



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 16 May 2013	Havering Town Hall, Main Road, Romford
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Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
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 (01708 432430)
E-mail: richard.cursons@havering.gov.uk**

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 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 60)

5 P1901.11 - BEAM REACH 8 (Pages 61 - 102)

6 P1506.12 - WHYBRIDGE JUNIOR SCHOOL, BLACKSMITHS LANE, SOUTH HORNCHURCH (Pages 103 - 110)

- 7 **P1538.12 - ST EDWARD'S SCHOOL, LONDON ROAD, ROMFORD** (Pages 111 - 124)
- 8 **P0222.13 - HAROLD WOOD PRIMARY SCHOOL** (Pages 125 - 138)
- 9 **P0169.13 - 44 HERBERT ROAD, EMERSON PARK, HORNCHURCH** (Pages 139 - 156)
- 10 **URGENT BUSINESS**

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

Ian Burns
Acting Assistant
Chief Executive

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Agenda Item 4

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Item 4

Page No.	Application No.	Ward	Address
1-9	P0694.12	Havering Park	Wyema, 9 North Road, Havering- Atte-Bower, Romford
10-14	P1516.12	Harold Wood	Apse Tree Cottage, Hall Lane, Upminster
15-21	P1531.12	Emerson Park	4 Porchester Close, Hornchurch
22-27	P1532.12	Romford Town	2-4 Eastern Road, Romford
28-32	L0001.13	Upminster	Oakfields Montessori School, Harwood Hall, Harwood Hall Lane, Upminster
33-39	P0026.13	Upminster	Oakfields Montessori School, Harwood Hall, Harwood Hall Lane, Upminster
40-42	P0059.13	Elm Park	40 Ambleside Avenue Hornchurch
43-47	P0073.13	Mawneys	172 Collier Row Road, Collier Row, Romford
48-57	P0227.13	Harold Wood	Unit 6A, Gallows Corner Retail Park, Colchester Road, Romford

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APPLICATION NO:	P0694.12	
WARD :	Havering Park	Date Received: 31st May 2012 Expiry Date: 26th July 2012
ADDRESS:	Wyema 9 North Road Havering-Atte-Bower Romford	
PROPOSAL:	Demolition of existing bungalow and existing outer buildings 2-6 & 8-11, to create a new two storey town house. Revised plans received 20-12-2012	
DRAWING NO(S):	A-W9NR-OS-PL-00000 Rev B A-W9NR-EX-EL-21000 Rev B A-W9NR-EX-PL-20000 Rev B A-W9NR-EX-PL-20100 Rev B 3/5953 drawing 1 Rev. C 3/5953 drawing 2 Rev. B 3/5905 drawing 3 Rev. B 3/5953 drawing 4 Rev. A A-W9NR-EX-PL-01001 Rev B	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is located on the western side of North Road and is presently occupied by a single detached dwelling known as Wyema. To the northern side of the plot adjacent to the side of the dwelling is a detached commercial workshop and garage. In comparison to adjoining plots the subject site has a double width frontage onto North Road of 25 metres in length. The street scene of which the subject site forms part is drawn from a variety of single and two storey buildings. The site and adjoining land is designated as Green Belt with open fields adjoining the site to the west and on the opposite side of North Road to the east. There are a number of trees on the application site including two large horse chestnut trees to the site frontage.

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the demolition of the existing bungalow and outbuildings and the construction of a new two-storey five-bedroom dwelling with an integral garage.

The proposed dwelling would be set back from the site boundary with North Road approximately 15 metres. The proposed dwelling would have a width of 11.8m metres and a depth of 15.3 metres. The dwelling would be covered by a crown roof 5 metres at the eaves and 8.25 metres to the ridge. The submitted plans also indicate that the front garden area would be reconfigured with an in/out driveway and hard standing parking for at least three cars.

This application follows previous proposals for the demolition of the existing outbuildings on the site and the construction of a new bungalow, with the retention of the existing bungalow. A previous application under P0062.10 was refused as the proposal was judged to be contrary to Green Belt policy. The application was subject to an appeal, which was dismissed in September

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2010. The Inspector reached the view that the proposal was inappropriate development in the Green Belt. The Inspector gave consideration to the loss of the existing outbuildings but concluded that these have a lesser impact on the openness of the Green Belt than the proposed bungalow. Consideration was also given to the removal of existing hard standing and commercial use however the Inspector found that these considerations were not of sufficient merit that they would have outweighed the substantial harm to the Green Belt.

RELEVANT HISTORY

P1570.11 - Demolition of existing bungalow, existing car workshop, existing double garage and to create a new bungalow

Refuse 12-12-2011

P0062.10 - Demolition of existing car workshop and creation of new two bedroom chalet style bungalow.

Refuse 18-03-2010

CONSULTATIONS/REPRESENTATIONS

The application was advertised and neighbour notification letters were sent to eleven adjoining properties. No letters of objection were received, 1 letter of support was received.

The Council's Highways department raise no objection to the proposal.

The Council's Environmental Health department request a condition in respect of land contamination.

The London Fire Brigade and LFEPA raise no objection with regard to fire access or provision of water.

The Council's Crime Prevention Design Adviser requested a secure by design condition and informative in the event of an approval.

English Heritage suggested that the site may be of heritage significance and request a heritage statement to be submitted prior to commencement of works on site.

RELEVANT POLICIES

LDF

CP14 - Green Belt

CP17 - Design

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

DC70 - Archaeology and Ancient Monuments

DC72 - Planning Obligations

SPD11 - Planning Obligation SPD

SPD3 - Landscaping SPD

SPD4 - Residential Extensions & Alterations SPD

SPD9 - Residential Design SPD

OTHER

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OTHER

LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.8 - Heritage assets and archaeology
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development would add 197 square metres to the gross internal floor area of the dwelling and is therefore liable for Mayoral CIL. The CIL liability would be £20 X 197 sq.m = £3,940.

STAFF COMMENTS

The issues arising from this application are the principle of development, impact upon the character and openness Metropolitan Green Belt, street scene issues and amenity implications.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt. National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 89 of the National Planning Policy Framework states that new buildings are regarded as inappropriate in the Green Belt. An exception to this is a replacement dwelling provided that the new building is in the same use and not materially larger than the one it replaces.

The original dwelling, garage station and double garage had a volume of some 581.85 cubic metres.

The proposed dwelling would amount to a volume of 1027.54 cubic metres. The new dwelling would therefore amount to an increase of 445.69 cubic metres, which is approximately a 77% increase to the size of the structures on site. This is clearly materially larger than the original building and therefore, the proposal is considered inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.

GREEN BELT IMPLICATIONS

When compared to the footprint of the existing dwelling, garage station and double garage structures on site (153.46 square metres), the footprint of the replacement dwelling would only be marginally greater at 178.5 square metres. Whilst the scale and massing of the replacement dwelling would be materially greater given that it is a house (compared to the bungalow form of the existing dwelling), as a matter of judgement, it is Staff's view that the proposal would not unduly detract from the character and openness of the Green Belt at this point. The dwelling would be orientated on a south east/north west axis as opposed to the south west/north east spread of the existing buildings across the site. The number of structures onsite would also consolidated in a single built form and further control can be introduced through a condition removing permitted development rights. As a result, the visual impact of the proposed house would be minimised. The house would also be viewed alongside existing development in this part of North Road, which includes other houses.

Staff recognise that this is a balanced judgement and Members may consider that the proposed development would result in unacceptable harm to the openness of the Green Belt. Members are invited to apply their judgement in this respect.

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DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 advises that the Council will seek to ensure that all new developments are satisfactorily located and of a high standard of design and layout. The site is also located within the Havering Ridge area where Policy DC69 advises that the Council will seek to preserve the special character including protecting views to and from the area.

The existing bungalow is not of any special architectural or historical merit and as such there is no objection in principle to its demolition.

North Road is characterised by a mixture of bungalows and two-storey detached and semi-detached properties of various architectural styles and design. In terms of the adopted design approach and materials staff raise no objection.

The proposal would be similar in design and rear projection depth to the dwelling at No. 11 North Road and would not be out of keeping with the rear garden environment, streetscene and surrounding area.

IMPACT ON AMENITY

The proposed development would provide a replacement dwelling of greater scale and bulk compared to the existing building. Consideration must be given the impact of the development on the amenity of neighbouring occupiers, with particular regard to daylighting, outlook and privacy.

The proposed dwelling would be well set off the neighbouring boundaries and is not considered to result in a harmful impact to neighbouring amenity in terms of loss of light or outlook.

The flank windows proposed at first floor serve bathrooms and will be conditioned to be obscure glazed in order to limit overlooking to neighbouring properties. The applicant also proposes a small window and door to the northeastern elevation. In normal circumstances any impact from these additions would be mitigated by the boundary treatment however Staff note that the ground level drops from the southwestern part of the site to the northeastern part of the site. The proposed dwelling would therefore be higher than that of the neighbour at No.11. In order to mitigate an impact in terms of overlooking the ground floor windows to this side of the proposed dwelling would be conditioned to be obscure glazed.

A separation distance of 10m is situated between the proposed dwelling and the southwestern flank boundary, no impact would therefore result from the proposed ground floor windows on this elevation.

HIGHWAY/PARKING

No objections are raised to the proposed access arrangements. The proposal would provide a hard surfaced area to the front of the property capable of accommodating parking in accordance with Policy DC33. The proposed dwelling would also include an integral garage in which cycle storage could be provided. It is not considered that the proposal would create any parking or highway issues. The proposed additional vehicular crossover would require separate approval from the Council's StreetCare service.

OTHER ISSUES

Trees:

The application site is presently occupied by a number of trees. Policy DC60 seeks to retain

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existing trees. The Council's Tree Officer has visited the application site and has concluded that none of the existing trees are of a sufficient quality to justify protection through tree preservation order. Some trees would be lost as a result of this proposal however were this application being recommended for approval a condition could be imposed requiring replacements through a landscaping scheme.

Heritage:

English Heritage has stated that the pond to the rear of the existing dwelling may indicate previously unrecorded heritage significance and request a condition for a Heritage Statement to be submitted prior to commencement of work on site.

Very Special Circumstances:

There are various outbuilding structures scattered throughout the site which have a volume of 227 cubic metres. The volume of these structures in combination with the existing bungalow, garage station and double garage amount to a volume of 808.7 cubic metres. The applicant has indicated that these outbuilding structures, with the exception of one, would be removed from the site as part of the redevelopment in addition to the bungalow, garage station and double garage.

When considering the removal of all the structures on site (except one) against the proposed volume of the new dwelling, the increase in volume of built development would only result in a 37% increase. Staff consider that the consolidation of building form into a single building and the removal of all other structures across the site would enhance its openness. The overall percentage increase would also be under the 50% threshold outlined by Policy DC45. Taking these circumstances into account, Staff consider that very special circumstances exist to justify the replacement of the bungalow with a larger house.

SECTION 106

The proposal would not be liable for the £6,000 Planning Obligation contribution as it involves the replacement of an existing dwelling.

KEY ISSUES/CONCLUSIONS

Staff consider that there is very special circumstances to justify development on the site. The proposal would result in the removal of a number of outbuildings scattered throughout the site. The small increase in volume on site is considered acceptable. Any potential impact on the Green Belt is considered acceptable as a matter of judgement. No impact would result to neighbouring properties. The proposal would not create any highway or parking issues. It is recommended that planning permission be granted.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

1. SC4 (Time limit) 3yrs

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

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2. SC09 (Materials) (Pre Commencement Condition)

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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. SC11 (Landscaping) (Pre Commencement Condition)

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 Development Control Policies Development Plan Document Policy DC61

4. SC13B (Boundary treatment) (Pre Commencement)

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently 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 and in order that the development accords with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

5. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed flank windows at first floor serving bathrooms and at ground floor in the northeast elevation shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of privacy, and in order that the development accords with the

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6. SC63 (Construction Methodology) (Pre Commencement)

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 Development Control Policies Development Plan Document Policy DC61.

7. SC32 (Accordance with plans)

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

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.

8. SC45A (Removal of permitted development rights) ENTER DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class A, B, C, E and F 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.

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9. SC46 (Standard flank window condition)

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 submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

10. SC48 (Balcony condition)

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. SC62 (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 Development Control Policies Development Plan Document Policy DC61.

12. Non Standard Condition 1 (Pre Commencement Condition)

Prior to the commencement of the development hereby approved, a Heritage Statement has to be submitted to and approved in writing by the Local Planning Authority. The Heritage Statement should include details of the history of the site derived from archive research and also extract from the relevant Tithe Map showing the mapped extent of the pond before the First Addition OS map was produced.

Reason:

In order to determine whether the pond represents an unusual shaped clay pit or a decoy pond in keeping with advice contained within paragraph 128 of the NPPF.

13. Non Standard Condition 1 (Pre Commencement Condition)

Prior to the commencement of the development hereby permitted, all buildings and

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INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC33, DC45, DC61, DC70 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

3 Highways Informatives

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.

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.

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

4 Non Standard Informative 1

The applicant is advised that following the submission of the Heritage Statement as required in condition 10, further archaeological work may still be required in connection with the application.

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APPLICATION NO:	P1516.12	
WARD :	Harold Wood	Date Received: 15th January 2013 Expiry Date: 12th March 2013
ADDRESS:	Apse Tree Cottage Hall Lane Upminster	
PROPOSAL:	Single storey rear conservatory	
DRAWING NO(S):	OS Map Floor plans Block plan Existing and proposed elevations	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

Apse Tree Cottage is a detached, two storey, Grade II Listed Building situated on the eastern side of Hall Lane approximately 400 metres to the north of its junction with the A127 Southend Arterial Road. Martins Cottage is located to the north of the site whilst open farmland is located immediately to the south. The site is located within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is for a single storey rear conservatory. The proposed extension would measure 3.3m in depth and 4.1m in width. The conservatory will be finished with a glazed pitched roof to an overall height of 2.95m and 2.15m to eaves.

RELEVANT HISTORY

Application P1716.08 for a single storey rear addition was also dismissed on appeal (ref:APP/B5480/A/09/2103029/WF). The current proposal is for a small rear conservatory.

- L0001.09 - Listed Building Consent for front porch and internal alterations.
Apprv with cons 23-03-2009
- L0012.08 - Listed Building Consent for single storey rear extension
Apprv with cons 11-11-2008
- P1716.08 - Single storey rear extension
Refuse 11-11-2008
- L0006.08 - Listed Building Consent for a single storey side and rear extension
Withdrawn 05-09-2008
- P1193.08 - Single storey rear and side extension
Withdrawn 05-09-2008
- L0004.00 - Replacement windows
Apprv with cons 18-08-2000

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CONSULTATIONS/REPRESENTATIONS

The application has been advertised in the Romford Recorder and by way of a site notice as a departure from Green Belt policies. A total of 5 neighbouring occupiers were notified of the proposal. No letters of representation have been received.

RELEVANT POLICIES

LDF

CP14 - Green Belt
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design
DC67 - Buildings of Heritage Interest
SPD2 - Heritage SPD

OTHER

LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.8 - Heritage assets and archaeology
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

None

STAFF COMMENTS

The issues arising from this application are the impact of the proposal on the Metropolitan Green Belt, the impact on the Listed Building, impact on the streetscene, amenity implications and any highway or parking issues.

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 89 of the National Planning Policy Framework states that the extension or alteration of a building may be acceptable in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

Photographic evidence suggests that the property in 1967 comprised of a building measuring some 7.4 metres to the Hall Lane frontage and some 6 metres in depth. It could be accurately established from building drawings that the overall height of the dwelling was measured at approximately 5.5m to the top of the ridged roof. The hipped roof extended for approximately 4.1m from the front of the dwelling with the slope continuing to the rear of the dwelling creating a 3m deep rear section with a sloping roof slightly lower than the front part. There is also a narrow single storey protrusion to the back of the dwelling measuring approximately 2.5m in width and 4.5m in depth. It is not clear as to the height of this existing protrusion to the rear and for the purposes of this report the height is estimated at 3m. The volume of the dwelling has been estimated at approximately 194 cubic metres with the volume of the rear protrusion estimated at 34 cubic metres. The overall volume of the dwelling as it was in 1967 therefore amounts to 228 cubic metres.

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In 1977 planning permission was granted, via application reference L/HAV/1753/77, for the reconstruction and extensions to the cottages to form one unit. The rear protrusion was demolished and a two storey rear extension was added with a volume of 114 cubic metres. The effect of these alterations was to increase the original volume of the property by 50%.

This current application seeks planning permission for a single storey rear extension. The proposed extension would have a volume of 33.45 cubic metres resulting in a cumulative volume of 65% above that of the original volume of the dwelling. This is clearly in excess of what would normally be acceptable. Nonetheless, the written justification to DC45 makes it clear that regard is to be had to the size of the original property and states that, in the case of small properties, it may be appropriate to permit more substantial extensions. This is, of course, subject to there being no harm to the Green Belt.

Given the small size and footprint of the proposed conservatory Staff, therefore, conclude that, although the proposals would result in a more built-up appearance for the site compared with existing, this would not be excessive or disproportionate and the impact on the Green Belt would be within acceptable tolerances. Staff do recognise that this is a balanced decision and Members may feel that the proposed conservatory in combination with previous additions to the property may result in unacceptable harm to the openness of the Green Belt.

LISTED BUILDING

Apse Tree Cottage is a Grade II Listed Building, which dates from the late 18th Century. The planning application is for the erection of a single storey conservatory to the rear of the property, it must be noted that a Listed Building Consent Application is required, and should be approved prior to any works being undertaken at the property.

The proposed conservatory is acceptable in principle; it is proposed that a brick plinth, matching the stock bricks of the original property will be created, with a timber framed conservatory above it, with a raised lantern forming the roof. It is considered unfortunate that the proposed conservatory extends just slightly beyond the width of the rear gable in which it is positioned, as to follow the gable would reflect the architectural character of the building. It is also considered that the junction between the listed building and the timber cornice looks slightly uncomfortable due to the scale of the space between the two, and the ball finials on the lantern appear a little out of keeping with the vernacular style of the building. Notwithstanding these observations, on balance, Staff consider the proposed conservatory to be acceptable in Listed Building terms, subject to a condition requiring further information to be submitted.

Separate Listed Building Consent for the proposal will be required.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed rear addition is not considered to result in an unacceptable impact on the rear garden environment as it is small in size and similar to a rear addition to the northern neighbouring dwelling.

The proposal would not be visible from Hall Lane and would therefore not result in any impact to the streetscene.

IMPACT ON AMENITY

The proposal would not result in any impact to neighbouring amenity as there is a similar rear addition to the northern neighbouring dwelling and no neighbours to the south of the subject

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dwelling.

HIGHWAY/PARKING

Sufficient space would remain on-site for vehicle parking, in line with policy guidelines. It is considered that the proposal would not create any highway or parking issues.

KEY ISSUES/CONCLUSIONS

The proposal will have a volume that results in development to the property being greater than the 50% normally permitted by Policy DC45 and its acceptability is a matter of judgement. Based upon the size of the original property and on merit, Staff consider the proposal would not harm the openness of the Green Belt, as the proposal is single storey, small in nature and footprint. It is considered that the proposal would not be harmful to the streetscene or the amenity of neighbouring properties. The proposal would not create any highway or parking issues. It is recommended that planning permission be granted.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

1. SC4 (Time limit) 3yrs

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. SC09 (Materials) (Pre Commencement Condition)

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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. SC32 (Accordance with plans)

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

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

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4. Non Standard Condition 1 (Pre Commencement Condition)

Before any of the development hereby permitted is commenced detailed drawings showing a) the junction between the conservatory and the existing dwelling and b) the roof lantern, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason:

To ensure that the appearance of the proposed development will harmonise with the character of the listed building and comply with Policy DC67 of the Development Control Policies Development Plan Document.

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC61 and DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

3 Non Standard Informative 1

Apse Tree Cottage is a Grade II Listed Building. Listed Building Consent has not been applied for, or granted, for the extension of the property by means of a single storey rear conservatory. As such, a Listed Building Consent must be sought, and approved prior to the commencement of work on the site. The Listed Building Consent application should be accompanied by detailed drawings of the conservatory which show sections of windows and doors. The drawings submitted for this application would be insufficiently detailed for the purposes of determining a Listed Building Consent submission.

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APPLICATION NO:	P1531.12	
WARD :	Emerson Park	Date Received: 9th January 2013 Expiry Date: 6th March 2013
ADDRESS:	4 Porchester Close Hornchurch	
PROPOSAL:	Raising of roof, two storey front extension and creation of first and second floors Revised plans received 1/5/13	
DRAWING NO(S):	Design & Access Statement 1 2 3A 4A 5D 6A	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called to Regulatory Services Committee by Councillor Ower as he considers the proposed development is contrary to the Emerson Park SPD.

SITE DESCRIPTION

The subject site is a detached bungalow with a double garage and ample off-street parking to the front.

The property lies on the west side of Porchester Close which is a cul de sac which comprises large detached dwellings, set back from the highway. Architectural styles vary leading to a mixed streetscene. It lies within Sector 6 of the Emerson Park Policy Area.

The land is fairly level and Tree Preservation Order No.25-72 is in existence in the area.

DESCRIPTION OF PROPOSAL

Permission is sought for the raising of the roof in order to convert this detached bungalow into a two storey dwelling with accommodation in the roofspace. The applicant also proposes a two storey front extension.

The proposals involve raising the ridge height from 6.3m to 9.5m. The two storey front addition will be to the left hand (southern) side of the property and will measure 9.9m in width and 3.3m in depth to "square off" the presently staggered front building line. An 8.1m high gable will be provided slightly off centre to provide detail and interest.

Three rooflights will be constructed in the front roofslope, and two rooflights will be provided in each flank roofslope. Two dormer windows, each 1.4m wide by 1.2m high by 2m deep, will be

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constructed in the rear roofslope along with a small gable (2.5m wide by 1.7m deep by 6.6m high) over one first floor window.

RELEVANT HISTORY

None.

CONSULTATIONS/REPRESENTATIONS

Objections from three neighbouring properties have been received in response to neighbour consultation. Concerns are summarised below:

- * loss of privacy from overlooking;
- * the proposed building contravenes criteria contained within the Emerson Park Policy document in regard to the separation distance to the boundary;
- * given the layout of the frontage as indicated on the site plan, is one garage and one parking space enough, given the limited parking in the cul de sac;
- * the site plan does not indicate the correct line of the writer's property, therefore the introduction of windows would lead to loss of privacy. Additionally, the writer's existing planning approval also includes a single storey garage to the common boundary, therefore this will further impact on the built environment in this corner when constructed;
- * the increase to two storeys of the entire footprint greatly encloses this corner of Porchester Close. It therefore removes the "openness" that is quoted in the Emerson Park SPD;
- * no details have been included for the proposed landscaping in accordance with ENV21;
- * parking problems;
- * disruption during construction works to No.2 Porchester Close and the fear this will occur again if this development is approved;
- * the writer hopes Havering Council operate the correct licencing and permit procedures involved in someone using a mobile crane;
- * a Construction Method Statement should be requested to control the adverse impact of the development;
- * if approved, an hours of construction condition should be imposed.

The Council's Tree Officer has been consulted due to the existence of Tree Preservation Order 25-72 and has confirmed that the preserved tree close to the subject dwelling will not be adversely affected by the proposed development.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC61 - Urban Design

DC69 - Other Areas of Special Townscape or Landscape Character

SPD5 - Emerson Park Policy Area SPD

MAYORAL CIL IMPLICATIONS

The proposed development would add 271 square metres to the gross internal floor area of the dwelling and is therefore liable for Mayoral CIL. The CIL liability would be £20 X 271 sq.m = £5,420.

STAFF COMMENTS

The issues for Staff to consider relate to the impact the proposals have upon the original

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dwelling, the streetscene character of Emerson Park, the public highway and amenity of neighbouring occupiers.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Porchester Close has a mixture of two storey dwellings and bungalows. The proposed increase in roof height to the bungalow would therefore not be out of keeping in the streetscene. Indeed, the property, if enlarged, will relate better to the character of the area than it does now. The proposed changes will relate satisfactorily to the existing dwelling and Staff do not consider the proposed development will have an unacceptable impact on the streetscene or rear garden environment. The front addition would not be out of keeping as it would be similar to at least one other dwelling in the Close. In addition, the dwelling is well set back from the street.

The Emerson Park Policy Area SPD states extensions to dwellings should retain gaps of at least 1m from the boundary at ground floor and 2m at first floor as a minimum. The SPD goes further to state that in relation to new dwellings and extensions to existing dwellings and the resultant space between buildings, each case will be treated on its merits and with regard to the extent that architectural character, massing and existing landscaping are retained. In every case, the space that is retained between buildings should reflect the character of the streetscene in the immediate surroundings.

The enlarged property will be 1.5m at its front corner, and 2m at the rear corner from the southern boundary with No.6 Porchester Close. Although the two storey front addition would be situated within 2m of the southern flank boundary at its front corner, contrary to the SPD, Staff do not consider it will harm the character of the streetscene and surrounding area as the southern boundary forms the front boundary of No.6 Porchester Close. Sufficient spacing (approximately 18m) would therefore remain between the subject dwelling and this neighbouring dwelling. It should be noted that a similar situation existed when a recent, similar application for No.2 Porchester Close (reference P1722.11) was assessed.

Inspection of Council records has revealed that an application for a front extension, two storey side extension and detached garage was granted planning permission in 2007 at No.6 Porchester Close, reference P1086.07. Although the development was constructed at the subject dwelling itself, the detached garage has never been built. It could, however, be constructed in the future, indeed the neighbour has indicated that the garage will be built this summer.

It is described as being single storey with accommodation within the roof space. It would measure 5m in width by 9m in depth and would have a pitched roof over 5.4m in height. The position of the detached garage is in the north-eastern corner of the site, which is forward of the main house (No.6) and adjacent to the common boundary with No.4.

The proposed garage would be located a metre from the party boundary with No.4 Porchester Close at its front corner but would be located within a metre of the flank boundary at the rear corner. The purpose of the SPD is to maintain the spacing between buildings to preserve the spacious character of the Emerson Park Policy Area. It was considered that although the proposed garage would be within a metre of the flank boundary, this relationship would not be visible from the streetscene and would therefore not adversely affect the spacing between buildings. Given that the application property is located on a large spacious plot it was not considered that the proposed garage would be materially harmful to local character. The garage would be contained behind the building line of No.4 which would effectively screen it from view when entering Porchester Close from Woodlands Avenue.

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With regards the objector's comment that "the increase of the subject dwelling to two storeys of the entire footprint greatly encloses this corner of Porchester Close and it therefore removes the "openness" that is quoted in the Emerson Park SPD", Staff consider that even if the garage were to be built in the future, it will not be easily seen for the above reason.

Consideration was given to requesting the applicant to alter the design of the proposed development close to this common boundary, however, the main bulk of development will be to the same footprint as the existing bungalow.

Staff consider therefore that in view of the above information, the proposed development at No.4 will be acceptable and will result in no undue streetscene issues.

The Design and Access Statement that accompanied the application has confirmed that existing landscaping in both front and rear gardens will not be altered.

IMPACT ON AMENITY

The proposed extensions and raising of the roof would not result in detrimental harm to neighbouring occupiers as sufficient separation distances would remain between the proposed extensions and the neighbouring dwellings. A distance of around 5m would exist between the subject dwelling and the neighbouring property to the north (No.2) and this neighbour only has a utility room door in its flank wall at ground level and an en-suite window at first floor level which could be affected. Due to the nature of these rooms, less weight will be attached to any loss of light that may occur.

Submitted plans indicate no additional windows or doors will be constructed at the ground level in the flank wall facing this neighbour, one window will only be made wider. At first floor level an en-suite window is proposed which could be conditioned to be obscure glazed with top hung fanlight openings only to protect this neighbour's privacy. Similarly, the proposed rooflights could be conditioned to be positioned a minimum of 1.7m above finished floor level to prevent overlooking.

In respect of No.6, this neighbour is set at a right angle to the subject dwelling, with a separation of approximately 18m from the front corner of this neighbour and the proposed two storey front extension at the subject dwelling. In addition, this neighbour is set to the south. No loss of sunlight will therefore occur.

With regards privacy, the existing door in the flank wall facing this neighbour will be removed and the first floor will only contain an en-suite bathroom window, which again could be conditioned to be obscure glazed with top hung fanlights only. The proposed rooflights could be conditioned to be positioned a minimum of 1.7m above finished floor level.

Regarding the objector's verbal comment to Staff that loss of view and openness will occur from his side garden area if the development were to go ahead, it should be noted that this will occur anyway if the two storey garage were to be built forward of his property.

Staff consider any potential impact to neighbouring amenity to be acceptable. With regards the objectors' comments concerning disruption during construction works, staff consider it would not be expedient to attach a condition to any grant of planning permission which would control the hours of construction, as the proposed development is only for an extension to the dwelling, albeit fairly extensive.

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In the event of construction causing nuisance to surrounding neighbouring properties, Environmental Health legislation will be appropriate.

HIGHWAY/PARKING

No highway issues are raised as a result of this proposal. A double integral garage is proposed and the Design and Access Statement advises two off-street parking spaces can be achieved in the front garden area as a minimum. Additionally, the Agent has provided photographs which reveal that three off-street parking spaces could still be provided.

KEY ISSUES/CONCLUSIONS

Approval of planning permission is recommended, subject to conditions, as the proposal is considered to comply with the aims and objectives of the above Policies.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

1. SC4 (Time limit) 3yrs

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. SC10 (Matching materials)

All new external finishes shall 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. SC32 (Accordance with plans)

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

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

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4. SC34B (Obscure with fanlight openings only) ENTER DETAILS

The proposed windows at first floor level in both flank walls that serve en-suite bathrooms hereby permitted, shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

5. SC34 (Obscure glazing) ENTER DETAILS

The proposed rooflights in both flank roofslopes hereby permitted shall be permanently glazed with obscure glass and positioned a minimum of 1.7m above finished floor level 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.

6. SC46 (Standard flank window condition)

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 submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

2 Reason for Approval

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

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission

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was for extending or altering a dwellinghouse, is needed.

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APPLICATION NO:	P1532.12	
WARD :	Romford Town	Date Received: 5th February 2013 Expiry Date: 2nd April 2013
ADDRESS:	2-4 Eastern Road Romford	
PROPOSAL:	Change of Use from A1 to mixed A1/A5 (snack food and hot food takeaway), the installation of an external extract duct and change of use of existing paved area for ancillary customer waiting/queing with 0.8m high boundary wall	
DRAWING NO(S):	1860/01 1860/02 1860/03 1860/04 1860/05	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in by Councillor Frederick Thompson for the following reason:
I do not think the refusal is justified in view of the fact that the premises are in a trading area and there would be no loss of amenity in granting approval.

SITE DESCRIPTION

The application site is located in Eastern Road south of its junction with South Street adjacent to the railway line (on an embankment at this point) and opposite the Romford Railway Station entrance. The site lies within Romford Town Centre within the defined office area.

The site is currently occupied by a 12 sq.m single-storey unit selling cold food within A1 Use known as "Wacky Bagels". The two doors to the northern elevation open outwards to allow public access to the service counter and there is a retractable canopy over the doors.

To its rear (and attached) is a 4-storey office building with a beauty salon to the ground floor adjoining the application site. Otherwise the area is characterised by a mix of other commercial development including pubs, restaurants and takeaways, a night club and shops with offices and some residential uses (mainly above commercial premises).

A late night hot snack van (Carlos Burgers) is located within The Battis (opposite the application site) only during their serving days/hours of Wednesday-Saturday (4am) and Sun (3am).

DESCRIPTION OF PROPOSAL

The proposal is to change the use of the premises from an A1 Use selling cold sandwiches (Bagels) to a mixed A1 and A5 (takeaway) Use and to install an extract duct. The application is a re-submission of an earlier application (P1087.12) for the same development which was refused planning permission on the 30.11.12.

The plans submitted with the application show that there is an existing service counter adjacent

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to the two opening doors which serves directly onto the pavement. The proposal would result in a chips/fryer, grill and Donner kebab pole with a chest/chips freezer being added. The proposed extract ducting would exit from the back of the unit adjacent to the railway embankment and rise approximately 8.6m before terminating just over the railway embankment.

The forecourt outside the front of the building is to be enclosed by a dwarf 0.8 metre high brick wall, to match the adjoining building and separated from the adjoining public footpath. This is to separate the outdoor waiting area for customers from the adjoining public footpath which adjoins the highway.

It is proposed that the A1 Use element would be open between 7pm and 3am on Sundays to Fridays and bank holidays and between 7pm and 5am on Saturdays and that the A5 Use would operate between 7pm and 1 am on Sundays to Fridays and until 2am on Saturdays.

It is not proposed to alter the existing staff complement of 2 full-time and 1 part time.

A supporting statement has been submitted by the applicant indicating that they were granted a Late Night Refreshments Licence on 11th September 2012 to serve hot food and drinks until 3am on Sundays to Wednesdays and 5am on Thursdays to Saturdays, subject to certain requirements. They cannot serve alcohol. The statement is also accompanied by a list indicating half hourly orders on 25/10/12 which shows that they experienced a jump from 67 orders at 8pm to 1,067 at 23:30 and the peak at 2,077 at 1am the following morning.

RELEVANT HISTORY

P1087.12 - Provision of hot food take-away in addition to existing bagel/snack shop to provide mixed A1/A5 use.
Refuse 30-11-2012

CONSULTATIONS/REPRESENTATIONS

Letters have been sent to the 5 adjoining properties and other nearby occupiers of properties have also been notified of the planning application, together with Network Rail. There have been no representations received from those notified of the application.

The Metropolitan Police Crime Prevention Design Advisor has written to request that the proposal is refused on community safety grounds. He advises that as the main shopping area and centre for the evening economy, Romford Town Ward suffers significantly higher rates of all the relevant types of crime than is average for London, for example of reported crime, 18.6 offences of criminal damage/1,000 population compared with 9.2 for London as a whole and 116.4/1,000 population for theft and handling compared to the 45.3 for London as a whole with violence against the person being 57.8 compared to the London figure of 21.1/1,000 population. He therefore raises serious concerns due to the close proximity of the main railway station and the site being close to the main bus terminus. It is recognised that food outlets on the route between drinking establishments and clubs can provide a valuable service by helping people to "sober up" to a degree by eating. However, take-away food establishments also often have a 'honey pot' effect and become a meeting place/focal point for those causing problems. The people using such facilities are often targeted and therefore it is important from a community safety point of view to control the number, type and location of late food outlets. Disorder often occurs at existing venues close to the application site due to the volume of people congregating in one place.

However, the CPDA raises specific concerns regarding the application site where customers are

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served directly onto the street such that queues form outside the applicant's control and takeaway food is not immediately available with orders being taken before the food order is then made up. Customers are required to wait, often for lengthy periods, for their food to be served. This is mainly because the facility is too small.

The CPDA advisor also indicates that premises selling both cold and hot food and drink is more appealing to the night economy than purely cold food and that business is likely to become much busier during the evening/night. Given the very close siting of this to the station and bus terminal, it is considered that this would create an added hot spot in the town.

RELEVANT POLICIES

ROM8 - Romford Area Action Plan

LDF

CP4 - Town Centres

DC12 - Offices

DC15 - Retail and Service Development

DC23 - Food, Drink and the Evening Economy

DC33 - Car Parking

DC36 - Servicing

DC55 - Noise

DC56 - Light

DC61 - Urban Design

DC62 - Access

DC63 - Delivering Safer Places

SPD1 - Designing Safer Places SPD

OTHER

LONDON PLAN - 4.7 - Retail and town centre development

LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector

LONDON PLAN - 4.9 - Small shops

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 7.3 - Designing out crime

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.5 - Public realm

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

None

STAFF COMMENTS

The main issues are the principle of the development, its impact on residential amenity, its impact on public safety and highways/servicing.

BACKGROUND

The unit was for some time in A2 Use and a change of use to A1 (shop) occurred some time ago. This did not require planning permission and therefore no specific hours of use restrict the current A1 Use as a snack/sandwich bar.

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PRINCIPLE OF DEVELOPMENT

The application site lies within the Office Area within the Town Centre. It does not therefore fall specifically to be considered under either the Core or Fringe Retail Policies. Nonetheless, as an established lawful A1 Use, sandwiched between the Core and Fringe areas, it is reasonable to consider the proposal against the Fringe Policy where non-A1 Uses, particularly within the Use Classes A2 - A5 would be acceptable, subject to also meeting other relevant Policies, in this case Policy ROM8 of the Romford Area Action Plan and DC23 of the LDF Core Strategy in relation to the evening economy.

Policy ROM8 - Day and Evening Economy indicates that:

"The daytime and evening economy of Romford will be diversified by:

- Seeking to reduce the concentration of licensed premises in South Street and counting restaurants as A1 uses in numbers 72-116 (even) and 87-131 (odd) South Street for the purpose of retail core policy ROM10;
- Working with developers and operators to secure more restaurants in the town centre;
- Controlling the impacts of food, drink and evening entertainment facilities by the implementation of DC23;
- Controlling the noise or vibrations from developments by the implementation of DC55; and
- Working with landowners to investigate alternative uses for existing pubs and nightclubs

Policy DC23 states that The impacts of food, drink and evening entertainment facilities in Havering's town centres will be carefully controlled by:

- encouraging a diverse range of complementary day and evening uses in town centres that meet the needs of different social groups in the community
- promoting the objectives of the Licensing Act 2003 by carefully considering later opening times of licensed premises with the focus on preventing crime and disorder, maintaining public safety, preventing public nuisance and protecting children from harm
- discouraging proposals that will result in a concentration of similar evening uses in the one area or uses that will have a singular or cumulative impact on the area as a result of disturbance, amenity and type of facility.

It is considered that the proposal for a mixed use within A1 and A5 would be acceptable in principle.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is proposed to install a fume extraction ducting system for the hot food cooking processes which are to be carried out within the building. There would be no other external changes to the 12 sq.m kiosk-type building on the site. The proposed extract duct would be located against the rear wall of the office building, terminating some 8m or so above at the railway track level. It is considered that the duct would not have any significant impact on visual amenity in the streetscene.

IMPACT ON AMENITY

The nearest residential properties are above shops in Victoria Road on the other side of the Railway embankment and to the upper floors of some commercial properties in South Street and in Chandlers Way. Given the distances away from the site and considering that within a town centre lower levels of residential amenity are generally accepted, particularly close to the noisy, raised railway line. As a result, it is not considered that the proposal would result in any significant adverse impact on residential amenity for people living within the vicinity of the site.

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The proposed extract duct could be controlled by suitable conditions attached to any grant of planning permission with regard to noise and smells.

HIGHWAY/PARKING

The site is located in Romford Town Centre close to the Railway Station, Bus Terminal and taxi ranks. There are no objections to the lack of parking being provided for this unit due to its high public transport accessibility and close proximity to town centre car parks.

The unit is small and servicing takes place from the highway. There are no highways issues with this arrangement.

SECURED BY DESIGN

Policy DC63 of the LDF Core Strategy and Development Control Policies DPD states that among others that planning permission will only be granted for proposals which

- are designed with management and maintenance in mind, to discourage crime in the present and in the future
- are structured so that different uses do not cause conflict
- promote a sense of ownership, respect, territorial responsibility and community
- where necessary include well-designed security features
- generate a level of human activity that is appropriate to the location and creates a reduced risk of crime and sense of safety at all times

The Secured by Design SPD further indicates in relation to Use Classes A3, A4 (drinking establishments) and A5 that at para 27.2 "Proposals that would result in a concentration of similar uses in the one area or where a proposal could have a singular or cumulative impact on an area involving nuisance, amenity, crime prevention and community safety will require careful consideration. Excessive noise, litter, odour, crime and anti social behaviour are potential impacts such uses can have."

The CPDA has asked that this application is refused. Further details have been provided of crime relating to the application site which in the last year have included the windows being smashed, abusive behaviour, two incidents of GBH and one of ABH, an incident involving the damaging of the doors to the building and other where someone sprayed fizzy drinking over people outside the building (at 1.45am). Bar one of these incidents, these all occurred between 11.30pm and 2.20am.

It is reasonable to take into account any public safety issues when assessing applications which both attract and delay people from making their way home after engaging in other late evening/night activities in the town centre. The Police recognise that eating can help to begin to counter the effects of both drink and drugs which earlier activities may involve. However, the premises proposed to provide both cold and hot food is, unlike other similar facilities, so small that it does not provide a counter within the shop unit where customers could queue inside the premises. In addition, it is not a fast food service such that orders are taken and then customers wait for their order to be made up. At times when there is a high number of customers some are queueing to make orders whereas others are waiting for their orders. This causes higher numbers to mill around.

While the area to the east of the shop unit is not highway, there is to be a clear differentiation between the surfacing to the public highway and this area by the construction of a 0.8 metre high dwarf wall. However, the provision of the dwarf boundary wall around the customer waiting area may lead to more people sitting on the wall, leading to increased numbers of people waiting

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outside the kiosk for their hot food. It is unclear how a dispersal policy would work or how the hours of use for the sale of hot food would be controlled if cold food is being served for longer hours, as proposed.

It has to be recognised that a cold food service here is currently unrestricted and in planning terms the activity can take place at any time of the day or night. It is contended that any crime-related activity would not be prevented by the refusal of this current planning application. Nonetheless it is recognised that the provision of hot food would make the unit more popular for customers who want a variety of hot and cold food which will have a direct impact on increasing waiting times for orders while hot food is cooked to order. It would not be possible to control via a planning condition the hours for the hot food element if the cold food element extends beyond that time.

It is considered that while an A5 Use in the town centre would meet the principle of town centre use policies, due to the small size of the kiosk and that it relies on people congregating outside the unit, it is likely that people waiting for orders would be vulnerable to crime as well as, in some cases, be the instigators of crime contrary to Policy DC63 and Romford Town Centre Policy ROM8.

KEY ISSUES/CONCLUSIONS

The proposal for a mixed use within A1 and A5 would be acceptable in principle in Romford Town Centre. However, it is considered that the likely impact associated with the introduction of an A5 use for this small kiosk-sized unit is likely to result in an adverse impact on public safety. This is due to the lack of indoor waiting space, which would result in the need for large numbers of people queueing to make orders as well as those awaiting orders to be made up to be on street, putting them in a vulnerable position.

There have been no changes in circumstances since the previous application (P1087.12) was refused planning permission for these proposals on 30.11.2012. In the absence of any special justification to support these proposals, the planning objections to the additional use of the premises for a hot food take-away (A5) use remain. The substantial objections raised by the Metropolitan Police, as detailed in the report should be upheld. It is therefore considered that the proposal would fail to meet Policies DC23 and ROM8 and should be refused planning permission accordingly..

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

1. Reason for refusal - Late night activities

The proposal would introduce a mixed use including a takeaway to a small kiosk-sized unit located between the main evening activity centres and the public transport hub in Romford Town Centre. The unit is too small to enable customers to queue inside and with food made to order, this will result in large numbers of customers remaining on street in the area longer than ordinarily such that they are more likely to suffer from criminal activity contrary to Policies DC23 and DC63 of the LDF Core Strategy DPD and Policy ROM8 of the Romford Area Action Plan DPD

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APPLICATION NO:	L0001.13	
WARD :	Upminster	Date Received: 14th February 2013 Expiry Date: 11th April 2013
ADDRESS:	Oakfields Montessori School Harwood Hall Harwood Hall Lane Upminster	
PROPOSAL:	Listed Building Consent for internal alterations to form revised kitchen with external flue, new internal toilet provision, extension to existing conservatory to form new store to hall and surfacing of two external areas to form childrens play space with low level lighting Revised plan showing correct windows 09.04.13	
DRAWING NO(S):	R67:11:LOC01 R67:11:10B R67:11:11E	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

Oakfields Montessori School is situated within the house and grounds of Harwood Hall, a Grade II listed building situated within the Corbets Tey Conservation Area. Harwood Hall dates from 1782, and was remodelled in the 1840s in the Gothic style which is retained today. The stable block, which is situated to the rear of the listed building, is a curtilage building and judging by the materials of the building, it is likely to date from the mid-19th century, built originally as a stable with accommodation and a hay loft, and latterly altered to incorporate garages for cars.

DESCRIPTION OF PROPOSAL

Listed building consent is sought for internal alterations to form a revised kitchen with an external flue, new internal toilet provision and an extension to the existing conservatory to form a new store to the hall.

The extension to the existing conservatory would have a width of 3.4 metres, a depth of 3.8 metres and a height of 3 metres.

RELEVANT HISTORY

T0009.13 -

Awaiting Decision

P0026.13 - Installation of extended kitchen with external flue, new internal toilet provision, extension to existing conservatory to form new store to hall and surfacing of two external areas to form childrens play space with low level lighting
Awaiting Decision

CONSULTATIONS/REPRESENTATIONS

The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies, a development that relates to a Listed Building and is in a

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conservation area. Neighbour notification letters were sent to 13 adjacent occupiers. One letter of objection was received with detailed comments that have been summarised as follows:

- Objects to the surfacing of external play areas and low level lighting.
- The proposal would be harmful to the conservation area.
- Light pollution.
- The visual impact of the proposed surfacing.

English Heritage - No comment. This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Relevant Policies

RELEVANT POLICIES

Relevant LDF Core Strategy and Development Control Policies DPD Policies to be considered are Policies CP17 (Design), CP18 (Heritage), DC61 (Urban Design) and DC67 (Buildings of Historic Interest).

Policies 7.8 (Heritage Assets and Archaeology) and 7.4 (Local character) of the London Plan.

The Heritage Supplementary Planning Document and the Corbets Tey Conservation Area Character Appraisal are also considered to be relevant.

Chapters 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

Not applicable.

STAFF COMMENTS

The main issues to be considered are the impact the works would have upon the Listed Building.

LISTED BUILDING

Policy DC67 advises that an application for listed building consent will only be allowed where it does not adversely affect a listed building or its setting. Government policy contained within Chapter 12 of the NPPF advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.

The Council's Heritage Officer was consulted and provided the following comments. Oakfields Montessori School is situated within the house and grounds of Harwood Hall, a Grade II listed building situated within the Corbets Tey Conservation Area. Harwood Hall dates from 1782, and was remodelled in the 1840s in the Gothic style which is retained today. The stable block, which is situated to the rear of the listed building, is a curtilage building and judging by the materials of the building, it is likely to date from the mid-19th century, built originally as a stable with accommodation and a hay loft, and latterly altered to incorporate garages for cars. It is considered that the stable block does contribute to the setting of Harwood Hall, and as such makes a positive contribution to the character and appearance of the Corbets Tey Conservation Area.

The internal alterations to the stable block are considered to be acceptable; the interior of the building has been successively altered and there are no features of historic or architectural

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interest which remain in the building. With such a neutral interior, the removal of partition walls at the southern end of the building (which was likely to have been part of stable accommodation for the grooms etc as the layout is rather domestic) is considered acceptable as there will be no loss of features and will allow for a more useful layout for the nursery.

The insertion of a new kitchen at the northern end of the building is similarly acceptable, as the existing layout has been altered from the original, therefore it would not detrimentally affect the character of the building. Whilst it is acknowledged that extraction units will be required on the roof above, the area and height of the units has not been specified. Any extraction units should be placed centrally in the roof, to minimise their visual impact and remain as low as possible.

The proposed extension to the existing conservatory to the rear elevation, to provide an additional storage room is considered acceptable in principle. The existing conservatory has brick walls and timber windows, with a felt roof. It is imperative that in the new extension, the bricks should match the existing in colour and texture, and the windows should also match in materials and detailing. Whilst it is considered that the existing conservatory is largely functional in character, the proposal to improve the roof covering to a synthetic slate would be beneficial, giving more permanence to the structure and tying the materials in with the existing building, and therefore improving the setting of the listed building.

In relation to the conversion of two windows to new doorways, the proposal is acceptable. The proposed timber and glazed doors appear in the drawings to be acceptable, however due to the scale of the drawings, it is not possible to see the detailing of the doors. To ensure the detailing is appropriate to the listed building, it should be conditioned that scaled drawings of the proposed doors (of a scale of 1:50) should be submitted for approval prior to the commencement of works.

It is also recommended that the materials; for example of the brick and synthetic slate are also conditioned for approval prior to the commencement of works to ensure they match the existing, and complement the materials of the original building to preserve its architectural character.

With the inclusion of the suggested conditions, it is recommended that the application is approved; as the works would preserve the character of the curtilage listed building and would preserve the character and appearance of the Corbets Tey Conservation Area.

KEY ISSUES/CONCLUSIONS

With the inclusion of the suggested conditions, it is recommended that the application is approved; as the works would preserve the character of the curtilage listed building.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

1. SC69 (Listed buildings) 3yrs

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

Reason:-

To comply with the requirements of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning Compulsory

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2. SC32 (Accordance with plans)

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

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. SC09 (Materials) (Pre Commencement Condition)

Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) including the brick and synthetic slate 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 preserve the appearance of the Listed Building and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

4. Non Standard Condition 1 (Pre Commencement Condition)

Before any of the development hereby permitted is commenced, a drawing of the proposed two doors to the rear (east) elevation of the stable block building (at a scale of 1:50) should be submitted and approved in writing by the Local Planning Authority and thereafter the doors shall be constructed with the approved materials and maintained permanently thereafter.

Reason: To ensure the detailing is appropriate to the listed building. Also, in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC67.

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP17, CP18, DC61 and DC67 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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2 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

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APPLICATION NO:	P0026.13	
WARD :	Upminster	Date Received: 14th February 2013 Expiry Date: 11th April 2013
ADDRESS:	Oakfield Montessori School Harwood Hall Harwood Hall Lane Upminster	
PROPOSAL:	External flue, new internal toilet provision, extension to existing conservatory to form new store to hall and surfacing of two external areas to form childrens play space with low level lighting Revised Plans showing correct windows. 09.04.13	
DRAWING NO(S):	R67:11:LOC01 R67:11:10B R67:11:11E	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

Oakfields Montessori School is situated within the house and grounds of Harwood Hall, a Grade II listed building situated within the Corbets Tey Conservation Area. Harwood Hall dates from 1782, and was remodelled in the 1840s in the Gothic style which is retained today. The stable block, which is situated to the rear of the listed building, is a curtilage building and judging by the materials of the building, it is likely to date from the mid-19th century, built originally as a stable with accommodation and a hay loft, and latterly altered to incorporate garages for cars.

DESCRIPTION OF PROPOSAL

Planning consent is sought for an external flue, new internal toilet provision, an extension to the existing conservatory to form a storage area for the school hall and surfacing the two external areas to form a childrens play space with low level lighting.

The extension to the existing conservatory would have a width of 3.4 metres, a depth of 3.8 metres and a height of 3 metres.

The soft play surfaced area would have an area of 200 square metres with four light bollards. The hard surfaced playground would have an area of 312 square metres with four light bollards. The light bollards would be cast aluminium with a black paint finish with a maximum height of 1.1 metres. The bollards would have a maximum 60 watt light bulb in them.

RELEVANT HISTORY

T0009.13 -

Awaiting Decision

L0001.13 - Listed Building Consent for installation of extended kitchen with external flue, new internal toilet provision, extension to existing conservatory to form new store to hall and surfacing of two external areas to form childrens play space with low level lighting
Awaiting Decision

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CONSULTATIONS/REPRESENTATIONS

The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies, a development that relates to a Listed Building and is in a conservation area. Neighbour notification letters were sent to 13 adjacent occupiers. One letter of objection (was received for L0001.13 that has been applied to this planning application), with detailed comments that have been summarised as follows:

- Objects to the surfacing of external play areas and low level lighting.
- The proposal would be harmful to the conservation area.
- Light pollution.
- The visual impact of the proposed surfacing.

Environmental Health - This development is situated on or within 250 metres of a current or historic landfill site or gravel pit. Recommend a condition regarding landfill gas if minded to grant planning permission.

English Heritage - No comment. This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

RELEVANT POLICIES

Relevant LDF Core Strategy and Development Control Policies DPD Policies to be considered are Policies CP8 (Community facilities), CP14 (Green Belt), CP17 (Design), CP18 (Heritage), DC29 (Educational premises), DC45 (Green Belt), DC53 (Contaminated land), DC61 (Urban Design), DC62 (Access), DC67 (Buildings of Historic Interest) and DC68 (Conservation Areas).

Policies 3.18 (Educational facilities), 6.13 (Parking), 7.16 (Green Belt), 7.8 (Heritage Assets and Archaeology) and 7.4 (Local character) of the London Plan.

The Heritage Supplementary Planning Document and the Corbets Tey Conservation Area Character Appraisal are also considered to be relevant.

Chapters 7 (Requiring good design), 8 (Promoting healthy communities), 9 (Protecting Green Belt land) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

Not applicable.

STAFF COMMENTS

The main issues to be considered are the principle of development, the impact the works would have upon the Metropolitan Green Belt, the streetscene including the Corbets Tey Conservation Area, the impact on neighbouring amenity and any highway and parking issues.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt. Chapter 9 of the National Planning Policy Framework (NPPF) states that local authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt is by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Chapter 9 of the NPPF states that the extension or alteration of a building is appropriate in Green Belt, provided that it does not result in

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disproportionate additions over and above the size of the original building. In this instance, it is considered that the extension to the existing conservatory is acceptable in principle, as its proportions are relatively modest and it would not result in a disproportionately large addition to the school. Staff are of the view that the surfacing of two external areas to form children's play space with low level lighting comprises inappropriate development and some very special circumstances have been put forward to outweigh the harm to the Green Belt. Prior to appraising these very special circumstances, it is necessary to consider other impacts that may arise from the proposal.

GREEN BELT IMPLICATIONS

It is considered that the extension to the conservatory would not be harmful to the open and spacious character of the Metropolitan Green Belt, as its proportions are relatively modest and its single storey. The proposed extension would increase the floor area of the existing building by approximately 13 square metres. It is considered that the proposed extension would not be disproportionately large in relation to the overall size of the building, which is approximately 30 metres in length. The proposed extension would be screened by the existing flank wall of the nursery, some trees, a pair of timber gates and a brick wall, which would help to mitigate its impact. Therefore, the proposed extension to the school is not deemed to result in material harm to the Green Belt.

It is considered that the surfacing of the two external areas to form children's play space with low level lighting would not be harmful to the open and spacious character of the green belt, as they would be screened by some trees, a pair of timber gates and a brick wall on the north western boundary of the site and a brick wall on the north eastern boundary of the site, which would provide some screening and help mitigate its impact. The soft play surfaced area would also be screened by the existing stable block building and another school building.

It is considered that the number of light bollards is proportionate to the size of the external play areas. The bollards would be relatively low in height at a maximum of 1.1 metres, which would minimise their visual impact.

DESIGN/IMPACT ON STREET/GARDEN SCENE

It is considered that the extended kitchen with external flue would not adversely affect the streetscene or the Corbets Tey Conservation Area, as the stable block building is located towards the end of an access road, which is located approximately 48 metres from Harwood Hall Lane. The extension to the conservatory would not affect the streetscene, as it would be located adjacent to the children's playground and would be screened by the existing flank wall of the nursery, some trees, a pair of timber gates and a brick wall. In addition, the extension to the conservatory is single storey and of relatively small proportions.

It is considered that the surfacing of the two external areas to form children's play space with low level lighting would not be harmful to the streetscene or the Corbets Tey Conservation Area, as they would be screened by some trees, a pair of timber gates and a brick wall on the north western boundary of the site and a brick wall on the north eastern boundary of the site, which would provide some screening and help mitigate its impact. The soft play surfaced area would also be screened by the existing stable block building and another school building.

Samples of materials including the brick and synthetic slate would be secured by condition if minded to grant planning permission to ensure they match the existing, and compliment the materials of the original building to preserve its architectural character. The Council's Heritage Officer has no objection to the proposal. Overall, it is considered that the works would preserve

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the character and appearance of the Corbets Tey Conservation Area.

IMPACT ON AMENITY

The siting of the proposal is well separated from neighbouring properties. There would be a separation distance of approximately 80 metres between the south eastern boundary of the site and the nearest residential dwelling at The Chalet, Harwood Equestrian Centre.

It is considered that the extension to the conservatory would not be harmful to residential amenity, as its proportions are relatively modest and its single storey. The proposed extension would be screened by the existing flank wall of the nursery, some trees, a pair of timber gates and a brick wall, which would help to mitigate its impact.

It is considered that the flue would not result in an adverse visual impact, as its proportions are relatively modest. It is considered that the extract ducting would not result in a significant loss of amenity to neighbouring properties, as a condition from Environmental Health will be placed in respect of odours.

There is an existing grassed area adjacent to the stable block and a hard surfaced playground adjacent to the north eastern boundary of the site, which are currently used as children's play areas. It is considered that the surfacing of the two external areas to form children's play space with low level lighting would not be harmful to residential amenity, as they would be screened by some trees, a pair of timber gates and a brick wall on the north western boundary of the site and a brick wall on the north eastern boundary of the site, which would provide some screening and help mitigate its impact. The soft play surfaced area would also be screened by the existing stable block building and another school building. It is considered that the play areas would not result in a significant increase in noise and disturbance over and above existing conditions.

It is considered that the light bollards would not be harmful to residential amenity, as there are a total of eight, which are spaced out on the perimeter of the children's play space. Furthermore, the light bollards are relatively low in height at 1.1 metres and would be cast aluminium with a black paint finish, which minimises their visual impact. It is Staff's view that the light bollards would not result in high levels of illumination, as they would have a maximum 60 watt light bulb in them. A condition will be placed to ensure that the bollard lighting is only utilised while the school is operational, which is between the hours of 9am - 5pm Monday to Friday to protect neighbouring amenity.

HIGHWAY/PARKING

The existing car parking arrangements would remain unaffected by the proposal. It is considered that the proposal would not create any parking or highway issues. The Highway Authority has no objection to the proposal.

OTHER ISSUES

The Case for Very Special Circumstances:

The applicant's case for very special circumstances can be summarised as follows:

- Chapter 8 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools. The proposal

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provides a practical and economical way of enhancing this educational facility both now and in the future, which adheres to Policy DC29.

- The OFSTED report from 2012 identified a requirement for more and improved open play space areas. The report stated that 'The Kindergarden and Reception classes combine some Montessori approaches with key elements of the Early Years Foundation Stage. The outdoor provision is not yet fully established as a learning classroom. However, there are appropriate plans in pace to address this shortcoming in the near future and children in these classes clearly enjoy using the resources available to them. To meet the OFSTED recommendation, it is proposed to provide extensions to two additional play areas, to ensure more coherent and enhanced play facilities. These areas will be lit to allow additional play time in the winter months.

- The extension to the existing conservatory to form a storage area for the school hall/dining room area will assist the school and help meet the OFSTED report which advised 'The premises are adequate and meet regulatory requirements. However, they are not always best suited to the different age groups and plans are rightly being made to improve these as far as possible within regulatory and building constraints'.

KEY ISSUES/CONCLUSIONS

It is considered that the extension to the existing conservatory is acceptable in principle, as its proportions are relatively modest and it would not result in a disproportionately large addition to the school. Staff are of the view that the surfacing of two external areas to form children's play space with low level lighting comprises inappropriate development. However, it is considered that the very special circumstances that have been submitted justify the inappropriate development proposed. It is considered that the proposal would not materially harm the open and spacious character of the Green Belt. Staff consider that the design, form and scale of the proposal would integrate satisfactorily with the character and appearance of the school, the streetscene and the Corbets Tey Conservation Area. Staff consider that the proposal would not be detrimental to neighbouring amenity or create any highway or parking issues. For the reasons outlined in this report, it is considered that planning permission should be granted subject to conditions.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

1. SC4 (Time limit) 3yrs

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. SC09 (Materials) (Pre Commencement Condition)

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

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3. SC32 (Accordance with plans)

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

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.

4. Non Standard Condition 31

The bollard lighting hereby permitted shall not be used other than between the hours of 9am - 5pm Monday to Friday without the prior consent in writing of the Local Planning Authority.

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

5. Non Standard Condition 1 (Pre Commencement Condition)

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 after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

6. Non Standard Condition 2 (Pre Commencement Condition)

Prior to the commencement of any ground works or development of the site;

(1)

a) A site investigation shall be undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks.

b) If site investigation mentioned in 1(a) above confirms the presence of soil or landfill gas and/or vapour requiring remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be submitted and approved in writing by the Local Planning Authority.

c) Following completion of the remediation works as mentioned in (b) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

(2)

a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how

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7. Non Standard Condition 32

Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Development Control Policies Development Plan Document Policy DC53.

INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC27, DC33, DC45, DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

3 Non Standard Informative 1

Guidance is provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety - www.food.gov.uk/foodindustry/
- Occupational safety & health - www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

online.havering.gov.uk/officeforms/licence_food_business.ofml .

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APPLICATION NO:	P0059.13	
WARD :	Elm Park	Date Received: 1st February 2013 Expiry Date: 29th March 2013
ADDRESS:	40 Ambleside Avenue Hornchurch	
PROPOSAL:	First floor front extension	
DRAWING NO(S):	Drawing 1 Drawing 2 Drawing 4 Drawing 7	
RECOMMENDATION :	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report given at the end of the report.	

CALL-IN

This application has been called into committee by Councillor Oddy to ensure that there is consistency in relation to decisions regarding front extensions.

SITE DESCRIPTION

The application site is a semi-detached property located on the south western side of Ambleside Avenue. The property has previously been extended at the front at ground floor level only.

DESCRIPTION OF PROPOSAL

This application seeks permission for a first floor front extension to be constructed partially over the existing ground floor extension, measuring 3.8m wide by 1.25m deep to an overall height of 7.2m, with a hipped roof. The extension would provide an enlarged bathroom.

RELEVANT HISTORY

P1351.05 First floor front extension. Refused, dismissed on appeal.
P0945.05 First floor front extension. Refused

CONSULTATIONS/REPRESENTATIONS

10 letters of support have been received from neighbouring occupiers.

RELEVANT POLICIES

LDF

DC61 - Urban Design
SPD4 - Residential Extensions & Alterations SPD

OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

This application is not liable for Mayoral CIL.

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STAFF COMMENTS

The main issues to be considered in this case are the impact upon the street scene, impact upon residential amenity and highways/car parking.

BACKGROUND

Planning permission was refused in September 2005 (following on from an earlier refusal in July that same year) for a first floor front extension for the following reasons:

The proposed first floor front extension would, by reason of its scale and bulk, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy ENV1 and Supplementary Design Guidance (Residential Extensions & Alterations) of the Havering Unitary Development Plan.

The proposed first floor front extension would, by reason of its scale and bulk and lack of subservience appear out of character with the dwelling and materially harmful to the visual amenity of the surrounding area contrary to Policy ENV1 and Supplementary Design Guidance (Residential Extensions & Alterations) of the Havering Unitary Development Plan.

The extension proposed at that time measured 3.9m wide by 1.25m deep to an overall height of 7m with a hipped roof. The refusal was subsequently challenged via appeal. In dismissing the appeal, the Inspector concluded that: a) the extension due to its scale and bulk, would appear as a dominant addition to the dwelling within the street scene where first floor extensions are not a characteristic of the immediate local area; b) when combined with the existing ground floor extension, the extension would not appear subservient to the existing dwelling and the proposed roof arrangement would unbalance the design of the property, thereby resulting in harm to the character of the area.

Since the dismissal of the appeal in 2005, the Council has adopted its Local Development Framework. Particularly relevant to this application is the Supplementary Planning Document (the SPD) on Residential Extensions and Alterations, which replaced the Supplementary Design Guidance on the same topic, which the Inspector took into account when reaching her earlier decision.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The SPD makes clear that large front extensions are generally unacceptable in Havering due to the adverse effect they can have on the appearance of the original house and the character of the street. In the exceptional circumstances of a front extension being acceptable, the SPD outlines that it should not project more than one metre forward of the main building line and must be designed to appear as part of the original house through employing matching finishing material and roof style.

With a single exception, this part of Ambleside Avenue has no first floor front extensions. To this end, the original character of the street is largely as built, aside from various single storey front extensions and porches which have been constructed. The proposed extension retains similar dimensions to that previously dismissed on appeal. Whilst the policy framework has changed since the appeal, the objective to retain street character remains. By reason of its scale, bulk and roof form, particularly when combined with the existing single storey front extension, it is considered that the proposal would appear as a dominant addition to the property, lacking subservience. The impact would be unduly harmful, detrimental to the character of the street at this point.

Recognising that there is a single example of a first floor front extension at no. 44 Ambleside

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Avenue which is much smaller in size and scale, the applicant was invited to amend his proposals to match the form of extension present at no. 44. The applicant declined to do so, opting to have the application determined as submitted. The applicant also presented Staff with details of other properties nearby with first floor front extensions, which in his view, set a precedent for the proposal. Having reviewed the planning history for each of these extensions, Staff are satisfied that no precedent has been set and therefore these examples have been given little weight in the consideration of this application.

IMPACT ON AMENITY

Given the separation distances and particular relationship with adjoining properties, the development is not considered to have an adverse impact upon neighbouring amenity.

HIGHWAY/PARKING

The proposals would not affect current parking provision off street.

KEY ISSUES/CONCLUSIONS

For the reasons set out above, Staff consider that the proposed extension fails to satisfy Policy DC61 or the Residential Extensions and Alterations SPD. Refusal is therefore recommended.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

1. Reason for refusal - Streetscene

The proposed development would, by reason of its scale, bulk and roof form, appear as an unacceptably dominant and visually intrusive feature, which lacks subservience, to the detriment of the character and appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

1 Refusal - Amendments requested not made

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements were required to make the proposal acceptable and suitable amendments were suggested during the course of the application, in accordance with para 186-187 of the National Planning Policy Framework 2012. The applicant declined to make the suggested revisions.

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APPLICATION NO:	P0073.13	
WARD :	Mawneys	Date Received: 21st January 2013 Expiry Date: 18th March 2013
ADDRESS:	172 Collier Row Road Collier Row	
PROPOSAL:	Change of use to mini cab office (Sui Generis)	
DRAWING NO(S):	Site Location Plan	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The site comprises an existing two storey building and its curtilage. The application building comprises a "retail" unit, formerly in use as a tanning and beauty salon (sui generis), at ground floor level, with residential accommodation above. No evidence is available to suggest that the afore mentioned use was lawful, and it is therefore considered that the lawful use of the site is A1 retail.

The site's southern boundary abuts the public highway; the western boundary adjoins a neighbouring property that includes a retail unit with accommodation above; the eastern boundary abuts an alley, on the other side of which are further properties of a similar nature to the one under consideration.

The site is located in the Collier Row Road Minor Local Centre.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of the existing ground floor retail unit to an office to accommodate a mini cab booking service. The applicant has stated that members of the public are unlikely to visit the premises and book vehicles in person; the proposal is not therefore considered to be for a typical cab office (sui generis). The proposed use would involve an office in which staff would co-ordinate bookings by phone and communicate this remotely to drivers. It is therefore considered that the proposed change of use would be from use class A1 to use class B1.

The submitted information states that the proposal would provide 3 full-time, and 2 part-time jobs, and would operate between 0600-0200 Monday to Friday, Sundays and Banks/Public holidays, and on a 24 hour basis on Saturdays.

RELEVANT HISTORY

The previous planning decisions of most relevance to the proposal are as follows:

L/HAV/1099/80 - Rear extension to an existing off licence shop - Approved.

L/HAV/323/78 - Ground floor store and first floor bedrooms - Approved.

L/HAV/652/66 - New shop front to existing grocers shop - Approved.

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CONSULTATIONS/REPRESENTATIONS

As the application is contrary to the Development Plan, it has been advertised by means of a site notice and press advertisement. These will not expire until after the 16th May.

Notification letters were sent to 41 neighbouring occupiers. Representations have been received from 2 neighbours, objecting to the proposal on the following grounds:

- a) The proposal would result in noise late at night;
- b) There would be insufficient for vehicle parking;
- c) There will be an increase in traffic;
- d) It is alleged that the Council has previously advised against such proposals.

RELEVANT POLICIES

Policies DC16, DC32 and DC61 of the Core Strategy and Development Control Policies DPD ("the LDF")

MAYORAL CIL IMPLICATIONS

The proposal would not give rise to a payment under the Mayoral CIL Regulations.

STAFF COMMENTS

The main issues in this case are considered to be the principle of development, along with the impacts on visual, residential, and highway amenity.

PRINCIPLE OF DEVELOPMENT

Policy DC16 of the LDF encourages retail uses in the Minor Local Centres, but allows for exceptions where applicants can demonstrate, with marketing over a period of 12 months, that the premises have proven difficult to let for the preferred uses. Also, active frontages are encouraged at ground floor level in Minor Local Centres.

The previous use of the site was a tanning and beauty salon, however, there is no evidence on record that this use was ever granted planning permission and no information has been submitted to indicate the period of time that the premises were being used in this way. The assumption therefore is that the approved use of the site is A1 retail.

The applicant is unable to provide robust marketing evidence that the retail unit has proven difficult to let over the past 12 months. Moreover, the proposal would result in the loss of an active frontage, which may be detrimental to the vitality of the Minor Local Centre. The applicant has submitted a number of letters, including from neighbouring occupiers and the site's landlord, which all state that the retail unit has been empty for approximately 9 months. Whilst this information falls short of the evidence required under Policy DC16, Members may wish to make an exception in this case given that the proposal would involve bringing a vacant unit back into use, and would provide 3 full-time and 2 part-time posts.

The applicant has stated that no changes will be made to the existing shop frontage.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will not be granted for proposals that would result in significant adverse impacts on the character of the area.

The proposal would not result in any operational development. The parking of vehicles at the

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front of the premises would only continue an existing trend at the site and neighbouring properties. In terms of its visual impact, the proposal is considered to be in accordance with Policy DC61 of the LDF.

IMPACT ON AMENITY

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

A neighbouring occupier has objected to the proposal on the grounds that it would result in vehicle noise late at night.

It is considered that the use of the site as a traditional cab office, which would attract members of the public to visit the premises in person, could cause a noise nuisance to neighbouring occupiers, particularly late at night. The unit under consideration has residential accommodation above it. However, the applicant has stated that it is unlikely that potential customers will use the business in this way. The proposal would involve what would, in effect, be a small call centre, where bookings are received by telephone and then transmitted to drivers who will already be out on the road network. As customers would not visit the premises, there would be no reason for the private hire cars to visit the site.

If planning permission were to be granted, a condition could be imposed to prevent members of the public visiting the premises to make bookings, in the interests of minimising potential noise impacts.

There is also the potential for the proposed use to cause a noise nuisance to adjoining residential occupiers as a result of office noise, such as the use of phones, and other office activities, as the use would occur at unsociable hours. It is therefore recommended that if planning permission is to be granted, that it be for an initial period of 12 months so that the operator can demonstrate that the use can occur without causing a nuisance to adjoining occupiers. In the event that complaints are received, then the Council would need to consider whether planning consent should be renewed if a future application is received.

Subject to the afore mentioned conditions and a temporary planning permission, it will be possible for the Council to assess the impacts of the proposal prior to granting a permanent planning permission.

HIGHWAY/PARKING

Policy DC32 of the LDF states that proposals will only be approved where they do not result in any significant adverse impacts on the functioning of the road network.

A neighbouring occupier has objected to the proposal stating that there would be insufficient vehicle parking.

The applicant has stated that 6 parking spaces have been leased at separate premises over the road from the site, and this has been corroborated by the relevant business operator. The site has capacity for approximately 2 off-street parking spaces. As the proposal would not be for a traditional cab office where customers are picked up from the premises, additional parking spaces would not necessarily be required.

The Council's Highway officers have raised no objections to the proposal.

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In terms of the amount of car parking spaces to be provided and the impact the proposal would have on highway safety, the proposal is considered to be acceptable, although the proposed temporary planning permission would provide scope for the adequacy of the parking arrangements to be monitored prior to a permanent permission being granted.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be contrary to Policy DC16 of the LDF, however, the evidence that has been submitted with the application indicates that the retail unit has been empty for 9 months. The proposal would bring the unit back into use and provide jobs. Members may consider that the economic benefits of the proposal are sufficient to overcome the harm caused to a Minor Local Centre, resulting from the loss of a retail unit and an active street frontage. In the event that planning consent is to be granted, it is recommended that this be for an initial temporary period of 12 months to allow the applicant time to demonstrate that the use can be undertaken without causing a nuisance to adjoining residential occupiers.

As the statutory public consultation exercise will not end until after 16th May, it is recommended that authority be delegated to the Head of Regulatory Services to issue a decision in accordance with the Committee's resolution.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

1. SC4 (Time limit) 3yrs

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. Non Standard Condition 31

Members of the public shall not be permitted to book hire cars in person at the proposed private hire office.

Reason:-

To protect the amenities of neighbouring occupiers in accordance with Policy DC61 of the Core Strategy and Development Control Policies DPD.

3. Non Standard Condition 32

The approved use shall cease within 12 months of the date of commencement. The operator shall notify the Local Planning Authority in writing within 7 days of the date that the proposed use commences.

Reason:-

To enable the noise impacts of the proposal to be monitored and to protect the amenities of neighbouring occupiers in accordance with Policy DC61 of the Core

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4. SC22 (Hours of operation) ENTER DETAILS

The proposed use shall only be carried out on the site between the hours of 0600 and 0200 Mondays to Fridays, Sundays, Bank and Public holidays. Operations shall take place for upto 24 hours from 0600 on Saturdays.

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

5. SC32 (Accordance with plans)

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

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.

INFORMATIVES

1 Reason for Approval

Whilst the proposed development is considered to be contrary to Policy DC16 of the LDF Core Strategy and Development Control Policies Development Plan Document, it is considered that there are other material considerations that overcome any harm resulting from the loss of a retail unit and active frontage in a Minor Local Centre. Significant weight has been given to the economic benefits of the proposal.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2 Approval following revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.

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APPLICATION NO:	P0227.13	
WARD :	Harold Wood	Date Received: 4th March 2013 Expiry Date: 3rd June 2013
ADDRESS:	Unit 6A Gallows Corner Retail Park Colchester Road Romford	
PROPOSAL:	Alterations to external elevations of an existing building and site layout, creation of 1,060 sq m of additional retail floorspace (Class A1) at mezzanine level, and variation of Condition 9 of Planning Permission: P0865.99 to extend the range of goods permitted to be sold. Revised Plans received 04.04.13	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is the former Comet retail store, which is situated on the Gallows Corner Retail Park at the junction of the A12 Colchester Road and the A127 Southend Arterial Road. The store has been vacant since December 2012. The site lies outside of Romford Town Centre, although the retail park is identified in the LDF as an 'Out of Town Centre' retail site.

The store forms part of a single row of commercial units constructed in a retail 'warehouse' style, finished with grey cladding panels and is the very end-most unit at the western end of the site. The site has vehicular access from both the A12 and the A127. The existing store has a floorspace of 2,460 square metres.

DESCRIPTION OF PROPOSAL

The application intends to bring this vacant unit back in to retail use. No change of use of the premises is proposed but the development will include the following:

1. The creation of an additional 1,060 square metres of floorspace (Class A1 retail) at mezzanine level;
2. Alterations to the external elevations of the building and associated works to the pedestrian pavement and car park;
3. The provision for use of some 155 square metres of floospaces within the unit as an ancillary cafe, and
4. The variation of condition 9 of planning permission P0865.99 to extend the range of goods that can be sold from the existing floorspace.

The external alterations to the building will involve the removal of the existing cladding panels to the front and side elevations of the store and replacement with double height sections of glazing and sandstone coloured facing brickwork. Grey coloured aluminium louvres are proposed above each of the glazed sections. Existing advertising is to be removed; new advertising will be

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subject of a separate application.

The alterations to the pedestrian pavement and car park will involve a small reduction to the size of the existing soft landscaped area at the front of the store. There are currently 6 no. parking spaces for disabled users within the demise of the store frontage, these would be reprovided in a new more central arrangement in front of the site. In total there would be 11 parking spaces in front of the store. Existing cycle storage would be retained.

RELEVANT HISTORY

- P1623.08 - Installation of storage mezzanine floor
Apprv with cons 21-11-2008
- P1624.08 - Variation of Condition 9 of planning permission P0865.99 to extend the range of goods sold by a catalogue shop retailer only
Apprv with cons 06-11-2008
- P1625.08 - External alterations, including installation of new shop fronts and entrance features
Apprv with cons 06-11-2008
- A0089.00 - 4 No. replacement shop signs 2 No. new shop signs
Apprv with cons 06-10-2000
- P0267.98 - Variation of Condition No 5 & 6 of Planning Permission P1844.83 increasing retail sales area and including wider range of goods for sale
Apprv with cons 07-08-1998

CONSULTATIONS/REPRESENTATIONS

The application was advertised on site and in the local press as a departure from the LDF in respect of retail shopping policies. Neighbour notification letters were sent 48 local addresses and no letters of representation were received.

RELEVANT POLICIES

LDF

- CP10 - Sustainable Transport
- CP17 - Design
- CP4 - Town Centres
- CP9 - Reducing the need to travel
- DC15 - Retail and Service Development
- DC32 - The Road Network
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC61 - Urban Design
- DC62 - Access
- DC63 - Delivering Safer Places

OTHER

- LONDON PLAN - 4.7 - Retail and town centre development
- LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
- LONDON PLAN - 7.4 - Local character

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OTHER

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Mayoral CIL guidance advises that account need not be taken of applications that involve mezzanines alone, either because they do not constitute development or because they do, but only as a result of a development order. The application is not therefore considered to be CIL liable.

STAFF COMMENTS

The issues arising from this application are the principle of the proposed development, specifically the retail implications of the proposal, design and visual impact, parking and highway issues.

PRINCIPLE OF DEVELOPMENT

The application does not involve a material change of use of the existing retail premises. It does however involve the creation of an additional 1,060 square metres of retail floorspace through the addition of a mezzanine floor. As the application site is outside of an existing town centre, defined as an 'Out of Town Centre' retail development in the LDF, in line with the requirements of the National Planning Policy Framework (NPPF) a 'sequential test' of suitable alternative sites meeting the criteria in the NPPF must be undertaken.

Sequential Test:

In terms of background, the application is proposed by the Next retail company. The store is proposing a 'Home and Fashion' format which allows for the display and sale of a range of home products, but particularly furniture, alongside the sale of fashionwear. The applicant states an intention to ensure that the fashion element will not exceed 49% of the net sales area. The applicant explains that the nature of the goods sold, primarily the furniture element, is such that it requires larger areas of floorspace and storage capacity that cannot reasonably be accommodated in the company's traditional stores in town centres.

Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered.

Policy DC15 of the LDF states that planning permission for retail and service development and extensions to, or the redevelopment of, existing edge of centre and out of centre retail stores over 200 square metres, including mezzanines, will only be granted where the sequential test is satisfied unless, amongst other things, it is ancillary to an existing development.

A sequential test has been undertaken for the application. The applicant advises that the format of the proposed store incorporates the sale of bulky goods, particularly furniture, which requires sufficient floorspace for the display of such items and for circulation around the displays. The applicant advises that such 'bulky goods' sales are normally expected to take place on retail parks. It is acknowledged the store would also have a fashion sales element, although this would be limited to a maximum of 49% of the net sales area so that this would not become the primary element of the floor space. The applicant has advised that, whilst regard has been had to the requirements within the NPPF to take a flexible approach to scale and format of retail development, the store requires a fashion element to complement the 'Home' store to support

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the overall viability of the concept and mitigate the lower sales densities achieved by the 'Home' section. It is contended that one cannot be separated from the other and, as such, justifies the requirement for a larger store which can meet the floorspace requirements.

The sequential test clarifies that alternative sites have been assessed in terms of availability, suitability and viability. Given the quantum of floorspace proposed at the application site, the sequential test considers Romford Town Centre to be the only centre within the Borough capable of meeting the operator requirements. Staff concur with this opinion. The sequential test looks only at a minimum threshold of 2,500 square metres for alternative sites. Staff also consider this to be an acceptable approach in view of the identified requirements for the proposed store format.

The sequential test identifies the former TJ Hughes store in Romford Market as the only vacant premises in Romford that exceeds the 2,500 sq.m. threshold. It is identified as being available. It is cited as being unviable as the existing premises would require significant capital investment to be made suitable for use, which would not be justified in terms of anticipated sales as the 'Home' range does not generate sufficient sales income to justify the use of a town centre location and would also compete with the sales generated by Next's existing town centre site (in the Liberty shopping centre). The costs of upgrading the unit, the degree of competition with the existing Next store and the extent of bulky goods to be sold from the premises are indicated to make this town centre site unsuitable for use. Staff consider this to be a reasonable conclusion.

The sequential test also identifies a site in Swan Walk, which has an extant planning permission for new retail units, as a potential development site. It states that as the development has not commenced and there is no indication this is imminent the site is considered to be unavailable. The consented scheme to redevelop this site contains no units that would accommodate the floorspace requirements of the proposed development and is not suitable for the sale of bulky goods. Furthermore it is too close to the existing Next store. The sequential test therefore considers the site to be unsuitable. The rental level for the floorspace is also considered to be unviable, particularly given the likely knock on impact on sales for the existing Next retail store. This site is therefore also concluded to be unviable. Staff consider the case made in this respect to be a reasonable one and conclude that this site would not be preferable to the application site.

Planning staff are also aware of a further development site which has an extant planning permission for retail development, on the former Decathlon retail site in Angel Way. This site has not been referred to in the sequential test but staff are aware that there are no current plans to implement the approved scheme, such that the site may be considered to be unavailable at present with no immediate indication that it will become available in the short term. The site, as consented, contained no units of the floorspace required by the applicant due, in part, to issues of servicing and delivery. This would make it difficult for a bulky goods store to operate from the site and with the nearest car parking being in Market Place or the Angel Way multi-storey car park would be less attractive to shoppers seeking to collect bulky goods. The operational restrictions are likely to make the unit unviable and Staff are therefore satisfied that this site would not be a suitable alternative to the application site.

Having regard to the specific nature of the proposed retail format and the sequential test submitted with the application, Staff are satisfied that no sequentially preferable alternative sites have been identified and that, as a defined 'out of centre' retail site, the application site is suitable, in policy terms, for the proposed use.

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Retail Impact Assessment:

Paragraph 26 of the NPPF goes on to state that where assessing applications for retail development, which are not in accordance with an up-to-date Local Plan, LPA's should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (or a default threshold of 2,500 square metres if the figure has not been set locally.) The 2,500 square metres threshold is relevant in this case, as the Council does not have a locally set threshold. The proposed development creates 1,060 square metres of additional floorspace so is below this threshold. Nonetheless, the applicants have undertaken an assessment in accordance with the tests set out in the NPPF.

The retail impact assessment notes that the Council's Retail and Commercial Leisure Needs Assessment (2012) indicates there is capacity to support additional retail floorspace within the Borough in the short to medium term, for example an additional 2,781 square metres up to 2012.

Even with the proposed additional 1,060 square metres of floorspace at the application site, this would leave capacity for a further 1,933 square metres of floorspace.

The retail impact assessment identifies that the Town Centre Health Check (forming part of the 2012 Retail Study) indicates that Romford displays the characteristics of "a healthy, vital and viable town centre". Given the Gallows Corner Retail Park is already an established retail destination within the Borough, which Staff note currently holds some 10.8% of the market share, second only to Romford Town Centre, Staff consider that the increase of floorspace proposed at mezzanine level would not significantly alter or affect this position.

In terms of impact on existing town centre trade, the retail impact assessment notes that the total turnover of the proposed development is estimated to be in the region of 2.71% of the existing comparison goods turnover of Romford Town centre and 2.19% of the total turnover of Romford Town Centre. It is noted that at least half of the store would be a 'Home' format and that this would be most likely to compete with other large format, retail park operators. As such the proposal is not considered to have a significant adverse impact on the town centre's overall turnover. It is also indicated that given the strength of clothing and footwear sales in Romford Town centre, identified in the 2012 Retail Needs Assessment, which comprises some 32% of all units, the proposed fashion element of the development would not result in a degree of trade diversion that would significantly impact on the role or function or consumer choice within Romford. The retail impact assessment also points to a degree of overtrading at existing Tesco stores in the Borough, the loss of trade to Lakeside and a reduction in turnover at the application site compared to the former Comet store. It is contended that the proposal will assist in reducing the overtrading and reduce levels of trade leakage to Lakeside.

Staff note that there is not a specific need for a retail impact assessment given the amount of new floorspace proposed. Nonetheless, the conclusions of the report are considered to be sound and have taken into account the findings of the Council's Retail and Commercial Leisure Needs Assessment 2012. Taking these factors into account Staff are satisfied that the proposal is unlikely to significantly affect the retail vitality and viability of Romford Town Centre.

Staff have also noted that this proposal represents an opportunity to bring a vacant retail unit back into use. The store closed in December 2012. The proposal is expected to create in the region of 140 plus employment positions and the applicant advises that the majority of its employees within its current Romford store come from the local area. The proposal is considered to result in development that would be of economic benefit to the Borough overall.

Variation of Condition:

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Planning permission was originally granted in 1999 for the construction of four retail units. The planning approval (application reference P0865.99) was given subject to a condition restricting the goods that can be sold from the premises. Condition no. 9 of this permission states the following;

The premises shall be used as a retail warehouse, for the sale in any combination (as the retailer or retailers shall choose) of DIY goods, furniture and furnishings, carpets and floor coverings, motor accessories, cycles and cycle parts and accessories, gas and electrical goods and appliances, pets, pet food and pet products, office equipment and other associated products, footwear and sports apparatus and other ancillary products and for no other purpose including specifically the sale of food and other uses falling within Class A1 scheduled to the Town and Country Planning (Use Classes) (Amendment) Order 1991. The ancillary sale of snack foods and drinks from within the retail warehouse shall not be deemed to be a breach of this condition.

The condition was imposed in order to ensure that the units do not sell certain products or become an alternative use without planning permission. The purpose of this was to ensure that the retail unit would not prejudice the Council's shopping policies or harm nearby shopping centres. The condition was also imposed to control the use of the building given the limited amount of car parking available on the site.

In order to meet the requirements of the applicant, a variation of this condition is requested to enable, in addition to the goods and products specified in the condition, the sale of clothing and accessories. The condition, as currently existing, allows ancillary sale of snack foods and drinks.

The proposed development, including the proposed new mezzanine, would result in a gross internal area (GIA) of 3,520 square metres. The applicant has suggested that the following condition be imposed:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987 (as amended), or any other statutory instrument revoking or re-enacting that Order with or without modification, the floorspace hereby permitted shall be used within Class A1 as follows:

a) No more than 1,282 square metres of the net sales area shall be used for the display of all goods, other than food or drink for human consumption; and

b) The remainder of the net sales area may be used for the sale of all goods except food, drink and other convenience goods, clothing, footwear and fashion accessories, cosmetics and pharmaceutical products, toys, games and arts and craft materials and books, CD's and other pre-recorded media, except where any of the above are sold ancillary to the permitted range or from an ancillary cafe.

The applicant has confirmed that any cafe concession within the development would occupy approximately 155 square metres of floorspace within the development.

The variation of the condition, as proposed by the applicant, would effectively allow the sale of clothing and accessories from the site, which are presently not included in the existing condition. It would also restrict the extent of sales area to be used for display and that to be used for sale of goods

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Staff consider the variation of the condition applied for would have no material adverse impact and can be agreed.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed physical works to the building, which include replacing the existing metal cladding with brick cladding, introducing full height sections of glazing with metal louvres and removing existing advertising are considered to significantly improve upon the character and appearance of the existing unit, giving it a much fresher and more modern appearance. Although the external appearance of the building will differ from other shop units on the retail park this is not considered detrimental to the visual impact of the retail park. Rather it is considered to give a welcome facelift to this unit that would be likely to encourage shoppers to the retail park and in turn result in an economic boost to the retail park.

The Borough Crime Prevention Design Advisor confirms there are no material objections in respect of crime or community safety issues.

The external works to the pavement, parking and landscaped areas in front of the building are relatively minor and are considered to result in an overall improvement to the setting of the building and the overall quality of the retail park environment.

IMPACT ON AMENITY

The application premises are situated on a retail park that is adjoined on two sides by major trunk roads (A12 and A127). There are no residential properties in close proximity to the premises. The premises will retain their existing A1 retail use and it is judged that the proposal would not result in any material harm to local amenity.

The application makes provision for an ancillary A3 cafe facility, which would have a floorspace in the region of 155 square metres. This represents a small proportion of the overall floorspace of the unit and as it is ancillary to the main use of the premises is not considered to have a significant impact on neighbouring amenity.

HIGHWAY/PARKING

The application does not propose any changes to the existing points of access and egress for the retail park and is not judged to create any material highway safety issues in relation to the operation of the A12 Colchester Road or the A127 Southend Arterial Road. Transport for London, who are responsible for these roads, have been consulted on the proposals. At the time of writing this report no response has been received. Members will be updated verbally at the meeting if any representations are made by TfL.

The site is located within an existing retail park, which is well served by car parking provision, totalling some 319 spaces. The proposals alter the arrangement of parking in front of the store, such that there would be a small net increase in the number of spaces. Disabled parking spaces would be retained in the same quantity as currently exists but would be re-positioned so that they are closer to the store entrance than at present. Whilst the proposal includes the provision of additional floorspace at the site it is not considered that this would result in such an increased demand for car parking that would be beyond the capacity of the existing site.

In terms of staffing, it is advised that the store would be likely to employ around 127 staff in total, although these would be a mix of full and part time posts and would vary seasonally. Taking into account likely full and part time staff for the coffee shop concession a likely staffing requirement

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of 142 full and part time jobs has been identified, although the numbers employed within the store on a day to day basis would not be this high. It is likely that a number of staff would be based locally and not need to drive to the site and overall it is judged that any parking requirements of staff could be accommodated within the site. A Framework Travel Plan has been submitted with the application, identifying the measures that could be implemented to encourage staff to use alternative modes of travel. This is acceptable in principle but staff recommended that a full travel plan be secured by condition.

The site is located within an existing retail park, where provision already exists for deliveries to and from the existing stores, including the former Comet electrical store which is the subject of this application. Staff are therefore satisfied that the proposal would create no significant issues in respect of servicing and deliveries to the site. It is recommended that a condition be imposed relating to site waste management as it is not clear what the detailed arrangements for this would be.

The Fire Brigade has not raised any concerns regarding the proposals in respect of fire fighting access.

KEY ISSUES/CONCLUSIONS

The proposal will bring a vacant retail unit back into use, which will involve the creation of around 140 plus full and part time positions. The proposal will involve external alterations to the building that will significantly enhance its character and appearance. A sequential test and retail impact assessment has been undertaken and submitted with the application and staff are satisfied that there are sequentially preferable alternative sites available and that no significant impact on the retail vitality or viability of Romford town centre will occur. The proposal is considered to be acceptable in terms of parking, servicing and delivery and highway impacts. No material harm to amenity is considered to occur.

The proposal is therefore judged to be acceptable in all material respects and it is therefore recommended that planning permission is granted.

RECOMMENDATION

It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

1. SC4 (Time limit) 3yrs

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. SC32 (Accordance with plans)

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

Reason:-

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3. Non Standard Condition 31

The development hereby approved shall not open for trading until a scheme for the collection and storage of refuse is submitted to and approved in writing by the Local Planning Authority and the refuse storage is provided in accordance with the approved scheme. Refuse collection and storage arrangements shall be maintained in perpetuity in accordance with the approved scheme.

Reason: To ensure that refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Development Control Policies Development Plan Document Policy DC40.

4. Non Standard Condition 32

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 1987 (as amended), or any other statutory instrument revoking or re-enacting that Order with or without modification, the floorspace hereby permitted shall be used within Class A1 as follows:

a) No more than 1,282 square metres of the net sales area shall be used for the display of all goods, other than food or drink for human consumption; and

b) The remainder of the net sales area may be used for the sale of all goods except food, drink and other convenience goods, clothing, footwear and fashion accessories, cosmetics and pharmaceutical products, toys, games and arts and craft materials and books, CD's and other pre-recorded media, except where any of the above are sold ancillary to the permitted range or from an ancillary cafe.

Reason: In the interests of maintaining retail vitality and viability and to accord with the provisions of Policy DC15 of the Core Strategy and Development Control Policies Development Plan Document.

5. Non Standard Condition 33

The retail sale of clothing and associated fashion goods and accessories shall not exceed 49% of the total net sales area, unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the terms of this application, particularly as set out in paragraph 2.6 of the submitted Planning and Retail Statement dated March 2013, to maintain retail vitality and viability and to accord with the provisions of Policy DC15 of the Core Strategy and Development Control Policies Development Plan Document.

6. Non Standard Condition 34

Prior to the commencement of development a travel plan, following on from the recommendations within the Framework Travel Plan forming part of this application, and showing measures to be undertaken to encourage the use of sustainable modes of transport and reduce reliance on use of private cars shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out and thereafter operated in accordance with the approved details.

Reason: To encourage more sustainable travel in accordance with LDF Core Strategy Policy CP10.

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INFORMATIVES

1 Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of the National Planning Policy Framework, Policies 4.7, 4.8 and 7.4 of the London Plan and Policies CP4, CP9, CP10, CP17, DC15, DC32, DC33, DC34, DC35, DC61, DC62 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2 Approval - No negotiation required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3 Non Standard Informative 1

Pursuant to the provisions of the National Planning Policy Framework responsibility for securing a safe development rests with the developer and/or landowner. It is recommended that a watching brief is implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found it should be reported in writing to the Local Planning Authority.

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REPORT

Subject Heading:

**P1901.11 – Beam Reach 8, Former
Murex Site, Rainham**

**Extension of Time Limit of Application
U0011.06 – (Variation of the conditions
precedent in outline planning
permission P2078.03 to enable the
discharge of conditions separately on
a phased basis in relation to each
reserved matter approval. Conditions
5, 7-12, 15-18, 22-24, 26, 28, 31-35 & 40)**

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 checked="" 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 planning application proposes an extension of time limit for planning permission U0011.06. This planning consent resulted in an amendment to planning Permission P2078.03 to allow for the approval of details on a phased basis as the approved business park was developed over time. Officers are recommending approval subject to conditions and the completion of a Deed of Variation to the original s106 agreement dated 31 October 2005.

RECOMMENDATIONS

That the proposal is unacceptable as it stands 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 31 October 2005 in respect of planning permission P2078.03 and amended by planning permission U0011.06 to vary the definition of Planning Permission which shall mean either planning permission P2078.03 as originally granted, planning permission P2078.03 as varied by Planning Permission U0011.06, or planning permission P1901.11 as proposed and set out in this report.

The developer / owner shall pay the Council's legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation set out above and any necessary consequential amendments to the Section 106 agreement dated 31 October 2005 all recitals, terms, covenants and obligations in the said section 106 Agreement shall remain unchanged.

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

1. Time Limit - Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Time Limit - The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in

the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. Approved Plans - The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the siting, design and external appearance of the buildings, to include areas of proposed car parking the means of access thereto, and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (General Development Procedure) Order (here in after called "the reserved matters").

Reason: The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.

4. 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.

5. Vehicle Parking - Before any of the building(s) permitted under a reserved matters approval pursuant to planning permission P2078.03 are first occupied, provision shall be made within the site to which the approval relates for car parking at a level to be agreed in writing with the Local Planning Authority; thereafter such provision shall be made permanently available for use unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available at a level agreed by the Local Planning Authority in the interests of highway safety.

6. Vehicle Parking - Before development permitted under any reserved matters permission pursuant to this permission, is first occupied, provision shall be made, on each development plot for 4% of all car parking spaces to be disabled car parking spaces in accordance with a scheme or schemes previously submitted to and agreed in writing by the Local Planning Authority and thereafter implement in accordance with the agreed scheme. 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 for the disabled.

7. Materials - Before any of the development permitted under a reserved matters approval pursuant to planning permission P2078.03 is commenced, samples of all materials to be used in the external construction of the building(s) to which the approval relates 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: In order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

8. Landscaping - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the area covered by the approval, 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 or as otherwise provided for in the approved scheme 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

9. Loading/Unloading - Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 is first occupied, a properly hardened area shall be provided within the curtilage of the site for the loading, unloading and turning of vehicles, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. Thereafter such provision shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods (including fuel) from vehicles arriving at or departing from the premises shall be carried out otherwise than within such area. There shall be no storage of goods or other obstructions within the approved area without prior consent in writing of the Local Planning Authority.

Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of the neighbouring property, and in order that the development accords with LDF Development Control Policies Development Plan Document Policy DC32.

10. Wheel Wash - Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during 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 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 LDF Development Control Policies Development Plan Document Policy DC32.

11. Refuse - Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 is first occupied, 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. Unless otherwise agreed in writing these details shall include provision for underground containment and/or recyclable waste.

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.

12. Bus Access - Before any of the development permitted under a reserved matters approval pursuant to planning permission P2078.03 for the final phase of Zone C shown on Figure 1.2 is first occupied, a scheme to facilitate improved bus access and internal circulation, including access from both Ferry Lane and Coldharbour Lane, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented in accordance with the approved details prior to first occupation.

Reason: To ensure that the site can be well served by public transport.

13. Bus Facilities - Before any of the development permitted under a reserved matters approval pursuant to planning permission P2078.03 for the final phase of Zone C shown on Figure 1.2 is first occupied, a scheme detailing the layout and design of the bus stops and associated shelters shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented in accordance with the approved details prior to first occupation.

Reason: To ensure that the design, location and appearance of bus stops are appropriate.

14. Construction Method Statement - Before development permitted under a reserved matters approval pursuant to planning permission P2078.03 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 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 the amenities of the area, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

15. Archaeology - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall take place until the applicant has secured the implementation of a programme of archaeological work for the area covered by that approval, in accordance with a written scheme or investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Important archaeological remains may exist on the site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance contained in the NPPF.

16. Foundation Design - No work permitted under a reserved matters approval pursuant to planning permission P2078.03 on the site covered by the approval shall take place until a detailed design and method statement for the foundation design and all new ground works has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the damage to any archaeological resource and to prevent pollution of the ground water.

17. Contaminated Land - Prior to the commencement of any works pursuant to a reserved matters approval pursuant to planning permission P2078.03 the developer shall submit for the written approval of the Local Planning Authority in respect of the area covered by the approval:

- a) A phase II (site investigation) report (A phase I report having been submitted). This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated site conceptual model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) A Phase III (risk management strategy) report if the phase II Report confirms the presence of a significant pollutant linkage requiring remediation.

The report will comprise of two parts:

Part A - A remediation scheme which will be fully implemented before any construction activity is commenced. Any variation to the scheme shall be submitted to and agreed in writing with 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.

- c) Part B - Following completion of the remediation works a remediation validation report shall be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved. Any exceedences in target values should be justified within the report.

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

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.

Reason: To prevent the pollution of the water environment and to protect those engaged in construction and occupation of the development.

18. Floodlighting - Before any of the development permitted under a detail approval pursuant to this permission is first occupied, details of any floodlighting and other artificial lighting adjacent to any existing or proposed watercourses or river corridor proposed to be erected shall be submitted to the Local Planning Authority for approval. The works shall be carried out in accordance with the approved details prior to the first occupation.

Reason: To ensure that the light spillage does not adversely affect amenity and nature conservation interests.

19. Storage - No goods or materials shall be stored on site unless such goods or materials are screened from view to the complete satisfaction of the Local Planning Authority in areas and to a height previously agreed in writing with the Local Planning Authority.

Reason: To preserve the visual amenity of the development site.

20. Fire Hydrants - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall be commenced until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the location and detail of fire hydrants on the site. Prior to the first occupation of the facility, such hydrants shall be installed and maintained.

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

21. Site Security - Prior to the first occupation of any of the buildings permitted as part of reserved matters approval pursuant to planning permission P2078.03, a scheme of site security for the development shall be submitted to and approved in writing occupation of any of the buildings and thereafter continuously maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of public safety and sustainability.

22. Buffer Zone - Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 for the final phase of Zone C shown on Figure 1.2 is commenced a 5 metre vegetated buffer zone shall be provided, of locally native plant species, of UK genetic provenance, between the development and the ditch alongside Coldharbour Lane. This buffer zone shall be measured from the top of the bank and shall be free of structures, hardstanding (including parking and access) and fences.

Reason: To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor.

23. Environmental Mitigation Measures - The development shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement relevant to the development and appendices thereto, submitted in September 2004, the development specification and framework and any Regulation 19 submission documents, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of this permission and the approved strategies, frameworks, protocols and other documents to be submitted pursuant to it.

Reason: To ensure the development is carried out in accordance with the assessment carried out as part of the environmental statement and the mitigation measures proposed therein.

24. Ecological Measures - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall commence until details of the measures to be provided within the development area to mitigate for the loss of habitat, including the proposed nature conservation zone shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to protect and enhance existing habitats wherever feasible including the creation of water features and provide the maximum benefit to wildlife using them. The scheme shall be fully implemented in accordance with the approved details within 6 months of the first occupation of any of the buildings permitted under the approval.

Reason: To enhance the nature conservation interests of the site.

25. Drainage - Surface water source control measures, including any attenuation and storage works shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before development under any reserved matters approval pursuant to planning permission P2078.03 commences.

Reason: To prevent the increased risk of flooding, improve water quality and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

26. Design - The development of each Zone of the site covered by planning permission P2078.03 shall only be carried out in accordance with a design strategy for the whole of that Zone which shall previously have been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the design principles to be followed throughout the development and the design relationship between the various phases of the development, including building heights. It shall also include details of the types of materials, colours and external finishes to be used.

Reason: To ensure that the scheme achieves a high standard of design overall and that the individual phases relate to each other in a coherent way.

27. Road Layout - Before the development hereby permitted is first commenced details of the design and layout of all road junctions with Coldharbour Lane and Ferry Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved junctions shall be constructed prior to the occupation of any of the buildings hereby permitted or as otherwise allowed for.

Reason: In the interests of highway safety.

28. Building Heights - No buildings constructed under this permission shall exceed 20 metres above ground level.

Reason: To ensure that there is a consistency of appearance in the interests of amenity.

29. Ground Levels - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall commence until details of the proposed finished ground levels for the area covered by the approval have been submitted to and approved in writing by the Local Planning Authority. Where relevant, the effects of ground raising and alterations to the profile of the embankments on the stability of the flood defences shall be fully justified by calculation as necessary. The development shall proceed in accordance with the agreed details.

Reason: To maintain the structural integrity of the tidal flood defences and prevent the increased risk of flooding.

30. Flood Defences - The development of the final phase of Zone C shown on Figure 1.2 shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) A scheme to demonstrate the feasibility of raising the flood defences by 600mm including an option for an earth embankment raising solution within the layout.
- b) Details of gating, roads, paths, ramps, steps, drainage channels and other facilities for the purposes of accessing the site and tidal flood defences.

Reason: To demonstrate that the structural integrity of the tidal flood defences can be maintained and allow for modifications in the light of natural deterioration and climate change to prevent the increased risk of flooding.

31. Flood Risk - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall be occupied until a scheme for the evacuation and protection on site of people employed or visiting that phase of the development in accordance with the findings of a detailed Flood Risk Assessment examining the effects of flooding from a breach in the tidal flood defences has been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise risks from tidal flooding.

32. Groundwaters - Before the development permitted under a reserved matters approval pursuant to planning permission P2078.03 is commenced a detailed site investigation for the area covered by the approval shall be carried out to establish if the site is contaminated to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extend of this site investigation shall be agreed with the Local Planning Authority prior to commencement of work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.

Reason: To prevent pollution of the water environment.

33. Drainage - Before development permitted under a reserved matters approval pursuant to planning permission P2078.03 is commenced a detailed Remediation Strategy and Method Statement shall be developed giving details of appropriate measures to prevent pollution of ground water and surface water, including provision for monitoring surface and groundwater where appropriate and remedial target values shall be submitted to, and approved in writing by the Local Planning Authority. The development of the area covered by the approval shall then proceed in strict accordance with the measures approved. A final Remediation Validation Report shall be submitted detailing the final remedial target values and any variance in actual soil contamination concentrations. Any exceedances in target values should be justified within the report.

Reason: The prevent pollution of the water environment.

34. Drainage - The construction of the surface and foul drainage system for each area covered by a reserved matters approval pursuant to planning permission P2078.03 shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the commencement of that phase of the development.

Reason: To prevent pollution of the water environment.

35. Drainage - No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of ground water.

36. Buffer Zone - A 16 metre undeveloped vegetated buffer zone shall be provided of locally native plant species, of UK genetic provenance, alongside the Thames and Rainham Creek and a 5 metre vegetated buffer zone alongside any other watercourses (including ditches). These buffer zones shall be measured from the top of the bank and shall be free of structures, hard standing, car parking and fences.

Reason: To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor.

37. Buffer Zone - All buildings shall be set back from all watercourses at appropriate distances to eliminate the impact of shading on the water and its corridor.

Reason: To ensure that shade cast by the buildings will not reduce the ecological value of the river corridor by limiting light levels and temperatures, thus limiting plant growth and reproduction, and affecting the life-cycles of wildlife.

38. Landscape Management Plan - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall be commenced until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas within that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To protect/conservate the natural features and character of the area.

39. Sustainable Energy Strategies - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall be commenced until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the sustainable energy strategies to be applied to the development. The energy strategies should be in accordance with London Plan policy 5.2 and meet the carbon reduction targets set out in that policy .

Reason: In accordance with Policy 5.2 of the London Plan.

40. Secured by Design - No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall be commenced until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the measures to be incorporated into the development demonstrating how the principles and practices of the 'Secured by Design' scheme have been included. 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 the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

INFORMATIVES

1. Note for condition 30. The maximum level of ground raising shown on the outline proposals is 2.4m above ODN. It is anticipated that changes to the embankments as shown on drawing number 6283/Cross Sections would necessitate additional stability measures to be put in place.

2. Note for condition 37 The 16m Environment Agency Byelaw margin is measured from the landward foot of any embankment and is not necessarily that shown in blue on drawing number 62083/FIRGURE 5, particularly in the region of section K-K.

3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 16 metres of the tidal flood defence structure. Contact I Blackburn on 020 8305 4013 for further details.

4. The statutory tidal flood defence level, which is 7.1 metres above ODN at this site, must be maintained at all times, with temporary works if necessary. Contact I Blackburn on 020 8305 4013 for further details.

5. The development of the site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage Guidelines.

6. The Local Planning Authority wishes to ensure that archaeological remains on this site are preserved in situ. The detailed proposals should include appropriate drawings, notes and method statements showing how the objective of in situ preservation is to be achieved.

7. In aiming to satisfy condition 41 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).

8. 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. 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.

9. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of DC9, DC32, DC33, DC49, DC50, DC52, DC54, DC56, DC58, DC59, DC61, DC63, and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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.

Approval Following Revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with paragraphs 186-187 of NPPF.

REPORT DETAIL

1. Background

- 1.1 This planning application was brought before Members on 4th April, 2013 when it was resolved to grant planning permission. One of the proposed conditions was as follows:

“20. Use Restriction - No more than 30% of the total site area in either Zone C or in Zones A and B combined, identified in figure 1.2 shall be developed for B8 uses.

Reason: To maximise the employment potential of the site.”

- 1.2 This condition formed part of planning permission U0011.06, which this application proposes to extend, and was therefore carried over in this case. However, it has subsequently come to light that this condition, which limits the types of employment uses that can take place at the site, has previously been removed as part of a separate planning permission (U0008.09). It is therefore considered that the condition is unnecessary and this application is brought back before Members with this condition excluded. In all other respects, the recommendation is the same as previously made.

2. Site Description

- 2.1 The Site, which is designated in the LDF as a Strategic Industrial Location, is located within an existing industrial area to the south west of Rainham Village. Parts of the site adjoin Rainham Creek and the River Thames, which are designated in the LDF as Metropolitan Sites of Nature Conservation Importance.

3. Description of Proposal

- 3.1 Planning permission P2078.03 granted outline consent for the development of a business park for B1b, B1c, B2 and B8 uses. It was originally envisaged that the applicant, the London Development Agency (now the Greater London Authority), would apply for the approval of details. However, it was subsequently decided that it would be more expedient for individual developers to apply for the approval of details, as and when it was proposed to develop particular phases of the overall development.
- 3.2 Planning permission U0011.06 allowed for the approval of details relating to P2078.03 to be determined on a phased basis, as and when given phases came forward for development. Planning permission U0011.06 effectively expired in January 2012 prior to the completion of the business park development. The application under consideration proposes an extension of time for planning permission U0011.06 to allow more time for reserved matters and other detail approval applications to be submitted for the outstanding phases of the development.

4. Relevant History

- 4.1 The previous planning decisions of most relevance to the proposal are as follows:

U0008.09 - Removal of condition number 21 to planning permission U0006.11 – Approved.

U0011.06 - Variation of the conditions precedent in outline planning permission P2078.03 to enable the discharge of conditions separately on a phased basis in relation to each reserved matter approval.
Conditions 5, 7-12, 15-18, 22-24, 26, 28, 31-35 & 40 – Approved.

P2078.03 - Outline application for a business park for B1b, B1c, B2 and B8 uses – Approved.

5. Consultations/Representations

- 5.1 Notification letters were sent to 165 neighbouring properties. No representations were received.
- 5.2 Comments have been received from the following consultees:

Greater London Authority – No objections. Condition recommended.

Transport for London – No objections.

Crime Prevention Design Advisor - No objections; condition recommended.

6. Relevant Policies

6.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC9 Strategic Industrial Location
DC32 - Road Network
DC33 - Car Parking
DC49 Flood Risk
DC50 Sustainable Design and Construction
DC52 Water supply, drainage and quality
DC54 Contaminated Land
DC56 Light
DC58 - Biodiversity and Geodiversity
DC59 - Biodiversity in New Developments
DC61 - Urban Design
DC63 - Delivering Safer Places
DC72 – Planning Obligations

6.2 The London Plan

Policy 5.2

6.3 National Planning Guidance

National Planning Policy Framework ("the NPPF")

7.1 Staff Comments

7.1.1 The main issue to consider as part of the assessment of this application is the extent to which there have been significant changes of circumstances since planning permission U0011.06 was granted. Material changes to the local, regional, and national planning policies have occurred since this planning consent was considered and the originally approved scheme therefore needs to be considered in the light of these changes and any other material considerations.

7.1.2 The planning report produced by the London Thames Gateway Development Corporation in relation to planning application U0011.06 is appended to this report (Appendix 1.)

8.2 Principle of Development

8.2.1 The proposal concerns the extension of time of a previously granted planning permission. It is considered that the development of a business park at the site continues to be acceptable in principle.

9.3 Planning Considerations

9.3.1 Whilst new planning policies have been adopted at the local, regional, and national levels since planning permission U0011.06 was granted, the proposal has been reconsidered in the light of the current planning policy context, and all other material considerations, and is considered to be acceptable in relation to design and visual, amenity, highways, flood risk, ecology, and other considerations. It is recommended

that those conditions imposed on planning permission U0011.06 be employed in this instance, subject to their modification, as necessary, to reflect the current planning policy context.

- 9.3.2 Two additional conditions are also recommended to reflect changes to the planning policy context. The Greater London Authority has recommended a condition requiring the approval of details relating to the proposed use of sustainable energy measures in accordance with London Plan policy 5.2. The Council's Crime Prevention Design Advisor has recommended a condition requiring the approval of details relating to the measures proposed to design out crime. It is recommended that these conditions be imposed should planning permission be granted.

10. Conclusion

- 10.1 The application under consideration has been assessed in accordance with planning policy and guidance. The proposed development is considered to be acceptable having had regard to Policies DC9, DC32, DC33, DC49, DC50, DC52, DC54, DC56, DC58, DC59, DC61, DC63, and DC72 of the LDF, and all other material considerations, subject to the afore mentioned conditions and the completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Planning application P1901.11, including all submitted information.

Appendix 1

PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC DELEGATED DECISION BY THE DIRECTOR OF PLANNING



APPLICATION NO:	U0011.06/LBHG
LOCATION:	Easter Park, Beam Reach 8A, Formally the Murex site, Ferry Lane, Rainham RM13
PROPOSAL:	Variation of conditions 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 27, 28, 31, 32, 33, 34, 35, 36 and 40, attached to outline planning permission P2078.03 granted on 31.10.2005 to enable the discharge of conditions separately on a phased basis.
APPLICANT:	London Development Agency

DATE CONSULTATIONS EXPIRED:	LB : Havering
OVERALL EXPIRY DATE:	
TARGET DECISION DATE	11/12/2006
1. LB COMMENTS	
1.1 The London Borough of Havering supports the proposal to vary conditions attached to outline planning permission P2078.03 granted on 31.10.2005 under section 73 of the Town and Country Planning Act 1990 (as amended), as an appropriate approach to the phased development of the Beam Reach 8 site.	
2. OTHER REPRESENTATIONS	
2.1 The Environment Agency has raised no objections to the proposed variations, recognising that its original requirements in relation to the river wall could not be met by the developer of the Easter Park site. The Agency is satisfied that the construction of the foul and surface water system can only be implemented on a phased basis.	

3. RELEVANT POLICIES:

3.1 The London Plan: Spatial Development Strategy for Greater London, Feb 2004

- 2A.1 Sustainability criteria
- 2A.2 Opportunity Areas (6 – London Riverside)
- 2A.7 Strategic Employment Locations
- 3B.1 Developing London's economy
- 3B.5 Strategic Employment Locations
- 3C.1 Integrating transport and development
- 3C.2 Matching development to transport capacity
- 3C.3 Sustainable transport in London
- 3C.22 Parking strategy
- 3D.12 Biodiversity and nature conservation
- 4A.12 Water Quality
- 4A.16 Contaminated Land
- 4B.1 Design principles for a compact city

4B.14 Archaeology
4C.2 Context for sustainable growth
4C.3 The natural value of the Blue Ribbon Network
4C.6 Flood plains
4C.8 Sustainable drainage
4C.31 River, brooks and streams
5C.1 The strategic priorities for East London
5C.2 Opportunity Areas in East London

3.2 London Borough of Havering Unitary Development Plan, adopted March 1993:

EMP1 Rainham Employment Area
ENV8 Contaminated Sites
ENV 25 River Thames Area of Special Character
TRN2 Effect of Development on Public Transport and Roads
TRN3 Public Transport for New Developments
TRN11 Public Transport
TRN12 Bus Facilities

3.3 LDF Core Policies - Submission Development Plan Document, dated November 2006:

CP10 Sustainable Transport
CP15 Environmental Management
CP17 Design

3.4 LDF Development Control Policies - Submission Development Control Document, dated November 2006:

DC9 Main employment areas
DC49 Flood Risk
DC50 Sustainable Design and Construction
DC52 Water supply, drainage and quality
DC54 Contaminated Land
DC56 Light
DC61 Urban Design

3.5 SPD

Sustainable Construction (Havering)

3.6 Other Relevant Planning Policy documents & SPG:

- An Urban Strategy for London Riverside, adopted July 2002.
- The London Plan: Sub-Regional Development Framework, East London, dated May 2006.
- Planning Policy Statement (PPS) 25: Development and Flood Risk.

4. OFFICER REPORT

4.1 This application has been made by Hamilton Architects on behalf of the London Development Agency (LDA) under section 73 of the Town & Country Planning Act 1990, which pertains to the determination of applications to develop land without compliance with conditions previously attached.

4.2 Part (2) (a) of section 73 provides that, "On such an application the local planning authority

shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly”.

- 4.3 **Background:** Outline planning permission (ref: P2078.03) was granted for the redevelopment of the site (which comprises of four zones, A, B, C and D) on the 31st October 2005, subject to 40 conditions and a Planning Obligation agreement under section 106 of the Town and Country Planning Act 1990. All reserved matters are required to be submitted within three years of this date. The conditions did not take into account of the likely phased nature of the development.
- 4.4 At the time of writing this report the LDA were in breach of the Planning Obligation Agreement attached to P2078.03.
- 4.5 Zone A = 1.5 hectares; Zone B = 3.5 hectares; Zone C = 11.9 hectares; Zone D = 1.9 hectares.
- 4.6 Zones A and B lie adjacent to Rainham Creek. These sites are currently occupied by various open storage uses and are likely to be the last plots to be developed within the site.
- 4.7 Zone C has been further subdivided into smaller land parcels. Part of Zone C, adjacent to the Tilda Rice plant, has been developed under a stand alone planning application as the first phase of the redevelopment of the site and is now known as ‘House of Hill’. The second phase of the development within Zone C is now known as ‘Easter Park’ and is presently nearing completion. The area of land between House of Hill and Easter Park is likely to be the next phase of development. The developers of Easter Park have made submissions pursuant to the planning conditions attached to P2078.03, but it has not been possible to fully discharge them all because the wording used in the conditions does not allow for their phased discharge. The developers of Easter Park do not have control of land outside of the land parcel they are developing and it is not known what form of development the remainder of the site will comprise of, or when any such development will happen.
- 4.8 It is intended that a road link between Ferry Lane and Coldharbour Lane will run alongside Zone C. LTGDC are currently considering a separate, stand alone, planning application to complete this section of road under reference LTGDC-06-007-PP.
- 4.9 Zone D is a former land fill site that was acquired by the LDA. The LDA and LB Havering have previously agreed that this zone is not suitable for built development due to heavy site contamination issues. It is understood that LB Havering and the LDA have agreed that the site may be used at a later date as an overspill car park to accommodate vehicles from Zone C temporarily, until public transport infrastructure and services are implemented. A public transport contribution of £175,000 and a Staff Travel Plan are required from the LDA in line with the requirements of the s106 attached to P2078.03.
- 4.10 This application seeks to vary 26 of the 40 conditions attached to planning permission P2078.03, to allow phased development of the site in accordance with London Plan and UDP objectives. Variation of the conditions will enable the developers of Easter Park and any subsequent developers that come forward, to discharge the conditions. It would also avoid a situation where the outline planning permission was not fully implemented, leaving the developer potentially without a valid planning permission.
- 4.11 **Details of the proposed changes to conditions:** A list of the conditions attached to planning consent P2078.03 and the proposed variations are appended to this report as APPENDIX 1.

4.12 This application is referable to the Mayor of London because it falls within Category 3B and 1C of the Town and Country Planning (Mayor of London) Order 2000.

5. RELEVANT PLANNING HISTORY

- 5.1 U0001.06 – Current planning application for the formation of a new road linking the southern end of Ferry Lane with Coldharbour Lane.
- 5.2 LTGDC-07-065-AOD - Approval of details pursuant to condition 19 attached to outline planning application P2078.03 dated 31st October 2005, with regard to the development site within Zone C being developed by Easter Properties and being the site to which reserved matters approval U0003.06 relates only. Details approved 10.04.2007.
- 5.3 LTGDC-07-066-AOD - Approval of details pursuant to condition 33 attached to outline planning application P2078.03 dated 31st October 2005, with regard to the development site within Zone C being developed by Easter Properties and being the site to which reserved matters approval U0003.06 relates only. Details approved 10.04.2007.
- 5.4 LTGDC-06-020-PP – Approval of details pursuant to conditions 7, 10, 11, 12, 15, 17, 19, 23, 27, 34, 35 and 40 in so far as they relate to the development permitted under reserved matters approval U0003.06 (e.g. the Easter Park part of the site only). Details approved 14.12.2006.
- 5.5 Amended drawings showing minor revisions to the elevations and the proposed external materials of Easter Park, agreed in writing by LB Havering on LTGDC's behalf.
- 5.6 P1737.04 – Planning permission granted on 23.12.2004 for the erection of an industrial storage warehouse building with ancillary offices, car parking and service yard (House of Hill);
- 5.7 U0003.06 – Planning permission granted on 28.04.2006 for the revision of details approved under reserved matters application ref: P1922.05 dated 10.02.2006;
- 5.8 P1914.05 – Planning permission granted on 14.02.2006 for the formation of a new road linking the south end of Ferry Lane with Cold Harbour Lane;
- 5.9 P1922.05 – Planning permission granted on 10.02.2006 for the construction of 23 new light industrial/warehouse units with ancillary offices and associated forecourt facilities - Classes B1c, B2 and B8 (Easter Park); and
- 5.10 P2078.03 – Outline planning permission granted on 31.10.2005 subject to conditions and a s106 agreement for a business park for B1b, B1c, B2 and B8 uses.

6. MAIN ISSUES

- 6.1 The main issues are:
- (i) to have regard to the provisions of section 73 of the Town and Country Planning Act 1990;
 - (ii) re-assessment of environmental issues;
 - (iii) whether the objectives of the original planning conditions can be achieved through the development of the site on a phased basis;
 - (iv) whether the conditions as proposed would retain appropriate controls over the development;
 - (v) whether the requirements for protecting the river defences and introduction of improved public transport access to the site could still be achieved; and
 - (vi) consideration of a 'fresh' Planning Obligation Agreement (in the form of a Deed), in respect of this s73 application.

- 6.2 Regard has been had to the provisions of section 73 of the Town and Country Planning Act 1990.
- 6.3 The 'original' application was accompanied by an Environmental Statement. As the effect of a successful section 73 application is the grant of a new planning permission, then, if approved, this will be development consent and will require re-assessment of the environmental issues. Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 provides that the relevant authority shall not grant planning permission or an EIA Development unless it has first taken the environmental information into consideration. It also provides that the relevant authority must state in its decision that it has taken such environmental information into consideration. Accordingly, the current section 73 application needs screening, to consider whether it is "EIA Development".
- 6.4 London Borough of Havering prepared a screening opinion, dated 24th December 2007, which concluded that the additional impacts arising from the section 73 application to vary the timing of the approval of details submitted pursuant to conditions would be insignificant. Therefore, the conclusion of the screening opinion was that further Environmental Assessment would not be required.
- 6.5 The original intention of the outline application was to allow for a phased development of brownfield land in accordance with London Plan and Havering UDP policies, including interim planning guidance for London Riverside. It was anticipated at the time outline planning permission was granted that the main site preparation works would be undertaken by the owner, the London Development Agency in advance of any development. However, this proved not to be the case. Therefore, in order to ensure that the site can be developed in accordance with policy the proposed amendments are considered necessary and appropriate.
- 6.6 There have been no objections to the changes, including from the Environment Agency who is satisfied that flood defence and drainage issues can be satisfactorily addressed. Road access to facilitate future bus routes will be provided through the determination of an outstanding planning application (U0001.06).
- 6.7 The changes to the conditions will ensure that the policy objectives, including those of the Havering submission DPD can be met.
- 6.8 The s106 attached to P2078.03 sets planning obligations requiring £175,000 (one hundred and seventy five thousand pounds) towards public transport (clause 6.1), the submission of a scheme for environmental and habitat improvement works, and a Staff Travel Plan from the LDA. The LDA are in breach of that 'Agreement'.
- 6.9 If the Corporation's Authorised Delegated Officer resolves to grant permission pursuant to the s73 application, then a fresh outline planning permission will be granted (whilst the 2005 permission and the 2005 Agreement will remain intact and unamended). Accordingly, it will be necessary for the LDA (and any other parties with an interest in the application site) to enter into a new section 106 agreement with the Corporation (as local planning authority) in respect of this s73 Application.
- 6.10 LTGDC have provided the LDA with a draft section 106 agreement in respect of this section 73 application. The following heads of terms are suggested:
- £180,500* (One hundred and eighty thousand, five hundred pounds) Public Transport Contribution towards the provision of and improvement of public transport by way of a regular peak-time bus service serving the Development;
 - Staff Travel Plan to reduce the use of private motor vehicles attending the Development;
 - Establishment and maintenance of a River Thames Walkway (by foot, wheelchair and bicycle)

along the following routes:

- on land between the end of footpath 266 northwards along the eastern bank of Rainham Creek and then eastwards to Ferry Lane; and
- on land between Coldharbour Lane and the River Thames.
- Submission of the River Thames Walkway strategy for Local Planning Authority approval, to include an indicative timetable for delivery and details of negotiations with affected landowners, by 30 April 2008; and
- Review of the level of car parking in relation to the Development (within 12 months of a regular peak time bus service serving the Development) followed by implementation of the reduction in car parking spaces as the Local Planning Authority sees fit within three months of the Local Planning Authority giving notice of its requirements to the LDA.

(*The LDA deposited the £175,000 Public Transport Contribution that should have been made in accordance with the original s106 into an interest-bearing account and that current total is now £180,500)

6.11 The LDA have confirmed the above heads of terms are acceptable.

7. CONCLUSION

- 7.1 The proposed variations to the conditions appropriately address the issue of a phased development of the Beam Reach 8a site, allowing details to be submitted and discharged on a phased basis.
- 7.2 The proposed variations to the conditions are found to accord with the objectives for the redevelopment of the site as set out in the London Plan, LB Havering UDP, emerging LDF Core Strategy and Development Control Policies DPD. The protection of the river defences, land drainage and the provision of public transport will also continue to be met.
- 7.3 LTGDC Officers agree that further Environmental Assessment is not required in line with Havering's screening opinion (dated 27th December 2007).
- 7.4 In accordance with part (2) (a) of section 73 of the Town and Country Planning Act 1990, LTGDC should grant planning permission. Any such planning permission should be accompanied by a fresh section 106 agreement in respect of this section 73 application.

8. RECOMMENDATION

- 8.1 The Authorised Delegated Officer is recommended to resolve to grant planning permission to vary the conditions attached to P2078.03 as set out in APPENDIX 1 to this report in accordance with part (2) (a) of section 73 of the Town and Country Planning Act 1990, subject to the satisfactory completion of a legal agreement under s106 of the Act and referral to the Mayor of London.

CASE OFFICER: Amanda Reid

DATE: 04/01/2008

AGREED BY PLANNING OR DELEGATED OFFICER:

DATE:

CASE NO: LTGDC-06-130-PP

APPLICATION NO.: U0011.06/LBHG



APPENDIX 1.

Condition as approved on planning consent P2078.03	Proposed varied condition
<p>1. The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the siting, design and external appearance of the buildings, to include areas of proposed car parking the means of access thereto, and landscaping, including all matters defined as “landscaping” in the Town and Country Planning (General Development Procedure) Order (here in after called “the reserved matters”).</p> <p>Reason: The particulars submitted are insufficient for consideration of the details mentioned and the application is expressed to be for outline permission only.</p>	<p>1. No variation proposed.</p>
<p>2. Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>	<p>2. No variation proposed.</p>
<p>3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>	<p>3. No variation proposed.</p>
<p>4. The development hereby permitted</p>	<p>4. No variation proposed.</p>

<p>shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.</p> <p>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 Unitary Development Plan policy ENV1.</p>	
<p>5. Before the building(s) hereby permitted are first occupied, provision shall be made within the site for car parking at a level to be agreed in writing with the Local Planning Authority, thereafter such provision shall be made permanently available for use unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure that car parking accommodation is made permanently available at a level agreed by the Local Planning Authority in the interests of highway safety.</p>	<p>5. Before any of the building(s) permitted under a reserved matters approval pursuant to planning permission P2078.03 are first occupied provision shall be made within the site to which the approval relates for car parking at a level to be agreed in writing with the Local Planning Authority; thereafter such provision shall be made permanently available for use unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure that car parking accommodation is made permanently available at a level agreed by the Local Planning Authority in the interests of highway safety.</p>
<p>6. Before development permitted under any reserved matters permission pursuant to this permission, is first occupied, provision shall be made, on each development plot for 4% of all car parking spaces to be disabled car parking spaces in accordance with a scheme or schemes previously submitted to and agreed in writing by the Local Planning Authority and thereafter implement in accordance with the agreed scheme. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.</p>	<p>6. No variation proposed.</p>

<p>Reason: To ensure adequate on-site parking is available for the disabled.</p>	
<p>7. 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.</p> <p>Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area, and that the development accords with the Unitary Development Plan policy ENV1.</p>	<p>7. Before any of the development permitted under a reserved matters approval pursuant to planning permission P2078.03 is commenced, samples of all materials to be used in the external construction of the building(s) to which the approval relates shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.</p> <p>Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area, and that the Development accords with Unitary Development Plan policy ENV1.</p>
<p>8. 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 or as otherwise provided for in the approved scheme 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.</p> <p>Reason: In accordance with Section 197</p>	<p>8. No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping for the area covered by the approval, 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 or as otherwise provided for in the approved scheme 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</p>

<p>of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and the development accords with the Unitary Development Plan policy ENV1.</p>	<p>next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In accordance with Section 19 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and the development accords with Unitary Development Plan policy ENV1.</p>
<p>9. 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.</p> <p>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 Unitary Development Plan policy TRN18.</p>	<p>9. Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 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.</p> <p>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 Unitary Development Plan policy TRN18.</p>
<p>10. Before the building(s) hereby permitted is first occupied, a properly hardened area shall be provided within the curtilage of the site for the loading, unloading and turning of vehicles, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. Thereafter such provision shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or unloading of goods (including fuel) from vehicles arriving at or departing from the premises shall be carried out otherwise than within such area. There shall be no</p>	<p>10. Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 is first occupied, a properly hardened area shall be provided within the curtilage of the site for the loading, unloading and turning of vehicles, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority. Thereafter such provision shall be made permanently available for use to the satisfaction of the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority. No loading or</p>

<p>storage of goods or other obstructions within the approved area without prior consent in writing of the Local Planning Authority.</p> <p>Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of the neighbouring property, and in order that the development accords with Unitary Development Plan policy TRN2.</p>	<p>unloading of goods (including fuel) from vehicles arriving at or departing from the premises shall be carried out otherwise than within such area. There shall be no storage of goods or other obstructions within the approved area without prior consent in writing of the Local Planning Authority.</p> <p>Reason: To avoid obstruction of the surrounding streets and to safeguard the amenities of occupiers of the neighbouring property, and in order that the development accords with Unitary Development Plan policy TRN2.</p>
<p>11. Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during 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 throughout the course of construction works.</p> <p>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 Unitary Development Plan policies ENV1 and TRN2.</p>	<p>11. Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during 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 throughout the course of construction works.</p> <p>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 Unitary Development Plan policies ENV1 and TRN2.</p>
<p>12. 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. Unless otherwise agreed in writing these</p>	<p>12. Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 is first occupied, provision shall be made for the storage of refuse awaiting collection according to details which</p>

<p>details shall include provision for underground containment or recyclable waste.</p> <p>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 Unitary Development Plan policy ENV1 and Interim Planning Guidance.</p>	<p>shall previously have been agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing these details shall include provision for underground containment and/or recyclable waste.</p> <p>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 Unitary Development Plan policy ENV1 and Interim Planning Guidance.</p>
<p>13. Before any of the development permitted under a detailed approval pursuant to this permission is first occupied, a scheme to facilitate improved bus access and internal circulation, including access from both Ferry Lane and Coldharbour Lane, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented in accordance with the approved details prior to first occupation.</p> <p>Reason: To ensure that the site can be well served by public transport.</p>	<p>13. Before any of the development permitted under a reserved matters approval pursuant to planning permission P2078.03 for the final phase of Zone C shown on Figure 1.2 is first occupied, a scheme to facilitate improved bus access and internal circulation, including access from both Ferry Lane and Coldharbour Lane, shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented in accordance with the approved details prior to first occupation.</p> <p>Reason: To ensure that the site can be well served by public transport.</p>
<p>14. Before any of the development permitted under a detail approval pursuant to this permission is first occupied, a scheme detailing the layout and design of the bus stops and associated shelters shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented in accordance with the approved details prior to first occupation.</p> <p>Reason: To ensure that the design, location and appearance of bus stops are appropriate.</p>	<p>14. Before any of the development permitted under a reserved matters approval pursuant to planning permission P2078.03 for the final phase of Zone C shown on Figure 1.2 is first occupied, a scheme detailing the layout and design of the bus stops and associated shelters shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented in accordance with the approved details prior to first occupation.</p>

	Reason: To ensure that the design, location and appearance of bus stops are appropriate.
<p>15. 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:</p> <ul style="list-style-type: none"> 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 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. <p>And the development shall be carried out in accordance with the approved scheme and statement.</p> <p>Reason: To protect residential amenity, and in order that the development accords with Unitary Development Plan policy</p>	<p>15. Before development permitted under a reserved matters approval pursuant to planning permission P2078.03 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:</p> <ul style="list-style-type: none"> 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 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. <p>And the development shall be carried out in accordance with the approved</p>

<p>ENV1.</p>	<p>scheme and statement.</p> <p>Reason: To protect the amenities of the area, and in order that the development accords with Unitary Development Plan policy ENV1.</p>
<p>16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme or investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.</p> <p>Reason: Important archaeological remains may exist on the site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition sent out in PPG16.</p>	<p>16. No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall take place until the applicant has secured the implementation of a programme of archaeological work for the area covered by that approval, in accordance with a written scheme or investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.</p> <p>Reason: Important archaeological remains may exist on the site. Accordingly the Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition sent out in PPG16.</p>
<p>17. No work on the site shall take place until a detailed design and method statement for the foundation design and all new ground works has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To minimise the damage to any archaeological resource and to prevent pollution of the ground water.</p>	<p>17. No work permitted under a reserved matters approval pursuant to planning permission P2078.03 on the site covered by the approval shall take place until a detailed design and method statement for the foundation design and all new ground works has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To minimise the damage to</p>

	any archaeological resource and to prevent pollution of the ground water.
<p>18. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:</p> <ul style="list-style-type: none"> a) A phase II (site investigation) report. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated site conceptual model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors. b) A Phase III (risk management strategy) report if the phase II Report confirms the presence of a significant pollutant linkage requiring remediation. <p>The report will comprise of two parts:</p> <ul style="list-style-type: none"> c) A remediation scheme which will be fully implemented before any construction activity is commenced. Any variation to the scheme shall be submitted to and agreed in writing with 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. d) Following completion of the remediation works a remediation validation report shall be submitted demonstrating that the works have 	<p>18. Prior to the commencement of any works pursuant to a reserved matters approval pursuant to planning permission P2078.03 the developer shall submit for the written approval of the Local Planning Authority in respect of the area covered by the approval:</p> <ul style="list-style-type: none"> d) A phase II (site investigation) report. 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. e) A Phase III (risk management strategy) report if the phase II Report confirms the presence of a significant pollutant linkage requiring remediation. <p>The report will comprise of two parts:</p> <ul style="list-style-type: none"> f) A remediation scheme which will be fully implemented before any construction activity is commenced. Any variation to the scheme shall be submitted to and agreed in writing with 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

<p>been carried out satisfactorily and remediation targets have been achieved. Any exceedences in target values should be justified within the report.</p> <p>Reason: To prevent the pollution of the water environment and to protect those engaged in construction and occupation of the development.</p>	<p>appropriate remediation scheme submitted to the Local Planning Authority for written approval.</p> <p>g) Following completion of the remediation works a remediation validation report shall be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved. Any exceedences in target values should be justified within the report.</p> <p>Reason: To prevent the pollution of the water environment and to protect those engaged in construction and occupation of the development.</p>
<p>19. Before any of the development permitted under a detail approval pursuant to this permission is first occupied, details of any floodlighting and other artificial lighting adjacent to any existing or proposed watercourses or river corridor proposed to be erected shall be submitted to the Local Planning Authority for approval. The works shall be carried out in accordance with the approved details prior to the first occupation.</p> <p>Reason: To ensure that the light spillage does not adversely affect amenity and nature conservation interests.</p>	<p>19. No variation proposed.</p>
<p>20. No goods or materials shall be stored on site unless such goods or materials are screen from view in areas and to a height previously agreed in writing with the Local Planning Authority.</p> <p>Reason: To preserve the visual amenity of the development site.</p>	<p>20. No variation proposed.</p>
<p>21. No more than 30% of the total site area in either Zone C or in Zones A and B combined, identified in figure 1.2 shall be developed for B8 uses.</p>	<p>21. No variation proposed.</p>

<p>Reason: To maximise the employment potential of the site.</p>	
<p>22. No work on the construction of the building shall be commenced until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the location and detail of fire hydrants on the site. Prior to the first occupation of the facility, such hydrants shall be installed and maintained.</p> <p>Reason: To ensure that adequate provision is made for fire protection on the site.</p>	<p>22. No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall be commenced until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the location and detail of fire hydrants on the site. Prior to the first occupation of the facility, such hydrants shall be installed and maintained.</p> <p>Reason: To ensure that adequate provision is made for fire protection on the site.</p>
<p>23. Prior to the first occupation of any of the buildings forming part of this development, a scheme of site security for the development shall be submitted to and approved in writing occupation of any of the buildings and thereafter continuously maintained to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interests of public safety and sustainability.</p>	<p>23. Prior to the first occupation of any of the buildings permitted as part of reserved matters approval pursuant to planning permission P2078.03, a scheme of site security for the development shall be submitted to and approved in writing occupation of any of the buildings and thereafter continuously maintained to the satisfaction of the Local Planning Authority.</p> <p>Reason: In the interests of public safety and sustainability.</p>
<p>24. Prior to the first occupation of any building forming part of the development a 5 metre vegetated buffer zone shall be provided, of locally native plant species, of UK genetic provenance, between the development and the ditch alongside Coldharbour Lane. This buffer zone shall be measured from the top of the bank and shall be free of structures, hardstanding (including parking and access) and fences.</p> <p>Reason: To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor.</p>	<p>24. Before any development permitted under a reserved matters approval pursuant to planning permission P2078.03 for the final phase of Zone C shown on Figure 1.2 is commenced a 5 metre vegetated buffer zone shall be provided, of locally native plant species, of UK genetic provenance, between the development and the ditch alongside Coldharbour Lane. This buffer zone shall be measured from the top of the bank and shall be free of structures, hardstanding (including parking and access) and fences.</p>

	Reason: To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor.
<p>25.The development shall be carried out in accordance with the environmental standards, mitigation measures, requirements and methods of implementing the development contained in the environmental statement relevant to the development and appendices thereto, submitted in September 2004, the development specification and framework and any Regulation 19 submission documents, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of this permission and the approved strategies, frameworks, protocols and other documents to be submitted pursuant to it.</p> <p>Reason: To ensure the development is carried out in accordance with the assessment carried out as part of the environmental statement and the mitigation measures proposed therein.</p>	25. No variation proposed.
<p>26. Before the development hereby permitted is first commenced details of the measures to be provided within the development area to mitigate for the loss of habitat, including the proposed nature conservation zone shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to protect and enhance existing habitats wherever feasible including the creation of water features and provide the maximum benefit to wildlife using them. The scheme shall be fully implemented in accordance with the approved scheme prior to first occupation.</p> <p>Reason: To enhance the nature conservation interests of the site.</p>	26. No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall commence until details of the measures to be provided within the development area to mitigate for the loss of habitat, including the proposed nature conservation zone shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to protect and enhance existing habitats wherever feasible including the creation of water features and provide the maximum benefit to wildlife using them. The scheme shall be fully implemented in accordance with the approved details within 6 months of the first occupation of any of the buildings permitted under the approval.

	Reason: To enhance the nature conservation interests of the site.
<p>27. Surface water source control measures, including any attenuation and storage works shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before development commences.</p> <p>Reason: To prevent the increased risk of flooding, improve water quality and in order that the development accords with Unitary Development Plan policy ENV1.</p>	<p>27. Surface water source control measures, including any attenuation and storage works shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before development under any reserved matters approval pursuant to planning permission P2078.03 commences.</p> <p>Reason: To prevent the increased risk of flooding, improve water quality and in order that the development accords with Unitary Development Plan policy ENV1.</p>
<p>28. The development hereby permitted shall only be carried out in accordance with a design strategy for the whole of the development which shall previously have been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the design principles to be followed throughout the development and the design relationship between the various phases of the development, including building heights. It shall also include details of the types of materials, colours and external finishes to be used.</p> <p>Reason: To ensure that the scheme achieves a high standard of design overall and that the individual phases relate to each other in a coherent way.</p>	<p>28. The development of each Zone of the site covered by planning permission P2078.03 shall only be carried out in accordance with a design strategy for the whole of that Zone which shall previously have been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the design principles to be followed throughout the development and the design relationship between the various phases of the development, including building heights. It shall also include details of the types of materials, colours and external finishes to be used.</p> <p>Reason: To ensure that the scheme achieves a high standard of design overall and that the individual phases relate to each other in a coherent way.</p>
<p>29. Before the development hereby permitted is first commenced details of the design and layout of all road junctions with Coldharbour Lane and Ferry Lane shall be submitted to and approved in</p>	<p>29. No variation proposed.</p>

<p>writing by the Local Planning Authority. The approved junctions shall be constructed prior to the occupation of any of the buildings hereby permitted or as otherwise allowed for.</p> <p>Reason: In the interests of highway safety.</p>	
<p>30. No buildings constructed under this permission shall exceed 20 metres above ground level.</p> <p>Reason: To ensure that there is a consistency of appearance in the interests of amenity.</p>	<p>30. No variation proposed.</p>
<p>31. The development hereby permitted shall not commence until details of the proposed finished ground levels have been submitted to and approved in writing by the Local Planning Authority. The effects of ground raising and alterations to the profile of the embankments on the stability of the flood defences shall be fully justified by calculation as necessary. The development shall proceed in accordance with the agreed details.</p> <p>Reason: To maintain the structural integrity of the tidal flood defences and prevent the increased risk of flooding.</p>	<p>31. No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall commence until details of the proposed finished ground levels for the area covered by the approval have been submitted to and approved in writing by the Local Planning Authority. Where relevant, the effects of ground raising and alterations to the profile of the embankments on the stability of the flood defences shall be fully justified by calculation as necessary. The development shall proceed in accordance with the agreed details.</p> <p>Reason: To maintain the structural integrity of the tidal flood defences and prevent the increased risk of flooding.</p>
<p>32. The development hereby permitted shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:</p> <p>a) A scheme to demonstrate the feasibility of raising the flood defences by 600mm including an option for an earth embankment raising solution within the layout.</p>	<p>32. The development of the final phase of Zone C shown on Figure 1.2 shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:</p> <p>c) A scheme to demonstrate the feasibility of raising the flood defences by 600mm including an option for an earth</p>

<p>b) Details of gating, roads, paths, ramps, steps, drainage channels and other facilities for the purposes of accessing the site and tidal flood defences.</p> <p>Reason: To demonstrate that the structural integrity of the tidal flood defences can be maintained and allow for modifications in the light of natural deterioration and climate change to prevent the increased risk of flooding.</p>	<p>embankment raising solution within the layout.</p> <p>d) Details of gating, roads, paths, ramps, steps, drainage channels and other facilities for the purposes of accessing the site and tidal flood defences.</p> <p>Reason: To demonstrate that the structural integrity of the tidal flood defences can be maintained and allow for modifications in the light of natural deterioration and climate change to prevent the increased risk of flooding.</p>
<p>33. The development hereby permitted shall not commence until, a scheme for the evacuation and protection on site of people in accordance with the findings of a detailed Flood Risk Assessment examining the effects of flooding from a breach in the tidal flood defences has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To minimise risks from tidal flooding.</p>	<p>33. No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall be occupied until a scheme for the evacuation and protection on site of people employed or visiting that phase of the development in accordance with the findings of a detailed Flood Risk Assessment examining the effects of flooding from a breach in the tidal flood defences has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To minimise risks from tidal flooding.</p>
<p>34. Before the development is commenced a detailed site investigation shall be carried out to establish if the site is contaminated to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extend of this site investigation shall be agreed with the Local Planning Authority prior to commencement of work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning</p>	<p>34. Before the development permitted under a reserved matters approval pursuant to planning permission P2078.03 is commenced a detailed site investigation for the area covered by the approval shall be carried out to establish if the site is contaminated to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment. The method and extend of this site investigation shall be agreed with the Local Planning Authority prior to commencement of</p>

<p>Authority before development commences. The development shall then proceed in strict accordance with the measures approved.</p> <p>Reason: To prevent pollution of the water environment.</p>	<p>work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall then proceed in strict accordance with the measures approved.</p> <p>Reason: To prevent pollution of the water environment.</p>
<p>35. Before the development is commenced a detailed Remediation Strategy and Method Statement shall be developed giving details of appropriate measures to prevent pollution of ground water and surface water, including provision for monitoring surface and groundwater where appropriate and remedial target values shall be submitted to, and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved. A final Remediation Validation Report shall be submitted detailing the final remedial target values and any variance in actual soil contamination concentrations. Any exceedances in target values should be justified within the report.</p> <p>Reason: The prevent pollution of the water environment.</p>	<p>35. Before development permitted under a reserved matters approval pursuant to planning permission P2078.03 is commenced a detailed Remediation Strategy and Method Statement shall be developed giving details of appropriate measures to prevent pollution of ground water and surface water, including provision for monitoring surface and groundwater where appropriate and remedial target values shall be submitted to, and approved in writing by the Local Planning Authority. The development of the area covered by the approval shall then proceed in strict accordance with the measures approved. A final Remediation Validation Report shall be submitted detailing the final remedial target values and any variance in actual soil contamination concentrations. Any exceedances in target values should be justified within the report.</p> <p>Reason: The prevent pollution of the water environment.</p>
<p>36. The construction of the surface and foul drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commenced.</p>	<p>36. The construction of the surface and foul drainage system for each area covered by a reserved matters approval pursuant to planning permission P2078.03 shall be carried out in accordance with details submitted to and approved in writing</p>

<p>Reason: To prevent pollution of the water environment.</p>	<p>by the Local Planning Authority before the commencement of that phase of the development.</p> <p>Reason: To prevent pollution of the water environment.</p>
<p>37. No soakaways shall be constructed in contaminated ground.</p> <p>Reason: To prevent pollution of ground water.</p>	<p>37. No variation proposed.</p>
<p>38. A 16 metre undeveloped vegetated buffer zone shall be provided of locally native plant species, of UK genetic provenance, alongside the Thames and Rainham Creek and a 5 metre vegetated buffer zone alongside any other watercourses (including ditches). These buffer zones shall be measured from the top of the bank and shall be free of structures, hard standing, car parking and fences.</p> <p>Reason: To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor.</p>	<p>38. No variation proposed.</p>
<p>39. All buildings shall be set back from all watercourses at appropriate distances to eliminate the impact of shading on the water and its corridor.</p> <p>Reason: To ensure that shade cast by the buildings will not reduce the ecological value of the river corridor by limiting light levels and temperatures, thus limiting plant growth and reproduction, and affecting the life-cycles of wildlife.</p>	<p>39. No variation proposed.</p>
<p>40. No development approved by this permission shall be commenced until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The</p>	<p>40. No development permitted under a reserved matters approval pursuant to planning permission P2078.03 shall be commenced until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all</p>

<p>landscape management plan shall be carried out as approved.</p> <p>Reason: To protect/conserv e the natural features and character of the area.</p>	<p>landscaped areas within that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.</p> <p>Reason: To protect/conserv e the natural features and character of the area.</p>
Informatives	
<p>1. Note for condition 1. The maximum level of ground raising shown on the outline proposals is 2.4m above ODN. It is anticipated that changes to the embankments as shown on drawing number 6283/Cross Sections would necessitate additional stability measures to be put in place.</p>	<p>1. No variation proposed.</p>
<p>2. Note for condition 2. The 16m Environment Agency Byelaw margin is measured from the landward foot of any embankment and is not necessarily that shown in blue on drawing number 62083/FIRGURE 5, particularly in the region of section K-K.</p>	<p>2. No variation proposed.</p>
<p>3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 16 metres of the tidal flood defence structure. Contact I Blackburn on 020 8305 4013 for further details.</p>	<p>3. No variation proposed.</p>
<p>4. The statutory tidal flood defence level, which is 7.1 metres above ODN at this site, must be maintained at all times, with temporary works if necessary. Contact I Blackburn on 020 8305 4013 for further details.</p>	<p>4. No variation proposed.</p>
<p>5. The development of the site is likely to damage archaeological remains. The</p>	<p>5. No variation proposed.</p>

<p>applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage Guidelines.</p>	
<p>6. The Local Planning Authority wishes to ensure that archaeological remains on this site are preserved in situ. The detailed proposals should include appropriate drawings, notes and method statements showing how the objective of in situ preservation is to be achieved.</p>	<p>6. No variation proposed.</p>
<p>7. The London Borough of Havering fully supports the Secured by Design award scheme and seeks to encourage accreditation. It is recommended that the applicant works towards achieving these standards in progressing this proposal. This is a national police initiative backed by the Home Office Crime Reduction Unit designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime and creating a safer, more sustainable and secure environment.</p>	<p>7. No variation proposed.</p>
<p>8. Reason for Approval:</p> <p>The proposal is considered to be in accordance with the aims and objectives of policies EMP1, ENV1, TRN2 and TRN18 of the Havering Unitary Development Plan. It also accords with the Council's Interim Planning Guidance for an Urban Strategy for London Riverside and is considered to accord with the provisions of PPG25.</p>	<p>8. No variation proposed.</p>

REGULATORY SERVICES COMMITTEE

16 May 2013

REPORT

Subject Heading:

**P1506.12 – Whybridge Junior School,
Blacksmiths Lane, Rainham**

**Provision of an all weather pitch
enclosed by a 3 metre high mesh
fence**

**(Application received 6th December
2012, additional plans received 26th
February 2013)**

Report Author and contact details:

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Policy context:

Local Development Framework

Financial summary:

None

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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[X]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to a Council owned school and proposes the erection of an all weather pitch for use as a Multi-Use Games Area (MUGA). The planning issues are set out in the report below and cover the design and appearance of the development, impact on streetscene, residential amenity and highways/parking. Staff consider the proposal to be acceptable and recommend that planning permission be granted.

RECOMMENDATIONS

That the 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) Materials: Before any of the development hereby permitted is commenced, samples of all materials to be used in the 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 comply with Policy DC61 of the Development Control Policies Development Plan Document.

3) 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 Development Control Policies Development Plan Document Policy DC61.

4) Preserved trees: No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences 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.

5) Ground 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 (having previously submitted 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);

a) A Phase II (Site Investigation) Report as the Phase I Report which had already been submitted confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

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

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

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

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

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

Reason:-

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

- 6) Hours of Use: The Multi Use Games Area shall not be used for the purposes hereby permitted other than between the hours of 0800 hours and 2100 hours on Mondays to Fridays, 0800 hours and 2000 hours Saturdays and 1000 hours and 1800 hours on 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.

- 7) Floodlights: No floodlighting shall be erected at any time unless a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

- 8) 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 Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC28, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwelling house, is needed.

Approval - No negotiation required

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

1.1 The application site is located at Whybridge Junior School which is a local authority owned school in Rainham, which is located off the A125 on Blacksmiths Lane. The surrounding area is predominantly residential.

2. Description of Proposal

2.1 The proposal is for the erection of an all weather pitch for use as a Multi-Use Games Area (MUGA), measuring 35 metres by 18.5 metres on the playing fields located South West of the school itself. The proposal is enclosed by a 3 metre high mesh fence with an access gate.

2.2 The materials proposed for the surface of the all weather pitch is an artificial grass 'carpet' supported by sand which allows a compromise surface for a number of a games and sports.

2.3 The pitch is to be enclosed by a 3 metre mesh type fence, with gates controlled by school staff.

3. Relevant History

3.1 No relevant recorded history.

4. Consultations/Representations

- 4.1 Letters were sent out to 41 neighbouring occupiers and no letters of objection were received.
- 4.2 Sport England was consulted and originally requested a condition for a community use scheme. Sport England has since withdrawn the request for a condition upon receipt of additional information pertaining to the use of the proposed multi use games area.
- 4.3 Environmental Health was consulted and recommend a contamination condition in the event of an approval.
- 4.4 The Council's Tree Officer requested a condition to prevent any harm to the protected trees situated approximately 30m to the south of the development.

5. Relevant Policies

- 5.1 Policies DC28, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

6. Mayoral CIL Implications

- 6.1 The proposal would relate to educational premises and would therefore not be CIL liable.

7. Staff Comments

- 7.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council.
- 7.2 Design and Impact on Local Character and Street Scene
 - 7.2.1 The playing fields are bound by residential developments, however there is minimal impact on the street scene as the site is bounded by rear gardens. The 3 metre mesh fence will be set back from the site boundary. In addition the surface of the pitch will be green in colour to blend in with its surroundings.
- 7.3 Impact on Amenity
 - 7.3.1 The use of the field is to remain as it is at present and there should be no consequent material impact on the amenity of neighbouring properties. Although this pitch may be used more readily than the playing fields, the hours of use are to remain the same as the current playing fields. There is no proposal for the pitch to be flood lit and it would not therefore be capable of being utilised outside of daylight hours.
 - 7.3.2 Although the proposed fencing would be 4m away from the rear gardens of the residential properties to the north, it is not considered to have an unacceptable impact on outlook as it would be partially screened by

vegetation to the rear garden boundaries of the properties to the north. Also, these properties have rear garden depths in excess of 23 meters. In order to further mitigate any impact on outlook, Staff would request the fence to be painted a suitable colour to fit in with the surrounding area.

7.4 Highways / Parking Issues

7.4.1 Highways have no objections. There are no issues with highways as no changes are made to car parking.

7.5 Other Issues

7.5.1 The Council's Tree Officer has been advised and it is found that there is a Tree Preservation Order to the South of the development. Although there is a 30 metre distance between the trees and the proposed development a condition is suggested to protect the trees during the construction period.

8. Conclusion

8.1 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC28, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. And it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues..

Legal implications and risks:

None arising.

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed community use of the development will ensure that the development is available for the wider benefit of the local community.

BACKGROUND PAPERS

Application forms and plans received on 26th July 2012.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

16 May 2013

Subject Heading:	P1538.12 – St Edwards C of E School and 6 th Form College, London Road, Romford – removal of two temporary structures and erection of a four-storey Sixth Form block (received 17 December 2012; revised plans received 28 February 2013)
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 Framework
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	[x]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[]

SUMMARY

The proposal relates to an application for a 4-storey Sixth Form Block to enable an increase in the number of sixth formers and to provide a separate sixth-form space at the school. Staff consider that the proposal would accord with community and

environmental policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended subject to a legal agreement in relation to highway improvements.

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 £15,000 to be used towards the review and implementation of highway improvements in accordance with Policies DC32 and DC72 of the LDF Core Strategy and Development Control Policies DPD.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

That Staff be authorised to enter into such an agreement and that upon its completion 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 Act 1990.

2. *external materials* The development shall be built in accordance with the external materials details identified on the application form and on drawing no. 914/OD04

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3. *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.

4. *Hard and soft 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 the 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.

5. *Surface water drainage* - Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) By Curtins Consulting (dated November 2012 LO1272) 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 include a restriction in run-off and surface water storage on site as outlined in the FRA.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to ensure that surface water is disposed of from the site in the most sustainable way possible.

6. *Land contamination* - The Submitted Phase 1 Desktop study (Dated Sept 2012) prepared by Curtins Consulting Ltd recommends the need for intrusive investigation for the site. Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (having previously submitted 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);

- a) A Phase II (Site Investigation) Report if the Phase I Report confirms the

possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

- b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

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

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

- c) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and
- d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

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

7. *Footway review* - The development shall not be brought into use until a review of widening the footway on the northern side of London Road and the Romford bound bus stop has been carried out and the recommendations of this review are agreed with the Council’s StreetCare Service (Traffic and Engineering). The review shall include the feasibility of widening the footway and aimed at improving pedestrian comfort and safety on the northern side of London Road between the pedestrian crossing and the Romford bound bus stop. Once approved in writing any agreed measures shall be implemented

within a timescale agreed with the Local Planning Authority and retained thereafter.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC 34.

8. *Travel Plan:* The development shall not be brought into use unless a Travel Plan for the school has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include measures to reduce private vehicular trips and proposals for monitoring progress, including a timetable for its implementation and review. The agreed Travel Plan shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32.

8. *External Lighting:* The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

9. *Secured by design* - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating compliance with the principles and practices of the 'Secured by Design' scheme 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 the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

10. *CCTV* - Prior to the commencement of the development hereby permitted a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime throughout, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Crime Prevention Design Advisor. No

part of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places'

11. *Hours of Use:* Except for cleaning/catering staff being on site between 06:00 and 07:30, the building shall not be used except between the hours of 07:30 and 22:00 hours any day.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD

12. *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 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 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 Development Control Policies Development Plan Document Policy DC61.

14. No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of trees to be retained on and adjoining the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees to be retained on and adjoining the site

INFORMATIVES

1. In aiming to satisfy condition 9 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).
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. 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.
3. 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.

4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
5. Reason for approval:
The proposal accords with Policies DC26, DC27, DC28, DC29, DC32, DC33, DC48, DC51, DC57, DC59, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policies 3.18, 6.13, 7.3, 7.4, 7.6 and 7.30 of the London Plan and the National Planning Policy Framework (NPPF).

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 £97.00 per submission pursuant to discharge of condition.

Mayoral CIL

The proposed school development is exempt from liability for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

REPORT DETAIL

1. Site Description

- 1.1 The site currently comprises various, upto 4-storey, buildings which form St. Edward's Church of England School and 6th Form College.
- 1.2 To the west beyond a water course and to the north-west and south of the application site is an area of Metropolitan Green Belt. To the north-west is open agricultural land while the site to the west/south is mainly used as playing fields (with ancillary car parking).
- 1.3 The surrounding area otherwise mainly consists of 2-storey residential properties to the east and north of the application site.

2. Description of Proposal

- 2.1 The proposal is for the removal of two temporary buildings and the erection of a separate 4-storey 6th Form block in part to enable an increase in the current 6th form capacity from 260 to 400 pupils (an additional 140 pupils). It would be 42.7m deep and 13.1m wide but 8.95m wide to the rear, slightly

angled section. It would have a slightly sloping roof behind parapets which would rise 13.25m above ground level. It would be located to the west of the existing buildings some 135m back from the highway, London Road and close to the stream/stream bank.

- 2.2 The building would provide 12 classrooms in total with ancillary offices, toilets, locker rooms and stores on each floor with a connecting lift and three sets of staircases. 2 classrooms, a kitchen and dining area are to the ground floor; 3 classrooms and a dining room mezzanine floor on the first floor; 3 classrooms and a large study area on the 3rd floor with 4 classrooms and a reflection room at 4th floor level. The main windows and all the usable spaces would have their main aspect to the western elevation overlooking the tarmac playgrounds and Westfields Playing Fields.
- 2.3 The materials would be brickwork, render and rainscreen cladding with aluminium window and door surrounds in light blue/yellow (house colours).
- 2.4 Five trees would need to be removed including 3 within the river bank.
- 2.5 It is proposed that there would be an increase in Staff numbers from 104 full-time and 82 part time staff to 106.5 full time and 84 part-time staff, a rise of 4 staff (full-time equivalent). It is not proposed to increase parking at the application site.
- 2.6 It is proposed that the new 6th form block would also be available for adult learning and other education-related functions outside school hours. It is proposed that the 6th form block would be open from 6am and would close each day at 10pm including Sundays and Bank Holidays.
- 2.7 The application has been accompanied, in addition to the Design and Access Statement, by the following:
 - 2011/2012 Travel Plan
 - Transport Assessment
 - Flood Risk Assessment
 - Habitat Assessment
 - Arboricultural Impact Assessment
 - Archaeological Assessment
 - Water Course Management Report
 - Contaminated Land Report

3. History

- 3.1 There is extensive history at the application site, nonetheless the most recent/relevant are as follows:

P0426.98 - 4 no Single storey cloakroom extensions - Approved

P0760.02 - Proposed temporary siting of 1 No. double and 1 No. single relocatable classroom units - Approved

P1613.02 - New science & technology block & related school alterations/extension works - Approved

P0843.03 - Temporary siting of one double re-locatable classroom unit - Approved

Z0003.12 Environmental Impact Assessment Screening – Environmental Impact Assessment Not Required.

4. Consultation/Representations

- 4.1 50 neighbouring and nearby properties were notified of the application, a press notice was published and a site notice was posted. Two pieces of correspondence were received raising objections in respect of loss of light and privacy/overlooking, noise and disturbance during the construction period, unacceptable construction hours, unacceptably high structure blocking out direct sun-light earlier in the evening and loss of skyline view.
- 4.2 The Metropolitan Police's Secured by Design Officer has written to indicate that the application demonstrates how crime prevention measures have been considered in the design of the proposed development and asks for conditions and an informative to be attached to any grant of planning permission in relation to Community Safety, CCTV provision, external lighting and landscaping.
- 4.3 LFEPA have confirmed that they withdraw their earlier objection to the scheme and that the access arrangements are satisfactory.
- 4.4 Environment Agency has replied asking that a condition is attached in respect of requiring details of surface water drainage.

5. Staff Comments

- 5.1 The issues in this case are the principle of the development, the impact on the open character of the green belt, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/parking. Policies DC26, DC27, DC28, DC29, DC32, DC33, DC48, DC51, DC57, DC59, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant. Also relevant are London Plan Policies 3.18, 6.13, 7.3, 7.4, 7.6 and 7.30 of the London Plan and the National Planning Policy Framework (NPPF).
- 5.2 *Principle of development*
- 5.2.1 The proposal is for a 4-storey 1,678sq.m building to provide a separate 6th Form Block.
- 5.2.2 Policy DC29 indicates that educational premises should be of a suitable quality to meet the needs of residents. It is considered that the provision of a

new separate 6th Form block within the school grounds would improve the facility for existing 6th form pupils whilst being able to accommodate an additional 140 pupils. It would also free-up existing class-room space and enable two temporary class-rooms to be removed from the School site. Staff consider that this would accord with this policy in principle.

5.2.3 The proposal that the new 6th form block would be available for adult learners and would therefore be dual-use would also accord in principle with Policy DC28.

5.3 *Impact in the Street Scene/on openness of the adjoining Green Belt*

5.3.1 The proposed building would be located to the western edge of the site such that it would be clearly visible in views from London Road and the playing fields to the west and from the open space to the south, including the Railway Line.

5.3.2 The building would be located some 135m back from the highway, London Road, and would be viewed from around the open areas as one of the group of existing school buildings which form its backdrop. One of the existing school buildings is significantly higher than the proposed building at 17.7m high compared with the proposed 13.5m height. Therefore although it would be closer to the western edge of the application site than existing school buildings Staff consider that there would be no significant impact on visual amenity in the streetscene or from other public viewpoints; nor would there be any impact on the open character of the adjoining Green Belt land.

5.4 *Impact on Residential Amenity*

5.4.1 Nearest residential properties are located on London Road and in Southern Way to the east of the school site. The proposed building would be located a minimum of 110m from the rear elevation of the nearest property fronting onto London Road and approximately 90m from the rear elevation of the nearest properties on Southern Way. Given these distances and that the building is a maximum of 13.5m high, Staff consider that there would be no adverse impact from the physical form of the building on residential amenity and that there would be no undue loss of privacy or overlooking.

5.4.2 There would be an increase in the number of children at the school from the current 6th form's 260 to 400 pupils and there would be an additional 4 staff. However it is not proposed to increase parking at the application site and the existing Travel Plan and a Transport Assessment have been submitted together which indicate that the additional travel to the school can be accommodated by public transport. Given this is an existing school site and that its size would increase by approximately 11%, Staff consider that the proposal would not overall result in any significant increase in noise or disturbance to the detriment of residential amenity.

5.4.3 It is proposed that the 6th form block would be open from 6am and would close each day at 10pm including Sundays and Bank Holidays. The

School's first lessons are at 8.30am. Given that Policy DC28 encourages the dual use of community facilities, it is considered that the proposed after school and weekend/holiday hours would be acceptable in terms of its impact on residential amenity. Nonetheless it is considered reasonable that activity in the sixth form block between 6am and 7.30am is restricted to cleaning and catering staff only.

- 5.4.4 The proposal indicates that while most 6th form pupils over 17 would be old enough to drive, they would be required through the Travel Plan to travel by public transport or cycle rather than bring a car to school. As no additional parking spaces would be provided for the additional pupils it is possible that there may be some overspill on surrounding residential roads; in particular onto Southern Way where there do not appear to be any parking restrictions except at the junction with London Road. However, given the strict Student Conduct policies of the school, any behaviour which causes problems for the community would not be condoned.

5.5 *Flooding*

- 5.5.1 A Flood Risk Assessment has been submitted with the planning application. The Environment Agency confirms that the development would be acceptable subject to the attachment of a condition relating to the submission of a detailed surface water drainage scheme to any grant of planning permission. A suitably-worded condition is proposed.

5.6 *Trees*

- 5.6.1 Five trees would be removed, none of which are the subject of a Tree Preservation Order. Given that the site is not open to the public the loss of trees to the west of the school has no significant public amenity issues and it is therefore considered that the removal of some trees would be development would be acceptable.

5.7 *Highways*

- 5.7.1 The proposal is for a separate building to house an increased capacity 6th Form which would be ancillary to the existing use of the school.
- 5.7.2 Annex 5 of the LDF Core Strategy and Development Control Policies DPD indicates that 1 space would be required for each staff member. It is proposed to have an additional 140 pupils and 4 additional staff. There is no proposed increase in the number of parking spaces. Nonetheless it is considered that the existing parking arrangements meet the standards for schools.
- 5.7.3 Notwithstanding that the parking arrangements are satisfactory, an updated Travel Plan will be required (by the attachment of a suitably-worded condition to any approval). A financial contribution of £15,000 is also sought to help fund the footway widening review and highway improvements detailed by condition 7. This contribution is considered reasonable given that

the number of students using the northern footway will increase as result of the proposal.

6. Conclusions

- 6.1 Staff consider that the proposal would accord with Policy DC29 in relation to providing a quality school environment. Staff therefore recommend that planning permission is granted.

IMPLICATIONS AND RISKS

7. Financial Implications and risks:

- 7.1 None

8. Legal Implications and risks:

- 8.1 A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

9. Human Resource Implications:

- 9.1 None

10. Equalities and Social Inclusion Implications:

- 10.1 The Council's planning policies are implemented with regard to Equalities and Diversity. In particular, in providing a separate 6th Form block in the existing school grounds, this would be to the benefit of local school children and adult learners.

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 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
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REPORT

16 MAY 2013

Subject Heading:	P0222.13 – Harold Wood Primary School, Recreation Avenue, Harold Wood – Extensions and alterations to increase pupil intake from 420 to 630 pupils including additional parking for staff (received 12 March 2013; additional information received 24 April 2013 and revised plans received 29 April 2013)
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 Framework
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	[x]
Opportunities for all through economic, social and cultural activity	[x]
Value and enhance the life of every individual	[x]
High customer satisfaction and a stable council tax	[]

SUMMARY

The proposal relates to an application for extensions (with some internal alterations) totalling 597 sq.m to enable an increase in the number of pupils and to

provide additional staff parking at the school. Staff consider that the proposal would accord with community and environmental policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

RECOMMENDATIONS

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 Act 1990.

2. *external materials* The development shall be built in accordance with the external materials details identified on the planning application form.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area.

3. *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.

4. *Hard and soft 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 the 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.

5. *Surface water drainage* - Development shall not begin until a detailed surface water drainage scheme for the site 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 include a restriction in run-off and surface water storage on site as outlined in the FRA and further information documentation regarding Impermeable Areas received 29/4/13.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to ensure that surface water is disposed of from the site in the most sustainable way possible.

6. *Land contamination watching brief:* The applicant shall enable a watching brief to be implemented for the presence of any land contamination throughout the construction works. In the event that contamination is found at any time when carrying out the development, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and if remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC63.

7. *Parking restriction review* - Within 18 months of the development being brought into use a review of parking restrictions around the school entrance shall be carried out and submitted to the Local Planning Authority for approval. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across junctions are not unduly impeded. Once approved in writing any approved measures shall be implemented and retained to the satisfaction of the Local Planning Authority.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

8. *Travel Plan:* Prior to the occupation of the development hereby permitted, a revision to the existing Travel Plan which reflects the increase in pupil numbers shall be submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include a review of walking routes and conditions in the area around the school

and measures to reduce vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32.

9. *Wheel Scrubbing/washing:* Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works on site.

Reason: 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 the Development Control policies Development Plan Document Policies DC61 and DC32.

10. *Construction Method Statement:* 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 Development Control Policies Development Plan Document Policy DC61.

11. *External Lighting:* The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

12. *Secured by design* - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating compliance with the principles and practices of the 'Secured by Design' scheme 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 the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. *Construction Hours* - 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 Development Control Policies Development Plan Document Policy DC61.

14. *Protection of trees/hedge during construction:* No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of retained trees and hedging on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees/hedge, details of underground measures to protect roots, the control of areas around the trees and any

other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees/hedging on the site.

INFORMATIVES

1. In aiming to satisfy Condition 12 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).
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. 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.
3. 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.
4. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
5. Reason for approval:
The proposal accords with Policies DC26, DC27, DC28, DC29, DC32, DC33, DC45, DC48, DC51, DC57, DC59, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and Policies 3.18, 6.13, 7.3, 7.4, 7.6 and 7.30 of the London Plan and the National Planning Policy Framework (NPPF).

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 £97.00 per submission pursuant to discharge of condition.

REPORT DETAIL

1. Site Description

- 1.1 The site currently comprises 2 main single-storey buildings and other smaller outbuildings forming Harold Wood Primary School. The site has an access onto Recreation Avenue at its North-Westernmost point. The buildings are located to the western side of the 2.59 hectare site with playing fields covering more than half of the site to the east and south of the application site. There is a significant slope down across the site from west to east and a gentler slope from north to south. The site is within the Metropolitan Green Belt.
- 1.2 To the east and north of the application site is a public park (Harold Wood Park) which has its access at the same point on Recreation Avenue as the application site.
- 1.3 The surrounding area otherwise mainly consists of 2-storey residential properties to the west and north of the application site to Recreation Avenue, Ravensbourne Crescent and Prospect Road; and beyond Ravensbourne Crescent, Coombe Road.

2. Description of Proposal

- 2.1 The proposal is for extensions and alterations to the school to increase pupil intake from 420 to 630 pupils and includes increasing staff and parking for staff to 43 spaces. The proposed single-storey extensions and alterations involve both buildings increasing the current floorspace by 597 sq.m to 2,614 sq.m and linking the two buildings together with the new car parking provision mainly located on hardstanding to the west of the existing buildings.
- 2.2 The northern building would be extended along its western elevation by between 2.65m and 4.25m in width to increase the size of the existing class rooms and staff room/prep area and provide new circulation space. A new covered play area would be provided to the rear (east of the building) which forms part of a new 520 sq.m hardstanding area .
- 2.3 The southern building would be extended to the west to provide a new class room and to the south to provide 3 new classrooms. The extension to the west would align with existing classrooms with the maximum extension to the south of 17.9m. To the north a 3.6m deep and 5.2m wide extension would provide a 30 sq.m space for the Main Office.
- 2.4 The two buildings would be linked together with a new classroom, internal courtyard and circulation space with maximum dimensions of 20.5m by 7.9m.

- 2.5 With the exception of the new hardstanding area which would be fenced off, no part of the proposal would extend eastwards onto the existing grassed playing areas.
- 2.6 The existing parking areas to the east of the access road and in the existing courtyard area are inadequate for the current staff members. The proposal is to augment the existing spaces with an additional 25 spaces to provide for the proposed 43 teaching staff members with 43 parking spaces, most of which would be provided on a new hardstanding area to the west of the access road. This would result in the loss of some existing trees.
- 2.7 A Flood Risk Assessment was submitted and the applicant has agreed to provide suitable mitigation measures to deal with drainage issues on the application site, including the use of porous hardstanding for the new parking areas.

3. History

- 3.1 P1431.05 Installation of internal platform lift, construction of external access ramp and conversion of two store rooms into a disabled WC facility – Approved 23-08-05

4. Consultation/Representations

- 4.1 46 neighbouring and nearby properties were notified of the application, a press notice was published and a site notice was posted. Two pieces of correspondence were received raising objections in respect of servicing and pupil transport disturbance being increased, on-street parking causing noise, the proposed access and additional parking provision will not overcome the obstruction on adjoining streets, as no parent parking would be provided increased on-street parking would result in emergency vehicles having greater difficulty accessing the school and adjoining properties than currently.
- 4.2 The Metropolitan Police's Secured by Design Officer has written asking for details to be submitted via suitably-worded conditions and an informative in respect of Secured by Design and external lighting provision.
- 4.3 LFEPA have confirmed that the proposal is satisfactory in respect of Fire-fighting Access Arrangements.
- 4.4 Thames Water have responded to consultation advising that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water the applicant is recommended to ensure that store flows are attenuated or regulated into the public network via on or off site storage. Prior approval will be required from Thames Water for discharge into a public sewer.
- 4.5 Environment Agency has raised an objection that an FRA was not submitted originally with the application. While the site area of the school is over 1

hectare, the site is within Zone 1 and the proposed development is for less than 600 sq.m, therefore Standing Advice applies. This is addressed in detail below.

5. Staff Comments

5.1 The issues in this case are the principle of the development, the impact on the open character of the Green Belt, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and highways/parking. Policies DC26, DC27, DC28, DC29, DC32, DC33, DC45, DC48, DC51, DC57, DC59, DC60, DC61, DC63 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant. Also relevant are London Plan Policies 3.18, 6.13, 7.3, 7.4, 7.6 and 7.30 of the London Plan and the National Planning Policy Framework (NPPF).

5.2 Principle of development

5.2.1 The proposal is for extensions and alterations to the existing primary school. Policy DC29 indicates that educational premises should be of a suitable quality to meet the needs of residents. It is considered that the extension and internal alterations of/to the existing school would improve the facility whilst also being able to accommodate an additional 210 pupils; i.e., a 50% increase on current numbers. Staff consider that this would accord with this Policy in principle.

5.2.2 The application site lies in the Metropolitan Green Belt and schools are not within the list of appropriate uses for the green belt. Nonetheless the National Planning Policy Framework (NPPF) indicates that where extensions are proposed to existing buildings/uses, providing they are not disproportionate additions, they are acceptable as an exception to national policy. While the proposal would result in a 50% increase in pupils and teaching staff numbers would rise from 29 to 43, the increase in floorspace of 597 sq.m represents only a 29.6% increase over the existing floorspace. As such, Staff consider that the proposal would be acceptable as an exception to national policy and is therefore acceptable in principle.

5.2.3 Policy DC45, in line with the previous National Guidance contained in PPG2, indicates that extension of buildings other than dwellings or sites designated as Major Development Sites, is inappropriate development and that there are no exceptions. Nonetheless the NPPF adopted by Central Government in March 2012 in this respect supersedes the Council's LDF dating from 2008 and is a material planning consideration. As such, and as above, the NPPF accepts extensions to any existing building in the Green Belt which are not disproportionate as an exception to the general policy which does not normally allow inappropriate development in the Green Belt.

5.3 *Impact on the open character of the Metropolitan Green Belt*

5.3.1 The proposal would extend the existing single-storey buildings, in particular to the south and link the two existing buildings together. The proposal would add a further 29.5% in terms of floorspace to the existing school building. Staff consider that this would have an effect on the open character of the Green Belt. However, the proposed extensions are limited and include a link such that the building works, with the exception of that to the south, are mainly contained within the existing building envelope and do not have any significant impact on the open character of the Green Belt.

5.3.2 The two, single-storey extensions to the south of the building are a maximum of 17m long and would extend over the existing hardstanding play area to form a large open-sided courtyard. Whilst it would reduce the gap between the existing elevation and the housing beyond the southern boundary, a clear and significant gap would be retained as well as the whole of the grassed playing areas to the east of the application site, such that Staff consider that the overall impact on the open character of the Green Belt at this school site would be acceptable.

5.4 *Impact in the Street Scene*

5.4.1 The application buildings are located at the end of an access drive behind a row of houses. As such only the small single-storey extension to Office and the vehicles parking on the new parking area would be visible in the streetscene and then, only in views directly along the access drive. Staff therefore consider that there would be no adverse impact on visual amenity in the streetscene.

5.4.2 The extensions to the buildings would be visible at least in part from the adjoining public park, nonetheless they would appear from this distance to be mainly relatively small extensions to the existing single-storey building and, as such, Staff consider that the proposal would not have any significant impact from public viewpoints.

5.5 *Impact on Residential Amenity*

5.5.1 The nearest residential properties are located on the southern side of Ravensbourne Crescent and at the access point at the end of Coombe Road/Recreation Avenue and in the cul-de-sac end of Prospect Road.

5.5.2 The proposed single-storey extensions would be located at least 60m (to the northern building) and 25m (to the southern building) from the rear elevations of the properties in Ravensbourne Crescent and around 25m from the side elevation of nearest property in Prospect Road. At these distances and as the proposal has a maximum height of 3.4m, Staff consider that there would be no adverse impact from the physical form of the building on residential amenity and that there would be no undue loss of privacy or overlooking.

5.5.3 The proposal would result in an increase in numbers of pupils attending the school adding 50% to the current numbers, rising from 420 to 630. The single access and no parent parking is typical of most schools in the Borough and there is a reliance on any parents wishing to deliver and collect by car to park on-street. There is always some conflict between parents and nearby residents before and after school when this occurs and, it is recognised, more children attending the school would be likely to increase this problem. Anyone living close to a primary school would expect some disturbance at school start and closing time and at break times when children are out and playing noisily and existing residential amenity of nearby occupiers would be lower than for occupiers of properties not sited close to schools or their vehicle entrances. In order to encourage and support parents and children to use non-car transport, the existing Travel Plan would need to be augmented and a suitable condition will be attached to any approval requesting further details. Staff consider that while there would be an increase in school numbers and likely cars, traffic and traffic movements, that the relative increase in noise and disturbance to adjoining occupiers from the increase in pupils needs to be balanced against the severe need for additional school places in the Borough. Given that the Travel Plan should ensure that any disturbance is kept to a minimum and that such disturbances are regular and expected and only at drop-off and pick up, i.e., two times during the day, Staff consider that any loss of residential amenity would not be so significant as to refuse planning permission.

5.5.4 The proposed new car park would be mainly located to the opposite side of the access road from the existing parking area with 21 parking spaces on new hardstanding areas. At the site visit it was noted that there is currently insufficient parking with vehicles parked on grassed areas and across the end of the existing spaces. The proposed 43 spaces (which include the existing spaces) would meet the requirement for the proposed size of teaching staff and at the same time increase the current numbers to meet the standard. The larger (17 space) car park would be located close to the rear boundaries of properties fronting Ravensbourne Close. However existing trees and a hedge on the shared boundary would be retained and Staff consider that this would reduce the impact of this area to the degree that it would not have any significant impact on residential amenity.

5.6 *Flooding*

5.6.1 A Flood Risk Assessment has been submitted with the planning application. The Environment Agency objected initially to the absence of a Flood Risk Assessment, nonetheless one has been submitted and the only issue is surface water. Staff consider, in light of the Standing Advice, that a suitable condition can be attached requiring the submission of mitigating measures to overcome the concerns raised. A suitably-worded condition is proposed.

5.7 *Trees*

- 5.7.1 Five trees would be removed, none of which are the subject of a Tree Preservation Order. Given that the site is not open to the public, the loss of trees to the west of the school has no significant public amenity issues and it is therefore considered that the removal of some trees would be acceptable. A condition protecting the retained trees and boundary hedging is appropriate to reduce the impact of the new car park hardstanding area and one is proposed to be attached to any grant of planning permission.

5.8 *Highways*

- 5.8.1 The proposal is for extensions and alterations increasing the building by just under 600 sq.m with an increase in teaching staff to 43. In this respect the standard requires one parking space to be provided for each staff member and, as such, the current provision is well below the standard. The proposal therefore brings up the current under provision and will ensure that there is sufficient parking on site for staff, in accordance with Policy DC33 and Annex 5 of the LDF Core Strategy and Development Control Policies DPD.
- 5.8.3 Notwithstanding that the parking arrangements are satisfactory in relation to staff provision, an updated Travel Plan will be required incorporating and updating walking routes and reducing private vehicle trips together with the need to undertake a review of parking restriction around the school entrance. Suitable conditions will be attached to any planning approval.

6. **Conclusions**

- 6.1 Staff consider that the proposal would accord with Policy DC29 in relation to providing a quality school environment and would, as an exception to the NPPF Green Belt section be acceptable. Staff consider that the proposal would, subject to the attachment of suitable conditions, be acceptable in all other respects and Staff therefore recommend that planning permission is granted.

IMPLICATIONS AND RISKS

7. **Financial Implications and risks:**

- 7.1 None

8. **Legal Implications and risks:**

- 8.1 None

9. **Human Resource Implications:**

9.1 None

10. **Equalities and Social Inclusion Implications:**

10.1 The Council's planning policies are implemented with regard to Equalities and Diversity. In particular, in providing more school spaces at an existing school, this would be to the benefit of local primary school-age children.

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 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
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COMMITTEE**

REPORT

16 May 2013

Subject Heading:

P0169.13 – 44 Herbert Road, Emerson Park – Demolition of existing building; redevelopment of site to form three detached dwellings, formation of vehicular access and car parking (received 14 February 2013; revised plans received 18 April 2013)

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 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

This report concerns an application for the demolition of the existing dwelling and the erection of three detached houses with new access road and car parking. The proposal has been called-in by Councillor Steven Kelly due to the number of previous applications and the number of refused schemes. Councillor Ron Ower has called-in

the application due to the planning history of the site and the Emerson Park local Policy. Applying judgement in respect of the proposed garden depths, Staff consider that the proposal would accord with housing, environment and highways/parking policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and approval is therefore recommended, subject to conditions and the completion of a Legal Agreement.

RECOMMENDATIONS

-That the committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,073m² (which excludes the existing dwelling's 304 sq.m) which equates to a Mayoral CIL payment of £21,460. Please note however that the existing dwelling was vacant at the time of the site visit and that the 12 month period of vacancy will possibly be exceeded before commencement, increasing this figure.

-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 £12,000 to be used towards infrastructure costs in accordance with the Draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the preparation of the Agreement, prior to completion of the Agreement, irrespective of whether the Agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the Agreement.

-That Staff be authorised to enter into such an agreement and that upon its completion 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 Act 1990.

2. 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.

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 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.

4. 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 the amenity of occupiers of the development and also the visual amenity of the development and the locality generally.

5. 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.

6. The buildings hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimal 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 the NPPF.

7. Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be approved in writing by the Local Planning Authority, 2 metres high shall be erected on the shared boundaries between the new properties and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority. In addition, until the proposed hedging to the eastern boundary attains the height of at least 1.8m, a screen fence of 2m in height shall be maintained on that boundary.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties in accordance with Policy DC61.

8. The development hereby approved shall not be occupied until external lighting has been provided in accordance with details which shall previously have been submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

9. 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

10. Prior to commencement, a landscaping plan should be submitted showing all hard and soft landscaping. Once approved in writing by the Local Planning Authority, all planting, seeding or turfing 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 the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

11. No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority, in order that the development accords with Policy DC60 of the LDF Core Strategy and Development Control DPD and SPD on the Protection of trees during development. Such a scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and/or 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.

12. 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 the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

13. Before commencement of the proposed development, 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 Development Control Policies Development Plan Document Policy DC61.

14. The proposed alterations to the Public Highway shall be submitted in detail for approval prior to the commencement of the development.

Reason: In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

15. 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 and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

16. 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 submitted and approved plan) shall be formed in the flank wall(s) of the building(s) 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Class A, B, D and E namely extensions, roof extensions, porches or outbuildings (or other structures in the curtilage), 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.

18. Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 388:2007 "Specification of Topsoil".

Reason: To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with the LDF Core Strategy and Development Control Policies DPD Policy DC53.

19. The applicant shall enable a watching brief to be implemented for the presence of any land contamination throughout the construction works. In the even that contamination is found at any time when carrying out the development, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and whether

remediation is necessary a remediation scheme must be prepared, implemented and verified to the satisfaction of the Local Planning Authority.

Reason: To ensure that risks from any unexpected land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC63.

INFORMATIVES

1. Community Safety - Informative:

In aiming to satisfy Condition 12, 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).

2. 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.

3. 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.

4. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP17, DC2, DC3, DC33, DC34, DC37, DC53, DC55, DC60, DC61, DC62, DC63, DC69, DC70 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 and the NPPF.

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.

5. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012.
6. 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.

Mayoral CIL

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,073m² (which excludes the existing dwelling's 304 sq.m) which equates to a Mayoral CIL payment of £21,460. Please note however that the existing dwelling was vacant at the time of the site visit and that the 12 month period of vacancy will possibly be exceeded before commencement, increasing this figure.

REPORT DETAIL

1. Site Description

- 1.1 The site comprises a single-storey detached dwelling with accommodation in the roofspace and some outbuildings including a double garage at 44 Herbert Road. The site is located to the southern side of Herbert Road, on the western side of its junction with The Lombards. The site is within Sector 6 of the Emerson Park Special Policy Area. The site area is 0.48 ha. There is a relatively new fence to the south of the application site, beyond which is an area of land which appears to be part of the rear garden of No.44 Herbert Road.
- 1.2 The surrounding area otherwise is of large mainly 2 storey detached houses on large plots fronting onto Herbert Road, including some recent new-builds, and to The Lombards and Fairlawns Close on generally smaller plots also within Sector 6. There are smaller properties on smaller plots to the rear in Channing Close and Beverley Close (in Sector 5).
- 1.3 TPO 16/06 covers the application site. There are a large number of trees on site to the boundaries and rear garden area.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing buildings including the existing dwelling and construction of 3, 2-storey houses with a new access road, car parking and amenity space.
- 2.2 The proposed layout is with the spine road to the west of the application site. The proposed dwellings would be laid out with one fronting onto Herbert Road and the other 2 facing west towards the spine road. Each plot would have a minimum width of 32m with a depth of 31.5m – 39m.
- 2.3 Each house (excluding the proposed garages) would be approximately 14.4m wide and 15.6m deep at ground floor with the upper floor being a maximum of approximately 11.6m deep. Each house would have a fully pitched roof with a maximum ridge height of 11m above ground level with two large gables to the front elevation and dormer windows to rear roof slope.
- 2.4 The proposed rear amenity areas would be a minimum of 10m and 12m deep and 24m-32m wide.
- 2.5 The proposed cul-de-sac road would have a length of 94m and width of 4m. There would be a turning head provided which would use the area to the front of Plot 3's garage. Plot 1 would have its own new access onto Herbert Road, to the east of the application site.
- 2.6 It is proposed to provide each house with an attached garage. Those to the rear would be provided with a double garage whereas that to the Herbert Road frontage would have a triple garage.
- 2.6 The proposal would result in trees being removed. The proposal would include 36 replacement trees, mainly to the western side of the proposed cul-de-sac road and to the boundary with The Lombards. In addition hedging would be located to the front and rear boundaries of the proposed properties; that to the rear boundaries with The Lombards is to be maintained at a height of 1.8m.
- 2.7 A Tree Report and Ecological Survey were also submitted with the application.
- 2.8 The main differences between the current scheme and the scheme currently at appeal for four houses are:
 - reduction in number of proposed dwellings from 4 to 3
 - increase in depth for individual properties from 15.3m to 15.6m

3. History

- 3.1 P1870.11 – demolition of the existing bungalow and construction of 6 detached houses with associated vehicular access and landscaping – refused 9/2/12; subsequent appeal dismissed 7/8/12.

3.2 P0680.12 – Demolition of existing building redevelopment of site to form four detached dwellings, formation of vehicular access and car parking– refused 30/10/12 for the following reasons:

“1. The proposal, by means of the number and size of dwellings and the arrangement of garden space around them, would represent a cramped overdevelopment of the site, out of keeping with the spacious setting of the surroundings properties and street scene and therefore harmful to the character and appearance of the Emerson Park area, contrary to the Emerson Park Policy Area SPD and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.

2. The proposal would fail to make a contribution towards the local infrastructure costs arising from the proposed development, contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD and the Draft Planning Obligations Supplementary Planning Document.”

A subsequent appeal is current with the Appeal Hearing on 21st May 2013.

4. **Consultation/Representations**

4.1 51 neighbouring occupiers were notified of the proposal. There were 9 replies objecting to the proposal on the following grounds:

- Trees on the boundary of the property should be protected to provide a screen between the proposed and existing residential development
- The proposed dwellings are inconsistent with existing properties
- Loss of wildlife
- Visual intrusion due to three-storey design and close proximity to existing development, particularly if boundary trees are removed
- Back garden development is not in accordance with the Emerson Park SPD
- Proposed density is not supported by the Emerson Park SPD
- The scheme suggests that this is a smaller development than the 6 and 4 house schemes but each house is much bigger with triple garages
- Children walking along Herbert Road to School will be affected by large industrial vehicles going in and out
- Possible accident hot spot
- Loss of all trees on the eastern boundary would result in an unacceptable loss of privacy and security both during and after construction
- Loss of trees (subject to a preservation order 16/06) resulting in detriment to the character of the area
- loss of the existing trees/landscaping and their replacement with a fence and new trees will result in an immediate and on-going loss of amenity
- there is no arboricultural reason to remove the trees which could last a further 20 years
- There are no properties in Emerson Park with accommodation in their roofspace/on three floors and this is therefore inconsistent with existing development
- The additional floorspace would increase the selling potential of the scheme
- Noise intrusion

- the site forms the northern part of a larger site where further development is likely to the south which can be accessed from Fairlawns Close and is therefore a pre-cursor to further development of this rear garden
- other refusals of planning permission locally should set a precedent as the same issues apply
- the proposal to develop in the rear garden is clearly contrary to national planning policy contained in PPS3/NPPF which was a reason for refusal previously
- the proposal would harm the character and appearance of the area
- biodiversity would be unacceptably harmed as a result of the loss of this large rear garden and trees; development should not be acceptable in an urban area if there is any loss of existing vegetation or wildlife as a result
- details of disruption and noise during the construction phase are unclear
- the provision of a second access road (as well as The Lombards) and Fairlawns Close will result in a security risk to the new and existing properties, particularly to children playing in the rear garden areas
- overdevelopment
- excessive parking provision
- the proposed access would give rise to unacceptable levels of traffic, noise, pollution, congestion, and disruption
- unacceptable noise from the two additional properties
- the previous refusal reasons for the proposed 4 properties apply equally to this application for 3 properties
- the proposal would be for family housing which would be in conflict with the mainly retired population occupying the surrounding existing houses
- there is a high water table and the loss of trees will result in a reduced ability to enable water to soak away naturally
- the application site is neither suitable nor viable for development
- developers would profit from development
- rooms in the loft space provide additional accommodation and therefore the proposal should be termed 3-storey rather than 2-storey
- approving this scheme would set an unacceptable precedent for all other back-garden schemes to be approved in Emerson Park

4.3 Thames Water has written to advise that they have no objection with regard to sewerage infrastructure. Essex and Suffolk Water indicate that their apparatus does not appear to be affected by the proposed development and given consent subjected to a new water connection being made to their network for each new dwelling.

4.4 The Metropolitan Police Crime Prevention Design Advisor has written to request the addition of a condition and informative regarding Secured by Design and ones for external lighting, boundary treatment, landscaping and details of cycle storage if permission is granted. This has been communicated to the applicants.

4.5 The Fire Brigade (LFEPa) indicate that they are satisfied providing the access road is a minimum width of 3.7m between kerbs throughout its length.

5. **Staff Comments:**

5.1 The issues in this case are the principle of development, its impact in the streetscene, on residential amenity and parking/highways/servicing. Policies CP1, CP4, CP17, DC2, DC4, DC33, DC35, DC36, DC53, DC55, DC60, DC61, DC63, DC69 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan, and the SPDs on Emerson Park Policy Area, Residential Design and Planning Obligations are relevant. Also relevant are London Plan Policies 3.3, 3.5, 3.8, 4.7 and 7.3 as well as the NPPF. The Planning Inspector's Decision letter dated 7 August 2012 in relation to the dismissed scheme is also relevant.

5.2 *Principle of development*

5.2.1 Policy CP1 indicates that housing will be the preferred use of non-designated sites. The site lies in the existing urban area. The National Planning Policy Framework (NPPF) indicates that back garden do not form "brownfield" sites. The NPPF does not however preclude all development of back gardens and if there are material circumstances which suggest that development might be appropriate then this can be considered as justification for back garden development.

5.2.2 The NPPF nonetheless indicates that sustainable development should normally be granted planning permission and, while the PTAL is low, the site would be in a sustainable location. The details of the scheme will therefore be paramount in deciding whether the proposed development can be considered as acceptable, with the main consideration being whether the proposal would accord with the character of the area in which it is located, i.e., Sector 6 of the Emerson Park Policy Area (Policy DC69) and the guidance set out in its related SPD.

5.2.3 The Emerson Park Policy SPD indicates that in Sector 6 "Infill development will be permitted in this sector provided it does not give a cramped appearance to the street scene and its massing and architectural style is in keeping with surrounding properties. Redevelopment of a number of properties or backland development generally result in increased density and reduced rear garden lengths, both of which are harmful to the special character of Sector 6, and such proposals will not normally be permitted."

5.2.4 The Planning Inspector in dismissing the 6 house scheme in August 2012 did not specifically consider the issue of whether the proposal was acceptable in principle, nonetheless she did address the issue of how the scheme related to the design aims of the NPPF, and in this respect she effectively identified that the scheme was not unacceptable in principle, only in respect of the details of the previously dismissed scheme. Staff therefore consider that the current scheme for 3 houses would likewise be acceptable in principle.

5.3 *Density/Site Layout*

- 5.3.1 The proposal is to demolish the existing detached property and replace it with 3 houses; one fronting onto the existing highway and the other two fronting onto a new cul-de-sac road to the western side of the application site. Clearly the density of the site would increase, in this case to 6.25 dwellings per hectare. Policy DC29 indicates that the density ranges in Policy DC2 do not apply in the Policy Area since the character of area generally is of large houses on larger plots, and it is the special character of the area which the Policy seeks to ensure is not undermined by proposed development. The proposed density is similar to other development within the Emerson Park area and is not considered to be underdevelopment of the application site.
- 5.3.2 The Supplementary Planning document on the Emerson Park Policy Area sets out specific criteria for Sector 6 in which the application site is located and is typified by medium and large dwellings in spacious well landscaped grounds. Infill development will be permitted in this sector provided it does not give a cramped appearance to the street scene and its massing and architectural style is in keeping with surrounding properties. Redevelopment of a number of properties or backland development generally result in increased density and reduced rear garden lengths, both of which are harmful to the special character of Sector 6, and such proposals will not normally be permitted.
- 5.3.3 In relation to new dwellings in this sector the following criteria will apply:
- Be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties.
 - Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area;
 - Be of detached, single family, large and architecturally varied dwellings;
 - Provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.
- 5.3.4 The Planning Inspector indicated in dismissing the 6 house scheme that “the southern side of Herbert Road is more densely developed than the opposite side. ... To the east of the appeal site is a short cul-de-sac of three detached houses, and further west is a larger cul-de-sac that appears more close-knit and suburban than most of the frontage housing on Herbert Road.” Given the presence of other cul-de-sacs in the vicinity, the Inspector took the view that the principle of this pattern of development would not conflict with the aims of Policy DC69.
- 5.3.5 The acceptability of the development therefore rests on it being of a high standard of design and layout. In dismissing the previous appeal, the Inspector took the view that six dwellings of the footprint proposed meant that none would be perceived as having a particularly spacious plot. This perception, in the

Inspector's view, would be exacerbated by the height and scale of the dwellings and overall would give rise to an excessive amount of development compared to the general pattern in the vicinity. Members similarly took the view in relation to the scheme for four houses that this did not overcome the Inspector's concerns.

5.3.6 To address the Inspector's comments and also the refusal reasons in relation to the 4-house scheme, the current proposals have reduced the number of houses proposed to three. A single dwelling is proposed at the site frontage to Herbert Road with two houses to the rear located in a linear arrangement facing westwards. The current proposal would nonetheless result in an increase in the depth of each property from the 4-house scheme details from 15.3m to 15.6m.

5.3.7 The proposed amenity space for each property ranges from approximately 556sq.m to around 720sq.m and many existing trees would be retained. Nonetheless all of the proposed dwellings have projecting single storey features to the rear of the dwellings. Members, in relation to the refused 4-house scheme, were particularly concerned that, as a result, the rear gardens have very limited depths - The space between the rear elevations of the rear dwellings and the rear site boundaries which ranged between 10.8m and 12.5m deep - were not considered to be in character with existing development in Sector 6 of the Emerson Park Policy Area. The proposal would have rear garden depths (taken from the rear single-storey elements) of 11.5m and 12.2m. While the garden depths are similar to those of the 4-house scheme, the overall increased size of the gardens and the gaps between the three dwellings would result in a more spacious setting for the dwellings. While it is a matter of judgement on which Members may place different weight, Staff consider that the proposed gardens would be appropriate to the nature and size of the proposed units and would be commensurate with the Emerson Park Policy in respect of spaciousness.

5.3.8 Staff consider that the proposed density and the new layout (reducing the scheme from 4 houses to 3 houses) would be similar to other existing residential development, in particular The Lombards. The proposed density/layout now proposed would, in Staff's view, overcome the previous refusal reasons as the proposal would not represent an overly cramped form of development in the Emerson Park Policy Area.

5.3.9 The London Plan indicates at Policy 3.5 (Table 3.3) that 2-storey houses with 4 bedrooms for 6 people should have a minimum gross internal floorspace of 107sq.m and for a 3-storey property with the same number of bedrooms/people, 113 sq.m. Each of the proposed properties would have 5 bedrooms on three floors of accommodation (one in the roof area) with a floorspace of approximately 526 sq.m. Staff consider that the houses are significantly larger than the minimum size but would be for larger/wealthier families and that they would be of a similar size to others in Sector 6 such that they would be of appropriate floorspaces for the likely future occupiers.

5.4 *Design/Impact on Street/Garden Scene*

5.4.1 The Sector 6 guidance is that “In relation to new dwellings in this sector the following criteria will apply:

- Be of detached, single family, large and architecturally varied dwellings;
- Provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.

In relation to new dwellings and extensions to existing dwellings and the resultant space between buildings, each case will be treated on its merits and with regard to the extent that architectural character, massing and existing landscaping are retained. In every case, the space that is retained between buildings should reflect the character of the street scene in the immediate surroundings.

5.4.2 The minimum requirement will be that no part of any new building or extension to an existing building will be permitted to be built within a minimum of 1m from an adjoining common party boundary at ground floor or 2m at first floor. It is emphasised, however, that these are minimum requirements and that in the majority of cases, the Council will expect them to be exceeded.”

5.4.3 The proposed dwellings would be of exactly the same footprint. The 3 properties would have pitched roofs with gables to the front elevation with minor architectural detailing differences, e.g., window details and external materials. Otherwise, the properties would be the same in scale, massing and form.

5.4.4 The proposed properties would however be similar to those in the cul-de-sac to the east in respect of there being very little difference in the architecture of these properties. The properties would nonetheless be detached, single family and large.

5.4.5 The proposed plot widths would be between 34.5m and 40.4m and would exceed the SPD’s minimum requirement and each property would be at least 1m from the boundary at ground floor and 2m from the flank boundary at first floor. Staff thereby judge that the proposal would maintain the characteristic spaciousness of the locality.

5.4.6 It is proposed to retain a number of trees which are protected under the Tree Preservation Order 16/06 and to replace the existing hedge to the eastern boundary. It is considered that in respect of visual amenity, the proposal would result in the loss of poorer quality and some self-seeded trees from the application site but would retain good quality trees which are of public amenity value. The hedge to the east of the site has not been well maintained and has become significantly overgrown over time. Given that if it was now significantly cut back it would be likely to not regrow, the proposal to replace the hedge is considered to be appropriate. Staff consider that while limited, the retention of existing trees, together with the provision of a new hedge with other new landscaping would ensure that the proposal has an acceptable impact on visual amenity in the streetscene. A suitable condition is proposed to be attached to

any grant of planning permission to ensure that new landscaping becomes established.

5.4.7 Staff therefore consider the proposal for large 2-storey houses with some accommodation in the roof space to be similar to other development in the vicinity and that it would not be harmful to local character.

5.5 *Impact on Amenity*

5.5.1 There are existing residential occupiers to the east, west and north (on the opposite side of Herbert Road). The nearest being those to the two cul-de-sacs of The Lombards and Fairlawns Close. The Planning Inspector considered in relation to the dismissed scheme for 6, 2.5-3 storey houses that “with appropriate boundary treatment sufficient separation would be retained from existing properties to avoid material loss of privacy or overshadowing.”

5.5.2 Staff consider that the current proposal would have a suitable boundary treatment and given the existing separation, there would similarly be no material loss of privacy or overshadowing, such that there would be no undue harm to residential amenity from the proposed development.

5.5.3 Noise during construction and general everyday noise and activities associated with new residential development of this scale are not reasons to refuse planning permission. Noise insulation details would be required by a suitably-worded condition to prevent the occupiers being affected by noise caused from outside.

5.6 *Highway/Parking/Servicing*

5.6.1 The proposed new cul-de-sac road would be 4m wide and 92m long. It would have a turning head.

5.6.2 Within this area, Policy DC2 indicates that between 1.5 and 2 parking space should be provided for each property. At least 2 parking spaces per dwelling would be provided.

5.6.3 In line with Annex 6, cycle parking provision would need to be provided on site and would be subject to a suitable planning condition.

5.6.4 In line with details previously submitted, a refuse vehicle can enter and turn within the proposed cul-de-sac. Refuse storage details would be required by an attached condition.

5.6.5 There are no highways objections to the proposed development.

6. *Section 106 agreement*

6.1 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the draft SPD on Planning Obligations, totalling £12,000 (2 additional houses).

7. *Mayoral CIL*

7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 1,073m² (which excludes the existing dwelling's 304 sq.m) which equates to a Mayoral CIL payment of £21,460.

8. *Other Issues*

8.1 The Secured by Design Officer asks that suitable conditions are attached in relation to Secured by Design (and an informative), external lighting, cycle storage, boundary treatment and landscaping.

9. **Conclusions**

- a. The proposal is for the demolition of a single house and its replacement with 3 houses together with a new cul-de-sac road. It is considered that the proposal would be acceptable in principle, particularly having regard to the appeal decision. It is further considered that the design, density, impact on neighbouring occupiers' amenity, trees and highways/parking would be acceptable in respect of the site's location in Emerson Park and that the proposal would overcome the concerns raised by the Planning Inspector in her Decision and also the refusal reasons in relation to the 4-house scheme. Members will note that there has been a judgement made in respect of the proposed garden depths on which they may place different weight, nonetheless Staff consider that the proposal would be acceptable in accordance with Policy DC2, DC3, DC33, DC60, DC61, DC69 and DC72 of the LDF Core Strategy and Development Control Policies and SPDs on Emerson Park Policy Area, Landscaping and Residential Design such that it would not result in any significant adverse impact.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None

Legal Implications and risks:

A legal agreement would be needed to ensure that suitable contributions are made to local infrastructure arising from the proposed development.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 14 February and 18 April 2013.