DC61

7. 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 (6ft. 7ins.) high shall be erected upon the common boundaries to the side and rear of the buildings 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 Core Strategy and Development Control Submission Development Plan Document Policy DC61.

8. Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) 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.

c) 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:

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.

d) 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

e) 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.

9. Construction methodology: Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) Parking of vehicles of site personnel and visitors;
- b) Storage of plant and materials;
- c) Dust management controls;
- d) Measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- e) Predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) Scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) Siting and design of temporary buildings;
- h) Scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) Details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

To protect residential amenity, and in order that the development accords the Core Strategy and Development Control Submission Development Plan Document Policy DC61.

10. Obscure and fixed glazing: The proposed windows in the elevations facing no. 11 Settle Road and no. 40 Oakley Drive shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the Core Strategy and Development Control Submission Development Plan Document Policy DC61.

11. Timber louvers: The horizontal timber louvers to the elevations of the dwellings hereby approved shall be permanently retained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason: In order to maintain the character of the building and its appearance in the street scene and in the interests of amenity.

12. Sight lines: Clear and unobstructed visibility sight lines of 600mm high and for a distance of 2.1m shall be provided to the satisfaction of the Local Planning Authority. The approved sight lines shall be kept permanently unobstructed thereafter to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of highway safety, and in order that the development accords with the Core Strategy and Development Control Submission Development Plan Document Policy DC32.

13. Secure by design: Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

14. Storage of refuse: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVE

1. The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33 and 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.

2. In aiming to satisfy condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. The developer, their representatives and contractors are advised that planning approval does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site comprises a derelict group of 16 no. garages, located on the northern side of Oakley Drive. The site is bound by no. 40 Oakley Drive to the east, Sheffield Drive to the north and no's 6-12 Settle Road to the west. There is a slight drop in ground levels from south to north across the site. A greater drop in ground level occurs between the site and no. 40 Oakley Drive. The surrounding housing form is typified by two storey semi-detached and terraced dwellings.

2. **Description of proposal**

- 2.1 Permission is sought for the demolition of the garages and the construction of 2, no. 3 bedrooms family houses on Council owned land. This is an extension of time application for a previously approved scheme reference P0888.08.

- 2.2 The dwellings would be located a minimum of 14.8m from the rear elevation of no. 6 Settle Road and 6.2m from no. 40 Oakley Drive. The pair of dwellings measure 14.6m wide, 12.4m deep and 5.8m high. The dwellings have a part pitched, part flat roof. At ground floor there is a kitchen, living room and downstairs bathroom. At first floor there are three bedrooms and a second bathroom.
- 2.3 Two parking spaces are provided to the front, and amenity space is located to the rear, covering an area of 77 square metres for each property. This area can also be accessed via a side gate. Bin stores are provided to the front and covered bicycle stores are located to the rear.

3. Relevant History

- 3.1 P2122.07 – demolition of 16 disused garages and the construction of 2 no. three bed family houses – refused.
- P0888.08 – demolition of 16 disused garages and the construction of 2, no. 3 bed family houses – approved.

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 40 properties. No representations were received at the time of writing the report. The consultation period is due to expire on the 15th July 2011. Members will be updated verbally at the Committee if any representations are received.

5. Staff Comments

- 5.1 The main issues to be considered by Members in this case are the principle of development, density and site layout, design/street scene issues, amenity implications and parking and highways issues.
- 5.2 Relevant LDF Core Strategy and Development Control Policies DPD Policies to be considered are Policies CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places), Policy 3A.5 (Housing Choice) of the London Plan. The Supplementary Planning Document on Residential Design is also considered to be relevant.
- 5.3 PPS1 (Delivering Sustainable Development), PPS3 (Housing) and PPG13 (Transport) are also considered relevant.
- 5.4 Principle of development
- 5.4.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres. The principle of residential development is considered acceptable in land-use terms and the provision of a two dwellings on derelict unused garages

is consistent with PPS3 which encourages high quality residential development with access to a good range of facilities. Re-use of previously developed land is also encouraged.

5.4.2 Policy 3A.5 of the London Plan states that DPD policies should ensure that new developments offer a range of housing choices, in terms of housing types and sizes, taking account of the housing requirements of different groups.

5.4.3 Policy CP1 indicates that on non-specifically designated land, priority will be made for housing. The proposal is for the redevelopment of derelict garages within an existing residential area. The principle of residential development has already been established on site with the grant of P0888.08.

5.5 Density/Site Layout

5.5.1 Since the original grant of planning permission, the Residential Design SPD has been adopted. This replaces the SPG on Residential Amenity and no longer provides prescribed space standards for amenity space. It does recommend that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens and courtyards for example. In designing high quality amenity space, consideration needs to be given to outlook/ privacy, sunlight/ shade, trees and landscaping, materials (including paving), lighting and boundary treatments. The gardens of both properties are located to the rear of the site and measure approximately 77 square metres in area. Garden depths are between 5m at a minimum and 11.6m at a maximum. A patio is provided with access from the kitchen with a grassed area beyond. Both of these arrangements are considered acceptable, the gardens would be enclosed by a fence which would provide privacy. These garden layouts are considered to provide practical amenity space and are acceptable in their arrangement.

5.5.2 The residential density range in this location is 30-50 units per hectare. The proposal would result in a density level of 44dph. This is considered acceptable; however, density is only one measure of acceptability.

5.6 Design/Impact on Street scene

5.6.1 Oakley Drive is typified by two storey, terraced housing. The dwellings are arranged with a part pitched, part flat roof. The front elevation would have a pitched roof, following the form of Oakley Drive. The two storey rear projections are covered by a flat roof; this would be visible from the streetscene. This extent of flat roof has previously been approved; however, Members are invited to consider whether this is acceptable in design terms, particularly as the side elevation would be visible in the street.

5.6.2 The dwellings would retain the Oakley Drive building line. Due to the change in ground levels, where no. 40 Oakley Drive is set at a lower level than the

site, the dwellings would be set higher than no. 40, but lower than no 6-12 Settle Road, thereby continuing the gradual change in heights along the street. The properties are finished with gable ends, which are considered acceptable in this instance given the mix in roof forms in the locality.

5.6.3 The scale and massing of the proposal is considered acceptable. Its modern design and finishes have the potential to impact in the street scene. However, by way of conditions, appropriate external materials could be used to blend in with the strong, traditional character of the existing properties in Oakley Drive. To this end, it is considered that the proposal is acceptable.

5.7 Impact on Amenity

5.7.2 There is a single first floor flank window to both dwellings, this serves a hallway, and is not considered to result in a loss of amenity through overlooking provided they are permanently glazed with obscure glass and fixed shut. This can be secured via condition. There are no other windows which would result in overlooking.

5.7.3 The garages would be demolished, making way for a two storey building. There would be a material difference in outlook for adjoining occupiers. The Residential Design SPD does not provide prescribed back to back distances. However, in light of the changes in ground level and the siting of the dwellings on the plot, it is not considered that the dwellings would appear unduly overbearing or dominant.

5.8 Highway/Parking/Access

5.8.1 Policy DC33 refers to DC2 in respect of parking for dwellings. In this location 2 to 1.5 spaces, off street, should be provided for each unit as a maximum. The driveway to the front can accommodate 2 off street spaces which is acceptable. Highway access would be off Oakley Drive.

6. Conclusion:

6.1 Staff do not consider that the development would have an adverse impact on the amenity of neighbouring occupiers. The scale and design, although contemporary in nature is considered acceptable. There is adequate parking provision on site and amenity levels are acceptable. Members may wish to exercise their judgement particularly in relation to the design of the proposals.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: None

Human Resources implications and risks: None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The properties would provide flexible family accommodation close to schools and would contribute, albeit in a small way, to the demand for housing in London.

BACKGROUND PAPERS

Application forms and plans received 9/06/2011

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

21 July 2011

Subject Heading:

P0004.11 – Former Harold Wood Hospital, Gubbins Lane, Harold Wood (Date received 04/01/2011)

Proposal

Phase 1A of the development of the former Harold Wood Hospital. To include: Demolition of existing buildings and the construction of 20 residential units and associated infrastructure and landscaping. (Revised plans received 16/3/2011)

Report Author and contact details:

Simon Thelwell (Planning Control Manager) 01708 432685

Policy context

**Local Development Framework
London Plan
National Planning Policy**

Financial summary

None

The subject matter of this report deals with the following Council Objectives

- | | |
|--|-----|
| Clean, safe and green borough | [X] |
| Excellence in education and learning | [] |
| Opportunities for all through economic, social and cultural activity | [] |
| Value and enhance the life of every individual | [X] |
| High customer satisfaction and a stable council tax | [] |

SUMMARY

Members will recall that the Committee resolved to grant planning permission for the redevelopment of the former Harold Wood Hospital site at its meeting of 28 October 2010 subject to the prior agreement of a S106 legal undertaking. The legal process is in hand and close to conclusion and Members have already considered full applications for the construction of the spine road. The applicants are keen to ensure that construction can start at the earliest time possible following the completion of the legal agreement and a detailed application for the first 20 unit element of the first phase of the redevelopment has therefore been submitted

Staff consider that the development would accord with the relevant policies in the Local Development Framework and site specific policy SSA1 in the adopted LDF.

It is therefore concluded that the development is acceptable and that planning permission should be granted subject to the imposition of appropriate planning conditions and prior completion of the Section 106 Agreement related to P0702.08 which would also relate to this application, the Heads of Terms of which are set out in Annex 1. .

RECOMMENDATIONS

That the Committee resolve that the application is considered unacceptable as it stands but it would be acceptable subject to:

- a) The applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) to secure the Heads of Terms set out in Annex 1 as required under planning application P0702.08.
- b) That staff be authorised to enter into such agreement and upon completion of it, to grant planning permission subject to the following conditions:
 1. SC04 The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. SC06 - Before the buildings hereby permitted are first occupied, the areas set aside for car parking shall be laid out and surfaced to the

satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

3. SC08 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason:- To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4. SC09 - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:- To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area, and that the Development Control Policies Development Plan Document Policy DC61.

5. NSC01 - The scheme of hard and soft landscaping approved by Drawing No X00333-PL-L06 shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. NSC02 - The Landscape Management Plan approved as part of this permission shall be implemented in accordance with the Plan following completion of the soft and hard landscaping and shall be carried out and complied with thereafter

Reason: To protect/conservate the natural features and character of the area, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

7. NSC03 - The scheme for the protection of preserved trees on the site as detailed on Plan X00333-PL-L07 shall be implemented and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site subject to a Tree Preservation Order.

8. NSC04 - Prior to the commencement of development a scheme for the biodiversity enhancement measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed scheme and retained thereafter.

Reason: To ensure that opportunities for biodiversity enhancement are incorporated into the development in accordance with Development Control Policies Development Plan Document policies. DC58 and DC59

9. SC13 - 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 (6ft. 7ins.) high shall be erected along the northern boundary of the site 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.

10. NSC05 - Prior to the commencement of development details to show how secure cycle parking is to be provided for each property shall be submitted to the Local Planning Authority for approval in writing. The details shall include the location and means of construction of the storage areas, making provision for a minimum of one space per residential unit. Cycle storage facilities shall be provided in accordance with the approved details for the relevant dwelling prior to its occupation. Such facilities shall be permanently retained and made available for residents use thereafter.

Reason: To seek to encourage cycling as a more sustainable means of travel for short journeys.

11. NSC06 - Before any development is commenced a sewage impact study shall be undertaken to assess the existing infrastructure to

determine the magnitude of any new additional capacity required in the system and a suitable connection point. It shall include for the avoidance of doubt a timescale for the implementation of the measures identified as necessary. Such study shall be agreed by the Local Planning Authority in consultation with Thames Water and any necessary works implemented in accordance with the recommendations and timescale of the agreed study and retained permanently thereafter.

Reason: To ensure that the foul water discharge from the site is not prejudicial to the existing sewerage system and to prevent sewage flooding.

12. NSC07 - Development shall not commence until a drainage strategy detailing any on and/ or off site drainage works and a strategy for its provision has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker and the Environment Agency. No works which result in the discharge of foul or surface water from the site shall be commenced until the on/and or off site drainage works and connections for that phase of the works have been completed.

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system, to prevent the increased risk of flooding, and in order that the development accords with Development Control Policies Development Plan Document Policy DC51 and PPG 25 "Development and Flood Risk".

13. NSC08 - Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, and a strategy for its provision, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, swales, permeable paving, green / brown roofs and storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- Confirmation of surface water discharge rates for the site (catchments 1-3).
- Confirmation of the critical storm duration.
- Where on site attenuation is achieved through attenuation ponds, storage in permeable paving, green / brown roofs and underground storage tanks calculations showing the volume of

these are also required.

- Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

Reason: To prevent the increased risk of flooding to the site and third parties and to improve and protect water quality and improve amenity and habitat and in order that the development accords with Development Control Policies Development Plan Document policies DC48 and DC51 and PPG 25 "Development and Flood Risk".

14. NSC09 - Prior to the first occupation of any of the buildings of the development such hydrants as required by the LFEPA shall be provided in accordance with the LFEPA's requirements and thereafter maintained continuously to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for fire protection on the site.

15. NSC10 - Prior to the commencement of development, details shall be submitted to, and approved in writing by the Local Planning Authority, to show how all residential units in the development will meet water efficiency standards. Development shall proceed in accordance with the approved water efficiency plan which shall set out a schedule for implementation.

Reason: The development is located in an area of serious water stress as designated by Department for Environment, Food and Rural Affairs. This condition is required to ensure water is used wisely and no additional burden is placed on the existing resources. This condition is supported by London Plan, Policy 4A.11 Water Supplies. A maximum water target of 105 litres per person per day should be applied in line with Level 3 in the Code for Sustainable Homes.

16. NSC11 - Prior to the commencement of development the developer shall provide a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. Before the proposed development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with DC49 Sustainable Design and Construction and Policies 4A.7 of the London Plan.

17. NSC12 No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and in order that the development accords with Development Control Policies Development Plan Document policy DC61.

18. SC63 Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers.

The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

19. NSC13 - Prior to the commencement of development including demolition and site preparation, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public

highway during demolition, site preparation and construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site from the inception of any development activity including site preparation, demolition and throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and in order that the development accords with Development Control Policies Development Plan Document policy DC61.

20. NSC14 - Prior to the commencement of development a scheme for the re-use and recycling of materials arising from the demolition of buildings currently on the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed scheme prior to the first occupation of the development.

Reason: In the interests of sustainable waste management

21. NSC15 - Save for the specification for the street light columns and lanterns included in Drawing No. X00333-PL-L06 all works for the development shall be carried out in full accordance with the approved plans, drawings, particulars and specifications,

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted or those subsequently approved. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC32.

22. NSC16 - Prior to the first occupation of the development hereby approved, provision shall be made for the storage of refuse / recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing these details shall include provision for suitable containment and segregation of recyclable waste. The measures shall be fully implemented in accordance with the agreed details for the development.

Reason: In the interests of the amenity of occupiers of the development and also the visual amenity of the development and locality general, and in order that the development accords with Development Control Policies Development Plan Document policy DC40 and in the interests of sustainable waste management.

23. NSC17 - Prior to the commencement of development adjacent to the Spine Road, a scheme detailing the measures to be taken to protect occupants of properties adjacent to the Spine Road from road traffic noise, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall give details of double glazing and passive acoustic ventilators on affected facades. The scheme shall be fully implemented in each dwelling before the occupation of the relevant residential units and shall be permanently retained thereafter.

Reason: To protect future residents against the impact of road noise in accordance Development Control Policies Development Plan Document policy DC61 and DC55, and Planning Policy Guidance Note PPG24, "Planning and Noise."

24. NSC18 - The building shall be so constructed as to provide sound attenuation of not less than $45 \text{ DnT,w} + \text{Ctr dB}$ (minimum value) against airborne 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.

25. NSC19 - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF

26. NSC20 - Prior to the commencement of the development hereby approved a scheme shall be submitted in writing providing details of how the car parking provided shall comply with Secured by Design standards. 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 full 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 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

27. NSC21 - Prior to the commencement of the development the developer shall submit for the written approval of the Local Planning Authority and carry out as required the following:

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) 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.

c) 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:

Part A – Remediation Scheme 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.

a) 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 Local Planning Authority; and

b) 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 and in order that the development accords with Development Control Policies Development Plan Document policy DC53

INFORMATIVES

1. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact Streetcare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
2. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
3. The developer should ensure that highways outside the site affected by the construction works are kept in a clean and tidy condition otherwise action may be taken under the Highways Act.
4. The applicant or nominated contractor is encouraged to apply to the Local Planning Authority's Environmental Health Service for a consent under Section 61 of the Control of Pollution Act 1974 in order to control the impact of noise and vibration associated with the construction work.
5. In aiming to satisfy conditions 25 and 26 the applicant should seek the advice of the Police Crime Prevention Design Advisor (CPDA). The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition.
6. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

7. The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.
8. The applicants are reminded that the grant of planning permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licence required.
9. Reason for Approval

This decision to grant planning permission has been taken

- i) having regard to Policies CP1, CP2, CP7, CP8, CP10, CP9, CP10, CP12, CP15, CP16, CP17, CP18 of the LDF Core Strategy Development Plan Document; Policies DC2, DC3, DC6, DC7, DC20, DC21, DC27, DC29, DC30, DC32, DC33, DC34, DC35, DC49, DC50, DC51, DC52, DC55, DC58, DC59, DC60, DC61, DC62, DC63, DC67, DC70, DC72 of the LDF Development Control Policies Development Plan Document; Policy SSA1 of the LDF Site Specific Allocations Development Plan Document; Policies 3A.2, 3A.3, 3A.5, 3A.6, 3A.7, 3A.9, 3A.10, 3A.11, 3D.13, 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A.6, 4A, 4A, 4A.10, 4A.11, 4A.13, 4A.14, 4B.1, 4B.2, 4B.5, of the London Plan (Spatial Development Strategy for Greater London) 2008, PPS1 'Delivering Sustainable Development', PPS3 'Housing', PPS6 'Planning for Town Centres', PPG13 'Transport', PPG 15 'Planning and the Historic Environment', PPS22 'Renewable Energy', PPS25 'Development and Flood Risk'.
- ii) for the following reason: The proposed development would be in accordance with the aims and objectives of the site specific policy by providing the first phase of a residential redevelopment of the site. The proposal would provide both market housing and would relate satisfactorily to its surroundings and neighbouring development and can be accommodated on the site without any materially harmful visual impact or any significant adverse impact on residential amenity. The proposal incorporates sufficient private amenity space within a development of high quality design and layout. The development proposed would have an acceptable impact upon the setting of The Grange. The impact arising from residential traffic from the development would be acceptable within the locality. The proposal meets the objectives of national, regional and local policies by being sustainable development making efficient use of land and providing residential development with easy access to facilities without adverse impact on residential amenity. Whilst the

development would have a variety of impacts it is considered that these can be satisfactorily addressed by conditions and the planning obligations set out as heads of terms in Annex 1 to this report..

REPORT DETAIL

1.0 Site Description

1.1 The former Harold Wood Hospital is located on the western side of Gubbins Lane approximately 500m (¼ mile) south of the junction with Colchester Road (A12), and opposite Station Road and Harold Wood mainline railway station.

1.2 The hospital site is of irregular shape and currently covers an overall area of approximately 14.58 hectares. This application covers an area of 0.84 hectares in the northern part of the former hospital site to the south of no's 9 to 45 The Drive in the location of the former Maternity Block and nurses accommodation and to the north of the existing access and proposed spine road. The northern boundary comprises an unmanaged hedgerow and trees with a part close-boarded fence which separates the site from an access strip along the rear gardens and garages of the properties on the southern side of The Drive.

2.0 Description of Proposal:

2.1 The proposal is a detailed planning application for the first part of the first phase of residential development consisting of 20 residential units comprising 12 no. 4 bed semi-detached houses, 6 no. 4 bed terraced houses and 2 no. 3 bedroom detached houses.

2.2 The semi-detached houses and one of the detached houses would all face south or south east towards the proposed spine road and would be accessed from a shared surface private road running parallel to the spine road. Each of the semi detached houses would be 3 storeys with a shallow pitched tiled hipped roof and 2 storey front and side projections providing second floor terraces, with the side projection incorporating an integral garage. A 4m deep full width single storey rear projection is proposed to each property with rooflights and patio doors. A minimum of 1m separation from the boundary with the non-attached property is proposed. An area 6.6m deep would be available in front of the garage as a second off street parking space. Gardens would vary from 9.5m to 15m in depth and 90 – 130 sq m in area. Materials would incorporate areas of yellow stock brick, white render and timber boarding.

2.3 The detached house facing the spine road is proposed at the western end of the site on a plot that tapers to the west. The house would be of contemporary design, two storey with a mono-pitch standing seam roof and

with an attached side garage projecting 4.5m forward of the front main wall. The front elevation incorporates a full height central bay housing the staircase with a large window with a recessed front door and bin store. Bedrooms would be provided with full height windows/doors opening onto open and Juliet balconies. To the rear a mixture of full height and patio doors are proposed giving access to the garden and a further Juliet balcony. The garden area would extend to the rear and side of the property with a maximum depth of 10m and width from the side of the house of 18m.

- 2.4 The terraced houses and the other detached house would be accessed via a 5.5m wide spur road from the main spine road at the eastern end of the site which in turn would give access to a shared surface road running parallel to the northern boundary. The terraced houses would be arranged on an east/west alignment backing onto the semi detached houses. The design would be identical to the semi-detached houses with the exception that they would be linked via the two storey side projection and that they would incorporate a bin store at the front. Garden depths of 9m and areas of approximately 85sqm are proposed. Materials would incorporate areas of red brick, white render and timber boarding.
- 2.5 The detached house would be located at the western end of the shared access and would be of the same design as previously described but with the garage staggered 1m forward of the front main wall.
- 2.6 The plans include full details of surface materials, landscaping and tree protection during construction. Shared surface and private road areas would be surfaced with paving blocks with a contrasting colour used to delineate parking spaces. A hedge is proposed between the spine road and the private road along the southern side of the site. Hedging, trees and shrub planting are indicated for front garden areas and on areas of verge with a row of specimen trees and buffer planting proposed along the northern boundary.
- 2.7 A refuse/recycling store is shown located adjacent to the northern boundary and an electrical sub-station is indicated at the western end of the private road at the front of the site.

3. **Relevant History**

- 3.1 Extensive history relating to the function of the site as a Hospital.

Other history relating to the disposal of Hospital land for residential purposes:

P1095.88 - Residential development – Approved (land to the west of current hospital site up to Bryant Avenue and Whitelands Way)

P1541.89 – Revision to accommodate 13 additional units – Approved (as above)

P1963.89 - Revised scheme to above – Approved (as above)

- P1183.91 - Revised scheme to above – Approved (as above, one phase)
- P0292.92 - Erection of 67 residential units, 1 and 2 bed terraced dwellings, 3 bed terraced and detached houses, roads and ancillary works – Approved (as above. one phase)
- P0752.93 - Residential development of 68 houses, 20 flats, associated roads and garages etc – approved (as above, final phase)
- P1530.00 - Residential development (outline) – Approved (Lister Avenue/ Nightingale Crescent)
- P0704.01 - Residential development (Outline) - Resolved by Committee to be approved subject to the prior completion of a Section 106 Agreement. (10.56ha site similar to the current application site)
- P0141.06 - Residential development of up to 480 dwellings (outline) – Refused (appeal withdrawn)
- P1232.06 – Residential development of up to 423 dwellings (outline) – Approved
- P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11 flats and for a two storey building adjacent to the Grange to provide 4 flats – resolved to approve, S106 in preparation.
- P1703.10 - Construction of Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital - Approved
- P0230.11 - Construction of Phase B of a Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital – Approved
- P1002.11 - Phase 1B of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 68 residential units and associated infrastructure and landscaping – Under Consideration

4. Consultations and Representations:

- 4.1 Consultees and 68 neighbouring properties have been notified of the application.
- 4.2 Eight letters of representation have been received. Concerns raised relate to access to the Polyclinic through the site, control over demolition, piecemeal development in advance of final approval of the outline should not be granted, lack of doctors and dentists, loss of privacy from balconies, unsatisfactory notification of neighbours and unsatisfactory positioning of the

refuse and recycling point.

Consultee Responses

Borough Crime Prevention Design Advisor – Reiterates that designing for community safety is a central theme of sustainable development. The practices and principles of Crime Prevention Through Environmental Design and Secured by Design should be considered where appropriate to mitigate any risks arising from the detailed layout and design. Recommends that a condition be attached relating to secure by design.

English Heritage (London Region) – Advise that the new dwellings will form part of the setting of The Grange. EH feel that the design of the semi-detached houses would benefit from refinement and that the proposed rooftop pavilions would visually dominate the setting of the building and that they would benefit from a lower eaves line to give visual subservience to The Grange.

Greater London Authority – Confirm that the Mayor of London does not need to be consulted further on the application

LFEPA – Confirmed that access for pump appliances needs to in accordance with guidance note 29.

London Fire Brigade – Advise of the need for a fire hydrant to be located within the footpath.

Natural England – No objection. Encouraged by the landscape enhancement proposals outlined in the landscape Management Plan. Also advises that the development can assist with the delivery of high quality habitat which would contribute towards the targets set out in the Havering Biodiversity Plan.

Environmental Health raise no objections subject to suitable conditions.

5 Relevant Policies

- 5.1 The main issues in this case are considered to be the principle of the development, housing density and design, site layout, massing and street scene implications, impact upon residential amenity, highways and parking, sustainability, flood risk and listed building impact. The planning history of the site is also a material consideration.
- 5.2 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan Consolidated with Alterations (February 2008) (Spatial Development Strategy for Greater London).
- 5.3 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP8 (Community Facilities), CP10 (Sustainable Transport) CP9 (Reducing the need to Travel), CP10 (Sustainable

Transport), CP12 (Use of Aggregates), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage) of the Local Development Framework Core Strategy are considered relevant.

5.4 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC27 (Provision of Community Facilities), DC29 Educational Premises), DC30 (Contribution of Community Facilities). DC32 (The Road Network). DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC49 (Flood Risk), DC50 Sustainable Design and Construction), DC51 (Renewable Energy), DC52 (Water Supply, Drainage and Quality), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees). DC61 (Urban Design). DC62 (Access), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC70 (Archaeology and Ancient Monuments), DC 72 (Planning Obligations) of the Local Development Framework Development Control Policies Development Plan Document and Policy SSA1 (Harold Wood Hospital) of the Local Development Framework Site Specific Allocations Development Plan Document are also considered to be relevant. Various Supplementary Planning Documents of the LDF are also relevant.

5.5 Policies 3A.2 (Borough Housing Targets), 3A.3 (Maximising the Potential of Sites), 3A.5 (Housing Choice), 3A.6 (Quality of New Housing Provision), 3A.7 (Large Residential Developments), 3A.9 (Affordable Housing Targets), 3A.10 (Negotiating Affordable Housing), 3A.11 (Affordable Housing Thresholds), 3D.13 (Children's Play), 4A.1 (Tackling Climate Change), 4A.2 (Mitigating Climate Change), 4A.3 (Sustainable Design and Construction), 4A.4 (Energy Assessment), 4A.5 (Provision of Heating and Cooling Networks), 4A.6 (Decentralised Energy), 4A.7 (Renewable Energy), 4A.9 (Adaptation to Climate Change), 4A.10 (Overheating), 4A.11 (Living Roofs and Walls), 4A.13 (Flood Risk Management), 4A.14 (Sustainable Drainage), 4B.1 (Design Principles), 4B.2 (Promoting World-Class Architecture and Design), 4B.5 (Creating an Inclusive Environment), of The London Plan (Spatial Development Strategy for Greater London) 2008 are further material considerations, together with London Plan Supplementary Planning Guidance, including 'Providing for Children and Young People's Play and Informal Recreation' and PPS1 'Delivering Sustainable Development', PPS3 'Housing', PPS6 'Planning for Town Centres', PPG13 'Transport', PPG 15 'Planning and the Historic Environment', PPS22 'Renewable Energy', PPS25 'Development and Flood Risk'.

6.0 Introduction

6.0.1 This application is seeking full planning permission for the first element of the first phase of the residential redevelopment of Harold Wood Hospital, the overall principle of which has been considered by Members under ref P0702.08. Subject to members resolving to grant planning permission, the intention is for work to commence this summer/autumn following the signing

of the S106 agreement and issue of the decision notices for the Outline and this application. This application has been submitted as a full application to enable that timetable to be met, which would not have been possible were the application to have been made as a reserved matters application pursuant to the outline. Nevertheless, the first phase of the development is as envisaged by the outline application and complies with the overall parameters for the redevelopment that are embodied within the outline.

6.1 Principle of Development

6.1.1 Site Specific Policy SSA1 of the Havering Local Development Framework states that residential development of the former Harold Wood Hospital site will be allowed subject to a range of criteria that will be explored further in the rest of this report. Policy CP1 supports the development of the overall site as contribution to the borough's housing target of 535 new homes per year. As indicated in the introduction, members have already accepted the principle of the site being redeveloped for residential purposes by resolving to grant outline planning permission for the redevelopment of the overall site. The site the subject of this application falls within the area identified as forming Phase 1 of the development. Subject to all other matters being acceptable the proposed redevelopment is considered to be acceptable in principle.

6.2 Density, design and layout

6.2.1 The number of units proposed in this phase is 20 on a site area of 0.84 hectares, which equates to a density of 23 dwellings per hectare. The unit mix is 100% 3 and 4 bedroom dwellings of between 2 and 3 storeys in height. This scale of development is considered to be appropriate to the scale and character of neighbouring development in The Drive and The Grange itself. The nature of the development is also broadly in accordance with the scale and layout of the outline proposals illustrative masterplan. Whilst the density is below that indicated in the outline application as being applicable to this section of the site, as this site only forms part of that identified area it is anticipated that future elements of the redevelopment will increase the density to that set out in the original parameters defined for this part of the site (42 dwellings per hectare). The density proposed is similar to that of neighbouring development in The Drive and is considered to be in line with the Outline application and in turn, in accordance with the requirements of Policies SSA1 and DC2.

6.2.2 The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site. The dwellings with frontages along the spine road, tree planting and landscaping will all help to define the spine road as the key access through the site. The dwellings proposed are considered by staff to be of high architectural quality and individual character that will provide an attractive streetscene along the new spine road.

6.2.3 The properties to the north of the application site would be served via a sweeping access road giving access to a private road along the northern boundary with a further terrace of properties creating an attractive enclosed area of rear gardens with the properties fronting onto the spine road.

6.3 Residential quality and open space

6.3.1 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The proposed dwellings are considered by staff to provide both good internal layouts and space including second floor terraces which will provide enhanced amenity for the properties without unduly impacting upon the amenities of either neighbours within the site or outside. Rear garden areas provide sufficiently spacious areas for private amenity purposes and achieve back to back separation distances generally of 20m at ground floor and 28m at first floor level which will ensure satisfactory privacy levels for new properties within the site. All properties are also provided with front garden areas that will give both defensible space to the front and add to the character of the streetscene.

6.3.2 This phase of the development does not incorporate any public open space, but future phases will deliver approximately 2 hectares of public open space throughout the overall site, including a secondary area south of the spine road opposite the application site and a retained open area to the east of The Grange.

6.4 Landscape strategy and tree retention plans

6.4.1 The Landscape Strategy and specification submitted with the application demonstrates a commitment to providing a high quality residential environment, both in terms of the streetscape and hard landscaping and the soft landscaping proposed. Areas of private road and driveway are indicated in block paving with conservation kerbs used for all adoptable highways. Extensive planting along verges and within the private road areas and is considered to assist with the definition of these areas and provide an attractive setting for the new dwellings.

6.4.2 Additional survey material demonstrates that there will be a need to remove some additional trees beyond those originally identified. However, these will be more than supplemented by new planting in both public and private areas of the site, including many trees within the rear gardens and a substantial number to supplement existing tree cover along the northern boundary of the site where they will assist in screening and protecting the amenity of properties to the north in The Drive.

6.4.3 Hedging is proposed in many areas of the site with the dual function of giving definition between public, semi- public and private areas of the site as well as an attractive feature in the street scene.

6.5 Impact on adjoining sites and residential amenity

- 6.5.1 The northern boundary of the application site provides the rear boundary of properties in The Drive and it is these properties where the key impacts could arise. Members will be aware that the application site at present includes the 7 storey Maternity Block of the former hospital which is a quite dominant building in the rear garden scene for many of the properties to the north. This will be demolished which can only be viewed as beneficial to the amenities of those properties.
- 6.5.2 By providing a back garden to unit 20 which backs onto three rear gardens of properties in The Drive which have a direct boundary with the site the layout of the development protects the amenities of those properties. The rear gardens of all other properties in The Drive are separated from the site boundary by an unmade rear access road which gives access to the gardens and rear garages. Within the application site a 3m buffer strip would be retained along the northern boundary where in addition to retained trees supplementary tree and buffer zone planting is proposed. Taken together with the access road and front garden areas, the front of the proposed dwellings facing the northern boundary would be set 12m away from the boundary. The rear access to the properties in The Drive would give further separation and a minimum distance from the rear garden boundaries of 19.5m. The rear gardens to properties in The Drive are all in excess of 30m in length and it is therefore considered that there will be no materially harmful overlooking resulting from the new properties and any second floor terraces proposed.
- 6.5.3 On a similar basis staff do not consider that any significant residential amenity issues will arise from the proposed small structure located close to the boundary and providing a refuse and recycling storage facility serving these properties.

6.6 Local heritage impact

- 6.6.1 The application site is not within a conservation area but The Grange is a Grade II Listed Building located to the south of the eastern end of the application site and development within the site therefore has the potential to impact upon the setting of The Grange. Policy DC67 requires that planning permission should only be granted where the setting of a Listed Building is not adversely affected.
- 6.6.2 English Heritage has voiced some concerns about the “rooftop pavilions” and eaves level of the proposed semi detached houses in relation to the setting of The Grange. Staff have given consideration to this concern but consider that the 40m separation between the closest new property and the closest two storey section of The Grange, with new roads and tree planting proposed in-between is sufficient to ensure that there will be no significant impact upon the setting of the Listed Building.

6.7 **Transportation, Highways and Parking**

6.7.1 The scheme incorporates new highway and private roads which are designed to an acceptable standard with adequate space for turning and servicing. Provision for one garage and one additional space for each dwelling are proposed which is in accordance with Policy. Potential visitor spaces are also proposed on the spine road in dedicated lay-bys and at the southern end of the turning head for the northern private road. No objections are raised.

6.7.2 In terms of overall impact upon the highway network, the 20 houses proposed will have no material impact and the impact of the site overall will remain significantly less than that which resulted from its previous hospital use until much later into the development.

6.8 **Housing**

6.8.1 This first element of Phase 1 of the redevelopment of the former hospital site would provide entirely private housing of 3/4 bedroom size. Later phases of the development would incorporate affordable housing and the small size of this first element would not trigger any requirement for the provision of affordable housing under the terms of the S106 Legal Agreement. Provided this application is tied into the wider S106 for the overall former hospital site to ensure the overall delivery of at least 15% affordable housing throughout the site, no objections are raised.

6.9 **Sustainability**

6.9.1 The proposals involve the re-use of a brown field site and the development of housing in an area well served by public transport. In line with the requirements of the London Plan and Policies DC49 and DC50, the proposal is required to meet high standards of sustainable design and construction, as well as to demonstrate a reduction in predicted carbon dioxide emissions by at least 20%.

6.9.2 It is proposed that the development would achieve Code for Sustainable Homes Level 3 and the application proposes that carbon emissions and heating bills of the residents would be most effectively reduced through:

- Improved insulation
- More efficient heating
- More efficient ventilation systems

6.9.3 The following improvements are proposed for the application site's carbon reduction strategy:

- Super-insulation
- Enhanced air-tightness
- Low thermal bridging heat loss through better design and construction
- High efficiency ventilation system with heat recovery
- High efficiency condensing boilers.

6.9.4 Staff are satisfied that these measures together with the applicant's sustainability statement and energy assessment, show how the council's sustainability related policies are to be met. Although the 20% on-site renewable energy requirement will not be met in full, the proposed renewable energy measures to be employed in more communal elements of the overall redevelopment coupled with the improved energy efficiency measures are acceptable for the purposes of complying with the relevant policies.

6.10 Other Considerations including planning obligations

6.10.1 Matters relating to flood risk, drainage, bio diversity and nature conservation can all be adequately addressed through conditions. Provision for local services and Education would be provided for through the S106 Legal Agreement as detailed in the original report for the outline application.

6.10.2 As a separate full planning application it is necessary for this application to be tied in with the outline permission for the site and the S106 Legal Agreement which is nearing completion. This is necessary in order to ensure that the implementation of this application is taken together with other subsequent reserved matters applications and that it features in any triggers for payments under the S106.

6.11 Conclusions

6.11.1 Having regard to the above, subject to the satisfactory completion of a Section 106 Legal Agreement, together the conditions set out above, it is considered that the proposal satisfies the relevant policies identified in paragraphs 5.3 to 5.5.

6.11.2 Staff consider that this full application for the first element of phase 1 of the redevelopment of the former Harold Wood Hospital site will establish a benchmark for the quality of the residential accommodation and environment in line with the illustrative master plan and the Design and Access Statement for the outline application, The scheme promises to deliver a sustainable, safe and attractive development to new residents in a form that maintains the residential amenity of existing residents.

6.11.3 It is recommended that planning permission be granted

IMPLICATIONS AND RISKS

Financial implications and risks:

A Section 106 planning obligation is required to make the application acceptable. The agreement will include the payment of the Councils Legal expenses involved in drafting the S106 agreement.

Legal implications and risks:

This application needs to be tied into the Section 106 planning obligation for the Outline planning application P0702.08. This is nearing completion but will need to be finalised and signed prior to the issue of the planning permission.

The heads of the agreement are the same as those for P0702.08 and are set out in the Annex to this report.

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

There are no specific social inclusion and diversity issues that arise directly from this report. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions.
5. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
6. The relevant planning history.
7. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.

8. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.

ANNEX 1 - S106 HEADS OF TERMS

1. For the avoidance of doubt the percentage of all dwellings on site which will be provided as affordable housing units shall be a maximum of 50% and minimum of 15% of all dwelling units on site. All affordable housing units shall be managed by a Registered Social Landlord as defined in Part 1 of the Housing Act 1996, and to be split in a ratio of 70:30 between social rented and intermediate housing and affordable housing units shall be completed and ready for occupation on a stepped basis related to the availability for occupation of the following numbers of dwelling units with a minimum of
 - 25% of all Affordable Housing Units (a minimum of 30 affordable dwelling units) to be available for occupation prior to no more than 405 dwelling units being occupied;
 - 50% of all Affordable Housing Units (a minimum of 61 affordable dwelling units) to be available for occupation prior to no more than 608 dwelling units being occupied;
 - 100% of all Affordable Housing Units (a minimum of 122 affordable dwelling units) to be available for occupation prior to no more than 729 dwelling units being occupied.
- 1.1 Subject to the minimum provision of affordable housing units at 15% of the total number of dwelling units within the development the proportion of affordable housing units (with a maximum provision of 50% of all dwelling units as affordable housing units) shall be determined by a Viability Assessment following the approved GLA Three Dragons Development Control Toolkit Model (DCTM) or such other method of assessment which replaces and substantially achieves the same purposes as the DCTM on an open book basis to the satisfaction of the Council;
- 1.2 The development shall be developed in not less than 4 phases and each phase reserved matter submission shall not exceed 210 dwelling units with an absolute limit of 810 units for the development as a whole;
- 1.3 Prior to the submission of the reserved matters for each phase the developer/owner shall submit a Viability Assessment of the whole scheme to determine subject to the minimum and maximum percentages the quantum of affordable housing units that should be provided at that phase based on a financial assessment model acceptable to the Council ;
- 1.4 The basis of the application of the Viability Assessment on the whole scheme appraisal basis should ensure that uplift or reduction of affordable housing provision subject to the minimum and maximum percentage provision shall reflect changes in for

example sales values (revenue) occurring prior to the Viability Assessment immediately prior to provision.

2. The provision of a maximum £6.45m phased education contribution for primary and secondary school provision in accordance with the Council's IPG using the current Department for Education and Skills cost figure at the time of signing (or such other lower contributions as are calculated or agreed following further discussions with the Council).

Phasing to be:

25% available prior to occupation of no more than 405 dwelling units;

50% prior to occupation of no more than 608 dwelling units;

100% prior to occupation of no more than 729 dwelling units.

Contributions to be repayable with interest if not spent within a period of 7 years from the final payment being received by the Council. Contributions for any units with more than four bedrooms will be calculated in accordance with the Councils IPG for Education Contributions using the current Department for Education and Skills cost figure at the time of signing or such other agreed calculation following the outcome of the current child yield survey being undertaken by the Council.

3. The provision at the developers expense of a direct and convenient link through the site for cyclists and pedestrians between Gubbins Lane and the Lister Avenue area in accordance with a scheme which would include a timeframe for implementation to be submitted to and approved by the LPA prior to commencement of the development subject to such approved scheme to be reviewed and any alterations submitted for the written approval of the LPA prior to the commencement of each phase of the development and thereafter the approved scheme subject to approved alterations implemented in accordance thereto.
4. The road layout to make provision for a spine road for bus operations through the site between Gubbins Lane and Lister Avenue including a bus only link and bus "gate" such provision to be constructed and delivered by the developer prior to the occupation of no more than 405 dwelling units.
5. Bus service financial contributions up to a maximum phased payment of £513,873 to be provided as follows;
 - i. £190,444 in Year 1 prior to occupation of no more than 405 dwelling units,
 - ii. £165,514 in Year 2 upon the first anniversary of first payment above and
 - iii. £157,915 in year 3 upon second anniversary of first payment at i above

or

- iv. an alternative figure/figures or timescale to be notified to the Council by Transport for London, for the introduction of a bus route through the development.
6. Prior to the occupation of no more than 405 dwelling units an £85,000 payment shall be made by the developer/owner for the introduction and operation of CCTV cameras to enforce the operation of the bus only link and/or other measures to be agreed by the Local Planning Authority and Transport for London to enforce and manage its operation.
7. The submission of a phasing strategy (to mirror faithfully the phasing strategy to be agreed pursuant to a planning condition) for the development, including access arrangements during construction and a requirement for written notification to the Head of Development and Building Control in advance of all trigger points and all other events necessary to monitor the delivery of obligations and conditions.
8. Prior to the first occupation of the relevant parts of the application site accessed via Gubbins Lane or Lister Avenue, off site highway works including any necessary improvements to the entrances from Gubbins Lane and Lister Avenue and related Orders to be respectively undertaken and paid for by the developer.
9. On site highway works including related Traffic Management Orders, road marking and signage, and any necessary related payments required in connection with S278 and S38 agreements to be recovered through the S278 and S38 process.
10. Landscaping and management of all public open space within the development in perpetuity in accordance with a management scheme approved by the Council and the final delivery of public open space with unfettered access to the public prior to first occupation of no more than 729 of the dwellings.
11. The provision by the developer as a planning obligation of a capped phased financial contribution of £283,500 or an alternative lower sum to be calculated by Transport for London and notified to the Council towards traffic management measures to be the subject of S278 agreements at or close to the junctions of Whitelands Way and Gubbins Lane with the A12.

Phasing to be:

25% available prior to occupation of no more than 405 dwelling units;

50% prior to occupation of no more than 608 dwelling units;

100% prior to occupation of no more than 729 dwelling units.

12. The provision by the developer of a £15,000 contribution towards accessibility and sustainability improvements to the transport facilities at Harold Wood Station prior to first residential occupation of the development or any Phase thereof as the case maybe.
13. Prior to first occupation of the development or any phase thereof the provision by the developer of a contribution of up to £60,000 towards improved pedestrian crossing facilities on Gubbins Lane.
14. Prior to commencement of the development or any phase thereof the developer to submit a training and recruitment scheme for the local workforce to work at the site for the approval of the LPA and such approved scheme to be implemented thereafter over the course of the construction of the development.
15. Prior to the occupation of no more than 203 dwelling units a controlled parking zone contribution capped at £150,000 shall be paid by the developer to the Council to fund a review of the Harold Wood CPZ to the north and west of the site and the implementation of any required modifications or extensions.
16. The provision by the developer of a £357,420 contribution towards the provision of primary healthcare facilities and/or personnel to be phased and provided in 3 equal tranches of £119,140 as follows prior to occupation of no more than 203 , 405 and 608 of the dwelling units .
17. The developer/owner to provide play equipment within a Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) or other areas within the development in accordance with a scheme (which will identify the location of the required LEAP and LAPS) and timeframe for implementation to be submitted to and approved by the LPA prior to commencement of the relevant phases of the development. The developer/owner to fund in full all other costs associated with establishing such areas and to provide for its maintenance in perpetuity alongside the open space.
18. Prior to the occupation of no more than 203 dwelling units the provision by the developer of a £130,000 contribution towards improvements to Harold Wood Park to aid maintaining Green Flag status by improving facilities.
19. Prior to the first residential occupation of the development or any phase thereof the developer to submit a residential travel plan (which shall follow the guidelines contained within Transport for London's (TfL's) publication 'Guidance for residential travel planning in London' (March 2008)) for the development for the approval of the LPA in consultation with Transport for London and such approved scheme to be implemented and monitored thereafter.

20. Save for blue badge holders the restriction of the ability of residents and successors in title and their visitors to apply for parking permits within the Harold Wood controlled parking zone.
21. Payment of the Council's legal fees associated with the preparation of the agreement.
22. All contributions will be subject to indexation using the appropriate Index. All contribution to be spent within 7 years of receipt of the final payment relating to the specific contributions and to include any interest earned prior to spending.
23. All contributions to be subject to the requisite monitoring fee for planning obligations in accordance with the Council's approved guidance.

In the event that the applicant fails to fully accept the Heads of Terms set out above that the Head of Development and Building Control in conjunction with the Assistant Chief Executive for Legal and Democratic Services be given delegated authority to negotiate acceptable terms, failing which the application will be remitted to the next appropriate meeting of Regulatory Services Committee.

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Item 15

Regulatory Services Committee

21 July 2011

OUTSIDE STATUTORY PERIOD

| Page No. | Application No. | Ward | Address |
|----------|-----------------|------------------|---|
| 1-10 | P0019.11 | Squirrels Heath | 395-405 Brentwood Road Romford |
| 11-18 | P0229.11 | Cranham | The Moorhens Acacia Gardens Upminster |
| 19-22 | P0369.11 | Havering Park | Rydal Mount North Road Havering Atte Bower Romford |
| 23-26 | P0554.11 | South Hornchurch | Business Innovation Centre CEME Campus Marsh Way Rainham |
| 27-31 | P0596.11 | St Andrew's | 145 High Street Hornchurch |
| 32-36 | P0612.11 | Romford Town | 15 Princes Road Romford |

| | | | |
|-------|----------|-------------|-------------------------------|
| 37-42 | P0748.11 | St Andrew's | 115 High Street Hornchurch |
|-------|----------|-------------|-------------------------------|

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| | | |
|-------------------------|--|--|
| APPLICATION NO: | P0019.11 | |
| WARD : | Squirrels Heath | Date Received: 6th January 2011 |
| ADDRESS: | 395-405 Brentwood Road Romford | |
| PROPOSAL: | Change of use of part of former car showroom to Class A1 retail, change of use of first floor to form 3no. residential units and construction of second floor extension to form 2no. residential units together with alterations to the front facade of the building. Revised plans received 4/2 and 7/6/2011 | |
| DRAWING NO(S): | 2411_P201 2411_P202 2411_P203 2411_P204 2411_P305C 2411_P306 2411_P307 2411_P308 2411_P309 | |
| RECOMMENDATION : | It is recommended that planning permission be REFUSED for the reasons: given at the end of the report. | |

CALL-IN

This application has been called before the Committee at the request of Councillor Tebbutt.

RECOMMENDATION

It is recommended that planning permission be refused for the reason set out at the end of this report.

BACKGROUND

Members will be aware that planning permission was granted in March 2011 for the partial change of use of the former Heath Park Motor Company car showroom to form a retail unit. This current application seeks permission for the ground floor change of use element which has already been approved together with a change of use of the first floor to residential and the construction of a new second floor for residential use.

This application was previously reported to Committee on 3rd May but deferred at the request of Members in order that staff could invite the applicant to submit revised plans. Revised plans together with additional computer generated modelling plans were submitted on 7th June. The submitted revised plans propose changes to the appearance of the existing first floor of the building including the provision of a new parapet wall across the central portion of the building and the application of a light coloured render. Although depicted in a slightly different way on the revised plans the proposed upper floor roof extension would remain unaltered from that previously submitted.

At the time when this application was first submitted no occupier or tenant had been identified for

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the ground floor retail unit. It is now known that the unit will be occupied by Tesco and a separate application has recently been approved to allow store trading between 0700 and 2300 on any day (reference P0636.11).

Given the submission of revised plans and the approval of a separate application for opening hours staff have updated sections of this report to reflect these changes.

SITE DESCRIPTION

The application site is located on the western side of Brentwood Road, directly opposite The Drill Public House and in close proximity to The Drill roundabout. The application site is presently occupied by a two storey building which is currently vacant. Until early 2009 the building was occupied by the Heath Park Motor Company who used the ground floor as a showroom area with the upper floor being used as offices. The application site is loosely a triangular shape with the existing buildings on site covering almost the entire site.

Directly to the north of the site is the Drill Corner minor local centre (fronting Heath Park Road) which is formed of two storey terraced buildings with commercial uses at ground floor with residential flats above. To the rear the site is abutted by the garden areas of residential dwellings also fronting onto Heath Park Road. To the south of the site along Brentwood Road the western side of the road is formed of two storey semi-detached housing. The western side of the road is formed by a further portion of the Drill Corner minor local centre with residential properties beyond. The application site is located on several bus routes and is within 5 minutes walk of Gidea Park Railway Station.

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the partial change of use of the former car showroom to form a retail unit (Class A1), the change of use of first floor to form three residential units and construction of a second floor extension to form two residential units. The application also seeks permission for alterations to the façade of the building and an alteration of the front forecourt layout to provide a lay by.

The ground floor of the building was most recently a car showroom. This proposal would result in the building being split internally to form two separate units. Permission is sought to change the right hand unit nearest to The Drill roundabout into a retail shop of 381 square metres in area. At this stage the applicant has advised that no tenant has been identified. The remainder of the ground floor (the left hand unit) would be retained as a car showroom of 315 square metres in area.

To the front forecourt it is proposed the existing arrangement of dropped curbs would be reconfigured in order that a new lay by could be constructed. The proposed lay by is intended to enable servicing to take place without obstructing the highway. The proposed lay by would measure 22 metres in length and be capable of accommodating a delivery vehicle or four cars. The proposal would also see six parking spaces provided to the forecourt area. The applicant has advised that these spaces would be dedicated to the proposed upper floor flats.

The application seeks permission for a number of minor alterations to the façade of the building. These include the replacement of the existing doors and windows with modern variants, the application of render to a portion of the first floor and the provision of timber panelling above the entrance door to the first floor. The proposed upper roof extension would be sited over the front portion of the building and measure 24.7 metres in width by 6.2 metres in depth at the deepest point. The roof extension would appear in a mansard style with a height of 2.5 metres above the

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existing roof height. The proposed upper floor extension would be in two portions with the largest portion being set back from the building's façade by 0.6 metres. A smaller portion of the extension would be located towards the southern end of the building and set back from the façade by 2.7 metres.

The upper floor of the building is presently vacant but was formerly in office use. The proposal would see three flats provided to the existing first floor and two flats provided within the proposed second floor roof extension. 2no. two bedroom flats and 3 no. one bedroom flats are proposed.

RELEVANT HISTORY

The application site has an extensive history relating to its occupation by the Heath Park Motor Company however none of these applications are of relevance to this proposal. The most recent application for this site was;

P0018.11 - Part change of use of former car showroom to form a Class A1 retail unit, alteration to front forecourt layout and the front facade of the building Approved subject to conditions.

P0636.11 - Variation of condition 4 of P0018.11- to extend store trading hours between 7.00am to 11.00pm any day - Approved

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 26 adjoining occupiers with six letters of representation being received. The letters raise objection to the application on the grounds of overlooking from the additional floor, lack of car parking, highway safety, additional noise and impact on existing local shops.

The Councils StreetCare Service raises no objection in respect of highway or parking issues.

The Councils Environmental Health Service raises no objection subject to planning conditions.

The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues BUT recommends that planning conditions are imposed.

RELEVANT POLICIES

Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are Policies CP4 (Town Centres), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC32 (Road Network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Crime).

Policies 2A.8 (Town Centres), 3C.1 (Integrating Transport and Development), 3C.21 (Walking), 3C.22 (Cycling), 3C.23 (Parking Strategy), 3D.1 (Supporting Town Centres) and 4B.1 (Design Principles) of the London Plan are further material considerations, together with Government Planning Policy contained within Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), Planning Policy Guidance Note 13 (Transport) and Planning Policy Guidance Note 24 (Planning and Noise).

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STAFF COMMENTS

The main issues to be considered by Members in this case are the principle of development, density and layout, design/street scene issues, amenity implications and parking and highways issues.

PRINCIPLE OF DEVELOPMENT

The application site is designated in the Local Development Framework as falling within The Drill Corner Minor Local Centre. Policy DC16 advises that within the borough's Minor Local Centres retail uses and other uses appropriate to a shopping area will be granted planning permission. The proposed retail use would accord with the provisions of this policy and bring back into use part of a building which has been vacant for two years. Staff are of the view that the proposed use would compliment and support the existing shopping function of the local centre.

Government planning policy contained within PPS4 acknowledges that new retail uses can increase vitality and viability of local centres and meet the government's objectives for prosperous economies. Furthermore advice contained within PPS1 encourages Local Planning Authorities to actively ensure that vacant and underused land and buildings are brought back into beneficial use to achieve the targets the Government has set for development on previously developed land.

The proposal would also contribute to the objectives of the London Plan Policy 3D.1 for supporting town and local centres. Having regard to the above the proposal is broadly supported by national planning guidance providing all other material considerations are addressed.

The upper floor of the building is currently vacant but was most recently used as offices. Staff raise no objection to the loss of the existing offices as there is no policy presumption for them to be retained in this location. In respect of the proposed change of use to form residential units the Council has no policies covering the use of upper floors in local centre locations. The policy presumption outlined by Policy CP1 is such that new housing development is normally directed outside of allocated or designated areas. Notwithstanding this the provision of residential accommodation to the upper floors of local shopping parades is considered to be acceptable in principle having regard to Government guidance which seeks to encourage a variety of uses within town and local centres. Having regard to this staff also raise no objection in principle to the proposed upper floor extension also to form residential units. The proposal would contribute to the Mayor's London Plan objective of increasing the overall supply of housing.

DENSITY/SITE LAYOUT

Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, the application site falls within the Gidea Park PTAL zone where a density of development of 30-65 units per hectare is anticipated. The proposal would result in a density of 45 units per hectare based on a site area of 0.11 hectares. The proposed density of development would fall comfortably within the identified range and as such is considered to be acceptable.

The proposal would see the first floor of the building converted to form three flats with the creation of a second floor extension to create a further two flats. In respect of the conversion element of the scheme consideration must be given to the provisions of Policy DC4 which sets out a number of criteria for proposals involving conversions to form residential accommodation. Policy DC4 requires that each flat should be adequately sized, self-contained and with reasonable outlook and aspect.

The proposed flats are considered to be adequately sized and are self-contained. The flats have

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a reasonably open aspect and the attractiveness of these units as living accommodation would be a matter of choice for the prospective purchasers of the flats. The proposed internal layout is considered to be acceptable in terms of the stacking between the proposed first floor and second floor units. Concern is raised however by the fact that the living area for flat 2 would adjoin a bedroom within flat 1. Policy DC4 advises that the living rooms of new units should not abut the bedrooms of adjoining dwellings. Whilst this can be mitigated through soundproofing, it could nonetheless result in an unsatisfactory living environment. However, future residents would be aware of the situation prior to occupation. Staff are also mindful of the fact that a lower level of amenity is generally afforded to living accommodation in town and local centre locations where the environment is expected to be different to that of a purely residential area. As a matter of judgement, subject to a condition requiring sound attention, the proposal is considered to be acceptable in this respect.

The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For flatted developments the SPD seeks both communal amenity space and balconies. In this case the proposal would see the provision of five residential units above existing commercial premises within a local centre location. Given the location of the proposed flats, the units are unlikely to be occupied by families and future occupiers would not necessarily expect their own private amenity space. Consideration must also be given to Government guidance which encourages local authorities to be flexible with standards in order that residential accommodation can be provided in locations of this nature. Staff are of the view that the absence of amenity space is acceptable in this instance.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Given that the application building has been vacant for some time the exterior of the building has not benefited from regular maintenance resulting in the façade appearing tired. The proposal would result in the refurbishment of the existing building including the installation of new windows and doors, new shop fronts and the application of a render finish to the exterior walls at ground floor level and a portion of the first floor. No objection is raised to these works which would in staff's view enhance the appearance of the building. The submitted plans indicate a proposed signage zone on the front elevation of the building however any advertisements would be subject to separate application(s).

The proposal also involves the creation of an additional floor over the front portion of the building in the form of a mansard style roof extension. Policy DC61 advises that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. To this end proposals should respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. The character of the surrounding area is drawn predominantly from a mixture of two storey buildings with either flat or hipped roofs.

The subject building is presently of a comparable height to the adjoining two storey housing to the south owing to the ground floor ceiling height being higher than that of a residential building. The proposal would result in the upper floor extension being 1.5 metres taller than the adjoining semi-detached properties to the south at nos. 391 & 393 Brentwood Road and 1.9 metres taller than the existing buildings fronting Heath Park Road to the north. Staff acknowledge that the proposed additional floor has been designed in manner which would keep its overall height to a minimum. A consequence of this is however that the proposed upper floor would in staff's view fail to relate to the design and form of the existing building. The proposed upper floor would appear somewhat shallow in terms of height. Staff are of the view that the submitted revised plans do not address this concern.

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The proposed extension would be set away from the southern end of the building in order to concentrate the bulk and mass of the new upper floor towards the centre of the building. Notwithstanding this staff are of the view that the proposed additional floor would appear at odds with the existing building and street scene. Staff are of the view that the proposed upper floor extension would be unacceptably harmful to the street scene thereby being contrary to Policy DC61. At the Committee on 3rd May Members questioned whether the proposed reason for refusal would stand up in the event of an appeal being lodged. It is for this reason that staff have amended the reason for refusal to more accurately reflect staff's concerns.

Staff acknowledge that planning permission has recently been given for a new flatted development on the eastern side of The Drill Roundabout which comprises a two storey building with pitched roof. Whilst this building is of fairly substantial width the height would be less than the proposed upper floor extension and the proposed pitched roof was judged to provide a more acceptable relationship with adjoining houses. The applicant has also drawn staff's attention to The Drill Public House as being a tall building in the vicinity of the site. Indeed a cross sectional drawing submitted with the application does show that the public house is taller than the proposed upper floor extension. The issue for staff is however not how high the resultant building would be but how it would be seen in the context of the lower two storey buildings which it would adjoin.

IMPACT ON AMENITY

The committee report as presented to Members on 3rd May gave an analysis of the potential impact on residential amenity from proposed opening hours for the ground floor retail unit. Given that no occupier had been identified it was recommended that in event Members were minded to grant planning permission a condition be imposed restricting the opening of the retail unit between 0800 and 2100 on any day. Since this application was first presented to Members a separate planning application to vary the opening hours condition attached to application reference P0018.11 has been submitted by Tesco. This application (reference P0636.11) was subsequently approved allowing opening between 0700 and 2300 on any day. Were Members minded to grant this application it is recommended that an hours of opening condition be imposed to mirror the condition imposed on P0636.11.

In view of the fact a tenant for the proposed retail unit is unknown at this stage a condition can be imposed to require details of any plant and machinery such as air-conditioning units or fridge cooling systems. In order to ensure that this equipment does not result in noise nuisance the condition stipulates a standard which any such equipment must meet.

The proposed additional floor would be positioned over the front portion of the existing building and as such would be largely removed from adjoining residential properties to the rear. The existing building is positioned directly onto the rear boundary shared with those properties fronting onto Heath Park Road. The proposed additional floor would be set back approximately 7 metres from the rear boundary and 17 metres from the nearest adjoining residential property. The proposed roof extension would be set back from the flank site boundaries and as such no material harm would result to the amenity of adjoining occupiers in Brentwood Road to the south. Having regard to the location of the additional floor and its separation staff are of view that this aspect of the proposal would not have a harmful impact on adjoining properties.

The proposed internal layout of the first and second floors has been designed for the most part with a corridor to the rear. The windows serving this corridor could be conditioned with obscure glazing to prevent views rearwards over adjoining garden areas. To the first floor flat 1 would have a rear facing bedroom and bathroom window with flat 3 having two rear facing kitchen

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windows. The proposed bathroom and kitchen windows could be conditioned with obscure glazing. In the case of the proposed bedroom window to flat 1 this would be located at the greatest distance from the rear site boundary and would primarily provide a view over the ground floor roof area. Staff are of the view that this window is acceptable and would not result in unacceptable levels of overlooking. In respect of the proposed second floor extension all rear facing windows would be capable of being conditioned with obscure glazing. The remainder of the windows to the upper floor of the building would have towards the street. Staff are of the view that the proposal would not result in a loss of privacy to adjoining occupiers.

HIGHWAY/PARKING

Policy DC36 seeks to ensure that new developments, including changes of use, make adequate provision for servicing. The application site is located on Brentwood Road which is busy route through the area. Brentwood Road is subject to a fairly consistent amount of traffic throughout the day with the road forming the route of two bus services. Given the nature of the road and the location of the application site adjacent to The Drill roundabout on street servicing is not judged to be an ideal situation. Mindful of this the applicant has undertaken pre-application discussions with the Council's Highway Engineers and a new layby is proposed as part of this application. The proposed layby is intended for use by vehicles making deliveries to the proposed retail unit. Staff raise no objection to the provision of a layby in this location and consider that it would enable servicing of the retail unit to take place without obstructing the highway. In the event that this application were to be approved the layby would, upon completion, be incorporated into the public highway allowing the Council to introduce any parking or loading restrictions deemed appropriate using its Highway powers.

Car parking standards contained within the LDF recommend the provision of one off street parking space per 30 square metres of floor space for a retail shop in a local centre location. The proposal would result in a retail floor space of 381 square metres which equates to a recommended maximum parking provision of 12 spaces. The proposal would provide no dedicated off street parking for the proposed retail unit however the proposed lay-by, as described above, would be capable of accommodating up to four cars during times when the layby is not required for a delivery.

The proposal would provide car parking at a rate below that recommended in the LDF. The Council's parking standards are maximum standards and as such it is appropriate to apply them flexibly having regard to site specific circumstances. Consideration should also be given to Government planning policy which encourages local planning authorities to be flexible with parking standards in areas where effective on-street parking control is present or can be secured.

Staff knowledge of retail shops of a comparable size to that proposed in other minor local centre locations is that the majority of customers arrive by foot as they are likely to live within close proximity of the shop. In reaching a conclusion on the acceptability of this proposal from a parking perspective staff have given consideration to a recent appeal decision for 77-79 Butts Green Road (application reference P1649.09). This application proposed the extension of an existing shop to form a Tesco Metro format store with the resultant floor space being comparable with this application. The appeal was dismissed based upon the impact of the extension on an adjoining property. In respect of parking the proposal made no provision for off street parking. In reaching a decision on the acceptability of the proposal the Inspector had regard to the location of the site being fairly well served by public transport and the availability of some on street parking opportunities in the wider area.

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At the time of this application a study was undertaken by the Council's Highway Engineers of the existing Tesco Metro store at Ardleigh Green in order that some comparisons could be made. Staff are of the view that the findings of this study are useful in reaching a judgement on the acceptability of parking provision for this application. The Engineers observed the store for a half hour period on a weekday during which time it was observed that no customer arrived by car to purchase goods from the store.

The application site is located in an area where a number of parking controls are present. The section of Brentwood Road outside the application site is presently controlled by a single yellow line which applies Monday to Saturday between 0830 and 1830. Nearby roads including Heath Park Road, Slewins Lane, Manor Avenue and Balgores Lane are also subject to single yellow line parking restrictions at varying times of day. During periods when this restriction is in force the nearest potential on street parking available to customers is within Heath Park Road (58 metres from the site) or Manor Avenue (92 metres from the site) where there are several blocks of parking bays. These parking bays are for disc parking only between the hours of 0800 and 1830 Monday to Saturday. Outside of these hours the bays are available for non disc holders. Having regard to the presence of on street parking controls staff are of the view that any potential on street parking would be adequately controlled. Were vehicles to park on street outside of these hours staff are of the view that this would not be materially harmful to the free flow of the public highway.

The retained portion of car showroom would not benefit from off street parking provision however this situation is no different to when the whole building operated as a car showroom for the Heath Park Motor Company. Given the relatively small scale of the retained showroom area deliveries of vehicles by transporter are unlikely to occur on a regular basis as they did when the Heath Park Motor Company occupied the entire building. When deliveries are made vehicles would be able to utilise the proposed lay-by or park on street (as previously) outside the hours of parking controls. Staff are of the view that the parking and servicing arrangements for the retained car showroom are acceptable.

The proposal would see the six parking spaces provided to the forecourt area dedicated to the proposed flats resulting in one space per unit plus one visitor space. Policy DC2 recommends the provision of 2-1.5 parking spaces per unit in this location. The proposed development would therefore provide parking at a ratio below that advised by Policy DC2. As explained above Government guidance contained within PPS3 places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible in allowing housing developments with limited or no off-street car parking in areas with good public transport accessibility and where effective on-street parking control is present or can be secured.

In this instance staff are of the view that a reduction in the parking standard would not be materially harmful in this location as there are existing on street parking controls in place as described above. The application site is also located on several bus routes and within walking distance of Gidea Park railway station. In the event that this application were being recommended for approval staff would seek that the applicant enters into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

LDF Policy DC36 seeks to ensure that cycle parking is provided by applicant's in order encourage sustainable forms of transport. In this case whilst the applicant has not indicated cycle parking on the submitted plans however sufficient space would be available to the forecourt area for this to be provided. This could be secured via planning condition.

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OTHER ISSUES

Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the submitted plans indicate that dedicated internal refuse store areas would be provided accessed directly from the front of the building. Staff are of the view that this arrangement is acceptable however further details could be secured via planning condition.

KEY ISSUES/CONCLUSIONS

In conclusion, the proposed partial change of use of this former car showroom to form a retail unit would bring back into use part of a building which has been vacant for two years. The proposed use is considered to be compatible with the surrounding area and is supported in principle by LDF Policy DC16. In view of this staff are of the view that the proposal would improve the vitality and viability of this part of The Drill Corner Minor Local Centre.

Staff are raise no objection in principle to the provision of residential units to the upper floor of the building. Notwithstanding this concern is raised by the impact of the proposed upper floor roof extension in the street scene which staff consider would be contrary to Policy DC61 despite the submission of revised plans. The proposed improvement works to the façade of the building are judged to be acceptable. The proposal is judged to be acceptable in respect of potential impact on adjoining residential properties subject to the imposition of planning conditions.

In respect of parking and highway matters the proposal would provide a lay by to the forecourt of the site which would be capable of accommodating delivery vehicles for the proposed retail unit. Staff are of the view that the proposed lay by would provide an acceptable means of servicing the site without causing obstruction to the highway. In respect of parking the proposal would provide no off street parking for the proposed retail unit however staff are of the view that this is acceptable having regard to the site specific circumstances. These include the presence of on street parking controls and the proximity to local bus routes.

A total of six parking spaces are proposed for the five upper floor flats. Whilst this would be a rate below that recommend in Policy DC2 staff consider this to be acceptable subject to the applicant entering into a legal agreement to prevent future occupiers from applying for residents parking permits in any current or future Controlled Parking Zone scheme.

Having regard to all material planning considerations, it is recommended that planning permission be refused.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed roof extension would, by reason of its height, bulk and mass fail to relate to the existing building and would therefore appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. REFUSAL - Non Standard

In the absence of a legal agreement to prevent future occupiers from obtaining resident parking permits the proposal is likely to result in the unacceptable overspill of cars onto

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the adjoining roads to the detriment of highway safety contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- 1 The applicant is advised that in order to address reason for refusal number 2 the Council will be looking to prevent future occupiers from obtaining parking permits through a legal agreement in the event of an appeal or a resubmission.
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| | | |
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| APPLICATION NO: | P0229.11 | |
| WARD : | Cranham | Date Received: 15th February 2011 |
| ADDRESS: | The Moorhens Acacia Gardens Upminster | |
| PROPOSAL: | Hardstanding for access to stables for delivery of hay and food; access to stables for vet and emergency services. Revised plans received 10-05-2011 | |
| DRAWING NO(S): | Site plan and proposed gate 2011/04/02 Rev A | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

SITE DESCRIPTION

The application site is located at the eastern, cul-de-sac end of Acacia Gardens, Upminster. It is roughly rectangular and comprises a block of stables to the far (eastern end) with two areas of grass separated by fencing to the west of the application site. The site area is 0.095ha. A vehicle access provides access to a shared area before exiting onto Acacia Gardens, the adopted highway to the west. The site is within the Metropolitan Green Belt.

The applicants own a larger area of land of which The Moorhens forms part and includes Laburnham Stables which has a separate public highway access to the south from Laburnham Gardens. Laburnham Stables comprises an "L"-shaped stable block and 3 mobile homes occupied by family members. There is direct vehicle access from Laburnham Stables to the rear of The Moorhens (application) site, albeit on natural ground.

The surrounding area is characterised to the west with one and two-storey housing to Acacia Gardens, Laburnham Gardens and Fairholme Gardens. The application site is otherwise surrounded on its remaining sides by open fields also in the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is for hardstanding to provide improved access to the existing stables. This would consist of a 37m long, 4m wide driveway along the northern edge of the application site with a turning head/temporary large parking bay at the western end together with a hardstanding area to the south of the stables located adjoining the northern boundary; this latter area of approximately 170 sq.m.

It is proposed to provide the driveway and turning head with a shingle surface and the hardstanding between the two stables as a grass-crete surface, removing an existing concrete plinth.

The applicant indicates that existing boundary planting will be improved and supplemented, although no planting is shown to be within the application site boundaries.

The applicants have submitted a supporting statement including a letter from their vet and a letter from their horse feed supplier.

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The case for special circumstances put forward by the applicants can be summarised as:

- the Moorhens is a long established horse stables (approximately 80 years)
- the proposal would improve the attractiveness of the stables facility and make it more financially viable and easier to maintain
- there is no form of surface water drainage
- flooding in the winter months on the grassed area between the stables and the entrance means that the vet cannot treat the animals at their stables or even within the application site boundaries.
- the farrier is also affected by the lack of hardstanding/access within the application site as his vehicle is too big and cannot turnaround in the existing narrow highway turning head such that he has to shoe horses on the public highway causing disturbance to adjoining residential occupiers
- the feed provider indicates that he delivers 3-4 tons of horse feed in an 18-ton rigid HGV every 3-4 weeks. The applicant indicates that it is preferable that the feed is delivered directly to the feed stores which form part of each stable block but that flooding and lack of hardstanding, access and turning head prevent this currently
- access is also difficult for vehicles pulling horse trailers
- the applicant indicates that he/his son regularly attend the horses via the highway (rather than from their rear access) but that their 4 x 4 has also become stuck in the boggy conditions.

A letter has been submitted by the applicant from an Upminster resident indicating that as a child/young adult she lived in Acacia Gardens and for some time kept a horse at the stables with the then owner's permission and that there were two stables blocks at the application site at that time.

There is an access gate shown on the plans, nonetheless at 1m in height (located adjacent to the highway) this does not require planning permission. There are also indications of new fencing to the proposed paddock area, at 1.35m in height this would be within the 2m height allowance, and also does not of itself require planning permission.

While a second stable block to the southern boundary is shown on the plans, the applicant has not included this in the description of the development such that it does not form part of the current application. The applicants have indicated that the second stable block has suffered from damage and is currently under repair before re-erection. However, as there is currently no second stable block at the application site, it has not been considered for the purposes of this application for hardstanding/driveway and turning areas and may require separate consent.

RELEVANT HISTORY

None. However see background section below re Enforcement Notice.

CONSULTATIONS/REPRESENTATIONS

25 adjoining occupiers were notified of the proposal. A Site Notice was posted and a Press Notice was placed in "Living" Magazine. 8 responses have been received objecting to the proposal on the following grounds:

- the land is green belt and should not be concreted over or gravelled
- the applicant has tried hardstanding part of the site before, been served with an enforcement notice, the subsequent appeal was dismissed and the hardstanding was subsequently removed and the grass replaced in line with the enforcement notice; this proposal is no different and should also not be allowed
- local residents benefit from the open amenity afforded by the greenbelt at this point and this proposal would mar their amenity

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- the distance from the highway is relatively short and should not be used as an excuse for the provision of hardstanding on a green belt site
- the applicant also owns Laburnham Stables nearby where feed providers and vets can provide their services without the need to have a second area of hardstanding at The Moorhens
- Any hardstanding is likely to attract the open storage of vehicles, equipment, trailers etc to the detriment of the open green character of the site
- severe flooding is caused by a high water table, any even semi-permeable hardstanding would exacerbate this local problem
- the previous Stables' owners never needed hardstanding to look after horses; why now ?
- it would set a precedent to other local field owners
- fears that the applicant will use the site for the siting of further mobile homes for his family; as existing at Laburnham Stables to the south of the application site
- there is only one stable block at the site with only 2 horses, not two as shown on the plans and the proposal represents a significant increase in the level of activity and use of this site
- the reasons given to support the application are not valid; an adjoining occupier stabled his horse at The Moorhens for four years and did not have any of the problems the applicants have identified with vets, food deliveries or other emergency services
- Acacia Gardens cannot tolerate any further traffic and is itself in desperate need of resurfacing to cope with existing requirements

Councillor Gillian Ford has written to object to the proposal on the grounds that the occupants have been granted a three-year term to site their mobile homes on Green Belt land (Planning ref. P0129.08) subject to this being for a limited period expiring on 22nd December 2011. As this permission ceases in December 2011 the application does not represent "special circumstances" to develop further on Metropolitan Green belt land and it would therefore be unacceptable for this application to be granted planning permission.

RELEVANT POLICIES

LDF: DC33, DC36, DC45, DC61

The London Plan: 3D.9

Other: PPG2 (Green Belts)

STAFF COMMENTS

The main issues are the principle of the development, its impact on visual amenity in the streetscene and on the open character of the Metropolitan Green Belt, its impact on residential amenity and highways/parking issues. If harm is identified, then the case put forward by the applicants as "special circumstances" will be considered in detail.

BACKGROUND

An Enforcement Notice was served in 2004 following the laying out of a hardstanding area of 20m by 20m (400 sq.m) at The Moorhens, adjoining the vehicular access onto the highway, without the necessary planning permission. The notice required the removal of the hardsurfacing and the restoration of the land to grass/paddock. The applicant appealed against the notice, nonetheless the appeal was dismissed and the applicant subsequently removed the area of hardstanding.

Unusually, the applicant did not appeal under "Ground A" and therefore the Planning Inspector did not consider whether the hardstanding would have been granted permission, should a planning application have been made. Following the appeal decision, the applicant did not make a planning application but chose to remove the hardstanding in accordance with the

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enforcement notice.

This application therefore is the applicant's first planning application for hardstanding at The Moorhens which will be considered on its planning merits, notwithstanding the Enforcement History.

Planning permission P0129.08 included the current application site within its site boundaries, and was for the retention of 2 mobile homes to the south of the site in the part of the applicant's ownership known as Laburnham Stables. This was granted a temporary consent for 2 years until December 2011, but does not affect the applicants' own mobile home which is the subject of an earlier permanent, personal consent (P1733.01).

PRINCIPLE OF DEVELOPMENT

Policy DC45 indicates that the Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives and will grant permission for uses which include outdoor recreation. The stables are an established use of the site and the policy indicates that new buildings will only be granted if they are essential for the acceptable uses. The proposal is for ancillary development of hardstanding in association with the stable block.

PPG2 indicates at para 3.4 that "The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

...essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below)..."

"3.5 Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation."

And, at para 3.12 "The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt."

The stables is an existing use within the green belt, and, in line with PPG2 is considered to be an essential facility for outdoor sport and recreation. The proposed development of hardstanding falls to be considered as an "other operation" which would be inappropriate development unless it maintains openness and does not conflict with the purposes of including land within the Green Belt. This is considered in greater detail below.

GREEN BELT IMPLICATIONS

The proposed development would result in the provision of hardstanding over an area of approximately 490 sq.m, including 170 sq.m adjoining the stable block.

It is proposed that the hardstanding would be provided as shingle and grass crete (adjoining the stable block). While the hardstanding would be limited to a driveway and turning areas/large temporary parking bay with the grasscrete area partly replacing an existing concrete apron, it would be significantly different to the existing grassed paddock areas.

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A paddock area of just over 400 sq.m would be retained together with a grassed area of approximately 90 sq.m adjoining the entrance gate. The proposed hardstanding would be at ground level such that in longer views towards the application site, particularly from the vista along Acacia Gardens, the materials and extent of hardstanding would not be particularly visible and views would not be closed in with buildings. Staff therefore consider that in these longer views that there would be no significant change to the general open feel of the application site.

However, public views of the site extend to within a few metres of the application site. Staff consider that the proposed extensive use of hard materials on around half of the ground surface of the application site would have a visibly urbanising effect on the verdant character/rural nature of the green belt at this point. Staff therefore consider that the proposed development would result in harm to the character of the Green Belt at this sensitive location directly adjacent to the urban edge.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed driveway would be visible from the public highway and would appear at least to a degree as an extension to it. The use of shingle is preferable to non-natural materials such as concrete and grasscrete will allow at least the far end of the site to retain a grassed appearance.

Nonetheless at just under 500 sq.m of hardstanding, it would cover roughly half of the application site and it is considered that the proposal would therefore detract from the rural verdant character of this end of Acacia Gardens which is in the green belt.

The applicants have indicated that further tree planting could take place to the boundaries of the site, nonetheless none is shown within the site boundaries and none could be provided to screen the view of the site in the long vista of Acacia Gardens.

While it is recognised that the hardstanding would be laid at ground level, it would be visible in the streetscene and would, Staff consider, have an adverse impact on visual amenity in the streetscene.

IMPACT ON AMENITY

The nearest residential properties are No.s 35 and 44 Acacia Gardens. The proposed hardstanding works would not change the use of the application site. While as a result there may be increased use of the existing stables, due to the improved facilities on offer, it would appear that the stables facilities did at some stage in the past also offer a greater level of activity.

The provision of a turning head within the application site would remove the existing poor arrangement which results in vehicles either having to back up Acacia Gardens to enable unloading or having to park on the highway to provide care including shoeing of the horses being undertaken on the highway, causing congestion and noise/disturbance to existing occupiers.

Staff consider that the proposed hardstanding would reduce the level and proximity of noise and disturbance to the adjoining occupiers, such that there would be no significant harm to residential amenity.

HIGHWAY/PARKING

There are no specific parking standards for stables. One long temporary parking space would be provided and the site would be capable of ensuring that any servicing vehicle could enter and leave in forward gear.

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The proposal would remove existing associated parking on-street, in particular parking which occurs in the turning head.

It is considered that the proposed development would be acceptable in both parking and highways terms.

OTHER ISSUES

The Case for Special Circumstances:

It is considered that the proposed development would be unacceptable in principle and that other harm would arise to the open character of the green belt and in relation to harm to visual amenity in the streetscene. Since harm has been identified the case put forward by the applicants as "special circumstances" is now considered in detail below:

- the Moorhens is a long established horse stables (approximately 80 years)

Staff Comments: This is understood to be a matter of fact and does not of itself amount to very special circumstances to allow the proposed development

- the proposal would improve the attractiveness of the stables facility and make it more financially viable and easier to maintain

Staff Comments: The proposal would result in improvements, nonetheless this should not be at the expense of the green belt. It is accepted that the stables are an established feature as a matter of fact and that the proposed drive and turning head would allow easier access for both servicing and customers. The applicants have an existing stables at Laburnham Stables to the south of the application site and it is recognised that this would increase the use of the green belt where equestrian uses are considered to be appropriate, in particular for leisure and recreation in line with PPG2.

- there is no form of surface water drainage and provision of such drainage would not overcome the current problems

Staff Comments: It would appear that there is either a high water table or the soil is of clay such that adjoining neighbours confirm that surface water flooding (particularly after heavy or prolonged rainfall) is a problem in Acacia Gardens. Either way, flooding is an issue for the site and the care of the animals housed there.

- flooding in the winter months on the grassed area between the stables and the entrance means that the vet cannot treat the animals at their stables or even within the application site boundaries.

Staff Comments: Access for care of the horses is necessary for their wellbeing and welfare. It is appropriate that care is undertaken on site and that the vet can get as close to the animals as possible, given that at least on some occasions, the horses would be lame or unable to move due to injury or illness.

- the farrier is also affected by the lack of hardstanding/access within the application site as his vehicle is too big and cannot turnaround in the existing narrow highway turning head such that he has to shoe horses on the public highway causing disturbance to adjoining residential

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occupiers

Staff Comments: It is understood from previous details submitted that the applicant's son is a trained farrier. The vehicle used by the farrier cannot enter and leave the site in forward gear as it is too big. The proposal would result in the removal of the vehicle from having to park and undertake shoeing etc. on the public highway which would improve highway safety and reduce noise, inconvenience and disturbance to occupiers at the cul-de-sac end of Acacia Gardens.

- the feed provider indicates that he delivers 3-4 tons of horse feed in an 18-ton rigid HGV every 3-4 weeks. The applicant indicates that it is preferable that the feed is delivered directly to the feed stores which form part of each stable block but that flooding and lack of hardstanding, access and turning head prevent this currently.

Staff Comments: The proposed driveway and turning head would result in the removal of the vehicle from having to park on the public highway which would improve highway safety and reduce noise, inconvenience and disturbance to occupiers at the cul-de-sac end of Acacia Gardens.

- access is also difficult for vehicles pulling horse trailers

Staff Comments: These combined vehicle/trailers are larger vehicles. The provision of the proposed driveway and turning head within the application boundaries would remove the necessity to park these, at least during surface flooding periods, on the public highway.

- the applicant indicates that he/his son regularly attend the horses via the highway (rather than from their rear access) but that their 4 x 4 has also become stuck in the boggy conditions

Staff Comments: 4 x 4 vehicles can normally deal with boggy conditions. Nonetheless with the problems identified the ability to park and access the stables directly would be of benefit.

Staff consider that the existing use is an appropriate use in the green belt which provides urban dwellers with access to an open leisure activity. The proposed development of hardstanding would enable better and easier access which would both improve the facility for users and also significantly improve the health and wellbeing conditions of the animals (horses) involved since vets and farriers will be able to care for the horses close to their living accommodation all year round. The proposal would also relocate large vehicles which currently have little option but to park on the public highway such that the proposal would remove a safety concern for the horses, care-providers and other road users. Staff therefore consider that the circumstances put forward by the applicants do amount to the Very Special Circumstances necessary to allow the development of hardstanding at the above site, in accordance with PPG2.

KEY ISSUES/CONCLUSIONS

The proposal would be inappropriate development in principle. Harm has been identified to the rural character of the area and visual amenities in the streetscene and a Case for Special Circumstances has therefore been considered. Staff consider that the Case put forward amounts to very special circumstances to override the presumption against development in the green belt and therefore that the proposed development would be acceptable and in accordance with Policies DC33, DC36, DC45 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and PPG2 (Green Belts).

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
3. M SC09 (Materials)
4. Non standard condition
The hardstanding hereby permitted shall only be used for the parking and turning of vehicles in connection with, and ancillary to, the existing stabling and care of horses.

Reason: To ensure that the use of the site remains compatible with its location within the Metropolitan Green Belt in accordance with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD.

2 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Draft Residential Extensions and Alterations SPD and Policies DC45 and 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.

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| APPLICATION NO: | P0369.11 | |
| WARD : | Havering Park | Date Received: 21st March 2011 |
| ADDRESS: | Rydal Mount North Road Havering Atte Bower Romford | |
| PROPOSAL: | Proposed orangery to rear elevation and decking. | |
| DRAWING NO(S): | Drawing 2 of 4 Drawing 3 of 4 Drawing 1 of 4 Drawing 4 of 4 | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

SITE DESCRIPTION

Two storey detached house in North Road, Havering-atte-Bower. The site is within the Metropolitan Green Belt and the Havering-atte-Bower Conservation Area. The rear garden slopes downhill.

DESCRIPTION OF PROPOSAL

The proposal is for a proposed orangery to the rear elevation and decking.

The orangery would have a depth of 4 metres, a width of 9.8 metres and a flat roof with a height of 3 metres (not including the jack lantern).

The proposal features a decking platform with a height of 0.5 metres directly adjacent to some bi-folding doors in the centre of the orangery.

RELEVANT HISTORY

P0964.05 New build dwelling in replacement of former bungalow Approved.

P1336.07 Proposed replacement of existing bungalow with new two storey house Approved.

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which could affect the character or appearance of Havering-atte-Bower Conservation Area and is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents. Neighbouring occupiers were consulted and no letters of representation have been received.

RELEVANT POLICIES

The Residential Extensions and Alterations Supplementary Planning Document is relevant. Relevant policies from the LDF Development Control Policies Development Plan Document are DC45 Green Belt, DC61 Urban Design and DC68 Conservation Areas. Consideration should also be given to the provisions of PPG2 (Green Belts) and Havering-atte-Bower Conservation Area Character Appraisal and Management Proposals.

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STAFF COMMENTS

For the purposes of this application, the Planning Officer's calculations have been used to determine this application.

GREEN BELT IMPLICATIONS

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 3.4 of PPG2 states that "limited extension, alteration or replacement of existing dwellings" is not inappropriate providing the advice in Paragraph 3.6 is heeded. Paragraph 3.6 states that extensions should "not result in disproportionate additions over and above the size of the original building."

The previous dwelling had a volume of approximately 396 cubic metres and the replacement dwelling increased this to 590 cubic metres, representing an increase in cubic capacity of approximately 49%.

The Case Officer calculated the volume of the orangery and it would result in an increase in cubic capacity of the existing dwelling by approximately 20% (or a volume of 118 cubic metres). Therefore, the combined volume of the replacement dwelling and the proposed orangery is 69%.

Policy DC45 states that extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. Having carefully considered the merits of this planning application, the proposed development is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within PPG2.

CONSERVATION AREA

The application site is located within the Havering-atte-Bower Conservation Area. The statutory duty applied to planning authorities in the exercise of their planning functions in conservation areas is set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". This aim is reflected in Policy DC68 of the LDF Development Control Policies Development Plan Document.

Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where:

- it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area
- it preserves or enhances the character of the Conservation Area and is well designed
- it does not involve the loss of trees which contribute towards the character of the Conservation Area

It is considered that the proposal would not be harmful to the character and appearance of the Havering-atte-Bower Conservation Area, as the orangery is single storey and would not be visible from the streetscene. Furthermore, it is considered that the proposal has been designed in sympathy with the existing dwelling.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

The orangery and decking would be located to the rear of the dwelling and would be partially screened by the flank wall of the neighbouring property Wakefield and a 1.8m high (approx.) timber paling fence on the south western boundary. The orangery and decking would not be visible from the streetscene.

IMPACT ON AMENITY

It is considered that the proposal would not result in a significant loss of amenity to neighbouring properties, as the orangery and decking would replace an existing raised decking area. It is considered that the neighbouring property Wakefield would not be adversely affected by the proposal, as it has a staggered building line whereby the front of this dwelling is in general alignment with the rear building line of Rydal Mount.

It is considered that the neighbouring property Stanley House would not be adversely affected by the proposal, as it has a single storey rear projection, which would partly mitigate the impact of the orangery and decking. In addition, the proposal would be partly screened by a 1.8m high (approx.) timber paling fence on the south western boundary.

It is noted that the decking platform would be located directly adjacent to some bi-folding doors in the centre of the orangery, which increases the separation distance between the decking and neighbouring properties. The orangery does not feature any flank windows. It is considered that the proposal would not create any additional overlooking over and above existing conditions.

HIGHWAY/PARKING

It is considered that the proposal would not create any highway or parking issues. There is space for three to four cars on hard standing to the front.

KEY ISSUES/CONCLUSIONS

Having carefully considered the merits of this planning application, the proposed development is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within PPG2.

It is considered that the proposal would not result in a loss of amenity to adjacent occupiers and would not create any highway or parking issues. Accordingly it is recommended that planning permission be approved.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. S SC48 (Balcony condition)

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3 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45, DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations Supplementary Planning 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.

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| | | |
|-------------------------|--|--------------------------------------|
| APPLICATION NO: | P0554.11 | |
| WARD : | South Hornchurch | Date Received: 1st April 2011 |
| ADDRESS: | Business Innovation Centre CEME Campus Marsh Way Rainham | |
| PROPOSAL: | Change of Use of c. 160sq.m. of Business Innovation Centre from B1 (Business) use to D1 (Education) use | |
| DRAWING NO(S): | 11.146/PL01; -PL02 | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

SITE DESCRIPTION

The application site forms part of the existing Business and Innovation Centre (BIC) at CEME Campus development, the Centre for Engineering and Manufacturing Excellence at Marsh Way. The BIC building is arranged on two-storeys with a ground floor reception and rooms of different sizes which are located on either side of the Central corridors. The application "site" is formed of 4 independent, lockable rooms. While not specifically included, the shared access and facilities/refreshment rooms are available to occupiers of any of the rooms. The rooms are located at the eastern end on the first floor and comprise 160 sq.m in total with three larger rooms and an "office" sized rooms. At the time of the site visit two rooms were provided with seating (a lecture-type room) and one had a large number of tables/chairs and computers with terminals stored in it, another larger room had no furniture and the "office" had some office furniture which was not in use.

Apart from the CEME training building there is also a Creche (to the north -east of the application site) and beyond Marsh Way to the south are industrial and warehousing buildings, which are also the main uses of land to the north of the A13 at this point, although there is also much land which is vacant between the A13 and the A1306 (formerly the A13).

The site lies in the Thames Riverside area and within a Strategic Industrial Location.

DESCRIPTION OF PROPOSAL

The proposal is for the change of use of part of the Office/R&D building known as the BIC to education use. The supporting statement indicates that the proposal is for a company specialising in training students from overseas. As such it has already sought (and gained) accreditation from the Border Control Agency for upto 100 students (40 on site at any one time) for courses in English, Tourism and hospitality and business. The supporting statement indicates that there is a growth industry for this type of education training in the UK.

RELEVANT HISTORY

There is no relevant history. The CEME campus, which opened in 2003, was created by Fords Motor Company to provide training in manufacturing and engineering as well as conference and other training facilities. Currently Havering Council's own training facilities are located in the western wing of the main building.

CONSULTATIONS/REPRESENTATIONS

Adjoining and nearby premises have been notified. A site notice and press notice have been

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issued. There have been no replies.

The Environment Agency have written to advise that they have no concerns regarding flood risk.

RELEVANT POLICIES

LDF: CP3, CP8, DC9, DC11, DC26, DC29, DC48
The London Plan: 3A.24, 3A.25, 3B.1, 3B.4, 3C.23
Other: PPS4

STAFF COMMENTS

The main issues are the principle of the development and highways/parking

PRINCIPLE OF DEVELOPMENT

The proposal would be for the change of use of part of the existing BIC building within the CEME Campus to a D1 use for the training of students from overseas.

Policy DC29 regarding education establishments specifically relates to the provision of primary and secondary education, rather than tertiary education which would be provided here. Therefore Policy CP8 and DC26 are the most relevant community provision policy and Policies CP3 (employment) and DC9 the most relevant for employment opportunities. Policies for community provision, including education and training facilities relate closely to existing and projected future needs, for example in the Thames Riverside area it is identified that such facilities are needed where there is residential development. Apart from Dovers Corner (where permission has been granted on appeal) and the redevelopment of the former Mardyke Estate there has not been the substantial residential development envisaged by the London Thames Gateway Development Corporation, which has now ceased to exist in Havering. The proposal is for overseas students to attend training courses such that this would not meet a local need for such a facility.

Policy DC9 indicates that acceptable uses within the Strategic Industrial Location, within which the site is located, would be B1b, B1c, B2 and B8.

The proposal for a change to a D1 Use is neither generally acceptable in the SIL nor does the training facility meet an existing or projected local need. Whilst CEME is specifically providing education in high end manufacturing and higher technology, the proposal would teach language, tourism, and hospitality in business, which are not specifically related to industrial or warehousing processes. It is nonetheless recognised that the Council's training centre which is located in the main CEME building provides training mainly for public sector employees (in local government) rather than in manufacturing/industry.

Wider economic considerations need to be given weight however and the manager of the BIC advised at the site visit the centre is currently only 50% occupied. She agreed that this was in part due to the current recession but advised that the BIC does not usually have 100% occupancy. It does, nonetheless provide flexible space for start-up industry and its role in assisting small firms should not be underestimated, particularly as the recession lifts.

The applicants have indicated that they are willing to have a temporary permission if this could be for 5 years. In the light of the Ministerial Statement in March 2011 with regard to the taking up of business opportunities, it would be appropriate that this development is granted as it would provide some teaching and administration employment and, very likely some knock on economic

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benefits, for example if students live in the Borough and contribute to the community. The proposal would take up some of the vacant space within the building. It is considered that a temporary permission would not prevent the later return to B1 use, such that it would not preclude start-up business in the longer term.

HIGHWAY/PARKING

CEME is remote in terms of public transport accessibility. There is one bus route which enters the campus and the railway station is some distance away to the north-east. There are a large number of parking spaces, with some specifically allocated to the BIC (7 spaces in total). Most students from overseas are unlikely to have access to private vehicles and would rely mainly on public transport of which this is limited but functional.

It is considered that there are no highway or parking concerns raised by this proposal.

KEY ISSUES/CONCLUSIONS

The proposal would utilise part of a building which is, during the recession, suffering from low occupation. A temporary use for D1, while not meeting any local need would result in some employment and some wider economic benefits. It is considered in line with the Ministerial Statement that permission should be granted, nonetheless as the economy cannot grow without the provision of start-up industry, it is appropriate that only temporary consent is granted for this use. There are no other concerns relating to this proposal.

RECOMMENDATION

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

1. S SC17 (Temporary use) INSERT DATE

This permission shall be for a limited period only expiring on 22nd July 2016 on or before which date the use hereby permitted shall be discontinued and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To retain control over the BIC building so that it can continue to be used for research and development purposes ancillary to the main use of the CEME site for training should economic circumstances improve.

2. S SC19 (Restricted use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be as a post-school training centre and shall be used 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.

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, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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3. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 18:00 on Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. S SC32 (Accordance with plans)

4 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC9, DC26 and DC33 of the LDF Core Strategy and Development Control Policies Development Plan Document and PPS4.

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.

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| | | |
|-------------------------|--|---------------------------------------|
| APPLICATION NO: | P0596.11 | |
| WARD : | St Andrew's | Date Received: 13th April 2011 |
| ADDRESS: | 145 High Street Hornchurch | |
| PROPOSAL: | Change of use from retail (A1) to adult amusement centre (sui generis) | |
| DRAWING NO(S): | RE/11/H1 RE/11/H2 Location plan | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

SITE DESCRIPTION

Three storey mid-terrace with a wallpaper shop at ground floor and residential above. Surroundings: Commercial row of shops with dwellings above. Fentiman Way car park is located to the rear of the site. The site is located within the retail core of Hornchurch Major District Centre.

DESCRIPTION OF PROPOSAL

The application is for a change of use from retail (A1) to an adult amusement centre (Sui Generis).

With regards to employment, the applicant detailed that there would be four full-time and four part-time staff. Opening hours are proposed to be 0900 to 2200 every day (including Bank Holidays).

RELEVANT HISTORY

There is no relevant planning history.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 39 local addresses. One letter of objection was received with detailed comments that have been summarised as follows:

- Inappropriate use in Hornchurch District Centre, which should be reserved for retail, office and hot food uses.
- Anti-social behaviour issues.
- The proposal would be detrimental to the refurbishment/regeneration programme within Hornchurch High Street.
- It should be possible to find a retail user for the site.

In response to the above, comments regarding finding a retail user for the site are not material planning considerations, as each application is determined on its individual planning merits. The remaining issues are covered in the following sections of the report.

Crime Prevention Design Advisor Having consulted the local police Safer Neighbourhood Team, as the premises would be limited to over 18 use only, there are no specific concerns as long as the business would be run in the proposed manner.

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The Council's Environmental Health Department raise no objection subject to the provision of conditions.

Highways Authority - No objection. There are adequate Pay & Display car parks in Hornchurch Town Centre to deal with any parking issues.

RELEVANT POLICIES

Policies DC16, DC23, DC33, DC55, DC61 and DC63 of the LDF Development Control Policies DPD

PPS4: Planning for Sustainable Economic Growth

PPG13: Transport

Policies 3C.24, 3D.1, 3D.2 and 3D.3 of the London Plan

STAFF COMMENTS

The issues raised by this application are the principle of development, the impact on amenity and parking/highway issues.

PRINCIPLE OF DEVELOPMENT

The application site is located within the retail core of Hornchurch Major District Centre. Policy DC16 states that service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Not more than 20% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

This policy is intended to maintain the viability and vitality of the town centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. At the same time, it recognises that uses such as banks, building societies and restaurants provide a complementary service for the shopping public, and it is therefore appropriate to make some provision for them in the centre. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposed use would not result in a group of three or more adjoining A2-A5 uses or other non-retail uses. In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between no. 14 North Street and no. 159 High Street. The frontage begins at the House of Couture (No. 14 North Street) and ends at Sense charity shop at No. 159 High Street. This frontage has a total length of 112 metres.

There are 18 units within this parade. The six non-retail uses comprise No. 4 APS Alternative Property Services, No. 135 Beresfords Estate Agents, No. 35 Pridmore Bookmakers, No. 141 Utopia Spa/Beauty, No. 155 Sukhothai thai restaurant and No. 157 Hornchurch Mini Cabs. These six non-retail uses with a frontage measuring 36.4 metres, represents 32.5% of the

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total length of the parade in non-retail use. The proposed change of use at No. 145 High Street (with a frontage of 5.2 metres) would result in 37% of the total length of the parade in non-retail use, exceeding the 20% given in policy.

The proposed use of the premises as an adult amusement centre (sui generis) is not a use specifically referred to in the Council's policy as being appropriate in a shopping area. The proposed use would however be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and that the proposed use would display a number of characteristics which would be similar to some retail uses in terms of the general level of activity and expenditure. It is proposed that the premises be open seven days a week during normal shopping hours. The proposal would also be capable of providing a window display which would allow for an active frontage to the unit. For these reasons staff are of the view that the proposal would be appropriate within a shopping area.

Although the change of use would be contrary to Policy DC16, it is considered that on balance the adult amusement centre would be acceptable as it would be likely to attract both dedicated customers and those on more general shopping trips, which would contribute positively to the vitality of Hornchurch Major District Centre. For the above reasons, the change of use is a matter of judgement for members.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal would involve no alterations to the external appearance of the building and would therefore pose no adverse or detrimental issues to the character of the street scene. Any applications for adverts or a new shop front would be assessed separately.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that some residential properties are located on the upper floors the parade.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre location than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. As there is no parking outside the premises, it is expected that patrons would park nearby and/or arrive on foot.

The application property lies within a row of commercial premises which forms part of retail core of Hornchurch Major District Centre. From the site visit it was observed that the High Street is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evening, Sundays and Bank/Public Holidays.

It is Staff's view that the adult amusement centre would not result in significant noise and disturbance from pedestrian movements over and above existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days and environmental health conditions regarding noise emanating from the site.

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In this instance, opening hours are proposed to be 09:00 to 22:00 every day. It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week. Consideration has been given to a closing time of 22:00 on Sundays, although this time is comparable with other premises in the vicinity of the site.

The Crime Prevention Design Advisor has consulted the local police Safer Neighbourhood Team and as the premises would be limited to over 18 use only, there are no specific concerns as long as the business would be run in the proposed manner.

HIGHWAY/PARKING

The application site has no off-street car parking facilities for customers. Customers attending the site would therefore need to rely upon either public transport or a local car park. The application site is located within a highly accessible town centre location so that the absence of any car parking provision is considered to be acceptable having regard to Government advice contained in PPG13. The site is accessible by a variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. There are adequate Pay & Display car parks in Hornchurch Town Centre to deal with any parking issues. It is considered that the proposal would not result in any highway or parking issues. Serving would take place from the rear of the unit.

KEY ISSUES/CONCLUSIONS

Although the change of use would be contrary to Policy DC16, it is considered that on balance the adult amusement centre would be acceptable as it would be likely to attract both dedicated customers and those on more general shopping trips, which would contribute positively to the vitality of Hornchurch Major District Centre. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs

2. S SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 22:00 every day without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. S SC32 (Accordance with plans)

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4. M SC35 (Window display)

5. Non standard condition

Before the use commences details of a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with such details.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

6. Non standard condition

Before any works commence a scheme for any new plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 \pm 10dB and shall be maintained thereafter 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 and Noise 1994.

5 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC16, DC23, DC33, DC55, DC61 and DC63 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 is needed.

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| APPLICATION NO: | P0612.11 | |
| WARD : | Romford Town | Date Received: 4th May 2011 |
| ADDRESS: | 15 PRINCES ROAD ROMFORD | |
| PROPOSAL: | Single storey rear extension | |
| DRAWING NO(S): | 2460/04 2640/02 2460/10 2460/11 | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

CALL-IN

This application has been called in by Councillor Thompson on the grounds of insufficient off street parking for the likely increase in inhabitants following the extension, diminished amenity space at the rear and poor natural lighting in the kitchen/diner area.

RECOMMENDATION

That planning permission should be approved.

SITE DESCRIPTION

The application site is a residential two storey semi-detached property located on Princes Road. The locality is predominantly residential in character, with two storey terraced and semi-detached dwellings. There is a timber paling fence on the side and rear boundaries. There is space for one vehicle on hardstanding and there is on street parking bays outside the application site.

DESCRIPTION OF PROPOSAL

The proposal is for a single storey rear extension with a depth of 4 metres adjacent to the western boundary and 3.4 metres adjacent to the eastern boundary. The extension would have a width of 7 metres and a height of 3 metres.

The single storey rear extension would enlarge the existing bedroom and kitchen/dining room.

RELEVANT HISTORY

L/HAV/1725/79 - Conversion to 2 flats - Refused.

1183/83 - Rear extension, new kitchen, bedroom and enlarged bathroom - Approved.

P1368.10 - Single storey rear extension and the conversion of the property into five one bedroom self-contained flats - Refused.

CONSULTATIONS/REPRESENTATIONS

A total of 7 neighbouring occupiers were notified of the proposal. Five letters of objection were received (four of which were from the same address) with detailed concerns that have been

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summarised as follows:

- There are too many flats in the area and family homes should be retained including No. 15 Princes Road.
- It is alleged that the applicant submitted a letter outlining intentions to remove the pebbledash and render the front and side areas of the dwelling and re-pointing the brickwork. The garden was to be divided into two areas and fully landscaped. These plans are not shown on the application form or plans.
- The application states that the locality is predominately residential in nature, which is inaccurate as the locality is a residential area.
- The proposal would not enhance the surrounding area.
- Insufficient car parking.
- Noise pollution, general disturbance, anti-social behaviour and vehicle movements from 4 flats instead of 1 home.
- Noise disturbance as the first floor lounge areas would be very close to the bedroom areas of the adjoining property, which is out of keeping with family occupation of houses in the surrounding area.
- History of noise from the property.
- Insufficient amenity space for 4 flats resulting in a cramped overdevelopment of the site and noise pollution.
- Overshadowing.
- Overlooking.
- Limited outlook and daylight for the ground floor bedroom.
- The proposal is out of character with neighbouring properties.
- Refuse and vermin.
- The use of the flat roof of the extension as a balcony or roof terrace.
- The previous reasons for refusal for the previous planning application (P1368.10) to convert the property into 5 self contained flats apply to this application.
- Consultation regarding the revised plans.
- There is alleged drug dealing and anti-social behaviour at the premises.
- The property is in a poor state of repair.
- Planning permission should not be granted to convert the property into flats.
- Would set an undesirable precedent.

Councillor Curtin queried as to whether the applicant has the necessary permissions for 15 Princes Road to be a dwelling of multiple occupation and provided detailed objections which have been summarised as follows:

- The extension would enable more people to live and eat in the property.
- The adequacy of the existing toilets and other facilities to cope with the increase in the number of people.
- Noise and general disturbance to the attached property.
- There is no proposal to increase car parking on site, which is likely to lead to overspill car parking onto adjoining roads to the detriment of highway safety and residential amenity.
- The extension would result in poor natural daylight to the bedroom and kitchen/dining room.
- Insufficient amenity space for the increased number of residents would be detrimental to the character of the surrounding area.
- Overdevelopment of the site.

In response to the above comments, the original proposal was for a single storey rear extension and an internal reconfiguration of the existing use of the dwelling as a house of multiple occupation (HMO). Due to the lack of dependency on shared facilities, the application could not be dealt with as an HMO. Therefore, the applicant changed the plans to reflect the existing internal layout of the property with a single storey rear extension. Although there are allegations

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that the property is used as an HMO, this is a separate issue and is not considered as part of this planning application. If minded to grant planning permission, an informative will be placed advising the applicant that this planning permission does not convey any change of use or any other development at the application site or dwelling. The planning application is solely for a single storey rear extension.

The first floor lounge areas do not form part of this planning application. Any noise from the existing use of the property would be a matter for Environmental Health and is not a material planning consideration. Each planning application is determined on its individual planning merits. The Council had a statutory duty to notify neighbouring properties for the first consultation period spanning three weeks (1st June to 22nd June 2011). A second consultation period took place spanning fourteen days (5th July to 19th July), as the plans had reverted back to the existing layout. Comments regarding alleged drug dealing and anti-social behaviour at the premises and the property being in a poor state of repair are not material planning considerations in relation to this proposal. Concerns regarding noise and disturbance would be addressed through measures for sound insulation for the single storey rear extension, which falls under Building Regulations. The remaining comments will be addressed in the following sections of the report.

RELEVANT POLICIES

Residential Extensions and Alterations Supplementary Planning Document DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

STAFF COMMENTS

The issues arising from this application are the impact on the streetscene, amenity implications and any highway or parking issues.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 of the LDF seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.

The single storey rear extension would not be directly visible in the streetscene, as it would be located within the rear garden environment. As such, it is considered that the rear extension would not be harmful to the character and appearance of the surrounding area.

IMPACT ON AMENITY

The Residential Extensions and Alterations SPD states that generally houses can be extended from the rear wall of the original dwelling by up to 4 metres in depth for a semi-detached dwelling. This is to ensure the extension is subordinate to the original dwelling. The total height of a single storey extension should generally be no more than 3 metres for a single storey extension with a flat roof, in order to ensure there is no unreasonable loss of amenity to neighbouring properties or reduction in sunlight or daylight. The depth and height of the single storey rear extension adheres to guidance.

It is considered that rear extension would not result in a significant loss of amenity to Nos 7 and 13 Princes Road, as it is single storey, its depth and height adhere to guidance and it would be set in 0.9 metres and 1.1 metres from the eastern and western boundaries respectively. In addition, there is favourable orientation as the rear garden of the application dwelling faces North. The single storey rear extension would be partly screened by a timber paling fence on the

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side boundaries of the site.

It is considered that the single storey rear extension would result in some loss of light to the bedroom and kitchen/dining room, although this is deemed to be acceptable as existing or future occupants would be aware of this when viewing the property. Given that the depth of the rear extension adheres to guidance, it is considered that some loss of light to bedroom and kitchen/dining room would not constitute a ground for refusal.

It is considered that the single storey rear extension would not result in any undue overlooking or loss of privacy over and above existing conditions, particularly as it does not feature any flank windows. A condition can be placed to ensure that the flat roof of the extension is not used as a balcony or roof terrace if minded to grant planning permission.

HIGHWAY/PARKING

There is one off-street parking space on an existing hard standing area to the front garden. There are on street parking bays in Princes Road for Resident Permit Holders only between 8.30am - 6.30pm Monday to Saturday. It is considered that the single storey rear extension would not create any highway or parking issues, as the internal layout of the building remains the same.

KEY ISSUES/CONCLUSIONS

Although there are allegations that the property is used as an HMO, this is a separate issue and is not considered as part of this planning application. If minded to grant planning permission, an informative will be placed advising the applicant that this planning permission does not convey any change of use or any other development at the application site or dwelling. The planning application is solely for a single storey rear extension. It is considered that the single storey rear extension would not be harmful to the streetscene or neighbouring amenity. It is considered that the proposal would not create any highway or parking issues.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC10 (Matching materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. S SC48 (Balcony condition)
6. INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations SPD.

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2. The applicant is advised that this planning permission does not convey any change of use or any other development at the application site or dwelling. The planning permission is solely for a single storey rear extension.

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.

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| | | |
|-------------------------|---|-------------------------------------|
| APPLICATION NO: | P0748.11 | |
| WARD : | St Andrew's | Date Received: 20th May 2011 |
| ADDRESS: | 115 High Street Hornchurch | |
| PROPOSAL: | Change of use from retail (class A1) to licensed betting office (use class A2) with external alterations to the rear elevation. | |
| DRAWING NO(S): | 705BF-115EP 705BF-115LP | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

SITE DESCRIPTION

The application site is located on the northern side of High Street, Hornchurch. The site is a mid-terraced property forming part of a parade of shops within the Hornchurch Major District Centre.

The site is flanked by a mix of commercial uses, consisting of a Nando's (A3), the application site (currently a vacant retail unit), butcher (retail, A1), Carphone Warehouse (retail, A1), Wimpey (restaurant / takeaway, A3 / A5), Post Office (retail, A1), Boots (retail, A1), Estate Agents (professional services, A2) and Burtons (retail, A1). The parade has residential flats above.

Access to the site is towards the front from High Street although the site can also be accessed from the rear via the Sainsbury's car park.

DESCRIPTION OF PROPOSAL

The application seeks planning permission for a change of use of the ground floor unit from a retail store (A1) to a licensed betting office (A2).

Proposed opening hours would be from 08:30 until 22:00 Mondays to Saturdays and from 10:00 until 19:00 on Sundays.

No information has been provided in terms of number of employees.

The proposal would also involve blocking up of the existing door towards the rear.

This application does not involve any changes to the shop front or new advertisement signs and only relates to the change of use.

RELEVANT HISTORY

None relevant to this application.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters have been sent to 29 adjoining occupiers with 2 letters of representation received, raising objections in respect of the following:

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- Contrary to Policy DC16 in respect of the percentage of frontage in non-retail use
- Contrary to Policy DC16 in respect of number of non-retail units next to each other exceeding 3 units.
- Unit has not been marketed for sufficient period to prove it has been difficult to let
- There are 3 other betting shops in the vicinity and within the Core Frontage (135 High Street, 183 High Street and 26 Station Lane) and an additional betting shop in the fringe area (54 High Street).
- An additional betting shop would not contribute to the vitality and viability of the Core Frontage.
- Betting establishments are out of bounds to people under 18 and attracts mainly a male clientele, therefore not attracting woman and children who constitute the majority of shoppers

RELEVANT POLICIES

Policies DC16, DC23, DC33, DC61 of the LDF Development Control Policies Development Plan Document are relevant in the determination of this application. Policies 3C.23, 3D.1 and 3D.2 of the London Plan are also relevant together with PPS 1 (Delivering Sustainable Development), PPS 6 (Planning for Town Centres) and PPG 13 (Transport).

STAFF COMMENTS

This proposal is put before the Committee as the application has a number of judgements for Members, i.e. the loss of a retail unit within the retail core of the Hornchurch and the impact of the change of use on this part of Hornchurch's Major District Centre.

PRINCIPLE OF DEVELOPMENT

The application site falls within the retail core of the Hornchurch Major District Centre where Policy DC16 states that planning permission for Class A2 - A5 (Services) will be granted throughout the retail core where:

- (a) the use provides a service appropriate to a shopping area
- (b) the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- (c) within the retail core of the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length, and
- (d) an active frontage is maintained and the use is open for a significant number of core retailing hours.

In the retail core the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole. It is however, important that proposed uses compliment and consolidate the town centre's retail function.

The proposed use would be a service use appropriate to a shopping area. As there is a Restaurant / Takeaway at No. 111 /113 (A3 /A5), a butcher (retail, A1), Carphone Warehouse (retail, A1), Wimpey (restaurant / takeaway, A3 / A5), Post Office (retail, A1), Boots (retail, A1), Estate Agents (professional services, A2) and Burtons (retail, A1), it is considered that the use would not result in a grouping of 3 or more units in non-A1 use.

However the 20% threshold relating to non-retail uses within the retail core would be exceeded. Allowing planning permission for the proposed change of use would result in an increase in the amount of non-retail units to 32.6% within this particular parade of the retail core (which includes No. 111 - 133). It should, however be noted that the existing situation presents a 24.4% frontage of non-retail uses and as such the 20% threshold has already been exceeded.

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Members may take the view that the proposed use would be appropriate to a shopping area as it would be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows and Members may agree that the proposal would display many similar characteristics to some Class A1 uses in terms of the general level of activity and expenditure, particularly as betting shops are usually open during normal shopping hours.

It was noted during site inspection that the application property is presently vacant. The applicant submitted additional information confirming that the Top Cat business was originally put up for sale in 2008 however there were no interested parties to take over the business. The business was subsequently vacated in May 2010 and the unit has been advertised since June 2010. Marketing details were supplied by two estate agencies, namely H.C. Blake & Co. and Hilbery Chaplin. The agent further confirmed that apart from BetFred, there has been no serious interest in a full year that the premises has been marketed. The proposed use would therefore bring a vacant unit back into use and provide a use which would be open for the majority of the day thus creating a footfall.

Staff acknowledge comments raised in objections regarding the number of betting establishments already in the core and fringe area of Hornchurch and that a 5th betting establishment would not diversify what is on offer within the District Centre. It was however noted that elsewhere within the core area of the centre there are still several units which are presently vacant. Staff agree that there are already a number of betting establishments and that an additional one would not add diversity to the non-retail offer within the District Centre. Notwithstanding, on balance Staff are of the opinion that it would be more beneficial to the District Centre if the unit was occupied rather than be vacant. As mentioned above, there are still a number of vacant units elsewhere in the District Centre and as such, there is still the potential for the Centre to support further retail uses in the future.

For these reasons Staff consider that the proposal would be appropriate within this shopping area. Members are however invited to apply their judgement as to whether or not this proposal would be materially harmful to the vitality and viability of this parade within the retail core of the Hornchurch Major District Centre, taking into account the extent to which non-retail uses, and in particular similar betting establishments are already present within the locality.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal would involve no alterations to the external appearance of the building apart from blocking up the existing door towards the rear, facing the car park. This would not be visible from the street scene and is considered to be a minor alteration. No changes are proposed to the general appearance of the unit and would therefore pose no adverse or detrimental issues to the character of the street scene.

Any changes to the shop front or advertisements would be assessed by a separate application(s).

IMPACT ON AMENITY

The application site is located within a commercial parade in Hornchurch Major District Centre, with residential flats above. The site is currently vacant, but had previously been used as a retail shop with no restriction on opening hours. As such, the Council does not currently have control over the hours of use. The issue, therefore, is whether the hours of opening that is proposed by this application and the nature of the proposed use would give rise to unacceptable worsening of amenity to residents above the parade.

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It is considered that, although a betting office use would not be entirely similar in nature to the use of an A1 retail shop, betting shops are commonly found in similar town centre locations, with little adverse problems of noise and disturbance to neighbouring residential properties as a result of customers arriving at and leaving the premises. The application proposes operating hours of 08:30 to 22:00 Monday to Saturdays and between 10:00 and 19:00 on Sundays.

It is not considered that a betting office is a particularly noisy use and activities are contained to within the building itself. It has to be recognised that the premises are within a Major District Centre, where uses of this type are commonly found and where residents would expect a different level of amenity from that which would be found in a suburban housing area. Staff are therefore of the opinion that the proposed use and opening hours would not unreasonably impact on the amenities currently enjoyed by the residential properties above the application site. However, it is considered reasonable that the provision of acceptable sound insulation measures be required through an appropriate condition.

HIGHWAY/PARKING

Policy DC33 seeks to ensure that the proposal provides adequate off street car parking. Annex 5 of the LDF Development Control Policies DPD sets out the Council's car parking standards for a variety of uses. For A2 uses in District Centres the required parking spaces are 1 / 50 - 35 sq metres. This requires the application site to provide 1 - 2.5 off-street parking spaces.

The application site makes no specific provision for off-street car parking. Customers attending the site would therefore need to rely upon either public transport, on-street parking or the public car parking within close proximity of the site (directly towards the rear). The site is within a central part of the Hornchurch Town Centre and also falls within a PTAL 3 - 4 zone, which is well served by public transport and public car parks. It is therefore considered that the proposal would not be likely to adversely affect the highway, road safety or amenity and that the absence of dedicated off street parking for the betting office could be accepted in this instance.

The Council's Highways department has no objections to the proposal in terms of highway or parking issues.

OTHER ISSUES

With regards to servicing, given the nature of the proposed use and the fact that no goods are to be sold, no specific arrangements are proposed for servicing. Any deliveries (only betting slips) will therefore be made from High Street. The applicant confirmed that a limited amount of rubbish is created on the site, being only betting slips and newspapers. As such, all rubbish will be kept on site, as shown on the drawings to the right of the staff kitchen, until collection day.

KEY ISSUES/CONCLUSIONS

The application site forms part of the retail core of the Hornchurch Major District Centre. The 20% threshold relating to non-retail uses within the retail core would be further exceeded. However, Staff consider the change of use acceptable in this instance as it would bring a vacant unit back into use and contribute to the vitality and viability of this part of the Major District Centre. Members are invited to apply their judgement to this aspect of the proposal.

The change of use application does not involve any changes to the external appearance of the building apart from bricking up the existing door to the rear of the property. It is not considered that this part of the proposal would have any impact in terms of its visual appearance on the street scene.

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It is not considered that the proposal would have any unacceptable impact on the amenities of neighbouring properties within this location and any potential impact can be restricted with appropriate conditions.

Having regard to all relevant factors and material planning considerations Staff are of the view that this is an acceptable use in this location. Staff are of the view that the proposal would not be harmful to the vitality and viability of this part of the Hornchurch retail core and it is recommended that planning permission is granted, subject to conditions.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. S SC32 (Accordance with plans)
5. M SC62 (Hours of construction)

3. Non standard condition

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:30 and 22:00 on Mondays to Saturdays and between 10:00 and 19:00 on Sundays, Bank and Public Holidays without the prior consent in writing of the Local Planning Authority.

Reason:

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

4. Non standard condition

Before any works commence a scheme for any new plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter 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.

7 INFORMATIVE:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives

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and provisions of Policies DC16, DC33 and 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.
