



Havering

L O N D O N B O R O U G H

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
29 January 2015**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Ray Best (Vice-Chair)
Philippa Crowder
Steven Kelly
Michael White

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering
Residents'(2)**

Linda Hawthorn
Ron Ower

**UKIP
(1)**

Phil Martin

**Independent
Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

Protocol for members of the public wishing to report on meetings of the London Borough of Havering

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

Anyone attending a meeting is asked to advise Democratic Services staff on 01708 433076 that they wish to report on the meeting and how they wish to do so. This is to enable employees to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

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.

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.

Would members of the public also note that they are not allowed to communicate with or pass messages to Councillors during the meeting.

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 MINUTES (Pages 1 - 24)

To approve as a correct record the minutes of the meetings of the Committee held on 4 December and 18 December 2014 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 25 - 66)

- 6 **P1383.14 - RJ MITCHELL SCHOOL, SOUTH END ROAD SOUTH HORNCHURCH**
(Pages 67 - 80)
- 7 **P1212.14 - 64 SOUTH STREET ROMFORD** (Pages 81 - 108)
- 8 **L0014.14 - LANGTONS HOUSE, BILLET LANE HORNCHURCH** (Pages 109 - 116)
- 9 **P1536.14 - LANGTONS HOUSE, BILLET LANE HORNCHURCH** (Pages 117 - 126)
- 10 **P1054.13 - LAND NORTH OF 8 JACKSON CLOSE** (Pages 127 - 144)
- 11 **P1346.14 - RISE PARK JUNIOR SCHOOL, ANNAN WAY ROMFORD** (Pages 145 - 154)
- 12 **P1084.14/L0010.14 - THE CONVENT OF SACRED HEART** (Pages 155 - 180)
- 13 **P0972.14 - 16 & 18 PROSPECT ROAD HORNCHURCH AND LAND TO THE REAR OF**
OF (Pages 181 - 206)
- 14 **P1020.12 - 69 OLDCHURCH ROAD, ROMFORD** (Pages 207 - 228)
- 15 **P1680.14 - HAYDOCK CLOSE, HORNCHURCH** (Pages 229 - 244)
- 16 **P1534.14 - TESCO ROMFORD EXPRESS LAND TO THE REAR OF OAKLANDS AVENUE, ROMFORD** (Pages 245 - 262)
- 17 **STOPPING UP ORDER** (Pages 263 - 268)
- 18 **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

Andrew Beesley
Committee Administration
Manager

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
4 December 2014 (7.30 - 9.40 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best (Vice-Chair),
Philippa Crowder, Steven Kelly and +John Crowder

Residents' Group Reg Whitney and +Jody Ganly

East Havering Linda Hawthorn and Ron Ower

Residents' Group

UKIP Group Phil Martin

Independent Residents Graham Williamson
Group

Apologies were received for the absence of Councillors Michael White and Stephanie Nunn.

+Substitute members: Councillor John Crowder (for Michael White) and Councillor Jody Ganly (for Stephanie Nunn).

Councillors Linda Van den Hende, Michael Deon Burton, David Durant and Jeffrey Tucker were also present for parts of the meeting.

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

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

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

119 P1066.14 - INGREBOURNE HILL

The application before Members proposed the importation of approximately 650,000 tonnes of material over a 30 month period, and the undertaking of engineering operations to create a new landform connecting Ingrebourne Hill with Hornchurch Country Park. The final landform would be landscaped with trees and other vegetation to provide an area of recreation and nature conservation open to the public.

The proposed development would involve the importation of inert material to create a new landform at the site. The imported material would be composed of construction, demolition, and excavation waste gathered from sites in and around Greater London. The imported material would be deposited in a reception area, located at the southern end of the operational area, and would then be screened into a grade of material that was suitable for use as engineering soils. It was anticipated that up to 30% of the imported material would be unsuitable, and would be transferred back out of the site for use as recycled aggregate in the construction industry.

The site was located within the Green Belt, formed part of the Thames Chase Community Forest, and also formed part of a Borough level Site of Nature Conservation Importance.

Members noted that an extra sixteen letters of representation, objecting to the proposals, had been received.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's representative.

The objector commented that the proposal had received many objections due to its proposed impact on the environment. The objector also commented that proposals to control lorry movements to and from the site would be hard to police in reality and would those movements would create dusty conditions throughout the area.

In response the applicant's representative advised that the company had previously carried out similar schemes in other areas of the borough and were experienced in working with the Council in order to police and enforce any conditions that were included in the proposal. The representative also commented that the idea of the proposal was to improve the relationship between Ingrebourne Hill and the Hornchurch Country Park.

With its agreement Councillors Michael Deon Burton, David Durant and Jeffrey Tucker addressed the Committee.

Councillor Burton commented that the proposal would restore damaged land but that the land would only become damaged in the first place due to the proposed works. Councillor Burton also commented that lorries transporting the waste would be detrimental to the amenity of the surrounding area which also included a primary school.

Councillor Durant commented that the extra lorry movements would have a cumulative effect on the road network and questioned why the Highways Authority had not raised any objections to the proposal.

Councillor Tucker commented that he agreed with what his colleagues had previously mentioned and felt that there were too many construction works currently taking place in the Rainham area. Councillor Tucker also

commented that the proposed route for the lorries to take into the site was not suitable for vehicles of that size.

During the debate members raised concerns regarding the possible disturbance of wildlife on the site and whether the wildlife would return after the works had been completed. They expressed concern in respect of the visual impact on the openness of the Green Belt and the impact of lorry movements on a nearby school. Members further expressed concern that of the inert materials brought to the site following processing on the site a fair proportion would be taken from the site with the resulting increase of lorry movements.

Members also discussed the proposed Special Circumstances that had been put forward by the applicant as the proposal affected the openness of the Green Belt.

A large part of the debate centred on the increased traffic movements and the impact these would have on the local area. Members also questioned whether the inert material should be deposited in Rainham and not in the source area.

The report recommended that planning permission be approved, however following a motion to refuse planning permission which was carried by 7 votes to 0 with 4 abstentions it was **RESOLVED** that planning permission be refused on the grounds that

1. Adverse impact on wildlife and adjacent SSSI through adverse noise, dust and other disturbance.
2. Inappropriate development in the Green Belt, loss of openness during works and as result of works with no Very Special Circumstances outweighing the harm.
3. Detriment to local residents through adverse visual impact during works, dust nuisance, reduced air quality and noise.
4. Adverse impact on local road network causing inconvenience to road users and pedestrians, due to volume of lorry movements.

The vote for the resolution was carried by 7 votes to 0 with 4 abstentions

Councillors Misir, Hawthorn, Ower, Ganly, Whitney, Martin and Williamson voted for the resolution to refuse planning permission.

Councillors J. Crowder, P. Crowder, Best and Kelly abstained from voting.

Members noted that the proposal was still subject to a referral to the Mayor of London's office for consideration.

120 **P1293.14 - HAROLD WOOD PRIMARY SCHOOL, RECREATION AVENUE**

The application before Members was for a Council owned school. The planning application was for permission to demolish the existing outbuildings situated in the south-western corner of the Harold Wood Park and re-surfacing to provide a new 29 space car park, new footpaths and drop-off area.

The proposal was situated with the Green Belt and judged to be inappropriate and therefore required the applicant to demonstrate Very Special Circumstances as to why the development should be allowed.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's representative.

The objector commented that the current outbuildings were an eyesore but that the proposed drop off zone was in-appropriate and unfair on residents who already experienced examples of parking dis-placement.

In response the applicant's representative commented that the parking was required for users of the park and that local residents had been supportive of the proposal.

During a brief debate Members discussed the current drop off facilities for the school and parking dis-placement.

In reply to a question regarding vehicles entering the park, officers clarified that a barrier was to be installed preventing this from taking place.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

121 **P1196.14 - 1 JUNCTION ROAD, ROMFORD**

The proposal before Members was for the extension and conversion of an existing solicitors office (use class B1) to form six residential flats (use class C3). The development will consist of three one-bedroom flats and three two-bedroom flats.

During a brief debate Members clarified the parking arrangements for the proposed flats.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £2,500 and **RESOLVED** that the proposal was unacceptable as it stood 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 £36,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report.

- 122 **P1140.12 - BROOKSIDE YARD, CLOCKHOUSE LANE, COLLIER ROW ROMFORD - ERECT TWO CONSERVATORIES (TO EAST AND WEST ELEVATIONS) COVERED WAY TO NORTH ELEVATION, CONSTRUCT SWIMMING POOL AND PUMP ROOM WITH HARD-STANDING AND RETAINING WALL AND CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE (RETROSPECTIVE).**

The Committee considered the report and without debate **RESOLVED** that planning permission be refused as per the officer's recommendations contained within the report.

- 123 **P0678.14 - 12 WILLOW PARADE, MOOR LANE CRANHAM - CHANGE OF USE FROM A SHOP (A1) TO FINANCIAL & PROFESSIONAL SERVICES (A2) AND A NEW SHOP FRONT.**

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

124 **P1266.14 - LABURNHAM STABLES, LABURNHAM GARDENS CRANHAM - RETENTION OF TWO MOBILE HOMES CURRENTLY ON SITE ADJACENT TO EXISTING MOBILE HOME WITH PERMANENT CONSENT**

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

125 **P1273.14 - 5 LYON ROAD (CS FLOORING) ROMFORD - CHANGE OF USE OF WAREHOUSE (B8) TO FORMATION AND DISTRIBUTION OF CANDLES (B1C)**

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

126 **P1355.14 - MEADOW RISE, CHURCH ROAD, NOAK HILL ROMFORD - CHANGE OF USE TO A RESIDENTIAL CARAVAN SITE FOR OCCUPATION BY A GYPSY FAMILY WITH ASSOCIATED HARD-STANDING AND TOILET BLOCK**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an amendment to condition 3 removing the name of Mr Bob Lee.

127 **P1195.14 - TARA, SOUTHEND ARTERIAL ROAD - DEMOLITION OF AN EXISTING BUNGALOW AND CONSTRUCTION OF EIGHT FLATS WITH PARKING AND LANDSCAPING**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £8,470 and without debate **RESOLVED** that the proposal was unacceptable as it stood 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 £42,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the 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.

- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligations/monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report and to include an additional condition covering balcony screening (for flats 5 and 8).

128 **P1260.14 - 22A STATION LANE, HORNCHURCH - CONVERSION OF EXISTING VACANT FIRST AND SECOND FLOOR OFFICE SPACE, LOFT CONVERSION AND EXTERNAL ALTERATIONS TO CREATE THREE 1- BEDROOM SELF-CONTAINED APARTMENTS, FRONT AND REAR DORMER WINDOWS, ROOF LIGHT AND REPLACEMENT WINDOWS**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £920 and without debate **RESOLVED** that the proposal was unacceptable as it stood 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 £18,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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 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 the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

129 **P0010.12 - DAMYNS HALL AERODROME - DEMOLITION OF EXISTING BUILDINGS AND REPLACEMENT WITH NEW HANGAR CONSTRUCTED WITHIN A LANDSCAPED COMPOUND. THE COMPOUND ALSO TO PROVIDE ALL OUTSIDE PARKING FOR HOME BASED AIRCRAFT.**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £10,800 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- That the aerodrome use of the land be limited to use by light aircraft, save for the use by helicopters and airships as defined and limited within the Legal Agreement.
- Helicopters Movements – That there will be no more than 5 helicopter movements (movements to be defined as one in, one out) in any week (Monday-Sunday).
- Airship Movements – That airships shall only use the site for a maximum of 65 days a year, that for 14 of the 65 days, there be no more than 10 airship movements per day, that for 51 of the 65 days there be no more than 2 airship movements per day. That a log be kept of all airship movements.
- The above not to apply when temporary events that are taking place as permitted development in accordance with Part 4 of the Town and Country Planning (General Permitted Development) Order 1995, or any enactment superseding or replacing that order with similar provisions.
- To set up and run a consultative committee whose remit would be to bring to the attention of the aerodrome operators any current issues in relation to the aerodrome and to instigate a complaints policy agreed between the consultative committee and the aerodrome operators

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

- 130 **P1388.14 - WILLIAM PIKE HOUSE, WATERLOO GARDENS, ROMFORD - CONVERSION OF THE EXISTING GROUND FLOOR PRAM SHEDS INTO TWO 2 BEDROOM FLATS INCLUDING PROVISION OF TWO NEW PARKING SPACES**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £1,322.00 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 131 **P1390.14 - THOMAS ENGLAND HOUSE, WATERLOO GARDENS, ROMFORD - CONVERSION OF THE EXISTING GROUND FLOOR PRAM SHEDS INTO TWO FLATS (ONE 2 BED AND ONE 1 BED) INCLUDING THE PROVISION OF TWO NEW PARKING SPACES**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £858.00 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 132 **P0680.14 - SCOTTS PRIMARY SCHOOL, BONINGTON ROAD - EXTENSIONS TO THREE CLASSROOMS, TOGETHER WITH THE DEMOLITION OF EXISTING GARAGE STORES, FORMATION OF NEW PLAY AREA WITH CANOPY OVER AND EXTENSION TO EXISTING PLAYGROUND**

The Committee considered the report and without debate **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report.

- 133 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

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

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2014.

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 9 August 2014 and 7 November 2014.

The report detailed that 27 new appeals had been received since the last meeting of the Monitoring Committee in September 2014.

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

The Chairman wished to place on record the Committee's thanks for the strong performance on enforcement cases and appeals that were shown within the report.

135 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in September 2014.

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

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

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

136 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

137 **EXCLUSION OF THE PUBLIC**

Following the completion of normal business, the committee decided to exclude the public for the remainder of the meeting on the grounds that it was likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act

1972. It was decided to exclude the public on those grounds, the Committee **RESOLVED** accordingly on the motion of the Chairman.

138 **CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION**

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 9 August 2014 and 7 November 2014.

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

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
18 December 2014 (7.30 - 11.55 pm)**

Present:

COUNCILLORS: 11

Conservative Group Ray Best(in the Chair), Philippa Crowder, Steven Kelly, Michael White and +Melvin Wallace

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Linda Hawthorn and Ron Ower

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

An apology for absence was received from Councillor Robby Misir.

+Substitute members: Councillor Melvin Wallace (for Robby Misir).

Councillors Roger Ramsey, Frederick Thompson, John Glanville, Patricia Rumble and David Durant were also present for parts of the meeting.

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

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

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

139 MINUTES

The minutes of the meetings held on 2 October, 23 October and 13 November 2014 were agreed as a correct record and signed by the Chairman, with the following amendment to minute 93 of the minutes of 2 October 2014 Councillor White to be replaced with Councillor Ower.

140 **P1116.14 - 44 HERBERT ROAD HORNCHURCH**

The proposal before Members was for the erection of one detached two-storey five-bedroom house and a detached double garage on a rectangular plot of land located to the south of the larger development site at 44 Herbert Road.

It was noted that the application had been called in to the Committee by Councillors Ron Ower and Roger Ramsey in view of the impact on the surrounding properties and the planning history of the site.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's representative.

The objector commented that the application was of poor design and impacted on the amenity of his property. The objector also commented that the proposal circumvented several planning policies and had not addressed previous reasons for refusal.

In response the applicant's representative commented that there had been several design alterations to the previously submitted application including the removal of dormers and balconies. The revised application was also now only one storey high where the proposed property faced Channing Close.

With its agreement Councillor Roger Ramsey addressed the Committee.

Councillor Ramsey commented that he had been approached by local residents who had expressed concerns regarding the substantial scale and mass of the proposed dwelling which he felt had still not addressed policies DC61 and DC69 and the Emerson park policy Area SPD. Councillor Ramsey also commented that the proposal would result in the loss of a number of trees that were the subject of preservation orders.

During the debate Members discussed current building works that were taking place in the vicinity of the proposed development area and the loss of amenity to surrounding properties.

Members also received clarification of the exact location of the trees protected by preservation orders and how the proposal complied with the Special area SPD.

The report recommended that planning permission be approved, however following a motion to refuse which was carried by 8 votes to 1 with 1 abstention it was **RESOLVED** that planning permission be refused for the following reasons:

- Harm to character and streetscene of that particular part of Emerson Park.

- Loss of trees.
- Overlooking and invasion of privacy of properties in Channing Close.

The vote for the resolution to refuse planning permission was carried by 8 votes to 1 with 2 abstentions.

Councillors Crowder, Wallace, White, Hawthorn, Ower, Nunn, Whitney and Williamson voted for the resolution to refuse planning permission.

Councillor Kelly voted against the resolution to refuse planning permission.

Councillors Best and Martin abstained from voting.

141 **P1265.14 - LAND ADJACENT TO 33 PLATFORD GREEN
HORNCHURCH**

The application before Members was for the construction of three five-bedroom properties with private access and external parking and turning areas.

Members noted that there was already a valid planning permission for two dwellings on the site and that therefore the principle of residential development was acceptable.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response by the applicant's representative.

The objector commented that the proposal was visually intrusive on surrounding properties and that there was insufficient turning space and parking for vehicles in Platford Green.

In response the applicant's representative commented that the parking guidelines had been met by the proposal and that the application looked to address the issues of bulk and mass by building smaller properties.

With its agreement Councillor Roger Ramsey addressed the Committee.

Councillor Ramsey commented that the design was at variance to the design of the other properties in the surrounding area and that there was insufficient parking available for the properties.

During the debate Members discussed the lack of parking provision and the appearance of the proposed properties.

The report recommended that planning permission be approved however, following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused for the following reasons:

- Cramped development, out of keeping with surroundings and harmful to streetscene and character of the area.
- Insufficient space within the development to adequately cater for parking and manoeuvring space sufficient to meet reasonable living conditions and future amenity for residents of the five bedroomed houses and
- That delegated authority be given to the Head of Regulatory Services on wording of a further reason for refusal based on there being no mechanism to secure infrastructure tariff.

142 **P1376.14 - 22 WOODLANDS AVENUE, HORNCHURCH**

The proposal before Members related to an application to enclose the existing porch, altering the fenestration to the front elevation, ground floor rear extensions and a first floor rear extension.

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

The objector commented that very little consideration had been given to himself and his family when the application had been made with regards to overlooking and screening which would affect their amenity.

With its agreement Councillor John Glanville addressed the Committee.

Councillor Glanville commented that the proposed development sat very close to the boundary of the neighbouring property and would affect the natural light that the property currently benefitted from and asked that the Committee consider the loss of amenity that the neighbouring property would lose.

During the debate Members received clarification of the exact dimensions between the two neighbouring properties and of the exact proposed increase in floor space of the development.

The report recommended that planning permission be approved however, following a motion to refuse planning permission which was carried by 10 votes to 0 with 1 abstention it was **RESOLVED** that planning permission be refused for the following reasons:

- The proposal by reason of its excessive bulk and its position along the boundary would result in an overly dominant feature harmful to the outlook and rear garden character of 22 Woodlands Avenue contrary to Policies DC61 and DC69 of the LDF.
- The proposal would adversely affect a preserved tree which would materially harm its contribution to the amenity of the garden setting and character of Emerson Park, contrary to Policies DC60 and DC69 of the LDF.

143 **P1304.14 - 37-39 MANOR ROAD ROMFORD**

The report before Members concerned a planning application for the demolition of a three and four storey office building known as Service House and the erection of nine single family houses with associated garages, parking spaces and gardens.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a response from the applicant's representative.

The objector commented that the design and layout of the proposed development would have an adverse impact on the Victorian dwellings in Manor Road.

In response the applicant's representative commented that that the applicant had listened to the previous concerns of the local residents and that the boundary conditions had been carefully thought through. Comment was also made that each house was of a different style however there was a design theme that was in keeping with the streetscene.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that he supported the application as the design of the development would address existing anti-social behaviour in the area.

During a brief debate Members agreed that the proposed development would be more favourable than a flatted development.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £4,360 and **RESOLVED** that the proposal was unacceptable as it stood 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 £54,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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 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 the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

144 **P1534.14 - TESCO ROMFORD EXPRESS (LAND R/O) OAKLANDS AVENUE ROMFORD**

The Committee **RESOLVED** that consideration of the report be deferred to allow staff to ascertain the position on speaking rights of objectors who wrote in response to the Council's consultation letter, the deadline for which had expired very close to the date of the meeting.

145 **P1493.14 - 60 STATION ROAD UPMINSTER**

The application before members was for the conversion and extension of the existing buildings to provide four flats over two floors and A1/A2 (retail/financial and professional services) floorspace on the ground floor.

The application followed the refusal by the Committee of proposals for the demolition of the existing buildings and re-development of the site for mixed use in June and September 2014. The most recent application was refused on the grounds of the visual dominance of the Howard Road elevation. The application now proposed reduced the scale of the development along the Howard Road frontage and proposed conversion and extension of existing buildings rather than complete redevelopment following demolition.

In accordance with the public speaking arrangements the Committee was addressed by an objector with a written response given on behalf of the applicant.

The objector commented that the new proposal had still not addressed the issue of a lack of parking provision and that the new extension would lead to a loss of natural light to the neighbouring property.

The applicant's written response supported the revised scheme emphasising that the original character of the building was to be retained.

Prior to the debate Members received clarification from the Legal Adviser as to the rights to natural light that the neighbouring property may have accrued as a proprietary rights, rights of light and that proprietary rights of themselves do not preclude the granting of planning permission. They may however preclude the implementation of a planning permission. In this case the impact on daylight is a material planning consideration.

During the debate Members discussed the possibility of allocating parking spaces to each of the residential dwellings and received clarification from officers of the lighting provision that the development would benefit from.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £2,040 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £24,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 9 votes to 1 with 1 abstention.

Councillor Whitney voted against the resolution to grant planning permission.

Councillor Nunn abstained from voting.

146 **P0808.14 - FORMER POLICE STATION GOOSHAYS DRIVE, HAROLD HILL ROMFORD**

The report before members detailed an application for the re-development of the site for a new foodstore with forty car parking spaces.

Members were advised that there were a number of changes to conditions contained within the report which are listed at the end of this minute.

With its agreement Councillor Patricia Rumble addressed the Committee.

Councillor Rumble commented that the building design was out of keeping with the area and that the opening hours proposed were not suitable for a residential area. Councillor Rumble also asked that consideration be given to planting mature trees on the site.

During the debate Members discussed the development's possible impact on the vitality of the local town centre.

Members also discussed the possibility of installing a condition covering anti-graffiti measures being taken to protect the outer walls of the building.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £23,060 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include the following amendments:

- Condition 1 (Commencement): Reason;
- Condition 6 (Delivery Times): Delivery and collection hours and reason;
- Condition 13 (Construction methodology): Requirement to carry out in accordance with the approved details and reason;
- Condition 15 (Refuse and recycling): Reason;
- Condition 20 (GDO Restriction): Inclusion of relevant Class and reason;
- Condition 25 (Visibility splays): Reference to height of any obstruction and reason.

Plus the wording of an additional condition requiring a scheme of anti-graffiti/vandalism maintenance for the building's elevation facing Trowbridge Road to be submitted, agreed and implemented prior to the building being first used and then maintained thereafter is delegated to the Head of Regulatory Services.

147 **P1566.12 - RAINHAM LANDFILL**

The report before Members dealt with an application for the continuation of waste inputs and operation of other waste management facilities.

The application had been brought before Members on 11 September and 17 July 2014. Members previously resolved to defer the application to allow for additional information to be gathered in relation to various matters. These issues were dealt with further on in the report.

The application related to a 177 hectare site located on the River Thames at the most south eastern part of the Borough. The application site currently benefited from an existing consent (reference: P1275.96) to deposit refuse materials through controlled landfill amounting to the importation of 12.3 million cubic metres of waste. The current landfill consent required the site to be restored by 2018, relying solely on river sourced waste imports from 2012.

The proposal was for the importation of an additional 3.6 million tonnes of non-hazardous waste over the current landform. This would achieve a higher pre-settlement restoration height than previously approved under the 1998 permission but which would settle over time to a lower height that is similar to what was previously approved.

The importation of additional volumes of waste would require an extension in time for road-borne waste imports for the life of the landfill. The proposed completion date for landfilling was now proposed for December 2024, with restoration to be completed by December 2026.

During the debate members discussed the cumulative impact of vehicle movements from the proposal and other current and proposed developments within the area.

Members also discussed the percentages of waste that would be road borne/river borne and the possible inclusion of the Rainham & Wennington Working Party to ascertain their views of the proposed time extension and the benefits to the community of the continued operation of the site.

It was **RESOLVED** that subject to the Stage 2 referral process resulting in no significant adverse comments being received or contrary direction from the Mayor of London, that the proposal was unacceptable as it stood but would be acceptable subject to the planning conditions set out in this report and subject to the applicant first entering into a Legal Agreement under Section 106 and Section 106A of the Town and Country Planning Act 1990 (as amended), to secure (for the avoidance of doubt the heads of terms of the Section 106 agreement, set out below, are amplified by the draft agreement attached to this report and the detailed terms of the draft annexed take precedence should there be any inconsistency between the heads of terms and the draft; further the Head of Regulatory Services is given delegated authority to insert title details, plans and draft documentation to amplify and give effect and meaning to the draft Section 106 agreement attached and to make textual changes which have substantially the same effect as the terms of the draft agreement as agree between Veolia and the Council in late 2012) and to include a £100,000 contribution for highways maintenance and a Bond to fully protect the Council in the event of default in carrying out the obligations in particular the obligations to fully remediate and restore the application site, such Bond to be index linked from December 2012 to the date or dates when it is drawn down by the Council. provided that if this agreement remained incomplete later than six months after the date of this resolution the resolution be brought back to Committee for further consideration.

Also subject to additional planning condition the exact wording of which was delegated to the Head of Regulatory Services requiring the applicants to submit to the Local Planning Authority, annually, a summary report, based on professional site survey, confirming the prevailing land restoration levels both absolute above datum and in comparison with the final restoration scheme levels shown on the previous drawing. The reason for the condition

is to ensure that progress is being made to achieve the approved contour levels within the permission timeframe so that the impacts of the proposal are limited in time.

The vote for the resolution was carried by 10 votes to 0 with 1 abstention.

Councillor White abstained from voting.

148 **P1107.14 - THE KENNELS OCKENDON ROAD, NORTH OCKENDON - THE INSTALLATION OF TWO 600MM DIAMETER DISHES ON EXISTING 30M HIGH LATTICE TOWER AND THE INSTALLATION OF ONE METROSITE EQUIPMENT CABINET AT GROUND LEVEL AND ANCILLARY DEVELOPMENT**

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

Councillor Philippa Crowder was not present during the discussion of item P1107.14 and did not take part in the vote.

149 **P1249.14 - CLAY TYE FARM, CLAY TYE ROAD UPMINSTER**

The report before Members proposed the installation of a solar farm on land at Clay Tye Farm, which would generate 16MW of electricity for the National Grid. The proposal would involve the siting of solar arrays across approximately 35ha of land; the erection of a control building, substation building, and inverter buildings; the erection of fencing and CCTV masts; the creation of a nature conservation area, public viewing area, and public information point.

During a brief debate Members questioned whether approving the application would be setting a precedent allowing a number of similar sites to be erected throughout the borough and whether such an installation was inappropriate use within the Green Belt.

The report recommended that planning permission be approved however, following a motion to refuse the granting of planning permission which was carried by 10 votes to 0 with 1 abstention it was **RESOLVED** that planning permission be refused for the following reasons:

- Inappropriate development harmful in principle within the Green Belt plus additional physical harm not outweighed by very special circumstances.
- Adverse impact on amenity enjoyed from a public right of way.

150 **P1362.14 - FORMER ELM PARK HOTEL, ST NICHOLAS AVENUE ELM PARK - EXTENSION OF THE BUILDING BY ONE LEVEL TO ACCOMMODATE FOUR NEW SELF-CONTAINED FLATS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £5,876 and **RESOLVED** that the proposal was unacceptable as it stood 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 £24,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 4.

Councillors Best, Crowder, Kelly, Wallace, White, Ower and Martin voted for the resolution to grant planning permission.

Councillors Hawthorn, Nunn, Whitney and Williamson voted against the resolution to grant planning permission.

151 **SUSPENSION OF STANDING ORDERS**

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

Chairman

Regulatory Services Committee

29 January 2015

Page No.	Application No.	Ward	Address
1-11	P1528.13	Romford Town	22-28 North Street, Romford
12-17	P1114.14	Upminster	The Sycamores, 161a Hacton Lane, Upminster
18-21	P1349.14	Pettits	71 Main Road, Romford
22-26	P1406.14	St Andrews	12 North Street, Hornchurch
27-39	P1609.14	Upminster	Cranham Golf Course, St Mary's Lane, Upminster

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APPLICATION NO:	P1528.13	
WARD :	Romford Town	Date Received: 13th December 2013 Expiry Date: 10th April 2014
ADDRESS:	22-28 North Street Romford	
PROPOSAL:	The demolition of 4 shops and offices over and the erection of an 8 storey mixed development with 4 No ground floor shops (A1 and A3), 28 flats above (24 No 2 Bed and 4 no 1 bed) together with private balconies and terraces, communal storage, roof-mounted photo-voltaic cells, bulkhead lighting to adjacent pavements, associated pavement improvements and improvements to the rear facade of 30-44 North Street	
DRAWING NO(S):	1379/02b 1379/03e 1379-08A 1379-08B 1379/07c	
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 was originally called in by Councillor Misir as it was considered that the scale of the application warrants a decision by Members.

BACKGROUND

This planning application has been brought before Members on 3 occasions, each time with a recommendation for refusal. The most recent committee report will be made available for Members at the meeting.

The application was first reported on 3rd April 2014 when a decision was deferred to allow further information to be gathered and clarification sought. The queries and their responses were then reported back to Members on 26th June 2014 when the decision was again deferred to allow the opportunity for a height reduction to be negotiated. Despite negotiations, the developer opted to continue with what was essentially an 8 storey proposal with some minor changes. The scheme was reported to Members on 23rd October 2014 when it was again deferred to give the applicant a further opportunity to reduce the height of the scheme.

The applicant has now submitted plans reducing the building's height from eight storeys to six, and from 28 flats to 20. However, the applicant has stated that, owing to the reduction in the proposed number of units, that the previously proposed contribution of £45,000 towards local environmental enhancements is no longer offered. Moreover, the proposal does not include payment of the Council's tariff (of £120,000 in this case).

Officers had previously sought clarification over the proposed legal agreement and whether the applicant had sufficient interest in neighbouring land to be able to sign an agreement to undertake works and cease the use of the nightclub. It appears that the applicant is not the freehold owner of the adjoining land, therefore any legal agreement to cease the nightclub use

(revocation of planning permission) and to undertake works would require the freehold owner to sign up to an agreement. The agreement of the freehold owner to enter into a S106 agreement has not been confirmed.

For clarification, Members were previously advised that if planning permission should be granted, that authority be delegated to the Head of Regulatory Services to complete a legal agreement, where the applicant would be required to:

- Make a payment of £6000 per unit in accordance with the Planning Obligations SPD;
- Submit and implement a scheme for environmental improvements to the rear of 30 to 38 North Street;
- Ensure the revocation of the planning permission in relation to the use of the ground and first floors of those buildings occupied by Buddha Lounge as a nightclub (believed to be 30-44 North St);

With the application having to be reported back to Members should the freeholder of the adjoining site not be willing/able to sign such an agreement.

SITE DESCRIPTION

The Site includes four retail units, each with office/storage space above, forming the south eastern end of a row of similar properties located along the northern side of North Street. The Site is located in Romford Conservation Area and is approximately 28m to the west of St Edward the Confessor's Church, which is a grade II* listed building.

The Site's south western boundary lies adjacent to North Street; the north western boundary adjoins neighbouring properties forming part of the same terrace of buildings; the north eastern boundary adjoins The Mews, which is a vehicular access serving the existing retail units; whilst the south eastern boundary adjoins an alleyway running between Nos. 20 and 22 North Street.

The site is located approximately 15m to the east of existing high-rise residential development, including the Rubicon building, and an adjoining, incomplete development. The latter development comprises a concrete frame. The Council consider that this development was not lawfully commenced as the prior approval of condition details was not completed. It is anticipated that a developer will come forward in due course and acquire the necessary planning consent to continue and complete this development.

DESCRIPTION OF PROPOSAL

The proposal is for the demolition of the existing four retail units, with vacant office accommodation above, and the erection of an eight storey building with four (A1) retail units at ground floor level, and 20 flats above (16 x 2 bed and 4 x 1 bed units), occupying five storeys. The sixth storey element would comprise a services block at the top of the building. The proposed building would have a maximum height of approximately 20m, and a footprint at ground level of 400sqm.

The residential units would measure between approximately 57sqm and 77sqm in area, and each would benefit from a balcony or terrace. The 5th and 6th floor units would be set back from those below. The proposed retail units would front onto North Street, with vehicular access to the rear. Pedestrian access to the proposed residential units would also be to the rear of the building, from The Mews.

The proposal would not include car parking. Bicycle and refuse storage would be located at ground floor level to the rear of the building. An extended unloading and service bay would be created alongside The Mews. The proposal has been designed to allow similar development to potentially occur at the adjoining premises. Solar panels would be located on the roof of the proposal. Improvements are proposed to the rear of Nos. 30-44 North Street, to enclose their existing fire escapes.

RELEVANT HISTORY

There are no previous planning decisions at the site of particular relevance to this proposal.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the local press as a major development. Neighbour notification letters have also been sent to 163 local addresses. Five letters of objection has been received. Objections to the scheme are raised on the following grounds:

- Harm to Romford Conservation Area;
- Harm to nearby listed buildings;
- A neighbouring night club would be harmful to the amenities of future occupiers;
- Harm the amenities of the occupiers of the Rubicon building owing to lost of light, privacy, and outlook;
- The proposal would harm, rather than complement or improve, the amenity or character of the area;
- Excessive bulk and massing.

A letter of support has been received stating that:

- The proposal would encourage residential growth along North Street;
- The neighbouring night club should have its licence removed first.

Councillor Frederick Thompson and Ex-Councillor Andrew Curtin and have objected to the proposal on the following grounds:

- i) Excessive bulk and massing;
- ii) Significant adverse impact on Romford Conservation Area;
- iii) Future occupiers would experience an unacceptable level of amenity owing to noise from neighbouring night time uses;
- iv) The proposal would not provide adequate car parking provision;
- v) Significant adverse impact on the setting of listed buildings in the vicinity;
- vi) The demolition works would be harmful to the visual amenities of the area and result in the loss of a building that makes a positive contribution to the conservation area;
- vii) The proposal would result in a canyon effect along North Street, which would be harmful to the streetscene.

Comments have also been received from the following:

English Heritage

Do not wish to offer any comments. Recommend that the application is determined in accordance with national and local policy guidance and on the basis of local specialist conservation advice.

Designing Out Crime Officer

No objections; condition and informative recommended.

Essex & Suffolk Water
No objections.

Thames Water
No objections; condition recommended in relation to piling.

Environmental Health (Noise)
No objections; conditions recommended in relation to limitations on noise transfer and construction times.

Environmental Health (Contaminated Land)
No objections; conditions recommended.

Highway Authority
No objections; condition recommended.

Heritage Officer
Objections raised on the grounds that the proposal would, as a result of its scale, result in significant harm to the Romford Conservation Area and the setting of a listed building.

London Fire Brigade
No comments received.

RELEVANT POLICIES

National Planning Policy

National Planning Policy Framework ("the NPPF")

Regional Planning Policy

The London Plan is the strategic plan for London and the following policies are considered to be relevant: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.3 (sustainable design and construction), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), and 8.2 (planning obligations).

Local Planning Policy

The policy context for the proposal is provided by the Council's Local Development Framework. In particular, Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC5, DC6, DC7, DC15, DC16, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC53, DC59, DC60, DC61, DC63, DC66, DC67, DC68 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are of relevance to the proposal. As the Site is located within Romford town centre, the guidance contained in the Romford Area Action Plan is also a material consideration.

The Council has also adopted various Supplementary Planning Documents, principally to cover

policy issues where there was an identified need for expanded guidance. In particular, the Supplementary Planning Documents for Residential Design, Designing Safer Places, Sustainable Design and Construction and finally the Protection of Trees during Development are considered to be relevant.

MAYORAL CIL IMPLICATIONS

The proposal would result in the creation of 1,676sqm of new floor space. Having regard to the existing floor space of 660sqm, which has been in use for at least six months of the past three years, the proposal would give rise to a Mayoral CIL contribution of £20,320.

STAFF COMMENTS

The issues arising from this application are the principle of development, conservation area and listed building impacts, design and amenity considerations, highway and parking issues, affordable housing and community infrastructure, secure by design, and other considerations.

PRINCIPLE OF DEVELOPMENT

The Site is located in Romford town centre, and is designated as "retail core" in the Romford Area Action Plan DPD. Policy ROM10 of the DPD states that planning permission will be granted for A1 uses at ground floor level, with planning permission potentially being given for A2-A5 uses under given circumstances. The ground floor retail units are therefore acceptable in land use terms. The DPD is silent in relation to the development of upper floor levels above retail units in the proposed location, although Policy ROM14 of the DPD does direct higher density residential development such as that being proposed, to other sites within the town centre. However, as the DPD does not specifically prohibit residential development on a windfall basis, the proposed residential development is considered to be acceptable in principle.

CONSERVATION AREA

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes a duty on the part of local planning authorities to give "special attention" to the desirability of preserving or enhancing the character or appearance of land and buildings located within conservation areas.

Policy DC68 states that planning permission will only be granted for development within conservation areas where, amongst other things, a proposal would preserve or enhance the character of the conservation area. The guidance contained in the NPPF is clear that heritage assets, including conservation areas, should be protected from significant harm unless there are substantial public benefits to allowing the proposal.

Paragraph 133 of the NPPF states that: "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm..."

The Romford Conservation Area Appraisal, which was adopted in May 2008, states that the special interest of the conservation area was originally defined as "...a group of old buildings at the western end of the Market Place and the site of an ancient crossroads at the junction of North Street, South Street, High Street and Market Place (ie St Edward's Church, Church House, No, 7 Market Place, Lloyds Bank, The Lamb Inn and The Golden Lion Inn)." The proposal under consideration would be located approximately 40m from the aforementioned crossroads and the listed buildings adjoining it, and around 25m from St Edward the Confessor Church and its curtilage.

The application site is located within the Romford Conservation Area, and would involve the demolition of four two storey properties, which have retail units at ground floor level, and were built during the early 1930s. Whilst the Conservation Area Appraisal considers the shops to be "unremarkable", the actual buildings in which the shops are located are described as "making a positive contribution to the area" (page 16). The view towards the application site from South Street, which includes the afore mentioned cross roads and listed buildings, is described as a "key view" within the conservation area.

The Council's Heritage Officer has objected to the proposal on the grounds that the development, owing to its height, would be harmful to the character of the conservation area. Comments have also been received stating that the loss of the existing four retail units, which are considered to contribute to the character of the conservation area, along with the scale, bulk, and massing of the proposal, would be significantly harmful to the character of the conservation area.

The Council has a duty to give special attention to the desirability of preserving or enhancing the Romford Conservation Area, and this is reinforced by the Council's planning policies and national planning guidance. The proposal would result in the loss of buildings that have been identified as making a positive contribution to the conservation area, and their replacement by a structure, the height, bulk, and massing of which would have a significant impact on what is identified as the key view within the conservation area.

It is considered that the proposed loss of buildings would neither preserve or enhance the character of the conservation area. It is also considered that the proposed building, by reason of its height in particular, but also its overall scale, bulk and massing, would be harmful to an identified key view within the conservation area, and would not be in keeping with the scale and character of the other buildings within the conservation area. It is also considered that the proposal would appear as an incongruous addition within the streetscene, to the extent that it would have an unbalancing effect within the row of buildings in which it would be set.

Although the loss of the building in the conservation area would still be an important consideration, it may be possible to justify a more comprehensive exemplar quality development involving the whole row of buildings from the application site to the ring road. Enhancements to the conservation area could be achieved by, for example, opening up views through to the church, and improving permeability within the streetscape. This application proposes no improvement to the quality of the area, it is piecemeal development with the proposal being developed in isolation to its surroundings. The proposal is not of sufficient quality to justify the loss of buildings that are considered to make a positive contribution to the conservation area.

It is considered that the proposal would neither preserve or enhance the character of the conservation area, and that substantial public benefits, which might justify the harm to the conservation area, do not exist. On this basis, it is considered that the proposal would be contrary to Policy DC68 of the LDF and the guidance contained in the NPPF.

LISTED BUILDING

Policy DC67 of the LDF states that proposals will only be granted approval where they do not adversely affect a listed building or its setting. The guidance contained in the NPPF is clear that heritage assets, including listed buildings and their settings, should be protected from significant harm unless there are substantial public benefits to allowing a development.

Paragraph 132 of the NPPF states that: "When considering the impact of a proposed

development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be." Paragraph 133 states that "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm..."

The Site is located in close proximity to a grade II* listed building (the Church of St Edward the Confessor), two grade II listed buildings (The Golden Lion PH and The Lamb Public House), and a locally listed building (Lloyds Bank.) The Council's Heritage Officer has objected to the proposal, stating that a residential tower looming over the grade II* listed building would be harmful to its setting by dominating views from the associated, historic green space. Local councillors and neighbouring occupiers have also stated that the proposal would, owing to its height, bulk and massing, be harmful to the settings of all the neighbouring listed buildings.

It is considered that the proposal, by reason of its height, in particular, but also its overall bulk and massing, would result in significant harm to the setting of the nearby grade II* listed building, without there being any demonstrably substantial public benefits to justify such harm. On this basis, it is considered that the proposal would be contrary to Policy DC67 of the LDF and the guidance contained in the NPPF.

DENSITY/SITE LAYOUT

The Council has adopted policy, which seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 6). The recommended density range in such a location would be between 240 and 435 dwellings per hectare where flats are proposed. The density of the proposed development would be approximately 685 units per hectare. This is above the LDF guidelines for this location, however, given the highly accessible nature of the site, the proposed density is considered to be acceptable. However density is only one measure of a scheme's acceptability.

Policy 3.5 of the London Plan stipulates the minimum internal space standards for new residential development. Two bed flats, for three people, should have gross internal areas of at least 61sqm in area, and for four people: 70sqm. One bed flats should have gross internal areas of at least 50sqm. The submitted details indicate that the proposed units would be in accordance with these requirements.

The Council's Residential Design Supplementary Planning Document is of relevance in relation to the setting out of new development and amenity space provision. In a town centre location such as that under consideration, the provision of private amenity spaces in the form of balconies is considered acceptable. The submitted details indicate that the balconies would connect with living rooms and would measure in excess of the 1.5m x 1.5m required by the London Plan, and be capable of being put to practical use by future occupiers. The proposed amenity space is considered acceptable.

It is considered that the pedestrian access to the rear of the building would provide an unacceptable standard of access for future occupiers. The proposed access, which would be located in a back land, servicing area, as opposed to the highway at the front of the building, would provide an insufficient degree of legibility for future users.

Officers consider that in terms of the standard of accommodation and amenity space to be

provided, that the proposal is acceptable. However, the proposed residential access, which would be located in a back-street location, is not considered to be acceptable. In this regard, the proposal is considered to be contrary to Policy DC61 of the LDF and guidance contained in the Residential Design SPD. The relationship between the proposal and neighbouring developments is considered further on in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC66 states that all tall buildings (those over 6 storeys in height) should be of "exemplary high quality and inclusive design". The SPD contains guidance in relation to the design of residential development.

Policy ROM19 of the Romford Area Action Plan states that buildings of six storeys or more will normally only be granted in given locations, including along the Ring Road, near Romford station, the Romford office quarter, and at the Brewery. The Site does not form part of any of the stipulated locations and it is considered that there are no mitigating circumstances to justify a departure from the development plan in this case.

That there are existing tall buildings in the vicinity of the Site does not provide an adequate justification for the proposal. The recent development on the opposite side of North Street and the post war office building to the north are both located outside of the Romford Conservation Area, and further away from the aforementioned listed building. Moreover, the construction of both buildings pre-dates the adoption of the tall buildings policies contained in the Development Control Policies DPD and Romford Area Action Plan. In any case, it is considered that the addition of the proposal would, in conjunction with the opposing high-rise developments, have an overbearing effect, creating a "canyon" like environment along North Street, which would be detrimental to the character of the area. It is also considered that the proposal, when considered in relation to the adjoining 2 storey properties, would result in an unbalancing effect on that row of buildings and result in an incongruous addition to the street scene.

Given the siting and height of the proposal, it is considered that it would be contrary to Policy ROM19 of the Romford Area Action Plan. Moreover, the height, bulk, and massing of the proposal would have an unacceptable impact on the streetscene and character of the area, contrary to Policies DC61 and DC66 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.

The Council's Environmental Health officers have raised no objections to the proposal; conditions are recommended seeking to control noise levels, which can be imposed should planning permission be granted.

In terms of the proposal's relationship with neighbouring properties, it is considered unlikely that the proposal would result in any significant adverse impacts on the amenities of neighbouring occupiers in terms of overlooking, loss of light, or loss of outlook. The proposal would only be located 15m away from the Rubicon residential development, and another high-rise residential development, which is incomplete. Whilst there would be a degree of overlooking, loss of outlook, and overshadowing between these different developments, the extent of these impacts is not considered sufficient to warrant a refusal of planning permission, given that a lower level of

amenity is generally to be expected within higher density, town centre developments. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development.

Local councillors and neighbours have stated that an unacceptable level of amenity would be achieved given the location of a night club approximately 20m to the north of the proposal. However, it is considered that given the separation distances between the proposal and the night club, the fact that any future occupiers would be aware of the existence of the nightclub and its operating hours prior to occupation, together with the lower level of amenity generally afforded to residents in town centre locations, that any impact would not be significantly detrimental to the standard of living accommodation to be provided.

Officers consider that in terms of the standard of accommodation to be provided, the amenities of existing neighbouring occupiers, and the amenities of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

HIGHWAY/PARKING

The submitted information states that vehicular access to the proposal would be taken from The Mews. Given the Site's location in the town centre, in close proximity to public transport links and with a PTAL rating of 6, the proposed non-provision of parking spaces is considered to be acceptable. However, if planning permission is to be granted, the applicants should be required to enter into a legal agreement to prevent future occupiers from applying for parking permits in the local area, to prevent overspill parking in the town centre and surrounds where there is a shortage of permitted spaces.

The Highway Authority has raised no objections to the proposal subject to the use of a condition, should planning permission be granted, requiring that the applicant enter into a S278 agreement for the completion of works to the highway. It is recommended that conditions also be imposed requiring the approval of details relating to cycle storage, with the Highway Authority recommending that bicycle spaces be provided. A further condition should also require that the rear access doors into the Mews only open inwards; the applicants have agreed that this would be achievable. Several highways informatives are also recommended.

OTHER ISSUES

Policy DC7 of the LDF states that all homes should be built to Lifetime Homes standard and that on sites of 15 dwellings or more, that 10% of the units provided should be wheelchair accessible. The submitted information states that all of the proposed units would, with the exception of vehicle parking (which is not proposed), be built to Lifetime Homes standards, and be wheelchair accessible. Detailed design drawings that demonstrate this have not been provided, although a condition may be imposed, should planning permission be granted, requiring the approval of such details. Subject to the afore mentioned condition, the proposal is considered to be in accordance with Policy DC7 of the LDF.

SECURED BY DESIGN

The Designing Out Crime Officer has raised no objections to the proposal, but has recommended a condition requiring the submission of further details. This condition should be imposed should planning permission be granted.

SECTION 106

Policy DC6 of the LDF advises that for sites of 10 units or more, or those sites over 0.5 hectares in area, 50% of the units should be provided as affordable housing. The applicants have submitted a Three Dragons financial appraisal, which concludes that the proposed development cannot be expected to support the inclusion of any affordable housing units. The appraisal has been independently corroborated. Officers therefore consider that the proposed nil provision of affordable units would be acceptable.

The Council has an adopted tariff system for Section 106 contributions through a Supplementary Planning Document (SPD), which ensures the area's various infrastructure costs are addressed in relation to new development. The tariff is set at £6000 per unit and the proposal would therefore incur a financial contribution of £120,000.

The applicants previously offered to pay the Council's tariff in addition to a further sum of £45,000. £10,000 would be paid towards the cost of highway improvements (eastern and southern boundaries) and the planting of two semi-mature trees, one along North Street and the other outside the proposal's pedestrian access. The remaining £35,000 would be paid towards improvements to the rear facades of Nos.30-44 North Street, including the cost of enclosing three external stairways. The installation of lighting on the development to illuminate adjoining public footpaths is also proposed.

Following revisions to the proposal, and in relation to the scheme now before Members, the applicant no longer intends to pay the Council's tariff (which equates to £120,000 for a 20 unit scheme) or the £45,000. The applicant has offered to enter into a legal agreement to enable the provision of LED lighting to provide street lighting along the site's southern and eastern boundaries, along with the planting of two semi-mature trees in locations to be selected by the planning authority.

The applicant's proposed contributions are not considered to be in accordance with the Council's adopted SPD, and it is therefore considered that the proposal would not address the infrastructure costs associated with the development. Moreover, in the absence of a completed legal agreement to secure the required financial contributions, the proposal is considered to be contrary to Policy DC72 of the LDF and the Planning Obligations SPD.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal, given the loss of existing buildings that make a positive contribution to the conservation area, along with its overall scale, bulk, and massing, would be harmful to the Romford Conservation Area; detrimental to the setting of a listed building; and harmful to the streetscene. It is also considered that the proposal would provide an inadequate form of pedestrian access. Moreover, in the absence of a completed legal agreement making provision for the required financial contributions and to prevent future occupiers applying for parking permits, the proposal is considered to be unacceptable.

The proposal is recommended for refusal, having regard to Policies DC61, DC66, DC67, DC68 and DC72 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. Reason for Refusal - Absence of Legal Agreement

In the absence of a completed legal agreement to secure identified planning obligations, necessary to make the development acceptable, the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for Refusal - Harm to Conservation Area

The proposed development would, owing to the loss of buildings that make a positive contribution to a conservation area, and the significant height, bulk, and massing of their replacement within a conservation area, and in close proximity to a grade II* listed building, result in significant harm to the character of the conservation area and the setting of a listed building, contrary to Policies DC67 and DC68 of the LDF Core Strategy and Development Control Policies DPD.

3. Reason for Refusal - Harm to the Streetscene

The proposal would, owing to its location, height, bulk, massing, and relationship to neighbouring development, appear incongruous and result in an overbearing effect within the streetscape, causing significant harm to the streetscene and the character of the area, contrary to Policies DC61 and DC66 of the LDF Core Strategy and Development Control Policies DPD and Policy ROM19 of the Romford Area Action Plan DPD.

4. Reason for Refusal - Pedestrian Access

The proposed residential access, which would be sited in a back-street location, would represent a a substandard form of access giving poor legibility to pedestrians, therefore contributing to an unacceptable standard of residential accommodation, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.

1 Refusal - No negotiation

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

2 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £20,320. Further details with regard to CIL are available from the Council's website.

APPLICATION NO:	P1114.14	
WARD :	Upminster	Date Received: 4th August 2014 Expiry Date: 5th February 2015
ADDRESS:	The Sycamores 161a Hacton Lane Upminster	
PROPOSAL:	Retrospective application to regularise the use of a swimming pool for business purposes (resubmission of application P0444.14)	
DRAWING NO(S):	120 121	
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 before the Regulatory Services Committee by Councillor Linda van den Hende. Councillor van den Hende would like members of Regulatory Services committee to have the opportunity to consider this application rather than have it decided by delegation.

SITE DESCRIPTION

The application site measures almost 2000 square metres floor area, and contains a 5 bedroom 2 storey detached house with existing swimming pool building, changing room enclosure with a tunnel link between these two buildings. It has provisions for plenty of off-street car parking within the site. The access to the site to the east of Hacton Lane.

The site is within a Metropolitan Green Belt and Thames Chase Community Forest designated area, it is amongst predominantly residential surroundings.

DESCRIPTION OF PROPOSAL

The proposal is for the change of use of the swimming pool from residential to part residential/part business. The applicant states that the swimming pool will be used for the provision of swimming classes primarily for babies and children. In addition classes are held for children with special needs. The maximum number of children per lesson will be limited to 6.

The proposed business opening hours would be as follows;

Weekdays - 8:30 to 18:00

Weekends and public holidays - 8:30 to 14:00

It is intended that before or after these hours, it is used for the occupiers use.

It is also proposed (in relation to the above) for the retention of a corridor link between the swimming pool and changing room enclosure, and retention of the WC extension to the changing room.

Other associated works include lowering the floor level and hardstanding around both the swimming pool and changing room enclosures. It is also observed on site visit that there are

picnic benches with commercially branded parasols on them amongst other paraphernalia related to the commercial use of the swimming pool.

RELEVANT HISTORY

P0444.14 - Change of use of the swimming pool from residential to part residential/part business. Retention of corridor link between the swimming pool and changing room enclosure. Retention of WC extension to changing room enclosure. Retention of associated works including variation of floor levels and hardstanding around the buildings.

Refuse 13-06-2014

ENF/584/1 Alleged unauthorised swimming classes from home
3/ -

Awaiting Decision

P0510.04 - Retention of swimming pool and enclosure

Approve no cons 07-05-2004

E0017.03 - Certificate of lawfulness for a swimming pool (enclosed) and conservatory

Permitted dev 11-03-2004

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 26 neighbouring properties and 5 letter of objection were received raising the following concerns:

- Commercial use of the pool and surrounding nuisance is not suitable for the location
- Commercial use would result in more vehicles, noise and disturbance
- Access road to the premises is a hazard for young children and can be extremely busy
- Use is contravening the title deed of the property

Officers response;

It is considered that the use would not be appropriate in this residential setting, such use would increase the volume of vehicles using this road.

One letter of support has been received commenting as follows:

- The swimming pool is an asset to the community providing valuable facilities not to be funded by Havering Council.

Officer's response;

It is considered that such use is not appropriate in this residential area being so close to neighbouring properties. The circumstances of the requirement to using it does not outweigh the harm the use creates.

RELEVANT POLICIES

LDF

CP8 - Community Facilities

DC26 - Location of Community Facilities

LDF

- DC27 - Provision of Community Facilities
- DC30 - Contribution of Community Facilities
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- DC63 - Delivering Safer Places

OTHER

- LONDON PLAN - 7.16 - Green Belt
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal would not create over 100 square metres in floor area and therefore would not be liable for CIL contributions.

STAFF COMMENTS

The issues arising from this application are the principle of the development within the Green Belt, the impact of the development on the character and openness of the Green Belt generally, the impact on the character and appearance of the surrounding area, impact to neighbouring amenity and parking and highway issues.

BACKGROUND

The current application is similar to a previous refusal under P0444.14 with the only difference being a change to the opening hours proposed and a revised planning statement providing more details on the intended use and potential impact on neighbouring occupiers.

The previous application was refused for the following reason:

The proposal, by reason of the commercial nature of the proposed use and the anticipated levels of general pedestrian and vehicular activity within the site, in close proximity to neighbouring properties, is considered to give rise to conditions that are detrimental to the amenity of adjoining occupiers, giving rise to unacceptable levels of noise and disturbance contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

The changes to the current application and whether it is sufficient to address the previous reason for refusal will be explored in the report below.

GREEN BELT IMPLICATIONS

With regards to the proposal, the only elements of the building which do not have the benefit of planning permission or are otherwise lawful are the small WC extension and tunnel link associated with the two main existing buildings, which were ancillary use to the residential house. Effectively there is no new building proposed and the partial change of use proposed would be a re-use of these buildings, the following policies would apply.

Policy DC45 states that re-use of existing buildings will only be granted if the criteria in PPG2 (now replaced by the NPPF) are satisfied.

The NPPF states that re-use of existing buildings is not inappropriate in principle where the buildings are of permanent and substantial construction, which is the case here.

In determining the previous application P0444.14 staff took the view that the tunnel link and WC extension are of such small scale in relation to the existing swimming pool and changing room buildings that they would not have any material impact on the openness and character of the Green Belt. The lack of harm caused by the extensions and their subservient relationship to the existing buildings is judged to be a material consideration.

The previous application was not refused on grounds of harm to the Green Belt and it is judged, in this case, that the development that has taken place has not materially harmed the character and openness of the Green Belt and is acceptable in this respect.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The tunnel link building is of timber clad walls and transparent roof. Although this does not match the brick walls and roof of the surrounding buildings it is well screened from public vantage points by the swimming pool and changing room and not judged materially harmful to local character or amenity.

The WC extension to the changing room has brick walls to match the main building it is attached to and is judged to be of an appropriate size at a modest 1.9 m width, 3.5m depth and 2m height.

Other works include the retention of the lowering of the ground and hardstanding around the buildings which were originally grassed garden area.

Collectively, the buildings, hardstanding and other works are not judged to appear characteristic of a residential setting. However, the developments are well set back from Hacton Lane and obscure by well matured trees and dense vegetation and are not within public viewpoints from the highway.

It is considered that the works are subservient to the existing outbuildings. Furthermore they are being screened from public viewpoints and amongst residential buildings of the host property and No.163. The buildings are not therefore judged to harm the openness and character of the green belt and local streetscene.

IMPACT ON AMENITY

Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.

As mentioned above, the application site is locked in between other residential properties, No.163 to the west, No.161 and No.161a to the north and No.4 to the east.

The plant room within the swimming pool is immediately adjacent to the south-west corner boundaries of the property.

The swimming pool was given permission some 10 years ago without conditions for noise

restriction for the plant room, likely because it was only intended for residential use ancillary to the main dwellinghouse.

The boundary is shared with the neighbour at No.163 Hacton Lane, who is only 2.6 metres away from this swimming pool and within 0.6 to 1 metres from the changing room building (discrepancies in plan shows neighbour further away).

Such close proximity between No.163 and the commercial swimming pool/changing room is considered a concern with regards to noise and disturbance from the users of the swimming pool and the plant room, especially as it is intended to run every day of the week.

There are 20 vehicle car parking spaces as stated in the application form and as observed on site visit, there are several cars parked on site, and on recent aerial photographs, around 10 to 15 vehicles are parked on site. Such proposed use increases the amount and frequency of comings and going of vehicles through the access lane.

The swimming pool is proposed to be open for public use seven days a week for varying hours each day. Given the hours of operation, the likely levels of vehicular activity associated with the proposed use, the amount of parking within the curtilage of the property and its proximity to neighbouring residential properties, it considered that the proposal would give rise to conditions that are materially harmful to the amenity of adjoining occupiers. There would be up to six children taught at each class and there would be changeover times between lessons when there would be potential for greater levels of noise and activity at the site.

Additionally the works associated with the use, which includes creation of hardstanding and the existence of picnic benches and other paraphernalia immediately outside these buildings, acts as an open area for users/clients to congregate. It is considered that this would lead to levels of noise and activity within the site that would be detrimental to neighbouring residential amenity.

With the above points taken into consideration, the proposed change of use to a commercial swimming pool is considered to be an over-intensification of use within a residential site, and such adverse impacts would adversely affect the immediate surrounding neighbours through noise and disturbance.

HIGHWAY/PARKING

Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site is classed as Rest of Borough and therefore requires 2 parking spaces per residential dwelling.

The access to the site is through the double security gates to the east of Hacton Lane, there is sufficient parking space for over 20 vehicles. No objections have been raised by the Highways Authority in respect of the parking or access arrangements.

KEY ISSUES/CONCLUSIONS

The proposed commercial use within a residential setting is considered to cause harm to neighbouring amenity arising from noise and disturbance from vehicular movement and from the additional activity of visitors within the rear garden environment. The proposal is considered to create levels of noise and activity associated with a commercial use that is incompatible with a residential area, particularly given the close proximity to neighbouring residential properties. The application under consideration has been assessed in accordance with planning policy and guidance. The proposed development is considered to be unacceptable having had regard to Policies CP14, DC45 and DC61 of the LDF, and all other material considerations.

RECOMMENDATION

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

1. Refusal non standard Condition

The proposal, by reason of the commercial nature of the proposed use and the anticipated levels of general pedestrian and vehicular activity within the site, in close proximity to neighbouring properties, is considered to give rise to conditions that are detrimental to the amenity of adjoining occupiers, giving rise to unacceptable levels of noise and disturbance contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

1 Refusal - No negotiation

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

APPLICATION NO:	P1349.14	
WARD :	Pettits	Date Received: 14th October 2014 Expiry Date: 9th December 2014
ADDRESS:	71 Main Road Romford	
PROPOSAL:	Demolition of detached garage and erection of single storey side and rear extension with accommodation in the roof space and rear infill extension to main house at first floor	
DRAWING NO(S):		
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-in by Councillor Frederick Thompson on the grounds that the extension has merit compared with other possible outcomes for the site.

SITE DESCRIPTION

The application site comprises a two storey, detached dwelling, located on a corner plot on the north side of Main Road at its junction with Heath Drive. The site, which amounts to 0.28ha, is situated within the Gidea Park Conservation Area. The dwelling is a substantial, two storey red brick dwelling of distinctive design and appearance, set in a large, landscaped plot. It was constructed in the 1940's and is set back from the Main Road and Heath Drive frontages. Access to the site is from Main Road with a looped driveway arrangement around a central landscaped feature. There are a number of mature trees to the front, which includes two cedars, that largely obscure views of the house from Main Road. There is a single storey garage on the west side of the house.

To the west the site is a detached building, which is in use as a children's day nursery. To the east of the site is Heath Drive. There are number of buildings near to the junction, including two 1910/1911 exhibition houses. There are three single storey dwellings, no.10 Heath Drive and nos.1 and 2 Heath Close adjoining to the rear boundary. The Main Road frontage to the west of Heath Drive comprises large buildings mainly in community use set in large plots.

DESCRIPTION OF PROPOSAL

The application is for a one and a half and two storey side and rear extensions to the existing dwelling house, following demolition of the existing garage. The two storey element would be to the rear of the house. The extension would be a maximum of 10.7 metres wide across the front elevation and 20.5 metres deep. The extension would project 9.8 metres beyond the rear wall into the rear garden. The footprint of the extension would amount to 177 square metres which is very similar to that of the existing house. The extension would be constructed in materials to match those of the existing dwelling.

RELEVANT HISTORY

P1550.12 - Side and rear extension and conversion of existing house to form a 26 bedroom Care Home for the elderly with dementia
Refuse 12-09-2014

P2170.07 - Two storey front, side and rear extensions and change of use to form 40 bed care home for elderly
Refuse 13-02-2008

CONSULTATIONS/REPRESENTATIONS

Twenty nine neighbour letters were sent out and one representation has been received in response. This questions how an extension of the size proposed could be for a 'family house'.

Streetcare (Highways) - no objections.

Gidea Park and Distinct Civic Society - would have no adverse impact on the immediate neighbourhood or the conservation area generally. Application is supported if materials similar to the existing house are used.

Heritage Officer - the proposed extension is out of scale in terms of the existing footprint and massing. The width appears incongruous to that of the original building. It is not subordinate. Does not respect the architectural character of the original building in terms of roof pitch or the proposed dormers which are out keeping. A two storey extension of less width is recommended with recessed bay. An extension that wrapped around the rear of the building would give a more cohesive character to the building.

RELEVANT POLICIES

LDF

DC33 - Car Parking
DC49 - Sustainable Design and Construction
DC61 - Urban Design
DC68 - Conservation Areas
SPD2 - Heritage SPD
SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.6 - Architecture
LONDON PLAN - 7.8 - Heritage assets and archaeology
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

All new floorspace is liable for Mayoral CIL, but in assessing liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing garage to be demolished has floorspace amounting to 45 square metres and is in lawful use as part of the existing house. The net increase in floor area would be 248 square metres and the CIL liability would be £4,960 at £20 per square metre.

PRINCIPLE OF DEVELOPMENT

The application site lies within the Gidea Park Conservation Area. Whilst the the existing dwelling is not one of the exhibition houses it is considered to be a non-designated heritage asset that contributes positively to the character and appearance of the conservation area. This application needs to be considered within this context and the adopted guidance on residential

extensions generally. Extensions need to be considered in the context of both the character of the existing dwelling and that of the area where they are situated. Extensions should not dominate or detract from the character of the original house or that of the surrounding area. Extensions should be subordinate to the original house and be in a similar architectural style so that it appears as part of the original house. Materials also need to be similar or complimentary.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The host property is considered to make a positive contribution to the character and appearance of the conservation area. Whilst it post dates the exhibition housing to the north the property is firmly associated with Heath Drive dwellings nearby and the block to the north of Main Road as opposed to the buildings further to the east of Heath Drive. LDF Policy DC68 requires that new development within the conservation area should preserve or enhance its character and appearance and should be well designed.

In this case the extension is considered to be out of scale with the existing building, both in terms of its footprint and its massing. The width of the extension would appear incongruous due to its width which is similar to that of the host dwelling. As a result it would not appear subordinate, even allowing for the demolition of the existing garage. The main extension at 1.5 storeys would also not align well with the massing or the architectural character of the host dwelling. In addition the proposed dormers are also considered to be out of keeping with the architectural style. The depth of the proposed extension, which projects some 9.7m beyond the rear wall of the dwelling, is also considered to be excessive and the resultant development would not be subordinate to the existing dwelling.

The extension would also fill much of the gap between the existing house and the boundary with the adjoining children's nursery. Whilst there would be little or no loss of spaciousness when viewed from Heath Drive there would be some loss when viewed from Main Road as a result of closing this gap. Whilst the extension would be much lower than the existing house, it would have some adverse impact on the character and appearance of the area. Overall staff consider, as a matter of judgement, that the scale and design of the proposed extension would detract from the character and appearance of the dwelling to a material extent. As a result it would have an adverse impact on the character and appearance of the conservation area and the streetscene generally contrary to LDF Policies DC61 and DC68 and the guidance in the NPPF.

IMPACT ON AMENITY

The proposed development would extend the house to within one metre of the boundary to the west filling most of the existing gap between the house and the boundary following the demolition of the existing garage. The extension would also extend to a depth of 20.5 metres which would be nearly 10 metres beyond the rear wall of the house. The nearest buildings to the proposed development are a children's nursery to the west and the three dwellings in Heath Drive and Heath Close to the north.

There would be little or no impact on the dwellings to the north which would be over 30 metres away from the extended house. However, there is a potential impact on the nursery to the west. This is a substantial building erected in 2004, that fills much of the plot width over two-storeys. At its closest the building is about 1.4 metres from the common boundary. There is a window at first floor level in the flank elevation facing the application site. The proposed extension would have two dormer windows in the west flank elevation which could give rise to potential overlooking of the play area to the rear of the nursery. The submitted plans do not indicate what the roof space accommodation would be used for. However, the potential impacts could be addressed by a condition requiring the window to be obscure glazed with restricted opening. The

roof room to the front of the extension would be a bedroom with only one window. As this would not be directly opposite the first floor window of the adjoining building there would be no interlocking issues. Overall staff consider that there would be no material impact on the amenities of the nursery next door.

HIGHWAY/PARKING

There would be adequate parking retained to the front of the property. The access would be unchanged.

KEY ISSUES/CONCLUSIONS

The application proposes a substantial extension to a non-designated heritage asset within the Gidea Park Conservation Area. As a matter of judgement staff consider that the proposed extension would, as a result of its scale and design detract from the architectural character of the main dwelling and as a result be materially harmful to the character and appearance of the conservation area.

RECOMMENDATION

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

1. Refusal non standard Condition

The proposed extension to the dwelling would, by reason of its scale, massing and overall design would detract from the architectural character of the undesignated heritage asset, and as such would be materially harmful to the special character of the Gidea Park Conservation Area, contrary to Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Design and Heritage Supplementary Planning Documents and Section 12 of the National Planning Policy Framework.

1 Refusal - No negotiation

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

2 Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4960. Further details with regard to CIL are available from the Council's website.

APPLICATION NO:	P1406.14	
WARD :	St Andrew's	Date Received: 27th October 2014 Expiry Date: 22nd December 2014
ADDRESS:	12 North Street Hornchurch	
PROPOSAL:	Change of use to nail salon & beauty services (Sui Generis) Additional information received 08.12.2014	
DRAWING NO(S):	Location and layout plan (Drawing No. 1746.01) Layout drawing - Planning 1 Layout drawing - Planning 2	
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 relates to the property at 12 North Street, Hornchurch. This is a three storey mid terrace building forming part of a parade of shops facing onto North Street across a pedestrianised forecourt. At ground floor level the unit comprises a vacant A1 retail unit with residential accommodation in the upper floor levels. On either side of the premises are A1 uses. The other units in the parade have shops and commercial uses at ground floor level with residential accommodation above. The site is located within the retail core of the Hornchurch Major District Centre and as such the surrounding area is characterised by predominantly commercial uses and with some residential accommodation above.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use of the ground floor unit from an A1 retail use to a nail and beauty services salon (Sui Generis).

The proposed change of use will not result in any significant external alterations to the shop frontage other than a new fascia signage board. Internally the proposal will involve some minor reconfiguration to the 60 square metre floor area with the addition of several partition cubicles.

It is proposed that the nail and beauty salon will employ three full time members of staff and will operate between the hours of 10:00 to 20:00 on Monday to Friday, 10:00 to 19:00 on Saturdays and 10:00 to 17:00 hours on Sundays and Bank Holidays.

RELEVANT HISTORY

- A0042.08 - Illuminated and non-illuminated signage to the front, side and rear
Apprv with cons 22-08-2008
- A0084.96 - Council information panel displaying council information on one side and advertising on the other
Apprv with cons 25-10-1996
- A0051.92 - Fascia sign - illuminated
Apprv with cons 01-12-1992

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 24 properties and no representations have been received.

Environmental Health - raised an objection as the proposal includes no details in relation to the ventilation of odours. This issue can be overcome through the inclusion of a relevant condition in relation to the installation of suitable extract equipment.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

DC16 - Core and Fringe Frontages in District and Local Centres

DC33 - Car Parking

DC36 - Servicing

DC61 - Urban Design

OTHER

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

LONDON PLAN - 6.13 - Parking

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications relating to the proposal as the application concerns a change of use without the creation of additional floor space.

STAFF COMMENTS

The main considerations relate to the the principle of the proposed change of use, the impact on the vitality and viability of the Major District Centre, the impact on the surrounding residential amenity and the implications for highways, pedestrian access and parking.

PRINCIPLE OF DEVELOPMENT

Within Major District Centres Policy DC16 seeks to control new uses at ground floor level so that they are appropriate to a shopping area. The policy states that within the retail core of Hornchurch the proposal must not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length.

The proposed nail and beauty services salon use is classified as 'Sui Generis' and in terms of Policy DC16 it is not a retail use. In this instance the relevant frontage stretches 110 metres south from No.14 North Street through to No.159 High Street, containing some 19 ground floor commercial units. As a result of the proposal and the other existing uses within the parade some 30% of the frontage would be occupied by uses regarded as 'non-retail' under Policy DC16.

However, given the nature of this type of commercial use and its close association with other town centre uses, its location within a shopping parade within a Major District Centre is considered to be appropriate in principle. The proposed internal layout would ensure that an active frontage would be retained, the premises would be open during shopping hours and crucially the proposed use would not significantly harm the character, function and vitality and viability of the centre. In addition the proposal would potentially assist in bringing a vacant commercial unit back into use.

The proposal is considered to meet the other criteria of Policy DC16 in that the proposed use is considered appropriate to a shopping area and would not give rise to a grouping of three or more adjoining non-retail uses.

As such the proposal meets the policy requirements for a 'non retail use' and as a result it is not considered that any material harm to the vitality of the frontage would occur in accordance with the provisions of Policy DC16.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed development will result in a relatively minor alteration to the appearance of the front elevation of the building with the addition of a new fascia board signage. This application is however concerned solely with the change of use as any advertising would require separate consideration under separate legislation relating to advertisements. It is considered that the alterations to the frontage will be in-keeping with the existing building and the other shop frontages along the parade.

It is therefore considered that the proposed development would safeguard the character and appearance of the parade and surrounding area in accordance with Policy DC61.

IMPACT ON AMENITY

It is proposed that the nail and beauty services salon will operate between the hours of hours of 10:00 to 20:00 on Monday to Friday, 10:00 to 19:00 on Saturday and 10:00 to 17:00 hours on Sunday and Bank Holidays.

The proposed use would be relatively low key and would not involve operations that would produce an excessively high volume of customers or practices that would result in an undue increase in noise levels. Consequently, in this instance it is considered reasonable for the proposed nail and beauty services salon to operate later into the evening than standard daytime trading hours. Given the existing commercial uses within the parade and the town centre location any residents living above the commercial units in this part of North Street can reasonably expect to experience an element of noise and disturbance from vehicles, passers by and customers entering and leaving the premises.

Although proposed opening times are stated as 10.00, Staff consider it reasonable in this town centre location to enable the premises to open from 09.00 hours Monday to Saturday, with a 10.00 opening time on Sundays.

It is not considered that the proposal would harm the living conditions of neighbouring residents in accordance Policy DC61.

HIGHWAY/PARKING

To the front the proposal will not affect or alter the existing pedestrian access arrangements into the building and presents no issues in relation to off street car parking. There is an existing access road to the north of the parade which provides access to the rear of shops and there is a pay and display car park within the vicinity. Servicing of the site will continue to take place from the rear as per the existing arrangements.

The Local Highway Authority have raised no objections in relation to the proposal.

The proposal is therefore considered acceptable in terms of parking and highway safety in

accordance with Policy DC33.

KEY ISSUES/CONCLUSIONS

The proposed change of use would provide a use which is compatible with the Hornchurch Major District Centre and would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or result in any parking or highway safety issues.

The proposal is therefore in accordance with Policies DC16, DC33 and DC61.

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 (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. Non Standard Condition 31

The use hereby approved shall not be open to members of the public outside the hours of 09:00 to 20:00 hours on Monday to Friday, 09:00 to 19:00 on Saturday and 10:00 to 17:00 hours on Sunday and Bank Holidays unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason:-

In the interests of amenity and to accord with Policy DC61 of the LDF Development Control Policies Development Plan Document.

4. SC67 (Ventilation/Extraction)

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted in accordance with a scheme to be submitted to and

INFORMATIVES

1 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.

2 Fee Informative

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.

APPLICATION NO:	P1609.14	
WARD :	Upminster	Date Received: 18th November 2014 Expiry Date: 17th February 2015
ADDRESS:	Cranham Golf Course St. Marys Lane Upminster	
PROPOSAL:	Proposed Solar Park	
DRAWING NO(S):	C/SU/14/001 C/SU/14/003 A C/SU/14/004 B C/SU/14/005 A C/SU/14/006 A C/SU/14/007 A	
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

This planning application has been called in by Councillor Ron Ower owing to the proposal's potential to harm the Green Belt.

BACKGROUND

This planning application has been submitted following the refusal, by Members, of planning application P0907.14 on 2nd October, 2014. The current proposal is identical to the previous scheme, except that:

- a) the proposed panels would be reduced in height, now having maximum and minimum heights of approximately 1.9m and 0.6m respectively, compared to 2.9m and 0.9m respectively.
- b) The angle of the proposed panels is reduced to 20 degrees, from 25 degrees.
- c) The landscaping scheme previously agreed between officers and the applicant following the submission of that application has been incorporated.

SITE DESCRIPTION

The application site forms a broadly rectangular area of flat, open land measuring around 5.5ha in area, which is in agricultural use. The site's northern boundary adjoins St Mary's Lane; the eastern boundary runs alongside the M25; the southern boundary abuts land associated with Broadfields Farm, generally comprising plantations and bridleways leading to the Thames Chase visitor centre; whilst the western boundary lies adjacent to Cranham Golf Course. The site's northern, western, and southern boundaries are marked by generally dense hedgerows, between 2m and 5m in height; a river also runs alongside the southern boundary. The eastern boundary adjoins the verge of the M25, which is located at a higher level than the site. Vehicular access is provided through the site's northern boundary. The land has recently been used to grow hay.

The site is designated in the LDF as Green Belt and forms part of the Thames Chase

Community Forest. Whilst the majority of the site is designated as being at low risk of flooding (flood zone 1), an area at the southern end of the site is designated as Flood Zone 2.

DESCRIPTION OF PROPOSAL

This planning application proposes the installation of a solar energy farm at the site, generating approximately 2.6MW of electricity for the national grid. The proposal would comprise of the following elements:

a) 11,700 solar panels, each measuring 1.6m x 1.0m, mounted on galvanized steel frames driven into the ground. The steel frames would hold the panels at a 20 degree angle, in a south-facing direction. The lower end of the panels would be set above ground level at a height of approximately 0.6m, whilst the panels would be set around 1.9m above ground level at their highest points. The arrays of panels would form banks generally upto 30m in length located in 44 rows, each running in an east-west direction.

b) A timber metering unit measuring approximately 4.6m x 5.5m in area and approximately 3.5m in height, to be located in the north west corner of the site.

c) Three timber switchgear units, measuring approximately 3m x 5.5m in area and approximately 3m in height, each accompanied by a transformer measuring around 1.5m x 1.9m in area and 1.7m in height, to be located at the northern end, middle, and southern end of the site at its western side.

d) Ten CCTV masts measuring 4m in height.

e) A 1200mm high perimeter fence within the site boundaries, enclosing the solar panel arrays.

f) An area of hardstanding in the site's north west corner, connecting the site to the public highway.

g) Landscaping works, including the planting of trees along the site's eastern boundary, and other ecological enhancements, including enhancements to the existing hedgerows, and the planting of wild flower species across the site, to replace the existing ryegrass.

It is anticipated that the development would have a life of 25 years.

RELEVANT HISTORY

Recent planning decisions at the site are as follows:

P0907.14 - Proposed Solar Park - Refused on the following grounds:

"1) It is considered that the proposal would constitute inappropriate development in the Green Belt, and that very special circumstances have not been demonstrated in this case that would clearly outweigh the harm by reason of inappropriateness and other harm. The proposal is therefore contrary to the guidance contained in the National Planning Policy Framework.

2) The proposal, by reason of the number of solar panels and their arrangement across the site, together with the scale and extent of associated structures and development, would be materially harmful to the open character of the Green Belt, and to the visual amenities of the surrounding area, contrary to Policy DC61 of the Development Control Policies Development Plan Document.

3) The proposed solar panels, by reason of the scale of the development and the location of the site in relation to the nearby motorway, would create conditions that would present a distraction to users of the M25 and would therefore be significantly harmful to highway safety, contrary to Policy DC32 of the Development Control Policies Development Plan Document."

P0735.13 - Construction of concrete hardstanding measuring approximately 32m x 30m (max), between existing highway access and approved agricultural building - Approved.

F0002.13 - Proposed agricultural storage building - Prior approval not required.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 32 neighbouring properties; a site notice was placed in the vicinity of the site, and advertisements have been placed in the local press. Three representations have been received, referring to the following material matters:

- a) The impact of the proposal on the Green Belt;
- b) The loss of farmland;
- c) Harm to the character of the area resulting from the erection of fencing and CCTV;
- d) Loss of privacy owing to the use of CCTV;
- e) There is no need for the development.

Comments have been received from the following consultees:

Essex Wildlife Trust - No objections.

Highways Agency - No objections; conditions recommended.

Essex and Suffolk Water - No objections.

Environmental Health - No objections.

Highways - No objections; condition recommended.

Environment Agency - No objections.

Thurrock Council - No objections.

National Air Traffic Services - No objections.

Ministry of Defence - No objections.

RELEVANT POLICIES

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

DC32 - Road Network

DC45 - Appropriate Development in the Green Belt

DC48 - Flood Risk

DC50 - Renewable Energy

DC61 - Urban Design

The London Plan

Policy 5.7 - Renewable Energy
Policy 7.16 - Green Belt

National Planning Guidance

National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The proposal would result in less than 100sqm of new floorspace being built, and therefore would not give rise to a contribution under the Mayoral CIL regulation.

STAFF COMMENTS

The main issues in this case are considered to be the principle of development, visual impact, impact on amenity, highway safety, ecology, flood risk, agricultural land, and whether very special circumstances exist that outweigh any identified harm to the Green Belt, and other harm.

PRINCIPLE OF DEVELOPMENT

Policy 5.7 of the London Plan states that:

"The Mayor seeks to increase the proportion of energy generated from renewable sources."

Policy DC50 of the LDF states that renewable energy facilities will be considered acceptable subject to certain criteria.

This planning application proposes building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will be granted for development in the Green Belt that is for given purposes. The purposes listed do not include renewable energy development.

National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

- a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.
- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

In terms of Green Belt policy, this application proposes building operations. Paragraph 89 of the NPPF states that building operations may constitute appropriate Green Belt in given instances, however, these do not include renewable energy development. Paragraph 91 refers specifically to renewable energy development in the Green Belt, stating that:

"When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider

environmental benefits associated with increased production of energy from renewable sources."

It is considered that the proposal would constitute inappropriate development in the Green Belt. A statement of very special circumstances has been submitted by the applicant, which will be considered later in this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC50 states that renewable energy facilities will be considered acceptable provided their design is not detrimental to the character of the surrounding area, and no visual harm would arise.

In assessing the harm that the proposal might cause to visual amenity and the character of the area, it is necessary to consider the nature and character of the site presently; the relationship between the site and its surroundings, in terms of its visibility and how it contributes to the character of its surroundings; and how the site would appear following the completion of the development, having regard to the scale, design, and visibility of the proposed development.

The proposal includes a number of elements. A number of these elements, including the proposed fencing, small scale plant and buildings, hardstanding area, and security cameras could appear as generally minor additions within the large, open context of the site that, through the use of planning conditions, could be designed in such a way as to minimise their visual impact in relation to the site's surroundings. By far the most significant element of the proposal would be the proposed solar arrays, which would dominate the site. When viewed from a distance, the proposed arrays would have a generally flat, monochrome appearance; they would follow the contours of the site, and would not rise above ground level by more than 2m.

The application site constitutes an area of flat, open grassland, mainly dominated by a single species of grass used for the production of hay. Visually, the site is considered to be of limited interest and character value. The presence of vegetation along three of the site's boundaries and the topography around the site are such that the site is not particularly visible beyond its southern, western, and northern boundaries. With the landscaping enhancements proposed, it is considered that the proposal, given the limited heights involved, would not result in any significant visual impacts beyond these boundaries.

The site is conspicuous when viewed from the M25, which is located above the site alongside its eastern boundary. The application proposes the planting of trees along this boundary, which should go some way to mitigating the impact of the proposal from that roadway, particularly if more mature trees are planted. It is considered that the site is of limited character value presently, and consideration must be given to the fact that users of the motorway tend to travel by at speed. The surrounding landscape does have a generally rural quality, notwithstanding the jarring and dominant effect of the motorway in this location. However, solar farms and other types of large scale renewable energy development do tend to be located in the countryside, and it need not be the case that the proposal, to the extent that it would be visible from beyond the site's boundaries, would be incongruous in the location proposed. Moreover, the implementation of a landscaping scheme along the site's eastern boundary would help to enhance visual amenity on the western side of the M25 by screening the motorway.

Given that the proposal would be located on land that is not of particular visual interest; that the site is well screened on three sides, and would receive additional landscaping treatment to the currently exposed boundary; that the proposal would mostly be visible from a motorway where

users travel by at high speeds; and that the proposal would have a generally low and flat profile following the contours of the land, and constitutes a type of development that does tend to occur in rural areas, it is considered, in these respects, that the proposal would not result in significant visual harm.

The extent to which the proposal would result in visual intrusion within the wider landscape would be limited by its low profile, the presence of screening, the surrounding topography, and conditions controlling the use of landscaping, materials, and colour schemes. Compared to the previous application, the impact is considered to be lesser still, given the reduction in the height of the panels from 2.9m maximum to 1.9m. Landscaping works, particularly along the site's eastern boundary, would need to make use of heavy measures planting to ensure that the required screening is achieved as soon as possible. The submitted information recommends the use of field maples at 5m intervals, and at least 4m in height when planted. Staff consider that a detailed landscaping proposal for the site should be submitted for assessment and recommend that this is achieved by condition. Further conditions would ensure the life of the development is limited to 25 years, and that the site restored afterwards.

Subject to the use of the afore mentioned conditions, it is considered, on balance, that the proposal would not be significantly harmful to the visual amenities of the Green Belt, and in this regard, would be in accordance with Policies DC50 and DC61 of the LDF.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. Policy DC50 states that renewable energy facilities will be approved where, amongst other things, they are not harmful to residential amenity.

The proposed development is passive in nature and would not generate any noise that would be audible in relation to any sensitive land uses located in the vicinity. The nearest dwellings would, in any case, be located in excess of 100m from the proposed development. Given the presence of vegetation around the site, and separation distances between it and the nearest neighbouring properties, it is considered that the proposal would not result in any significant adverse impacts on the amenities of neighbouring occupiers.

The Council's Environmental Health officers have recommended a condition, should planning permission be granted, controlling the emission of noise from the site. In light of the above comments, this condition is not considered to be necessary.

In terms of its impact on amenity, the proposal is considered to be in accordance with Policies DC50 and DC61 of the LDF.

HIGHWAY/PARKING

Policy DC32 of the LDF states that development will only be approved where it does not significantly harm the functioning of the road network.

The Council's Highway officers have raised no objections to the proposal, subject to the use of a condition relating to the creation of a new access onto the public highway.

The Highways Agency was consulted owing to the proximity of the proposal to the M25. Some of the objections received cite the potential for the proposal to cause harm to safety on the M25. The application is accompanied by a glint and glare study, which concludes that some

northbound users of the M25 could observe reflected light at given points in time, however, these highway users would already be able to observe the sun directly from the same direction. As such, there would not be any significant increase in the amount of light encountered by road users. As the proposal would also include the planting of trees alongside the site's eastern boundary, which would serve to diminish visibility into the site, it is considered that the proposal would not result in any significant harm to highway safety.

The Highways Agency has raised no objections to the proposal, subject to the use of conditions should planning permission be granted. These include the agreement and implementation of a landscaping scheme prior to the installation of solar panels, to prevent potential impacts in relation to motorway users. A further condition, requiring the prevention of access from the development onto the motorway is not considered to be necessary given that the application does not propose this.

Should consent be granted, it is recommended that further conditions be imposed requiring the approval of a construction method statement and wheel washing details to be implemented during the construction phase of the development.

Subject to the use of the afore mentioned conditions, it is considered that the proposal would not result in significant adverse impacts on highway safety or amenity, and that it would be in accordance with Policy DC32 of the LDF.

OTHER ISSUES

Policy 5.7 of the London Plan states that:

"All renewable energy systems should be located and designed to minimise any potential adverse impacts on biodiversity, the natural environment and historical assets, and to avoid any adverse impacts on air quality."

Ecology

The application is accompanied by an ecological appraisal, which concludes that the site is currently of low ecological value owing to the use of artificial fertilizers and the planting and subsequent mowing of a monocrop for hay (rye grass.) The existing hedgerows are considered to be of value as they support birds and bats. The proposal would result in a number of biodiversity enhancements including filling in gaps within the existing hedgerows, the planting of native tree species, and the sowing of a wild flower seed mix across the site.

Essex Wildlife Trust supports the proposals but recommends that an ecological management plan should be approved to ensure that the use of artificial fertilizers is kept to a minimum and that following the sowing of a wild flower seed mix, a regime of grazing or mowing be implemented to prevent dominance by the existing grass species. A condition can be imposed, should planning permission be granted requiring the approval of details in relation to the proposed ecological enhancement measures and a subsequent management scheme to be employed for the life of the development. This might include the use of grazing animals, which would be able to roam freely amongst the installed apparatus.

Flood Risk

The Environment Agency has been consulted about the proposal but has raised no objections. Part of the site, at its southern end, is located in flood zone 2. The remainder of the site is

located in flood zone 1 (low risk of flooding.) As the proposed solar panels would be located in flood zone 1 only, it is considered that the proposal would not result in any significant adverse impacts in relation to flood risk or drainage arrangements.

Agricultural Land

The submitted information states that the site comprises Grade 3 agricultural land. Planning guidance aims to protect the best and most versatile agricultural land (grades 1, 2, and 3a.) In this particular case, the land under consideration has been left fallow and overgrown for a number of years, but in the past year has been used to grow hay. The proposal would not prevent the land being used for grazing and would not result in any significant or permanent harm to the soils.

Air Quality

The proposed development would not result in any significant emissions to air.

Green Belt - Very Special Circumstances

The proposal is considered to constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should be resisted except where very special circumstances are demonstrated that clearly outweigh the harm, by reason of inappropriateness, and any other harm. No other harm has been identified in this case. The applicant has submitted the following very special circumstances:

a) The proposal would generate renewable energy for the national grid, providing enough energy to power 640 typical homes. The proposal would make a contribution towards the UK's energy security, making it less dependent on imported energy.

b) The proposal would result in ecological enhancements on a site that currently is of low biodiversity value.

c) The site is located alongside the M25, and has recently been left fallow and overgrown. New planting and a landscape management plan will help to enhance the appearance of the site.

d) The proposal would not result in any permanent change to the Green Belt. The apparatus used to support the solar panels do not require concrete footings, and all of the items installed at the site can be removed at the end of the development's life (25 years.)

Officers consider that there are very special circumstances in this case, that outweigh the harm to the Green Belt by reason of inappropriateness. Policy DC50 states that in assessing proposed renewable energy development:

"... the benefits of achieving diverse and sustainable energy supplies and reducing greenhouse effects will be balanced against any harm arising from the development."

The harm in this case concerns the harm to the Green Belt by reason of the proposal's inappropriateness. However, the Green Belt guidance contained in the NPPF does state that the environmental benefits of renewable energy development can constitute the very special circumstances needed to outweigh the harm by reason of inappropriateness. The proposal would make use of land that is of low ecological value and limited landscape interest to produce renewable energy. The proposal would be temporary in nature and involve landscaping

enhancements that would limit any visual harm arising from the proposal, along with ecological enhancements that would significantly improve the site's biodiversity value. It is further considered that the proposed planting works alongside the site's eastern boundary, which would provide a visual screen between the M25 and the land to the west, would help to enhance the character of the area.

KEY ISSUES/CONCLUSIONS

Subject to the use of those conditions recommended, it is considered that the proposal would not result in any significant visual intrusion within the landscape or harm to the character of the area. The proposed landscaping enhancements, which would help to screen the M25 from land to the west of the site, would make a positive contribution to the character of the area. No significant harm has been identified in relation residential amenity, highway safety, flood risk and drainage, or the best and most versatile agricultural land. The proposal would significantly improve the biodiversity value of the site. The proposal would provide renewable energy for the national grid, and it is considered that very special circumstances exist in this case to outweigh the identified harm to the Green Belt.

The proposed development is considered to be acceptable having had regard to Policies DC32, DC45, DC48, DC50, and DC61 of the LDF, and all other material considerations.

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. The details shall include the colour schemes of all proposed buildings and plant.

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,

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. SC57 (Wheel washing) (Pre Commencement)

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 on site 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.

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 the Development Control Policies Development Plan Document Policies DC61 and DC32.

6. Non Standard Condition 31

No development shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason:

In the interests of visual amenity and biodiversity, and in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

7. Non Standard Condition 32

The proposed tree planting along the eastern side of the site, which is intended to screen the development from the M25, shall be provided prior to the installation of the proposed solar panels and associated equipment to the satisfaction of the local planning authority, in accordance with the landscaping scheme to be approved under condition 3.

Reason:

In the interests of highway safety.

8. Non Standard Condition 33

The Local Planning Authority shall be notified in writing within 7 days of the date that

9. Non Standard Condition 34

All buildings and man-made structures associated with the approved development shall be removed from the site within 25 years of the date communicated to the Local Planning Authority in accordance with condition 8, in accordance with a restoration scheme to be approved by the Local Planning Authority prior to the commencement of development. The submitted restoration scheme shall detail the site's restoration to greenfield land.

Reason:

In the interests of visual amenity and the openness of the Green Belt, and in accordance with Policies DC45 and DC61 of the Development Control Policies Development Plan Document.

10. Non Standard Condition 55

If electricity is not exported to the national grid from the solar farm hereby permitted, after development (excluding landscaping works) is commenced, for a period in excess of six months, the solar panels and all associated development hereby approved, shall be removed and the site restored in accordance with the restoration scheme approved as part of condition 9, within 3 months of the trigger date.

Reason:

In the interests of maintaining the openness of the Green Belt, and in accordance with Policy DC45 of the Development Control Policies Development Plan Document.

11. Non Standard Condition 35

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of retained trees and hedgerows 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 and hedgerows, details of underground measures to protect roots, the control of areas around the trees and hedgerows, and any other measures necessary for their protection. 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 and hedgerows at the site, and the contribution they make to biodiversity.

12. 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;

13. Non Standard Condition 40

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

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

14. Non Standard Condition 41

No development shall take place until details of the proposed CCTV equipment and mountings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1 Fee Informative

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 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.

Under the terms of the Water Resources Act 1991, and the Thames Byelaws 1981 prior written consent of the Environment Agency is required for works within 8 metres of a main river. The applicant should contact The Environment Agency to apply for consent for any works within 8 metres of the top of bank of the West Branch Mardyke, which runs to the south of the site, which is classified as a main river.

3 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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REGULATORY SERVICES COMMITTEE

29 January 2015

REPORT

Subject Heading:

P1383.14 The R J Mitchell Primary School
Tangmere Crescent, Hornchurch

Ward

1 Form of entry expansion to school including new classroom block, internal alterations, school hall extension, and extended staff car parking provisions

Elm Park

Report Author and contact details:

Suzanne Terry 01708 4322755
Suzanne.terry@havering.gov.uk

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

Financial summary:

Not applicable

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
- Providing economic, social and cultural activity in thriving towns and villages
- Value and enhance the life of our residents
- Delivering high customer satisfaction and a stable council tax

SUMMARY

This application is referred to the committee because it involves Council owned land and there has been a third party objection. The application concerns proposals to provide additional accommodation and parking at the school. The development is considered acceptable in terms of the impact on adjoining residents, the appearance of the area and in highway terms. The expansion of school facilities on existing sites is supported by LDF policies and the NPPF. However, the also seeks to protect the loss of playing fields to other development. There is a holding objection from Sport England over the loss of playing field and if not withdrawn the Secretary of State must be consulted to see if he wishes to call-in the application should members wish to grant planning permission. Staff consider that the loss is small and that on balance the development should be permitted.

RECOMMENDATIONS

1. That subject to the Secretary of State deciding not to call-in the application under the provisions of the Town and Country Planning (Consultation) (England) Directive 2009 on the expiration of 21 days from effective consultation that the Head of Regulatory Services be authorised to grant planning permission subject to the conditions set out below:

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

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

2. *Matching materials* - The single storey extension to the school hereby approved shall be externally finished in materials as set out in the planning application form and submitted details. The materials to be used in the hall extension and entrance alterations shall be in materials to match those of the existing building. The external materials shall then be retained as such thereafter.

Reason: To safeguard the appearance of the premises and the character of the immediate area and to accord with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

3. *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. The scheme shall provide for the planting of the boundary with Hawkinge Way. 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 DC6.

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

Reason: 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.

5. *Contaminated land* - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority:

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

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

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

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

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

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

Reason: To ensure the safety of the occupants of the development hereby permitted and the public generally, and in order that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC54.

6. *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.

7. *Cycle storage* - Prior to completion of the works hereby permitted, cycle storage to replace that to be lost through the development 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.

8. *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.

9. *Secured by design* - Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the 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. *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 private 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. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

11. *Car parking 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 and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking near the school entrance and to ensure that pedestrian desire lines across local junctions are not unduly impeded.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC 32 and to ensure the interests of pedestrians and address desire lines and to accord with Policy DC 34.

12. *Traffic signal review* - Within 18 months of the development being brought into use a review of signal optimisation to the Airfield Way/ South End Road junction shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at providing additional junction capacity to mitigate the development.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC 32.

13. *Wheel cleaning* - No development shall take place until a scheme of vehicle cleansing has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details, which shall be retained during the construction period of the development.

The submitted scheme will provide the following details:

a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.

b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.

c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.

f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

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 the Development Control Policies Development Plan Document Policies DC61 and DC32.

INFORMATIVES

1. 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.
2. 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).

3. 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.
4. 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.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site lies within the grounds of the RJ Mitchell Primary School and comprises mainly playing field, but also includes a demountable classroom and other structures. The school site lies between South End Road and Tangmere Crescent from which it takes access. There are residential properties adjoining the northern and eastern boundaries of the site. To the south is the First Step children's facility which also takes access from Tangmere Crescent and on the South End Road frontage is a children's nursery. The existing school building consists of two sections:-a single storey, flat roofed structure and an attached two-storey building containing the classrooms.

2. **Description of Proposal**

- 2.1 The main part of the application is the extension of the existing school building to accommodate further classrooms. The main extension would project northwards from the existing building. It would be single storey with a pitched roof. It would accommodate eight new classrooms, a staff room, a multi-purpose room and other facilities. There would be a new entrance and link between the extension and main school buildings. The materials to be used would comprise stock brick, composite cladding panels, powder coated aluminium windows and sheet metal roof covering. It is also proposed to extend the assembly hall southwards and to modify and extend the southern entrance.

2.2 The main extension would have overall dimensions of 41 metres by 23 metres, with the hall extension being 3.9 metres by 11.3 metres. The main extension would be 6.9 metres high to the ridge.

2.3 It is also proposed to provide an extended staff car parking area on the eastern side of the site adjacent to the boundary with Hawkinge Way.

3. **Relevant History**

3.1 P0294.14 -To provide a demountable single classroom building for a period of 1 year to accommodate a bulge class for the 2014/15 School year. The unit shall be sited upon the existing playground - withdrawn.

3.2 P1437.10 - Modular building at R.J. Mitchell School for the purpose of a Pre-school - approved

3.3 P2347.07 - Single storey children's centre, building incorporating an office, counselling room, disabled W.C., multi-function room, staff room, reception, buggy park, services and store. Building to be positioned to side of school fronting South End Road - approved.

4. **Consultations/Representations**

4.1 78 neighbour notification letters were sent and two representations received in response raising the following issues:

* Potential adverse impact on privacy and overlooking;

* Highway safety concerns arising from parking outside the site entrance, in particular buses and large lorries which is already a problem, due to the corner location.

4.2 Thames Water- no objections

4.3 Sport England – holding objection to loss of playing field.

4.4 Public Protection-recommends contaminated land conditions.

4.5 London Fire and Emergency Planning Authority - recommends further details of fire appliance access.

4.6 Streetcare (Highways) - The development would have some adverse impact on the Airfield Way/South End Road junction, however, no objection subject to conditions covering review of parking restrictions after 18 months; travel plan revisions, review of signal optimisation at the Airfield Way/South End Road junction, wheel cleaning facilities.

5. **Relevant Policies**

- 5.1 Policies CP8 - Community Facilities; CP9 - Reducing the need to travel; DC18 - protection of Public Open Space, Recreation, Sports and Leisure; DC26 - Location of Community Facilities; DC29 - Educational Premises; DC32 - The Road Network; DC33 - Car Parking; DC34 – Walking; DC35 – Cycling of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.
- 5.2 Policies 3.18 - Education facilities; and 8.3 - Community infrastructure Levy of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also relevant.

6. **Staff Comments**

- 6.1 This application is referred to the committee because it involves Council owned land and there has been a third party objection. The issues arising from this application are the principle of development, the loss of playing field, the impact of the development on the amenity of adjoining residential occupiers, impact on the streetscene and parking and highway issues.

Principle of the development

- 6.2 The additional accommodation is required to meet the demand for additional school spaces in the locality. LDF Policy DC29 seeks to ensure that demand for increased school places is met within existing sites. Policy DC26 sets criteria for new community facilities, which includes those for education purposes. The criteria include accessibility and impact from any on-street parking on pedestrian and highway safety. The development would involve the loss of some playing field. Policy DC18 seeks to protect existing playing fields, but allows alternative uses where it would be surplus to requirements and there is no conflict with other policies. The NPPF states that playing fields should not be built on unless there are shown to be surplus or would be replaced by other facilities. There has been a holding objection from Sport England to the loss of playing field arising from the development. If this is not resolved the application would need to be referred to the Secretary of State as detailed later in the report.
- 6.3 The NPPF also 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. Authorities should give great weight to the need to create, expand or alter schools. In view of the LDF policies and the guidance in the NPPF the loss of playing field needs to be balanced against the need for additional school places on site. Subject to the judgement being in favour of the extension to the school the development is considered acceptable in principle.

Design/impact on the streetscene

- 6.4 The proposed extensions would be set well back from the school's highway boundaries and would be seen at a distance from the street within the context of the existing school buildings. The main extension would be single storey and the other extensions would be small in scale. In these circumstances staff consider that there would be no material impact on the street scene or on the character and appearance of the area.

Impact on amenity

- 6.5 The proposed building lies within an existing school site and there are residential properties in close proximity to the school. LDF Policy DC61 requires that new development does not harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking and other impacts. The proposed extended classroom block would be over 40 metres from the rear boundary of properties to the north. As the extension would be single storey there would be no overlooking issues or significant impact on the outlook from these properties. The properties to the east would be further away and again there would be no material adverse impacts from the proposed extensions.
- 6.6 The proposed car park lies adjacent to the site boundary close to no.25 Hawkinge Way. However, it would be mainly set forward of the property and given the likely level of usage staff consider that there would be no material adverse impact on the amenities of occupants of the property. Landscaping along the boundary would limit any visual impact when viewed from Hawkinge Way. Overall staff consider that the development would have an acceptable impact on the amenities of adjoining occupiers.

Highway/Parking issues

- 6.7 The proposed increase in classrooms would increase the number of pupils attending the school and the amount of traffic at peak times. The site has a Public Transport Accessibility Level (PTAL) of 1b which is very poor. As a result trips would either be by foot for those within easy walking distance or by car. The increase in staff from 42 FTE to 54 FTE would be catered for in the new car parking area which would increase the spaces from 19 to 31. Annex 5 of the LDF suggests that safe and convenient dropping/off collection areas should also be provided for parents' cars and coaches/school buses. No specific provision is made and local streets would be used for this purpose. One of the objectors who lives opposite the entrance is particularly concerned about this as congestion already occurs. The transport assessment submitted with the application suggests that there is capacity in adjoining streets, although in practice parents would normally attempt to park as close as possible to the school entrance.
- 6.8 Concerns have also been raised by Streetcare (Highways) about the impact on the Airfield Way South End Road traffic lights. The junction already operates close to the accepted saturation ceiling. The development at the school and that proposed at Scotts Primary School could result in saturation being reached

at peak times. A number of measures are proposed to address these issues, including an updated travel plan, demand management measures and parking restrictions.

- 6.9 Streetcare has not objected on highway grounds but request conditions covering i) a review of parking restriction within 18 months; ii) a revision of the travel plan prior to occupation, and iii) a review of signal optimisation at the traffic light junction within 18 months. Similar conditions have been applied for other school developments. A wheel cleaning condition covering the construction period is also requested. Subject to these conditions the development is considered acceptable in highway terms.
- 6.10 A temporary access is proposed from South End Road for the construction works. This would provide a suitable alternative that avoids the main access in Tangmere Crescent and minimises the impact on adjoining residential areas during construction.

Loss of playing field

- 6.11 At the time of drafting this report the holding objection raised by Sport England to the loss of playing field had not been resolved. A detailed response is still outstanding. Sport England has referred to the guidance at paragraph 74 of the NPPF against which it must assess proposals. This states that playing fields should not be built on unless the relevant criteria are met, which include the provision of replacement space or that the area to be lost is surplus to requirements.
- 6.12 Discussions with the case officer at Sport England have indicated that whilst there are no details to show that these criteria have been met, given the relatively small amount of playing field involved a pragmatic approach is being considered. Should the objection be confirmed then if members are minded to grant planning permission the application will need to be referred to the Secretary of State under the Town and Country Planning (Consultation) Directive 2009. The recommendation is set out in these terms. An update will be given at the meeting should the position change.

Trees

- 6.13 It is proposed to remove three trees to accommodate the development. One for the access for the construction works, one for the main extension and one for the proposed car park. There is a tree preservation order covering many of the trees on the site and one of the trees proposed to be removed to accommodate the car park could be covered by the order. Given the need to locate the parking as close as possible to the access the loss of the tree is considered acceptable. There is an opportunity for landscaping along the boundary with Hawkinge Way adjacent to the car park which would provide a screen and allow for a replacement tree. Subject to a condition the development is considered acceptable in terms of its impacts on existing trees.

Mayor's Community Infrastructure Levy (CIL)

6.14 The new building is for educational purposes so no CIL requirement arises.

Key issues/Conclusions

6.15 Staff consider that the development would be acceptable in terms of its impact on the character of the school and surrounding area and on the residential amenity of neighbouring residential occupants. The main issues in this case are the highway impacts and the loss of part of the school playing field. The highways impacts are considered acceptable subject to the conditions recommended by Streetcare. With regard to open space the objection from Sport England carries some weight. However, the area for the redevelopment already includes a demountable building and other structures. The area that would be lost to the development is small. Whilst the guidance in the NPPF seeks to protect open space this needs to be balanced against educational needs. The guidance in the NPPF, supported by LDF Policy DC29, is that weight should be given to the need to create, expand or alter schools to meet the needs of local communities.

6.16 Staff consider that in light of this the need for school facilities carries greater weight and on balance the development is considered acceptable. However, should Sport England maintain its objection and members are minded to grant planning permission then consultation would need to take place with the Secretary of State to see if he wishes to call-in the application. Approval is recommended subject to the consultation procedures outlined.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

None

Human Resources implications and risks:

None

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application and plans received on 8th October 2014

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**REGULATORY
SERVICES
COMMITTEE**

29 January 2015

REPORT

Subject Heading:

P1212.14 – 64 South Street, Romford

Ground floor side extension, alteration of existing buildings including removal of the front canopy, replacement shop fronts and full restoration of front elevation along with partial demolition and extension of existing building at first floor up to 4 storeys in height to produce 22 residential units comprising 10 x 1 bed, 11 x 2 bed and 1 x 3 bed units with 2 flexible ground floor A1/A2/A3 units with a cafe (A3) to the rear and louvered extract vents (application received 16/9/14).

Ward

Romford Town

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry @havering.gov.uk
01708 432755

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

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

SUMMARY

This report concerns an application for a ground floor side extension, alteration of existing buildings including removal of the front canopy, replacement shop fronts and full restoration of front elevation along with partial demolition and extension of existing building at first floor up to 4 storeys in height to produce 22 residential units comprising 10 x 1 bed, 11 x 2 bed and 1 x 3 bed units with 2 flexible ground floor A1/A2/A3 units with a cafe (A3) to the rear and louvered extract vents.

A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. The legal agreement will also ensure that a review of the viability of providing affordable housing shall be carried out within one year of the planning permission being granted and not implemented and every subsequent year until completion and any affordable housing (or equivalent contributions for off site provision) be provided based on the revised viability assessment to a maximum of 50%.

Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £22,620. This is based on the creation of 1131 sqm of new gross internal floor space.

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 review of the viability of providing affordable housing shall be carried out within one year of the planning permission being granted and not implemented and every subsequent year on the anniversary of the first viability assessment until completion and any affordable housing (or equivalent contributions for off site provision) be provided based on the revised viability assessment to a maximum of 50%. The developer/owner will bear the costs of the Council commissioning an independent viability assessment of the annual reviews of viability and the viability assessment

and independent viability assessment will apply the methodology either of the Economic Assessment Tool (EAT) as issued by the Homes and Communities Agency OR the Argus Developers Toolkit (Argus).

- A financial contribution of £132,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- Save for Blue Badge holders to prevent any residential occupiers from obtaining residents parking permits for any existing or future controlled parking zones or residents' parking schemes within the area.
- 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 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 the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development hereby permitted shall not be commenced 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 external construction of the building(s), including the replacement sash windows on the front of the building, 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 plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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.

4. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification no window or other opening (other than those shown on the submitted 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.

5. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. The scheme shall include the landscape treatment of the courtyard. 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

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

Reason: In order to ensure that any such facilities respect the visual amenity of the locality, and the amenity of surrounding residents.

7. Cycle storage – Prior to completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided prior to first occupation of the development for residential purposes 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.

8. Odours and odorous material - Before the A3 use hereby approved commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system with the additional use of carbon filters 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.
 1. Control may include fine filtration or ESP followed by carbon filtration (carbon filters rated with 0.4-0.8 second residence time)
 2. Fine filtration or ESP followed by carbon filtration and by counteracting/neutralising system to achieve the same level of control as 1.
 3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.
 4. Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as 1. Maintenance must be carried out to ensure these performance levels are maintained. 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.

9. Secured by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

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

10. Hours of construction – All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and

spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

11. 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.

12. Land contamination - (1) Prior to the commencement of any works or occupation of the site, pursuant to this permission, the developer shall submit for the written approval of the Local Planning Authority;
 - a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included

showing all the potential pollutant linkages and an assessment of risk to identified receptors.

- c) A Phase III (Remediation Scheme) Report if the Phase II Report confirms the presence of a significant pollutant linkage 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 prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction or occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

13. Land contamination - (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 this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

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

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

15. Vehicle cleansing - No development shall take place until a scheme of vehicle cleansing has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details, which shall be retained for the life of the development. The submitted scheme will provide the following details:

a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.

b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.

c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.

f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

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 the Development Control Policies Development Plan Document Policies DC61 and DC32.

16. Highway interface at Exchange Street/Arcade Place - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

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

17. Hours of Use – The A1/A2/A3 units and café hereby permitted shall not be used for the purposes hereby permitted other than between the hours of

08:00 and 24:00 on any day without the prior consent in writing of the Local Planning Authority.

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

18. Delivery and servicing hours - No deliveries or servicing of the non-residential elements of the development shall take place other than between the hours of 06:00 and 22:00 any day without the prior consent in writing of the Local Planning Authority.

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

19. Delivery and servicing plan –Prior to commencement of the development hereby approved a delivery and servicing plan (DSP) shall be submitted to and agreed in writing by the Local Planning Authority. The DSP shall include details of the servicing arrangements including the exact location, times and frequency of deliveries and collections, vehicle movements, silent reversing methods and quiet loading/unloading measures. The development shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the amenity of occupiers of the development and surrounding premises are not adversely affected by noise, in the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

20. Insulation – Before the commercial use commences, the walls and ceiling of the ground floor of the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from it and it shall be effectively sealed to prevent the passage of odours through the structure of the building to other premises and dwellings.

Reason: To prevent noise and odour nuisance to adjoining properties.

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

Reason: To prevent noise nuisance to adjoining/adjacent properties.

22. Sound insulation – The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) 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.

23. Noise - Before any development is commenced, a scheme for protecting the proposed dwellings from noise amplified music and raised voices from existing music venues in South Street (including 72-74 South Street, 87-89 South Street and 105-111 South Street) shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

Reason: To prevent noise nuisance to adjoining/adjacent properties.

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

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

25. Piling – No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

26. Methodology for proposed works – Before any of the development hereby permitted is commenced; a methodology for the proposed repair and restoration works to the front of the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed in accordance with the approved methodology. The repair and restoration works approved shall be carried out prior to the first occupation of the new residential units.

Reason: To preserve the character and appearance of the locally listed building and its setting and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document and the Heritage Supplementary Planning Document.

INFORMATIVES

1. 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. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £22,620. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

3. 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 per request is needed.

4. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.

5. 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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

6. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

7. 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

8. Surface Water Drainage – With regards to surface water drainage 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 it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

9. The applicant is advised to have regard to the following guidance 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 the Environmental Health Department 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 website: online.havering.gov.uk/officeforms/licence_food_business.ofml .

Planning Obligations

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

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

REPORT DETAIL

1. Site Description:

- 1.1 No. 64 South Street is a locally listed building situated within Romford town centre. Whilst outside the boundary of the conservation area, the building is considered to make a positive contribution to the street scene. The property was originally the Romford Post Office, built in 1902, in red brick with stone dressings to the windows and doors, and two prominent decorative stone gables which display King George V's monogram just below the parapet level.
- 1.2 The site lies within Romford Town centre, the building is vacant and was formerly used as a nightclub and entertainment venue with redundant kitchens/staff rooms, ancillary areas, staff facilities and storage rooms. The building has been altered from its original construction by the addition of a projecting front canopy with signage, replacement timber shop fronts, and demolition of an original entrance porch.
- 1.3 The wider locality is predominantly commercial in character, with the Liberty Shopping Centre opposite the site and the Brewery development to the rear. There are residential units above commercial spaces in South Street; these are accessed from the rear in Exchange Street.

2. Description of development:

- 2.1 The application is for a ground floor side extension, alteration of existing buildings including removal of the front canopy, replacement shop fronts and full restoration of front elevation along with partial demolition and extension of existing building at first floor up to 4 storeys in height to produce 22 residential units comprising 10 no. one bed, 11 no. two bed and 1 no. three bed units with two flexible ground floor A1/A2/A3 units with a cafe (A3) to the rear and louvered extract vents.
- 2.2 The original building would be converted to provide 2 flexible A1/A2/A3 units at ground floor with 22 residential units above. The proposal includes an A3 café onto Exchange Street at the rear of the site. The front facade of the building would be restored and repaired and includes the following works:

removal of the existing projecting canopy onto South Street and replacement shop fronts. The existing stone facade and brickwork would be repaired and made good and the timber sash window frames on the front elevation of the building would be refurbished or replaced. There would be a glass box side extension facing South Street, in place of the existing extended shop front, this serves as access to the residential units on the upper levels.

2.3 The building would be arranged as follows:

Ground floor: two flexible A1/A2/A3 units measuring 393 square metres and 453 square metres respectively. These have access onto South Street and are serviced from Exchange Street. Condition 8 of planning application P1407.97 states that the premises shall be used for either A1 or A3 purposes. This application seeks consent for the provision of two A1/A2/A3 units. There is a communal entrance for the flats from South Street with a staircase and lift. To the south is an extension giving access for the upper floors via a staircase and lift and additionally provides an area for the meters, refuse/recycling and 30 cycle spaces. This is arranged independently from the two A1/A2/A3 units. There is an A3 café on the ground floor on the corner of Exchange Street with a flat on the first and second floors (Flats 11 and 16).

2.4 First floor: Both communal entrances (with stairs and lifts) lead to a first floor central courtyard that is landscaped and 8 cycle spaces. There are 11 flats on the first floor (Flats 1-11). There are three duplex flats– No.'s 8, 9 and 10 with accommodation on the first and second floors. Flats 6, 7 and 11 have balconies.

2.5 Second floor: At second floor there are 5 flats (Flats 12-16) with balconies/terraces (not including the duplex flats). These are accessed from an external walkway over the raised podium of the first floor and share the same access staircases and lifts. Flats 12 and 13 have a private terrace set behind the parapet wall of the post office building.

2.6 Third floor: In an extension over the post office building to create a fourth level of accommodation, there are a further 2 no. 1 bedroom flats that face onto South Street (Flats 17 and 18). These are accessed from a third floor level external walkway accessed from a staircase and lift. Both of these flats have provision for an east facing roof terrace, which are set behind the pitched roof of the post office building. There is a 1 no. 1 bedroom flat and 1 no. 2 bedroom flat (Flats 19 and 20) with balconies that face onto Exchange Street and are accessed from a third floor level external walkway accessed from a staircase and lift.

2.7 Fourth floor: There is 1 no. 1 bedroom flat and 1 No. two bedroom flat (Flats 21 and 22) with balconies that face onto Exchange Street and are accessed from a fourth floor level external walkway accessed from a staircase and lift.

3. Relevant History:

- 3.1 P0484.13 - Ground floor side extension, alteration of existing buildings including removal of front canopy, replacement shop fronts and full restoration of front elevation. Partial demolition and extension of existing building to the rear at first floor up to 5 storeys in height to produce 29 residential studio, one and two bed flats and 2 flexible A1/A2/A3 units and 1 A3 unit and louvered extract vents – Refused.

Q0223.12 – Discharge of conditions 3, 4, 6, 7, 8 and 9 of P1914.11 – Discharged in part.

P0036.12 – Part change of use from A3 to A3/A5 – Refused.

P1692.11 – Alterations to shop front – Withdrawn.

P1914.11 - Alteration of existing buildings including removal of front canopy, replacement shop fronts and full restoration of front elevation. Extension of existing building to the rear at first floor up to four storeys in height to produce 9 no. 1 and 2 bedroom flats and 4 self-contained office units – Approved with conditions.

P0640.11 - Alterations to shop front and variation of Condition 1 of P0762.00 to extend opening hours from 08.00-03.20 Friday and Saturday and 08.00-02.20 all other days, to 08.00-04.30 Thursday to Saturday and 08.00-03.30 Sunday to Wednesday – Refused.

P1364.10 - Variation of condition 1 of P0762.00 for the permanent retention of opening hours 0800 to 0320 (the following morning) on Fridays and Saturdays, and 0800 to 0220 on all other days- Approved.

A0088.09 - 3 No. illuminated fascia signs and 4 No. menu cases – Approved.

P1104.09 - Variation of Condition 1 of planning permission P0762.00 to allow hours of opening 08:00 to 03:20 Friday and Saturday the following morning – Approved.

P0175.09 - Variation of Condition 1 of planning permission P0762.00 to extend opening hours from 08:00-02.20 every day - Approved.

P1407.97- Change of use to a Brannigans live entertainment venue together with additional building at first floor – Approved.

4. Consultations/Representations:

- 4.1 The occupiers of 48 neighbouring properties were notified of this proposal. No letters of representation have been received.

- 4.2 The Fire Brigade is satisfied with the proposals. No additional fire hydrants are required. Due to the design of the flats, two fire mains may be required.
- 4.3 Environmental Health – Recommend eight conditions if minded to grant planning permission.
- 4.4 The Highway Authority has no objections to the proposals and recommends one condition and three informatives if minded to grant planning permission. It is requested that a Section 106 Legal Agreement is secured to prevent any residential occupiers from obtaining residents parking permits for any existing or future controlled parking zones or residents' parking schemes within the area. There is proposed refuse, cycle storage and secondary pedestrian access from Exchange Street. No objections, are raised to this although Highways note that the footway is extremely narrow at this location and may not be accessible for some users. In respect of the junction of Exchange Street/Arcade Place, it is proposed to open up the Arcade Place aspect to the site to create the new commercial unit. The drawings apparently show footway widening and should be discussed with Highways as it appears some small areas are adoptable. In any case, there are potential interface issues with the highway which are likely to require a licence or agreement with the Council to facilitate.
- 4.5 Thames Water – Recommend a condition regarding piling if minded to grant planning permission.
- 4.6 Designing Out Crime Officer – Recommend a condition and an informative if minded to grant planning permission.
- 4.7 StreetCare Department – There is good access via Exchange Street. The doors on the bin stores need to be adequately wide enough for easy removal and return of the bins, preferably 2m with a drop kerb. The residential bin store needs to be able to hold a minimum of 4 x 1100 litre bins, three for refuse plus one for recycling. The commercial bin store would need to hold a similar amount.
- 4.8 Essex & Suffolk Water – No objection to the conversion of the property to form separate residential flats together with cafes and A1/A2 units subject to compliance with requirements. Consent is given to this development on the condition that a new metered water connection is made onto the Company's network for each new dwelling.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC4 (Conversions to residential and subdivision of residential uses), DC6 (Affordable housing), DC7 (Lifetime homes and mobility housing), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36

(Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC67 (Buildings of heritage interest) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Heritage SPD, the shopfront SPD and the Planning Obligations Supplementary Planning Document.

- 5.2 Policies ROM8 (Day and evening economy), ROM10 (Retail Core), ROM14 (Housing supply), ROM15 (Family accommodation) and ROM20 (Urban design) of the Romford Area Action Plan are relevant.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes) and 3.13 (Affordable housing thresholds), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant in addition to the Use of Planning Obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy Supplementary Planning Guidance.
- 5.4 The National Planning Policy Framework is a material planning consideration.

6. Staff Comments:

- 6.1 This proposal follows a previous application P0484.13 for a ground floor side extension, alteration of existing buildings including removal of front canopy, replacement shop fronts and full restoration of front elevation. Partial demolition and extension of existing building to the rear at first floor up to 5 storey's in height to produce 29 residential studio, one and two bed flats and 2 flexible A1/A2/A3 units and 1 A3 unit and louvered extract vents, which was refused on 5th December 2013 for the following reasons:

1) The height, scale, bulk and mass of the six storey block would appear overbearing, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy ROM19 of the Romford Area Action Plan and Policies DC61 and DC66 of the LDF.

2) The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through open plan living and bedroom space, lack of privacy, overlooking, poor outlook and light, noise and restricted internal areas contrary to Policies DC3, DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.

3) In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

4) The proposed development makes no provision for affordable housing contrary to Policy DC6 of the LDF and Policies 3.12 and 3.13 of the London Plan.

6.2 The current application differs from the refused scheme in the following key areas:

- The extension to the existing building has been reduced from six to five storeys in height.
- The number of flats has been reduced from 29 to 22.
- The previous application (for 29 flats) included 7 studio flats, which have been deleted from this current proposal.
- An Affordable Housing Statement has been submitted.
- A revised noise assessment has been submitted.
- The internal layout of the flats and the amenity space provision have changed.

6.3 The issues for consideration in this case are the principle of development, density, layout, design and restoration of the locally listed building, impact upon residential amenity, highway and parking.

6.2 Principle of Development

6.2.1 The development proposes a mixture of commercial and residential accommodation. The site lies within Romford Town Centre, where ROM14 of the Romford Area Action Plan acknowledges a general presumption in favour of housing provision within the town centre. ROM15 states that there is a need within the urban part of the Romford PTAL zone for development to include family accommodation incorporating two or more bedrooms, or provision of family accommodation at ground floor level with enclosed private amenity space within a flat or maisonette development.

6.2.2 Policy CP1 indicated that, due to high levels of housing need, it is important to meet the needs for new housing and gives a target for a minimum of 535 homes to be built per year. Policy 3.3 of the London Plan indicates that Havering should have a minimum 10 year target of an additional 9,700 new homes (or 970 per year) to be built on sites which are not designated for other purposes. The principle of residential development on this site is therefore considered acceptable.

6.2.3 Condition 8 of planning application P1407.97 states that the premises shall be used for either A1 or A3 purposes. For this proposal, commercial space would be retained at ground floor and would be for a flexible A1/A2/A3 use with a café to the rear. The premises was previously used for A3 purposes,

therefore, if the two units were to be used for an A3 use, this would not result in any greater material harm to the vitality and viability of Romford town centre. In the event that the units are used for A1 or A2 purposes, Staff consider that this would be more beneficial to the viability of the town centre. The current layout of the facility is not appealing to current retailers, and it is proposed to reconfigure the ground floor to provide two conventionally shaped units which should be more attractive to prospective retailers. Staff consider that this is in line with ROM10 which promotes larger, high quality retail units within South Street.

6.3 Density and site layout

6.3.1 The site is located within a high ranked Public Transport Accessibility Zone (PTAL 5-6). Within this zone, Policy DC2 refers to housing density of between 240-435 dwellings per hectare. The site has an area of 0.1 hectares and the proposal for 22 residential units would have a density of 220 dwellings per hectare, which is below the range, although this is only one part of the assessment.

6.3.2 Policy 3.5 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy DC2 also recommends a mix of housing types. In this instance, a mixture of 1, 2 and 3 bedroom flats are proposed.

6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 seeks that new residential development conforms to minimum internal space standards set out in the plan. Table 3.3 states provides the following standards for flats: 1 person, 37 square metres, 1 bed, 2 person units, 50 square metres. 2 bed, 3 person units, 61 square metres and for 2 bed, 4 person units, 70 square metres. The floor area of the flats is in accordance with the London Plan standards and therefore acceptable.

6.3.3 In respect of amenity space provision, the Council's Residential Design SPD recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. There are no space standards for amenity space, however, all dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. The Residential Design SPD Document states that balconies should be incorporated into all developments and should as a minimum, be 1.5 metres in depth and 5 square metres in overall size to allow adequate space for a table and chairs.

- 6.3.4 A communal courtyard is provided at first floor, this would be landscaped and measure approximately 105 square metres. This courtyard would be set above the main ground floor activity in South Street and screened from surrounding uses. Staff consider that this would provide a secluded high quality communal amenity area, which can be accessed by all flats. Flats 1-10 have a segregated front garden. Flats 6-22 would have private amenity space in the form of balconies, terraces or courtyards. It is considered that the proposed development provides sufficient amenity space provision.
- 6.3.5 In terms of layout policy DC4 states that subdivided or converted residential units should have a safe secure access form the street and decent outlook and aspect. The residential units are accessed from South Street via a new glazed extension which would infill the gap currently taken up by the extended club shop front between the original post office building and adjacent building. There is also a second access for the flats to the rear of the building in Exchange Street. Both the front and rear entrances provide safe and secure access.
- 6.3.6 It is considered that flats 1-5, 8-10, 12-13, 17-18 would have a reasonable outlook and aspect. The internal layout of these flats has changed from the previous submission and as such, Staff consider that the proposal provides a good quality of living accommodation for future occupiers. Flats 6, 7, 11, 14-16, 19-20 and 21-22 would front onto The Brewery buildings, multi-storey car park and access road in Exchange Street. A revised noise assessment has been submitted and reviewed by the Council's Environmental Health Department, which has advised that the proposal can satisfy the council's noise standards with regards to internal noise levels for both bedrooms and living rooms subject to certain conditions if minded to grant planning permission. Notwithstanding this, Staff have some concerns in respect of flats 6, 7, 11, 14- 16, 19-20 and 21-22 regarding the quality of living accommodation for future occupiers by reason of the poor outlook, light and high noise levels given their proximity to the servicing areas of the commercial units at The Brewery and this is a matter of judgement for Members.

6.4 Design/impact on street/Garden scene

6.4.1 The development is formed from three key principles; the first is the restoration of the locally listed South Street facade, the second is the development of a shared internal courtyard and third, the partial demolition and extension of the existing building to the rear at first floor up to four storey's in height facing Exchange Street. Each of these is discussed in turn.

i) Restoration of locally listed South Street facade:

6.4.2 ROM20 of the Romford Area Action Plan states that high quality design-led development will be required. The proposals here include the restoration of the locally listed facade of the former post office. This includes the removal of the projecting canopy, replacement shop fronts; refurbishing or replacing the

timber sash window frames on the front elevation, cleaning and repair of the stone work and brickwork; installation of roof lights into the grey slate roof and general repair of the building.

6.4.3 This is a highly prominent building in the streetscene which, at present, is characterised by unsympathetic alterations. The proposals to renovate and conserve the building facade are welcomed by Staff as this would make a significant positive contribution to the character and appearance of South Street. It would also revitalise a historically important building, worthy of preservation.

6.4.4 Historic photographs reveal that the ground floor was originally arranged with tall slender windows with ornate stone portico. Unfortunately, none of these original details survive. The existing heavy timber shop fronts have a dated appearance and detract from the original proportions of the building. It is proposed to replace these with large glazed frontages within slim powder coated aluminium frames. This would provide the contemporary appearance of a modern town centre retail unit. A stone frame would be installed around the edge of the shop fronts to match the existing stone work. These works, whilst contemporary in nature are considered to be of a high quality which would restore the elegant proportions of the building.

6.4.5 Staff consider that these materials proposed are acceptable, however, samples can be requested via condition if minded to grant planning permission. A method statement for the works to the front of the building can be secured by condition, as it is currently unclear how much repair work is required or what damage to the building has been caused with the installation of the canopy and existing shop fronts.

6.4.6 The removal of the existing shop fronts would include the extension which infills the gap between main building and No. 66 South Street. This would be replaced with a glass fronted extension which would serve as the residential entrance. This has a highly contemporary appearance and it would also allow for the original flank elevations of the post office building to remain visible. This is recessed by a couple of brick courses from the main shop fronts so that it appears a subordinate feature to the building. The contemporary appearance and use of glass would also complement the stone work and glazing within the restored post office building and provide a positive contribution to the appearance of South Street. In public realm terms, Staff consider that the restoration of the building would make a significant improvement to the general appearance of the streetscene and serve as a catalyst for regeneration for improvement works in South Street.

ii) Courtyard

6.4.7 The existing site behind the post office building is filled with a large pitched roof that was added as an extension some years ago. This covers the bar and dance floor areas and is not an original feature, it is also visible across roof tops in Exchange Street and appears to be in a poor condition needing

repair. It is proposed to remove this large area of pitched roof to create a first floor open courtyard. This would not be visible from either South Street or Exchange Street. The courtyard is shown indicatively as being heavily landscaped, similar to a roof garden. There would be timber and zinc cladding to the internal courtyard. This represents a change in style from the traditional facade. These courtyard facing elevations would not be visible from public view points. Staff consider that they are of a high quality contemporary appearance. The timber cladding is also likely to remain in good condition as it would be protected unlike a traditional exposed timber clad facade. This would provide an area of tranquillity and green space in a busy town centre. Samples of all materials and a scheme for the landscape treatment of the courtyard can be secured by condition if minded to grant planning permission. To the southern boundary of the courtyard, three flats would be created on both the first and second floors.

iii) Exchange Street

6.4.8 Turning to the rear of the site, the existing site presently has a collection of extensions and alterations to the building which have an untidy appearance. This is typical of buildings in Exchange Street which have been developed over time. The proposal to construct an A3 unit with flats on the first and second floors would result in a three storey block on the corner of Exchange Street. This three storey extension is shown as being clad in timber and zinc. The areas of timber are punctuated with zinc cladding which breaks up the elevation. It is considered that the contemporary use of materials for this three storey block is acceptable.

6.4.9 The proposal includes the construction of a five storey block facing Exchange Street with retail (A1/A2/A3) accommodation on the ground floor and flats on the upper floors. The extension to the existing building has been reduced from six to five storeys in height and Staff consider that it would integrate satisfactorily with the streetscene.

6.5 Impact on amenity

6.5.1 The existing premises has an authorised use for a bar until 03:20am on Fridays and Saturdays and until 02:20am all other nights. Representations received from the Council's Designing Out Crime Officer state that the site is located with the Romford Town Ward which suffers from significantly higher rates of all types of crime (burglary, criminal damage, drug offences, robbery, theft and handling and violence) than is average for the borough. The proposed development lies in the centre of the main shopping and night life area in Havering and the crime rates are considerably higher than average. Consequently the safety of residents, employees and visitors to the development and the security of the dwellings and commercial units is of considerable importance.

6.5.2 It is considered that the removal of this facility to provide flexible A1/A2/A3 units with residential accommodation above would remove problems which

the site previously created in terms of community safety and help towards reducing the existing concentration of late night establishments in South Street. The premises are currently vacant and it is not considered that the removal of this facility would lead to an adverse impact upon the night time economy of Romford, where there are other numerous restaurants, bars and public houses. There are numerous residential units in close proximity to the application site. Staff consider that the removal of the existing authorised late night use would result in an improvement of residential amenity.

- 6.5.3 The site would have a mixed use, incorporating A1/A2/A3 use at ground floor and residential on the first to fifth floors. Exchange Street serves as a servicing and access road for both South Street and the Brewery development. This street regularly has large delivery vehicles parked and air conditioning units and ventilation equipment fronting onto it and as such has high ambient noise levels. A revised noise assessment has been submitted and reviewed by the Council's Environmental Health Department, which has advised that the proposal can satisfy the council's noise standards with regards to internal noise levels for both bedrooms and living rooms subject to certain conditions if minded to grant planning permission. Notwithstanding this, Staff have some concerns regarding the quality of living accommodation for future occupiers for flats 6, 7, 11, 14- 16, 19-20 and 21-22 by reason of the poor outlook, light and high noise levels given their proximity to the servicing areas of the commercial units at The Brewery and this is a matter of judgement for Members.
- 6.5.4 Given this is a town centre location, ambient noise levels will naturally be higher than other locations, although staff consider that the screened first floor courtyard would provide an area of relative seclusion and quiet away from the activity from surrounding uses.
- 6.5.5 The opening hours for the flexible A1/A2/A3 use and café to the rear of the site are proposed to be between 08:00 and 24:00 on any day. Given that the site is located within Romford town centre, Staff consider these opening hours to be acceptable and they can be secured by condition if minded to grant planning permission.
- 6.5.6 The flats in the five storey block would have views over Exchange Street, which has several rear accesses to residential units in South Street. There would be no direct overlooking of other properties in this instance and this raises no objection from Staff.
- 6.5.7 Environmental Health has recommended conditions regarding sound insulation and the transmission of noise from any new plant, machinery and equipment to ensure that this equipment does not result in noise nuisance.

6.6 Highway/parking issues

- 6.6.1 The site has a PTAL level of 5-6 in an urban setting, where in this locality a parking level of less than 1 space per unit should be provided. This is echoed in the London Plan, where Policy 6.13 encourages parking of less than 1 space per unit for flatted developments. The proposed development would provide no off street parking for the A1/A2/A3 units, café or the residential accommodation. Staff consider that a car free scheme would be acceptable in this location, provided the ability to prevent any residential occupiers from obtaining residents parking permits for any existing or future controlled parking zones or residents' parking schemes within the area is removed, with the exception of blue badge holders. This can be secured by a legal agreement if minded to grant planning permission.
- 6.6.2 On street car parking is controlled in this location and across the town centre, and it is considered that there would be no significant additional demand for on street parking given the level of surrounding provision available, which is listed as follows: Liberty Centre – 850 spaces, The Mall – 996 spaces, Brewery multi storey and surface – 1406 combined spaces, Angel Way – 500 spaces and the Town Hall – 61 spaces.
- 6.6.3 There are 30 cycle spaces on the ground floor, which are accessed from Exchange Street and there are 8 cycle spaces on the first floor. Cycles would need to be brought to the first floor using the stairs or lifts. Staff consider the arrangement to be acceptable, but require further details by condition.
- 6.6.4 The A1/A2/A3 units would be serviced from Exchange Street. This raises no objection, as this is a servicing road which serves adjacent units in South Street and the Brewery development opposite. The residential units are allocated an area for refuse and recycling storage off the communal entrance to the rear of the ground floor. Refuse stores have also been provided for the retail units adjacent to Exchange Street. All refuse will be collected from Exchange Street. A condition can be placed regarding a refuse management plan if minded to grant planning permission.

7. Lifetime homes and mobility housing

- 7.1 Policy DC7 states that 10% of all new homes on sites of 15 or more dwellings and on residential sites of 0.5 hectares or more irrespective of the number of dwellings must be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Flats 4 and 5 are fully wheelchair accessible, meeting the 10% requirement and Flats 6, 19, 24 and 28 are capable of adaption to wheelchair use.

8. The Mayor's Community Infrastructure Levy

- 8.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. It is also liable for a Crossrail contribution under the terms of the Mayor's Crossrail

SPD April 2013 as it lies within 1km of Romford Station. The Mayor's Crossrail SPD applies to retail, office and hotel development. The retail development of the proposal would be subject to the Mayor's Crossrail SPD. As the retail element would be significantly less than the residential element of the proposal, the Community Infrastructure Levy would result in a greater payment.

- 8.2 The existing building has been in use as a nightclub (with ancillary areas) during six of the last 36 months prior to this application being determined. Therefore, 393 square metres of the gross internal floor space of the building that is being demolished can be deducted from the gross internal floor area of the proposed development. 62 and 1462 square metres of gross internal floor space is proposed for the A3 café and the proposed flats respectively, which cumulatively totals 1524 square metres. $1524 - 393 = 1131$ square metres. On this basis, CIL would be payable at £22,620 (subject to indexation), $£20\text{sq.m} \times 1131 = £22,620$.

9. **Affordable Housing**

- 9.1 Policy DC6 states that in determining planning applications for private residential schemes, including sheltered housing, the Council will seek the maximum reasonable amount of affordable housing having regard to the borough wide target and tenure split of 70:30 between social housing and immediate forms. This will apply on sites with a capacity to accommodate 10 or more dwellings and on residential sites of 0.5 hectares or more irrespective of the number of dwellings. In this instance, the proposal does not make any provision for any affordable housing, which is contrary to Policy DC6 of the LDF and London Plan Policies 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes) and 3.13 (Affordable housing thresholds). The agent has submitted an Affordable Housing Statement, which has been independently assessed. The independent assessment has ascertained that the viability of providing affordable housing is currently marginal, but is likely to improve in the near future. The agent has agreed to sign a legal agreement that the viability be reassessed at the time of commencement and any affordable housing be provided based on the revised viability assessment to a maximum of 50% (if minded to grant planning permission), which is acceptable.

10. **Planning Obligations**

- 10.1 A Section 106 Legal Agreement is required to secure a financial contribution of £132,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

11. **Conclusion**

- 11.1 Staff consider the site to be acceptable in principle for a ground floor side extension, alteration of existing buildings including removal of the front

canopy, replacement shop fronts and full restoration of front elevation along with partial demolition and extension of existing building at first floor up to 4 storey's in height to produce of 22 residential units with a cafe (A3) to the rear and louvered extract vents. It is considered that the siting, design and scale of the proposal is compatible with the prevailing scale and character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. Staff have some concerns regarding the quality of living accommodation for future occupiers for flats 6, 7, 11, 14- 16, 19-20 and 21-22 by reason of the poor outlook, light and high noise levels given their proximity to the servicing areas of the commercial units at The Brewery and this is a matter of judgement for Members. The proposal is judged to be acceptable in respect of potential impact on adjacent residential properties subject to the imposition of planning conditions. There would be a financial contribution of £132,000 towards infrastructure improvements. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The scheme includes wheelchair accessible units and is designed to Lifetime Homes standards.

BACKGROUND PAPERS

Application forms and plans received 16/09/2014.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

29 January 2015

Subject Heading:

L0014.14 – Langtons House, Billet Lane, Hornchurch – Listed Building consent for new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage (received 5/11/14)

Ward

Saint Andrews

Report Author and contact details:

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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

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

SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal relates to Langtons House, a Grade II listed 18th century house and public gardens located in Billet Lane, Hornchurch. Listed building consent is sought for new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage.

In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the application is therefore recommended, subject to conditions. The application will require referral to the Secretary of State for determination.

RECOMMENDATIONS

It is recommended that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval below be considered in respect of such consent:

1. Time Limit - 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 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice.

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

3. Surface materials – The surface materials to the stable yard and to the immediate context of Langtons House shall be constructed in accordance with the paver laying document and the Design & Access Statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character and appearance of the Listed Building and its setting and comply with Policies DC61 and DC67 of the Development Control Policies Development Plan Document.

INFORMATIVES

1. 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 This proposal relates to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Hornchurch. The site is located in the Langtons Conservation Area. There are residential properties on the majority of the perimeter of the site. There is vehicular access to the site from Billet Lane. Langtons House is owned and managed by the London Borough of Havering. The buildings and gardens are used as a public park and wedding venue.

2. **Description of development:**

- 2.1 Listed building consent is sought for new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage.
- 2.2 The additional works to the Billet Lane pedestrian entrance relate to the replacement of the new bricks at the top of the existing wall. The pathways on the existing site will be resurfaced with Breedon gravel. Staffordshire blue pavers are proposed in the Stable Yard. Proposed paving on pedestrian footpaths and steps along the House will be conservation paving in a buff colour. At the eastern end of the Stable Block, there is an original entrance through to the wooded area at the back of the building, which has since been bricked up. The proposal involves reopening this closed doorway. There would be a new ramped approach to the south door of Langtons House to allow for wheelchair and buggy use.

- 2.3 All lighting throughout the scheme will be of heritage design and style, except for those located in the maintenance yard. These however, will still be in keeping with the nature of the area and will be wall mounted. The two existing heritage driveway light columns will be restored and additional columns have been sourced to match these. Lighting of the Stable Yard will be a mixture of both wall mounted and column heritage lights – both Windsor lamps. Column mounted Windsor heritage lights have been used for the car park and quantities have been kept to a minimum.
- 2.4 The new furniture will create rest places at both suitable locations and locations which maximise views. Additional seating and bins will be provided. Existing benches will be used around Langton's House with the use of modern furniture limited only to Fielder's Field. Entrance signage will offer a map and brief introduction to the park and its historical context. Interpretation signage has been located at key intervals highlighting elements of significance. Signage for the Billet Lane entrance will be bespoke to Langtons Gardens and will be wall fixed within recesses in the proposed walls.

3. **Relevant History:**

- 3.1 P1536.14 - New surface materials to Stable Yard; Additional works to the Billet Lane pedestrian entrance; Changes to surface materials to immediate context to Langtons House including new ramp to south elevation door; new hard surfaces within the Gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture; new park signage – to be determined.

P0486.14 - Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath house. New door access to Billet Lane – Withdrawn.

P0485.14 – Proposals for demolition of the existing stores. Existing garage converted into café with external alterations. Repairs and reroofing to the Orangery. Works to existing bothies. New openings in garden wall – Approved.

L0008.14 - New lighting to be positioned within the confines of Langtons Gardens – Withdrawn.

L0005.14 - Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath house. New door access to Billet Lane – Approved.

L0004.14 – Proposals for demolition of existing stores and replacing new public toilets and bin store. Existing garage converted into a café. Repairs and reroofing to Orangery, works to existing bothies, new workshop, new greenhouse and new openings in garden wall – Approved.

L0009.08 – Listed Building Consent for internal alterations including removal of partitions and installation of air conditioning units and general refurbishment and decoration – Approved.

4. Consultations/Representations:

- 4.1 The application has been advertised in a local newspaper and by way of a site notice, as the proposal relates to a listed building and the site is located in the Langtons Conservation Area. The occupiers of 100 neighbouring properties were notified of this proposal. Twelve letters of objection were received (three of which were from the same address) with detailed comments that have been summarised as follows:
- Concerns regarding the expansion of the existing car park in Langtons Gardens into Fielder's Sports Field.
 - The size and vehicular use of the pathway being created, multiple entrances and covenants regarding Fielder's sports field.
 - Removal of trees.
 - Queried the proximity of the proposed car park entrance to the café, pedestrian and highway safety and associated traffic.
 - There is sufficient parking available at the Queen's Theatre car park and in Keswick Avenue.
 - Concerns regarding the pathway that is to be installed around Fielder's Field for wheelchair access and its impact on trees, the cricket boundaries and the field.
 - Anti-social behaviour and security.
 - Traffic.
 - Loss of public amenity.
 - Increase in on street parking.
 - It is alleged that some residents have been misinformed by Council staff following the original public consultation regarding the plans for Langtons and information has been withheld.
 - Concerns that the cricket pitch field will be redeveloped.
 - Concerns regarding the café, including litter, graffiti and alcohol.
- 4.2 In response to the above comments, the café has been approved under applications L0004.14 and P0485.14. The proposal does not involve redeveloping the cricket pitch field. Covenants are not material planning considerations. At present, the staff park in the stable yard. Whilst the plans show an area of new car parking and footpaths these do not form part of this application as they are intended to be undertaken as permitted development. No trees subject to Tree Preservation Orders have been removed. The remaining issues will be addressed in the following sections of this report.
- 4.3 The Highways Authority has no objection to the proposals.
- 4.4 English Heritage – This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 4.5 The Council's Heritage Officer was consulted and provided the following comments:

- Langtons House is a Grade II listed building, set within the Langtons Conservation Area. This application is for works to the stable yard, outbuildings and gardens of Langtons House which are part of wider scheme to restore the complex of buildings and gardens funded by the Heritage Lottery Fund. The proposed changes to the hard landscaping of the stable yard are considered to be a positive enhancement to the setting of the listed building. The proposed new layout of the stable yard improves the legibility of the space, and the proposed materials are emotive of the historic use as a stable yard.
- The proposed lighting scheme is also considered acceptable; the proposed lamps and standards, are visually very similar to the original lamp columns on the driveway approach to the house, and therefore the addition of new lamp standards where necessary keeps a sense of cohesion and supports the existing character of the area. The contemporary style lamps are also considered acceptable, as these are placed on the modern structures, or where lower level lighting is necessary. As such they would not detract from the appearance of the heritage assets, or the character of the conservation area.
- The proposals to reinstate the blind opening within the wall to the north of the stable block, and the closure of an existing opening which is blocked by the trading standards building is considered a positive change to the heritage asset. The existing opening appears incongruous and unattractive, therefore its closure using timber panelling to appear like a closed gate is a positive alteration which is in character with its position between the stable yard and the orchard. The proposed opening is acceptable, which utilised the existing historic fabric to improve permeability around the site. The proposed gate is acceptable as it is an authentic replica of a traditional garden gate.
- The proposed new pedestrian gate onto Billet Lane is considered acceptable; the location of the gate would improve access and legibility into the site as a public space and the proposed gates are considered an appropriate design. The proposal to replace inappropriate bricks to the top courses of the existing wall is also seen as an enhancement to the curtilage structure, however, it should be conditioned that brick samples are submitted for approval to ensure they match the existing in colour and texture.
- The proposed signage boards are all acceptable; they will allow increased understanding of the site, without detracting from the setting of the heritage assets or the conservation area.
- As such, it is recommended that the application is approved; the proposed works will positively enhance the designated heritage assets, their setting and the character and appearance of the Langtons Conservation Area.

5. **Relevant policies:**

- 5.1 Policies CP18 (Heritage), DC18 (Protection of public open space, recreation, sports and leisure facilities), DC61 (Urban Design), DC67 (Buildings of

Heritage Interest) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Langtons Conservation Area Character Appraisal.

5.2 Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan are relevant.

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

6. **Staff Comments**

6.1 The main issues in this case are the impact of the proposed alterations on the appearance and historic character of the Listed Building and the Langtons Conservation Area.

7. **Listed Building Implications**

7.1 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 the National Planning Policy Framework 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.

7.2 The proposal is judged by the Council's Heritage Officer to be both justified and acceptable. It is considered that the overall scheme at Langtons House will have a positive impact on both the listed structures and their settings, and will vastly improve public access and enjoyment of the historic site and would enhance the character and appearance of the Langtons Conservation Area. The proposal is therefore considered to be acceptable and to accord with both national and local planning policies. Subject to no contrary direction from the Secretary of State it is recommended that listed building consent be granted.

8. **Conclusion**

8.1 Having regard to all relevant factors, Staff are of the view that this proposal would be acceptable. It is considered that the overall scheme at Langtons House will have a positive impact on both the listed structures and their settings, and will vastly improve public access and enjoyment of the historic site and would enhance the character and appearance of the Langtons Conservation Area. For the reasons set out in the report, Staff consider that a grant of Listed Building Consent can be given subject to referral to the Secretary of State. Local Authorities within London do not have delegated powers to grant Listed Building Consent on authority owned buildings.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 5/11/2014.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

29 January 2015

Subject Heading:

P1536.14 – Langtons House, Billet Lane, Hornchurch – Proposals for the new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage (received 5/11/14)

Ward

St Andrews

Report Author and contact details:

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01708 432755

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

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

SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal relates to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Hornchurch. Planning permission is sought for new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage.

In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. Approval of the application is therefore recommended, subject to conditions.

RECOMMENDATIONS

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

1. Time Limit - 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 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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.

INFORMATIVES

1. 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 This proposal relates to Langtons House, a Council owned, Grade II listed 18th century house and public gardens located in Billet Lane, Hornchurch. The site is located in the Langtons Conservation Area. There are residential properties on the majority of the perimeter of the site. There is vehicular access to the site from Billet Lane. Langtons House is owned and managed by the London Borough of Havering. The buildings and gardens are used as a public park and wedding venue.

2. **Description of development:**

- 2.1 Planning permission is sought for new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage.
- 2.2 The additional works to the Billet Lane pedestrian entrance relate to the replacement of the new bricks at the top of the existing wall. The pathways on the existing site will be resurfaced with Breendon gravel. Staffordshire blue pavers are proposed in the Stable Yard. Proposed paving on pedestrian footpaths and steps along the House will be conservation paving in a buff colour. At the eastern end of the Stable Block, there is an original entrance through to the wooded area at the back of the building, which has since been bricked up. The proposal involves reopening this closed doorway. There would be a new ramped approach to the south door of Langtons House to allow for wheelchair and buggy use.
- 2.3 All lighting throughout the scheme will be of heritage design and style, except for those located in the maintenance yard. These however, will still be in keeping with the nature of the area and will be wall mounted. The two existing heritage driveway light columns will be restored and additional columns have been sourced to match these. Lighting of the Stable Yard will be a mixture of both wall mounted and column heritage lights – both Windsor lamps. Column mounted Windsor heritage lights have been used for the car park and quantities have been kept to a minimum.
- 2.4 The new furniture will create rest places at both suitable locations and locations which maximise views. Additional seating and bins will be provided. Existing benches will be used around Langton's House with the use of modern furniture limited only to Fielder's Field. Entrance signage will offer a map and brief introduction to the park and its historical context. Interpretation signage has been located at key intervals highlighting elements of significance.

Signage for the Billet Lane entrance will be bespoke to Langtons Gardens and will be wall fixed within recesses in the proposed walls.

3. **Relevant History:**

3.1 L0014.14 - New surface materials to Stable Yard; Additional works to the Billet Lane pedestrian entrance; Changes to surface materials to immediate context to Langtons House including new ramp to south elevation door; new hard surfaces within the Gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture; new park signage- To be determined.

P0486.14 - Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath house. New door access to Billet Lane – Withdrawn.

P0485.14 – Proposals for demolition of the existing stores. Existing garage converted into café with external alterations. Repairs and reroofing to the Orangery. Works to existing bothies. New openings in garden wall – Approved.

L0008.14 - New lighting to be positioned within the confines of Langtons Gardens – Withdrawn.

L0005.14 - Proposals for demolition of existing toilet block, repairs to walls and repairs and refurbishment to Bath house. New door access to Billet Lane – Approved.

L0004.14 – Proposals for demolition of existing stores and replacing new public toilets and bin store. Existing garage converted into a café. Repairs and reroofing to Orangery, works to existing bothies, new workshop, new greenhouse and new openings in garden wall – Approved.

L0009.08 – Listed Building Consent for internal alterations including removal of partitions and installation of air conditioning units and general refurbishment and decoration – Approved.

4. **Consultations/Representations:**

4.1 The application has been advertised in a local newspaper and by way of a site notice, as the proposal relates to a listed building and the site is located in the Langtons Conservation Area. The occupiers of 99 neighbouring properties were notified of this proposal. Nineteen letters of objection were received with detailed comments that have been summarised as follows:

- Concerns regarding the expansion of the existing car park in Langtons Gardens into Fielder's Sports Field.
- The size and vehicular use of the pathway being created, multiple entrances and covenants regarding Fielder's sports field.
- Removal of trees.
- Queried the proximity of the proposed car park entrance to the café, pedestrian and highway safety and associated traffic.

- There is sufficient parking available at the Queen's Theatre car park and in Keswick Avenue.
- Concerns regarding the pathway that is to be installed around Fielder's Field for wheelchair access and its impact on trees, the cricket boundaries and the field.
- Anti-social behaviour and security.
- Traffic.
- Loss of public amenity.
- Increase in on street parking.
- It is alleged that some residents have been misinformed by Council staff following the original public consultation regarding the plans for Langtons and information has been withheld.
- Concerns that the cricket pitch field will be redeveloped.
- Concerns regarding the café, including litter, graffiti and alcohol.

4.2 In response to the above comments, the café has been approved under applications L0004.14 and P0485.14. The proposal does not involve redeveloping the cricket pitch field. Covenants are not public law considerations and are not of themselves material planning considerations. Covenants can affect whether a planning permission can be implemented but do not constitute a material planning consideration is determining the application. At present, the staff park is in the stable yard. Whilst the plans show an area of new car parking and footpaths these do not form part of this application as they are intended to be undertaken as permitted development. Under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) planning permission under Part III of the Town and Country Planning Act 1990 is granted for various development under permitted development. No trees subject to Tree Preservation Orders have been removed. The remaining issues will be addressed in the following sections of this report.

4.3 The Highways Authority has no objection to the proposals.

4.4 English Heritage – In view of the limited ground works involved in the scheme, there is no need for archaeological intervention through the planning system in this case.

4.5 The Council's Heritage Officer was consulted and provided the following comments:

- Langtons House is a Grade II listed building, set within the Langtons Conservation Area. This application is for works to the stable yard, outbuildings and gardens of Langtons House which are part of a wider scheme to restore the complex of buildings and gardens funded by the Heritage Lottery Fund. The proposed changes to the hard landscaping of the stable yard are considered to be a positive enhancement to the setting of the listed building. The proposed new layout of the stable yard improves the legibility of the space, and the proposed materials are emotive of the historic use as a stable yard.

- The proposed lighting scheme is also considered acceptable; the proposed lamps and standards, are visually very similar to the original lamp

columns on the driveway approach to the house, and therefore the addition of new lamp standards where necessary keeps a sense of cohesion and supports the existing character of the area. The contemporary style lamps are also considered acceptable, as these are placed on the modern structures, or where lower level lighting is necessary. As such they would not detract from the appearance of the heritage assets, or the character of the conservation area.

- The proposals to reinstate the blind opening within the wall to the north of the stable block, and the closure of an existing opening which is blocked by the trading standards building is considered a positive change to the heritage asset. The existing opening appears incongruous and unattractive, therefore its closure using timber panelling to appear like a closed gate is a positive alteration which is in character with its position between the stable yard and the orchard. The proposed opening is acceptable, which utilised the existing historic fabric to improve permeability around the site. The proposed gate is acceptable as it is an authentic replica of a traditional garden gate.

- The proposed new pedestrian gate onto Billet Lane is considered acceptable; the location of the gate would improve access and legibility into the site as a public space and the proposed gates are considered an appropriate design. The proposal to replace inappropriate bricks to the top courses of the existing wall is also seen as an enhancement to the curtilage structure, however, it should be conditioned that brick samples are submitted for approval to ensure they match the existing in colour and texture.

- The proposed signage boards are all acceptable; they will allow increased understanding of the site, without detracting from the setting of the heritage assets or the conservation area.

- As such, it is recommended that the application is approved; the proposed works will positively enhance the designated heritage assets, their setting and the character and appearance of the Langtons Conservation Area.

5. **Relevant policies:**

5.1 Policies CP18 (Heritage), DC18 (Protection of public open space, recreation, sports and leisure facilities), DC61 (Urban Design), DC67 (Buildings of Heritage Interest) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Langtons Conservation Area Character Appraisal.

5.2 Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan are relevant.

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

6. **Staff Comments**

- 6.1 This proposal is put before the Committee owing to the site being Council owned and objections being received. The issues arising in respect of this application are the impact on the Langtons Conservation Area, the streetscene, amenity issues and parking and highways implications.

7. Conservation Area

- 7.1 Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where: it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area, it preserves or enhances the character of the Conservation Area and is well designed and it does not involve the loss of trees which contribute towards the character of the Conservation Area.
- 7.2 The proposal is judged by the Council's Heritage Officer to be both justified and acceptable. It is considered that the overall scheme at Langtons House will have a positive impact on both the listed structures and their settings, and will vastly improve public access and enjoyment of the historic site and would enhance the character and appearance of the Langtons Conservation Area. The proposal is therefore considered to be acceptable and to accord with both national and local planning policies.

8. Design/impact on street/Garden scene

- 8.1 It is considered that the new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage would not adversely affect the streetscene, as they would be contained within the grounds of Langtons House. Staff consider that the new surface materials to the stable yard and around Langtons House would not be directly visible in the streetscene, they would be located approximately 85 metres from the entrance to the site in Billet Lane. The works to the Billet Lane pedestrian entrance would not adversely affect the streetscene, as the wall is set back approximately 31 metres from Billet Lane. Staff consider that the proposed works will positively enhance the designated heritage assets, their setting and the character and appearance of the Langtons Conservation Area.

9. Impact on amenity

- 9.1 It is considered that the new surface materials to the stable yard; additional works to the Billet Lane pedestrian entrance; changes to the surface materials to immediate context to Langtons House including a new ramp to south elevation door; new hard surfaces within the gardens to paths; reopened entrance to brick wall adjoining stable block; new external lighting; new park furniture and new park signage would not result in material harm to neighbouring amenity, as the proposal would be contained within the grounds

of Langtons House and as such, are well separated from neighbouring properties.

10. **Highway/parking issues**

10.1 At present, the staff park in the stable yard. The new car park will allow these cars to be removed out of the stable yard to create a more pedestrian friendly environment for the users of the toilets and the café, which also creates a more appropriate historical setting relating to the surrounding listed buildings. It is intended that a replacement parking area would be constructed under permitted development rights, which does not form part of this planning application. The site has existing car parking provision, which is sufficient and there are other car parks in the vicinity of the site. The Council's Highway Authority has no objection to the proposal.

11. **Mayoral CIL**

11.1 The application is not liable to Mayoral CIL.

12. **Conclusion**

12.1 Having regard to all relevant factors, Staff are of the view that this proposal would be acceptable. It is considered that the overall scheme at Langtons House will have a positive impact on both the listed structures and their settings, and will vastly improve public access and enjoyment of the historic site and would enhance the character and appearance of the Langtons Conservation Area. Staff are of the view that the proposal is acceptable, would not adversely impact on the streetscene or result in a significant loss of amenity to neighbouring occupiers. It is considered that the proposal would not create any adverse highway or parking issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its merits independently of the Council's interest as applicant and owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposals will provide enhanced facilities for members of the public visiting the site, facilitating wider use by the community.

BACKGROUND PAPERS

Application forms and plans received 5/11/2014.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

29 January 2015

Subject Heading:

P1054.13 - Land north of 8 Jackson Close, Hornchurch - The erection of 6 no. dwellings (received 21/08/13, revisions received on 10/12/13, 03/12/14 and 22/12/14)

Ward:

Squirrels Heath

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
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01708 433100

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

SUMMARY

This application relates to Council owned undeveloped land. The application proposes the erection of 6 no. 4 bed dwellings. Staff consider the proposal to be

acceptable. The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 137.5m² per dwelling and amounts to £16,500.

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 £36,000 to be used towards infrastructure costs associated with the development in accordance with the Planning obligation SPD.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 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. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 12 no. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Materials: 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.

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

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

6. Landscape Belt: Before the building(s) hereby permitted is first occupied, provision shall be made for a Landscaping belt adjacent the A127 as per the specifications stated on drawing 8930-1000 Revision L. 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.

7. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the submitted and approved plans,) 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.

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

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

9. Hours of construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

10. Construction Method Statement: 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.

11. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed 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.

12. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously

have been submitted to and agreed in writing by the Local Planning Authority.

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

14. Air quality assessment: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
- a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
 - b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
 - c) The air quality assessment shall predict air quality with the development in place (with development).
 - d) The air quality assessment should also consider the following information:
 - A description containing information relevant to the air quality assessment.
 - The policy context for the assessment- national, regional and local policies should be taken into account.
 - Description of the relevant air quality standards and objectives.
 - The basis for determining the significance of impacts.
 - Details of assessment methods.
 - Model verification.
 - Identification of sensitive locations.
 - Description of baseline conditions.
 - Assessment of impacts.
 - Description of the construction and demolition phase, impacts/mitigation.
 - Mitigation measures.
 - Assessment of energy centres, stack heights and emissions.
 - Summary of the assessment of results.

For further guidance see the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

15. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D

and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions, roof alterations or outbuildings shall take place for Plot 6 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.

16. Permitted Development rights: Notwithstanding the provisions of Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order) (as amended) (or any order revoking and re-enacting that Order with or without modification) no extensions shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

17. Screen fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

18. Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

Reason: In the interest of residential amenity.

19. Vehicle cleansing: Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site 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.

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

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 the Development Control Policies Development Plan Document Policies DC61 and DC32.

20. Levels: Prior to the commencement of the development details of the existing and proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

21. Sound insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

22. Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Rd upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise.

INFORMATIVES

1. Fee Informative:

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. 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.

3. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.

4. The developer, their representatives and contractors are advised that planning permission 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.

5. The applicant 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.
6. With regards to surface water drainage 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 it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. In aiming to satisfy condition 12 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
8. 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.

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 825m² which, at £20 per m², equates to a Mayoral CIL payment of £16,500 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is an empty piece of land which is located at the end of Jackson Close, abutting the A127 to the northeast, allotment gardens to the northwest, residential dwellings to the southwest and The Campion School to the southeast. The ground increases gradually in height from southwest to northeast. The site has an overall area of approximately 2515m².

- 1.2 Residential development in the vicinity is characterised by 2-storey residential dwellings which have a brick finish.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 6 no. dwellings with associated parking and amenity. The proposed dwellings would consist of 3 no. semi-detached pairs which could be seen as an extension of the properties along Jackson Close. The proposed dwellings would have a staggered front building line with the first semi-detached pair set back approximately 2.2m from the front building line of No. 8 Jackson Close and the remaining pairs set back approximately 4.4m and 2.3m respectively from the front building line of that of the preceding semi-detached pair.
- 2.2 The dwellings would measure 22m in width and 21.5m in depth. They would each have a gable ended dual pitched roof and would measure 5.5m to the eaves and 9.7m to the ridge height. The dwellings would be located towards the middle of the site and will be set approximately 3m off the closest boundary.
- 2.3 The proposed dwellings would consist of a kitchen/dining room, living room and wc at ground floor; three bedrooms, a bathroom and an en-suite bathroom at first floor and a bedroom and en-suite bathroom in the loft space.
- 2.4 There would be a bin collection point along the access road, approximately 35m from the front of the furthest proposed dwelling and 16m from the edge of the highway.
- 2.5 The development proposes an extension of Jackson Close in order to provide access to the new dwellings. Parking provision for 12 vehicles, 2 for each dwelling, would be provided on a hardstanding to the front of the proposed dwellings.
- 2.6 The dwellings would have a northwest-southeast orientation with garden spaces towards the rear (southeast), measuring approximately 228m² for plot 1, 186m² for plot 2, 182m² for plot 3, 165m² for plot 4, 179m² for plot 5 and 187m² for plot 6.

3. History

- 3.1 No recent, relevant planning history.

4. Consultation/Representations

- 4.1 Notification letters were sent to 13 neighbouring properties and 5 letters of objections were received (2 of which are from the same person) raising the following concerns:

- Not enough parking in Jackson Close

- Disruption and noise during construction period
 - Road not wide enough for construction vehicles
 - Highway safety concerns
 - Possibility of parking in the close would restrict access to emergency vehicles.
- 4.2 The Council's Environmental Health Service requested a full air quality assessment, road noise assessment, sound insulation and construction hours conditions.
- 4.3 The Highway Authority has raised no objection to the proposal.
- 4.4 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.5 The London Fire and Emergency Planning Authority have raised no objection to the proposal provided that the parking facility to the front of plot 6 is enlarged to form a turning head for a pump appliance and indicated as a no parking area.
- 4.6 Transport for London has not raised an objection to the proposal however they have suggested that the Local Authority consider whether the level of sound insulation and mitigation of air pollution proposed is appropriate to ensure an acceptable level of amenity for future residents.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered

by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 *Principle of Development*

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 113m² for a 4-bed 6-person dwelling. The proposed dwellings have individual internal floor space of 137.5m² which is in line with the recommended guidance and considered acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 *Site Layout / Amenity Space*

6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 Amenity space would mainly be provided with garden spaces towards the rear (southeast), measuring approximately with garden spaces towards the rear (southeast), measuring approximately 228m² for plot 1, 186m² for plot 2, 182m² for plot 3, 165m² for plot 4, 179m² for plot 5 and 187m² for plot 6. The site currently has screen fencing around its boundaries however, fencing can be required by means of a planning condition to those boundaries that do not have appropriate fencing.

6.3.3 Amenity provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not

detract from the surrounding area. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare (PTAL 1-2). The proposal would result in a density of approximately 24 units per hectare. Although the density range is below the recommended range it is considered acceptable given the nature and siting of the development.

6.3.5 In terms of the general site layout, the proposed dwellings would have sufficient spacing towards the front with generous amenity areas towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal would form an extension of the properties along Jackson Close with a side-to-side separation distance of 6m between no. 8 Jackson Close and the closest proposed dwelling. The proposal would also have sufficient separation distances between the 3. No pairs of semi-detached dwellings and is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

6.4 *Impact on Local Character and Street Scene*

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

6.4.2 The proposal would result in an extension of Jackson Close in order to provide an access road to the proposed development. The proposed dwelling are considered to be acceptable within the Jackson Close streetscene as they would be seen as an extension of the building line of the dwellings situated on the south-eastern side of Jackson Close. Although slightly higher, the proposed dwellings are of similar design to those situated in Jackson Close.

6.4.3 In terms of design and visual appearance, Staff are of the opinion that the development of the proposed semi-detached dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwelling and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable

design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 *Impact on Amenity*

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 The proposed development is only bordered by residential properties to the southwest. The nearest residential property is situated at No. 8 Jackson Close. Although the proposed dwelling adjacent No. 8 Jackson Close would extend approximately 4m beyond the rear building line of this neighbouring dwelling any potential impact is mitigated by the 6m separation distance between these two dwellings and the favourable southern orientation of the rear garden of No. 8 Jackson Close. Any potential impact in term of loss of light is therefore considered acceptable. Although there would be some loss of outlook to No. 8 Jackson Close, Staff do not consider it to be unacceptable.
- 6.5.3 In terms of overlooking, no impact would result as there are no windows proposed to the flank elevations of the new dwellings.
- 6.5.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 6 No. dwellings would not give rise to an unacceptable level of vehicular activity given that the properties to the southwest of Jackson Close are well set back from the road and that the new development would be an extension of the road and the properties along Jackson Close.
- 6.5.5 In terms of general noise and disturbance, it is not considered that the addition of 6 no. dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.
- 6.5.6 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the close proximity of plot 6 to No. 8 Jackson Close, Staff are of the opinion that all permitted development rights for extensions to plot 6 should be removed in order to safeguard the amenities of neighbouring occupiers.
- 6.5.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. The development would provide a total of 12 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect. The Highways Authority has not raised an objection to the proposed development.
- 6.6.2 The London Fire and Emergency Planning Authority have raised no objection to the proposal provided that the parking facility to the front of plot 6 is enlarged to form a turning head for a pump appliance and indicated as a no parking area. Staff are of the opinion that pump appliances will be able to access the site in forward gear and given the short distance into the site would be able to back out again.
- 6.6.3 A condition would be added to provide storage for 2 No. cycle spaces per dwelling in order to comply with the Council's standards.
- 6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 *The Mayor's Community Infrastructure Levy*

- 6.7.1 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 137.5m² which equates to a Mayoral CIL payment of £16,500.

6.8. *Planning Obligations*

- 6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £36,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement.
- 6.8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in

accordance with the development plan, unless material considerations indicate otherwise”.

6.8.3 The proposal is liable to a contribution of £36,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

6.9 *Other Issues*

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. There would be a bin collection point along the access road, approximately 35m from the front of the furthest proposed dwelling and 16m from the edge of the highway. The bin collection point is within an acceptable distance from the highway and the front of the dwellings in order for refuse collection to take place. Staff consider the refuse arrangements to be acceptable, without a vehicle having to enter into the site to collect it.

6.9.2 Neighbouring objections relating to noise and disturbance during the construction period and construction vehicles accessing the site are not material planning considerations.

6.9.3 Given the close proximity of the development a major road (A127) Environmental Health has requested a full air quality assessment to be undertaken prior to the commencement of any works.

6.9.4 Although the close proximity of the development to the A127 would result in some noise impact to the occupiers of the new development, Staff are of the opinion that this would not be sufficient justification for the refusal of the development as it would be a buyer beware situation. Also any potential noise impact would be sufficiently mitigated by a landscape belt along the boundary with the A127, full details of which to be required by condition. Environmental Health has requested an assessment to be undertaken of road noise emanating from Southend Arterial Road (A127) upon the development, which can also be secured by condition.

7. **Conclusion**

- 7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive. Staff also consider any potential impact on neighbouring amenity and the refuse arrangements to be acceptable. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal Implications and risks:

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

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

1. Application forms and plans received 21/08/13, revision received on 10/12/13, 03/12/14 and 22/12/14.

**REGULATORY
SERVICES
COMMITTEE²⁹**

REPORT

January 2015

Subject Heading:

**P1346.14: Rise Park Junior School,
Annan Way, Romford**

**Re-commissioning existing Pedestrian
access from Pettits Lane into school,
including construction of new fenced
off holding area. (Application received
23 September 2014)**

Ward:

Pettits

Report Author and contact details:

**Suzanne Terry
Interim Planning Manager
01708 432755
suzanne.terry@havering.gov.uk**

Policy context:

**Local Development Framework
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

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

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

SUMMARY

The proposal is for the re-commissioning of the existing pedestrian access from Pettits Lane North and the construction of a new fenced off holding area in the south west corner of the playing field providing an additional pedestrian access into the school campus.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

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

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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.

3. Fencing, Gates and Railings

Prior to the use of the access path and the installation of the proposed holding area, the gates, railings and proposed hooped top fencing shall be painted in a colour scheme previously agreed by the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC54.

4. Landscaping

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

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

INFORMATIVES

1. 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. 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 relates to Rise Park Junior School, Annan Way, Romford, located on the north side of Pettits Lane North. The school consists of a relatively large campus of several single storey and two storey buildings to the east with surrounding playground areas and grassed playing fields to the west.
- 1.2 Vehicular and pedestrian access to the school is via Annan Way and the site is surrounded by residential dwellings adjoining the rear garden boundaries of houses at Pettits Lane North, Ayr Way, Ayr Green and Wallace Way.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the re-commissioning of the existing pedestrian access from Pettits Lane North and the construction of a new fenced off holding area in the south west corner of the playing field providing an additional pedestrian access into the school campus.
- 2.2 The proposal would involve opening up the existing gateway adjacent to the footway on Pettits Lane North and the cutting away of overgrown vegetation along the 28 metre footpath which leads between No.264 Pettits Lane North and the Rise Park Chapel site. The gates and surrounding railings at either end of the access would be fully refurbished. The section of grassed playing field adjacent to the access path would be excavated to reduce the levels and a new tarmac finished applied creating a 124 square metre holding area enclosed with 2 metre high hooped fencing and a matching double gate.
- 2.3 As part of the proposal 2no. sapling trees would be removed to make way for the holding area with 2no. replacement sapling trees planted adjacent to the fence line to the north of the development site.

3. Relevant History

- 3.1 P1589.14 - Demolition of three exterior stores and the erection of a single storey building comprising 4no. classrooms and toilets and the erection of a single storey studio as an extension to the existing building – Undetermined current application.
- 3.2 D0049.12 – Certificate of lawfulness for single storey extension to the front entrance of the school – Approved

3.3 D0181.11 - Certificate of lawfulness for a single storey extension – Approved

4. Consultations/Representations

4.1 Notification letters were sent to 22 properties and 2 objections have been received.

4.2 The representations can be summarised as follows:

- Increased use of the Zebra crossing at Pettits Lane North in close proximity to the neighbouring driveway will put the additional and existing users of the crossing at risk as it is located on a bend on a busy road and will affect the safety of the crossing and driveway exit.
- Loss of privacy and enjoyment of property due to the route of the proposed access path passing alongside the garden and side of the house and the assembly of people in the holding area will cause noise and disturbance to nearby residents and cause stress to pet dogs.
- Parking problems – parents picking up children will park on Pettits Lane North and cause an obstruction and danger to existing residents.
- The times of use of the additional access and holding area are not clear and could result in the access being used day and night and at weekends resulting in an intrusion of privacy compromising residents' enjoyment of the environment.
- Loss of property value of adjacent houses.
- The 2 metre high fencing around the holding area will be unsightly.
- If the access is not locked the holding area could become a focus for anti-social behaviour and gatherings affecting the security of nearby houses.

4.3 The Local Highway Authority – no objection.

4.4 Environmental Health – no comments.

5. Relevant Policies

5.1 Policies CP17 (Design), DC26 (Location of community facilities), DC29 (Educational Facilities), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.

5.3 Policies 3.18 (Education Facilities), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) and 7.4 (local character) of the London Plan, are material considerations.

- 5.4 The National Planning Policy Framework, specifically Sections 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development at the site, the impact on the character of the surrounding area and on the amenity of the surrounding residential properties as well as the implications for highway safety.

Principle of Development

- 6.2 Policy DC26 seeks to ensure that community facilities are accessible by a range of transport modes including walking and cycling.
- 6.3 The application relates to an existing educational use and the proposal would be to re-establish a pedestrian access point into the school campus that was previously in use at the site. The proposed access point on Pettits Lane lies some 375 metres from the main school entrance on Annan Way and the proposal would therefore vastly improve pedestrian accessibility into the school from the west of the campus.
- 6.4 On this basis the proposal is considered to be policy compliant in landuse terms and is regarded as being acceptable in principle.

Design/Impact on Street/Garden Scene

- 6.5 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.6 The existing access has not been in use for several years and as such the path has become overgrown with tree branches and vegetation and the gates and railings have a run-down and neglected appearance. The path is 2 metres in width and 28 metres long and it is considered that in its existing state the untidy visual appearance detracts from the quality of the streetscene along this section of Pettits Lane North.
- 6.7 The proposed scheme would refurbish the existing gate and railings adjacent to the footway and cut back the overgrown vegetation tidying up the length of the path. As a result it is considered that the proposed scheme would serve to enhance the overall appearance of the narrow pedestrian access and its setting within the streetscene.
- 6.8 The proposed holding area will be located at the end of the access path some 28 metres from Pettits Lane and within the school playing field. As a

result the enclosure and 2 metre high fencing will not be visible from the road.

- 6.9 The proposed 2 metre high hooped top fencing would be located in close proximity to the rear garden boundaries of the adjacent dwellings at No.s 264 & 266 Pettits Lane North. However, the proposed type of fencing would be relatively unobtrusive, of a sympathetic design for a residential area and barely visible above the existing timber boarding garden boundary fence line and hedgerow along the rear garden boundaries of 264 & 266 Pettits Lane.
- 6.10 On balance it is considered that the proposed development would serve to maintain the character and appearance of the surrounding area, including the streetscene at Pettits Lane and the rear garden setting in relation to the neighbouring houses in accordance with Policy DC61.

Impact on Amenity

- 6.11 The main consideration in terms of residential amenity relates to the impact on the houses to the west of the development site at 264 & 266 Pettits Lane North, with specific regard to privacy, noise and disturbance.
- 6.12 It is acknowledged that the proposal is likely to result in an intensification of students and parents using the path and congregating in the holding area primarily in the peak morning drop-off and afternoon pick-up times. In this regard the residents of the neighbouring houses are likely to encounter a greater degree of people passing along the pavement during these key times. The path is already in place and has been in previous use for this purpose. Given the existing circumstances and the proximity of the neighbouring houses to the school and its existing activities it is considered that any residents living nearby can reasonably expect to experience an element of activity from pupils, parents and passers-by on a day to day basis.
- 6.13 The proposed holding area would provide a secure area for parents and pupils to congregate within the existing school campus and away from the road thus improving accessibility for students living to the west of the site. On balance and taking into account the site location and distance from the rear of the neighbouring houses, it is not considered that the proposed scheme would result in any unreasonable or undue loss amenity to neighbouring residents in accordance with Policy DC61.
- 6.14 In terms of the concerns from neighbouring residents in relation to security; the re-instated gated access would be unlocked to coincide with school usage and locked at other times. Officers consider this arrangement to be satisfactory, however Members may wish to consider imposing a condition restricting the times that the access and holding area can be used.

Trees

- 6.15 As part of the proposal 2 no. sapling trees would be removed to make way for the holding area. However 2 no. replacement sapling trees would be planted adjacent to the fence line to the north of the development site. Details of landscaping can be secured by condition.

Environmental Issues

- 6.16 The site forms part of a school campus and is in use as a playing field. As such there are no historical contaminated land issues associated with the plot.
- 6.17 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.18 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

Parking and Highway Issues

- 6.19 Given the location of the proposed development it would not result in any implications for the existing vehicular access to the school or parking arrangements for the site.
- 6.20 The proposal would re-instate an existing access path to the west of the school. At the path entrance on Pettits Lane North an existing railing located centrally within the pavement has been positioned to act as a pedestrian calming barrier for persons using the school path and adjacent Zebra crossing.
- 6.21 The Local Highway Authority has raised no objection in relation to the proposal and it is therefore considered that the access arrangements are acceptable and would not result in highway safety issues.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the

street scene or rear garden setting nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 23 September 2014.

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REGULATORY SERVICES COMMITTEE

29 January 2015

REPORT

Subject Heading:

i) P1084.14 and ii) L0010.14 The Convent Sacred Heart of Mary, 64 St. Marys Lane, Upminster

Demolition of later additions to the Grade II listed building; erection of two 2-storey side extensions; alterations to existing roof involving infilling of hidden valley and installation of glazed lantern; internal alterations to facilitate the conversion of the building into seven apartments; provision of car parking, cycle and refuse stores; and formation of access drive to rear and construction of two 2-storey 5-bed linked-detached dwellings with car parking.

Ward:

Upminster

Report Author and contact details:

Suzanne Terry 01708 4322755
Suzanne.terry@havering.gov.uk

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

Financial summary:

Not applicable

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input checked="" type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

These applications have been called-in by Councillor Linda Van den Hende.

This report concerns applications for planning permission and listed building consent. It is proposed to demolish recent additions to the Grade II listed former convent and to alter and extend the original building to provide seven self-contained flats. It is also proposed to erect two detached five-bed dwellings in the grounds to the rear.

Listed building consent is required for the internal and external alterations to the original building and for the extensions to it. Planning permission is required for the demolition, conversion to a new use and for the extensions and new houses. The guidance in the NPPF is that when considering such applications special regard needs to be had to safeguarding the special interest of the listed building and its setting. In seeking to achieve this it is appropriate to look to new viable uses for listed buildings which are consistent with their conservation. Where development proposals would cause substantial harm to the listed building they should be refused. In this case English Heritage raises no objections to the applications and recommends that they be determined in accordance with national and local policies and in-house specialist conservation advice.

The main policy considerations are LDF policies CP1, DC18 and DC67 and the Heritage SPD. Judged against these policies and the guidance in the National Planning Policy Framework the development is considered acceptable and it is recommended that planning permission is granted subject to the prior completion to a S106 agreement to secure infrastructure contribution of £54,000.

RECOMMENDATIONS

i) P1084.14:

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £6440 subject to indexation. This is based on the creation of a net increase of 322 sq. metres of new internal floor space.

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

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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. *Car parking* - No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings and hard landscaped areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

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

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

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

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

7. *Vehicle Cleansing* - No development shall take place until a scheme of vehicle cleansing has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details, which shall be retained for the life of the development.

The submitted scheme will provide the following details:

- a) A plan showing where vehicles will be parked within the site, to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway.
- c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

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 the Development Control Policies Development Plan Document Policies DC61 and DC32.

8. *Hours of construction* - All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

9. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been 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 that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

10. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant (s), their type and extent incorporating a site conceptual model.

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

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

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where,

during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

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

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

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

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

Reason: To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.11. *Pedestrian visibility splays*- Pedestrian visibility splays shall be provided on either side of the access onto St Marys Lane of 2.1 by 2.1 metre back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

12. *Landscaping* - No works shall take place in relation to any of the development hereby approved 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.

13. *Archaeology* - a) No development other than demolition to existing ground level shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the local planning authority.

b) If heritage assets of archaeological interest are identified by the evaluation under part a), then before development (other than demolition) commences the applicant shall secure the implementation of a programme archaeological investigation in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

c) No development or demolition shall take place other than in accordance with the
Written Scheme of Investigation approved under Part b).

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed for that phase in accordance with the programme set out in the Written Scheme of Investigation approved under Part b) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic building recording) in accordance with the recommendations given by the Borough and in the NPPF.

14. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, including any access roads and car parking area has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed details prior to the first occupation of that phase of the development and retained thereafter.

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

15. *Boundary treatment* - 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.

16. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway required by condition 15 shall be entered into and completed prior to the commencement of development.

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

17. *Lifetime Homes* - The construction of the two new dwellings hereby permitted shall not commence until a Lifetime Homes methodology statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall demonstrate how the development will achieve Lifetime Home standards. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of the amenities of future residents and visitors and to ensure that the residential development meets the needs of all potential occupiers in accordance with policy DC7 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document and policy 3.8 of the London Plan.

18. *Removal of permitted development rights* -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 order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, 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.

19. *Flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the western flank wall(s) of the two new dwellings 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. 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. Mayoral CIL - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £6,440 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.3. Planning obligation - The planning obligation required has 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. Temporary use of the highway - If any 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.

5. Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage London Archaeology guidelines. They must be approved by the local planning authority before any on-site development related activity occurs.

ii) L0010.14:

Grant listed building consent subject to the following conditions:

1. 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 Purchase Act 2004).

2. Written notification of the intended start of works on site shall be sent to English Heritage, London Region (23 Saville Row, London W1X 1AB), with a copy sent to the Local Planning Authority, at least seven days before the works hereby approved are commenced.

Reason: In order that English Heritage and the Local Planning Authority may be given the opportunity of monitoring the progress of works on site to ensure the preservation of the special interest of the building affected by the works hereby approved, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC67.

3. The conversion of the listed building hereby consented shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice) and the revised heritage statement..

Reason: The Local Planning Authority consider it essential that the conversion of the listed building is carried out in accordance with 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 DC67.

4. Detailed drawings or samples of materials, as appropriate, in respect of the following, shall be submitted to, and approved by the Local Planning Authority prior to the commencement of work:
 - a) Partition of rooms, including fixings and finishes proposed and all new doorways;
 - b) Drainage and vents within external walls of the building;
 - c) Date stone detailed design;
 - d) The insertion of the proposed lift, including details of the proposed design
 - e) Details of cornices, architraves and skirting boards where new partitions and door are to be inserted.
 - f) Details of window mullions, transoms, cills, jambs and heads and gable detailing.

Reason: To preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

5. All new work and works of making good to the retained fabric whether internal or external shall be finished to match the existing original work with regard to the methods used and to material, colour, texture and profile and in the case of brickwork facebond and pointing.

Reason: To preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

6. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building, structural engineers drawings and/or method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and any reconstruction work shall be submitted to and approved by the local planning authority. The relevant work shall be carried out in accordance with such structural engineer's drawings and/or method statement thus approved.

Reason: In the interests of securing the preservation of the listed buildings.

7. Full details of doors and windows and samples of all materials including rainwater goods to be used in the construction of the extension(s) hereby permitted and the replacement goods to the retained building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the work.

Reason: To safeguard the appearance of the building and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67.

8. No works relating to the conversion of the listed building under this consent shall take place until details are submitted to, and approved in writing by the local planning authority of the following:
 - a) proposals for the insulation of the converted building;
 - b) alterations to the roof and the insertion of the proposed glazed roof panels;
 - c) works required or alterations to the fabric of the listed building to achieve fire protection measures necessary to meet the Building regulations.

Reason: To preserve the character and appearance of the Listed Building and its setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC67.

9. All new external finishes shall be carried out in materials to match those of the existing building(s) and samples of the materials to be used shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any of the works hereby permitted.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67.

REPORT DETAIL

1. Call-in

- 1.1 These applications have been called-in by Councillor Linda Van den Hende on the grounds that the development would materially affect the historic status of the listed convent building and that the proposed new dwellings would be inappropriate in this location.

2. Site Description

- 2.1 The application site comprises a building occupied as a convent between 1927 and 2014 which lies within substantial grounds on the south side of St Mary's Lane, Upminster. The site amounts to about 0.4 hectares. The current building dates back to the 1870's and was originally built as a dwelling house. It is a Grade II Listed Building. The building has been extended since then by the addition of a two-storey accommodation block to the rear and a single storey side extension both erected in the 1960s. The accommodation block projects southward from the main building along the western boundary adjacent to the school. The grounds are mainly grass but include a number of mature trees, mainly along the eastern and northern boundaries. In addition there is a mature cedar to the rear of the house covered by a tree preservation order. There are areas of hardsurfacing to the front and side of the building. There is a single access point from St Marys Lane on the eastern corner of the site.
- 2.2 To the east of the site are the Council's maintenance compound for Upminster Park, the New Windmill Hall and its car park. Beyond are the open areas of the park itself. To the west is the Sacred Heart of St Mary Girl's School which includes a number of buildings close to the site boundary.
- 2.3 On the opposite side of St Marys Lane are the grounds of Upminster Windmill and two pairs of semi-detached dwellings. The area to the north of the site is generally residential in character. The south side is mainly in community uses.

3. Description of Proposal

- 3.1 **P1084.14:** This is a full application for the demolition of the 1960s extensions, the conversion and extension of the remaining building to accommodate four 2-bed and three 3-bed apartments and the erection of two 5-bed detached dwellings within the grounds toward the southern boundary of the site.
- 3.2 Following the demolition of the 1960s additions the original building would be extended on the east and west elevations by the addition of new two storey elements. These would be constructed in a similar style and materials to the main building. The apartments would be of different sizes and layouts to accommodate existing rooms and the historic features of the listed building. All

the apartments would exceed the minimum floorspace standards set out in the London Plan.

- 3.3 Some of the existing vegetation to the front of the building would be removed to provide space for ten new parking spaces. The existing access would be retained with improved visibility splays. The frontage would be mainly open but a number of the existing mature trees would be retained.
- 3.4 It is also proposed to erect two detached five-bed properties at the southern end of site. The design of these dwellings takes architectural features from the main listed building, including materials and a front 'Dutch gable' feature. The dwellings would be accessed along a new driveway along the eastern side of site with car parking spaces and a garage provided to the rear of the new dwellings.
- 3.5 The area between the main building and the two new dwellings would be landscaped to provide communal amenity space for the apartments. The new dwellings would have their own rear amenity space. Much of the existing vegetation along the southern and eastern boundaries would be retained.
- 3.6 **L0010.14:** Listed building consent is sought to demolish the single storey extension at the western end of the front façade, the 1960s two storey accommodation wing behind it and the single storey extension on the eastern façade. Parts of the existing roof structure are also proposed to be demolished. Consent is also sought to erect two storey extensions at the eastern and western ends of the building. A number of other changes are proposed to the external façade and internal layout. These include alterations to the roof to provide light to proposed second floor accommodation.

4. **Relevant History**

None

5. **Consultations/Representations**

- 5.1 151 neighbour notification letters were sent out and the applications advertised on site. The applicant also held an open day/public exhibition to publicise and explain the proposals. There have been 31 letters in response only one of which is in support. There are four representations relating specifically to the listed building application. The Governors of the Sacred Heart of St Mary School adjoining the application site have also made objections to both applications.
- 5.2 Objections have been raised to the applications as follows:

P1084.14

- The demolition and rebuilding would cause noise and disturbance to the school next door, especially during exam periods;

- Security issues for the school due to the multiple occupancy of the converted building;
- Increase in traffic would cause congestion and risk of accidents;
- Would destroy historic interior of the building;
- Loss of trees;
- Lack of private amenity areas for each flat;
- New houses would detract from the setting of the building;
- Noise disturbance to school from future occupants of dwellings;
- Dormitory wing is integral part of the building and should not be demolished;
- Building should not be fragmented;
- Overlooking of school;
- Adverse impact of noise from the school;
- Development would change the character of the area;
- The scheme retains the original portion of the building and there are sensitive additions. The new dwellings are not out of proportion and reuse of building supported;
- Should look like a modern block of flats;
- Removal of trees on the frontage would be an improvement, but negated by the parking spaces;
- School has raised objections due to impacts on the school and its pupils and on the listed building generally;
- New houses are unnecessary backland development that would detract from the openness of the site;
- There should be a greater separation between the new extension and the school for maintenance;
- Concern about noise impact on new occupants especially from fire and other alarms;
- Overlooking issues from school classrooms;
- Security concerns;
- New build would have an adverse impact on the open and green nature of the area;

5.3 L0010.14

- The listed building should not be altered as irreplaceable parts would be lost;
- Housing too close to the school and could interfere with its running;
- Loss of trees harmful to the setting of the building;
- Historical and architectural character would be lost;
- New building to the rear would affect the setting;
- Importance as a convent should be retained and not split up into separate units;
- Less flats would better preserve the fabric of the building;
- Irreplaceable loss of part of Upminster's history;
- No evidence that there were stables close to the house which the new dwellings are intended to replicate;

- Multiple occupation would hinder the long term management/maintenance of the heritage asset;
- Historic significance of the building would be materially altered;
- External changes would affect historic interest and architectural character;

5.4 **English Heritage (Archaeology)** advises that remains of earlier houses at the site and other archaeology connected with the historic routeway may be affected by the proposals. The conversion and partition of the building would also affect its historic integrity and recording in advance would be appropriate. A condition is recommended to address archaeological considerations plus a number of informatives.

5.5 **English Heritage (Listed Buildings)** advises that the convent building was originally erected as a replacement house in 1871-3. The building was converted to a convent in the 1920 and was extended on both sides to accommodate a chapel and living quarters. The chapel has since been demolished. The significance of the listed building lies principally in the architectural quality of the 1871-3 house. The scarring caused by the demolition of the chapel and the accommodation wing, the hardstanding around the building and the plastic rainwater goods have compromised some of the architectural and aesthetic qualities of the building. In addition some of the internal alterations have compromised the integrity of the interior. The conversion would retain much of the historic internal layout and features, including fireplaces and staircases. In terms of the proposed works the advice is as follows:

- English Heritage accepts the principle of the proposed residential conversion in the interests of securing a long-term future for the listed building. In general, the external appearance, historic layout and architectural details within the original Victorian house would be preserved, and the revealing of historic features of interest in the principle rooms would help to enhance the significance of the listed building;
- The demolition of the mid-20th century accommodation wing would provide further enhancement;
- The new build elements respond to the architectural character of the listed building and arguably make a positive contribution to local character and distinctiveness. Generally proposal compliant with the NPPF;
- Further enhancement could be achieved by reinstating cast-iron rainwater goods and reducing the amount of hardstanding around the building;
- End extensions provide some enhancement, but should be set back or some form of demarcation introduced to distinguish the old from the new;
- The principle of developing new residential units in the grounds is acceptable. The units would have little impact on long views from the

upper floors of the house. There are no significant concerns about this part of the development;

- The proposed glazed roof would cause visual harm to the building and involve loss of historic fabric. However, a modest roof extension in this area would be acceptable, but the height should be reduced.

In response to revisions following this consultation response English Heritage has not raised any further substantive matters. However, it is noted that whilst the changes to the roof valley have improved they still remain harmful. The rooflight in the south roof elevation should be removed as it would be clearly visible from the garden. There is no demarcation between the listed building and the proposed extensions to distinguish the old from the new. It would be preferable if the extensions were set back further from the historic building line.

5.6 **Heritage Officer** advises that the proposal to convert the building back to residential use would be acceptable as a viable use consistent with the conservation of the building and the guidance in the NPPF. Whilst the scheme would result in the loss of historic fabric through the alterations and the scale of the alterations is not entirely subordinate, on balance the application is considered acceptable. It would secure the long term preservation of the listed building and would not significantly harm the special historic or architectural character of the listed building. Further details of proposed landscaping, bin and cycle stores required but can be addressed through conditions.

5.7 **Thames Water** has no objections.

5.8 **Essex & Suffolk Water** has no objection subject to a metered mains water connection.

5.9 **London Fire and Emergency Planning Authority** advises that access should meet the requirements of the relevant Building Regulations.

5.10 **Public Protection** requests a conditions covering: i) land contamination; ii) construction methodology and iii) noise insulation.

5.11 **Streetcare (Highways)** advises that access details acceptable. If permission is granted conditions should be imposed to cover i) pedestrian visibility; ii) wheel washing and iii) work to the highway.

6. Relevant Policies

6.1 Policies CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes and Mobility Housing); DC11 (Non-Designated Sites); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC60 (Trees and woodland); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC67 (Buildings of heritage interest); DC70 (Archaeology and ancient monuments); DC72 (Planning obligations) of the Local Development

Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

- 6.2 In addition, the Heritage SPD; Planning Obligations SPD; Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, and Sustainable Design and Construction SPD are also material considerations.
- 6.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments); 6.13 (Parking); 7.3 (Designing out crime); 7.4 (Local character); 7.8 (Heritage assets and archaeology) and 8.3 (community infrastructure levy) of the London Plan are material considerations.
- 6.4 The National Planning Policy Framework and the National Planning Practice Guidance are material considerations.

7. **Staff Comments**

i) Heritage context

- 7.1 The acceptability of these proposals depends on the extent to which they would impact on the heritage significance of the listed building. The Convent of the Sacred Heart was originally built as a private residence between 1871-3, on the site of an earlier house. The house was constructed in red brick with stone dressing in the Gothic style. It originally consisted of a three-gabled range and a service wing to the west. The building was used as a convent from 1927 to 2014 when it was put up for sale by the trustees. The use as a convent has resulted in a building that preserves many of its original features, although they have been internal alterations to accommodate the convent use which have had some adverse impact on features of historic importance such as the fireplaces, many of which have been covered over.
- 7.2 The significance of the listed building lies principally in the architectural quality of the 1871-3 house. This includes the high quality exterior with its imposing gables, patterned brickwork and stone mullions. Internally it retains much of its original plan form and architectural detailing including panelling, comices and fireplaces in the principle rooms. Of particular note is the main stair hall which contains a timber staircase and stained glass window features.
- 7.3 The scarring caused by the demolition of the chapel, the bulky and utilitarian quality of the accommodation wing, the harstanding surrounding the building and the plastic rainwater goods have compromised some of the architectural and aesthetic qualities of the building. Some of the reconfiguration of internal spaces following conversion to a convent has compromised the integrity of the interior to a lesser extent. The convent use formed an important relationship with the neighbouring Catholic school.

ii) Planning considerations:

Principle of the development

- 7.4 The main policy considerations are LDF policies CP1, CP18 and DC67, the Heritage SPD and the guidance in the National Planning Policy Framework (NPPF). The main issues are whether the proposed conversion would safeguard the special interest of the listed building and its setting, and whether the proposed conversion and new build is consistent with its conservation. Where development proposals would cause substantial harm to the listed building they should be refused. In this case English Heritage has not raised any objections to the applications and recommends that they be determined in accordance with national and local policies and in-house specialist conservation advice.
- 7.5 The application lies within the urban area to the west of Upminster Park and Upminster town centre. It is not designated for any specific purpose on the LDF proposals map; therefore, under Policy CP1 it is prioritised for housing. Policy CP2 seeks to ensure the size and types of new housing is compatible with the prevailing character of the surrounding area. Policy DC2 requires a design led approach in determining the type, size and form of new development and sets density requirements. However, given that the development involves a listed building and its setting new housing proposals also need to be considered with reference to LDF Policy DC67. Residential development would be acceptable as long as it does not adversely affect the building or its setting. Policy CP18 seeks to protect the character and appearance of listed buildings.
- 7.6 The guidance at paragraph 131 of the NPPF is particularly important in relation to sustaining and enhancing the significance of heritage assets by putting them to viable uses consistent with their conservation. The use of the former convent for residential purposes (its original use) would enable the building to be put to a viable use and subject to the satisfactory conservation of the historic fabric of the building would, in principle, be consistent with its conservation.
- 7.7 The Heritage SPD make specific reference to extensions to listed buildings stating that these will only be permitted if they are sensitively designed to preserve the special historic and architectural character, and significance of the asset. The SPD sets out circumstances where extensions would not be acceptable. These include where a building has already been extended or where they are of excessive size. The main consideration is that extensions do not detract from the setting and special character of the listed building.
- 7.8 The development of the site for housing is considered acceptable in principle in accordance with LDF Policy CP1 and would help to meet housing need in Havering. In terms of the scale of the development the need to respect the setting of the listed building limits the amount of new buildings that would be appropriate within the grounds. In determining how much new development would be acceptable account has been taken of the amount of existing buildings proposed to be demolished. In listed buildings terms a balance needs to be struck between the removal of existing extensions that have negative impact on the listed buildings and new built development that would have some adverse impact on its setting.

- 7.9 A further consideration as to the scale of any development is that it respects the character of the surrounding area. Whilst the site is within the urban area the area on the south side of St Marys Lane is characterised by community uses and large open areas associated with them. This also includes the windmill grounds opposite. Taking this into account a low density residential development that retains much of the open area is considered appropriate.
- 7.10 With regard to the new built development applications for housing should be considered in the context of the presumption in favour of sustainable development set out in the NPPF. An important part of this is the delivery of a wide choice of quality homes. The NPPF attaches great importance to good design which is appropriate in its context which is a key aspect of sustainable development. New development should be integrated and address the connections with the historic environment. Planning permission should be refused for development of poor design that fails to take the opportunities available of improving the character of an area and the way it functions. In this case staff consider as a matter of judgement that the new built development would respect the historic environment and improve the character of the area by ensuring a viable use that would maintain the importance of the heritage asset.

Design/impact on the streetscene

- 7.11 The character of this part of St. Marys Lane is derived mainly from the close grouping of the school frontage buildings on the south side and the adjoining former convent and the community buildings further to the east. One of the significant aspects is the amount of frontage development with few gaps between buildings to break up the frontage. Opposite the site is the open area associated with Upminster Windmill. The proposed extensions are considered to reflect this character by maintaining the built form within the streetscene.
- 7.12 The school has developed over the years within the original grounds and setting of the former house (Hill House). Whilst the character on the south side of St. Marys Lane and Corbets Tey Road is generally open the area is not rural or Green Belt as stated in some of the objection letters. The site has remained open largely because of the convent use and the land held with it.
- 7.13 The proposal involves the removal of much of the frontage vegetation such that the building would be opened up to views from the highway. This is considered to have a positive impact on the streetscene and on the appearance of the area. The listed building is currently largely hidden from public view. Much of the frontage vegetation has grown up over the years through lack of management and is not sustainable in its current form. The removal of the scrub and the trees that are not in good condition would enable the remainder to prosper. The school site adjoining has a generally open frontage and this aspect of the development would maintain the overall character of this part of St. Marys Lane.
- 7.14 The proposed extensions have been architecturally designed to follow the Gothic style of the listed building with steeply pitched roofs, strong projecting

gables, stone dressings and stone mullioned windows. In considering these account must be taken of their impact not only on the listed building but on the streetscene generally. The listed building aspects are considered later in the report, but in terms of the streetscene they are considered to be in character with the original building, albeit they would appear as significant extensions to it. The western extension would replace a modern addition and would relate better to the appearance of the main building.

- 7.15 The proposed two new dwellings to the rear of the site would be largely obscured from view by the extended main building and, as a result, would not affect the overall character of the streetscene. These buildings have been designed to reflect the character of the main building with references to the architectural style and materials. As a result staff consider that they would make a positive contribution to the character of the area and their set-back within the site would not detract from the general openness of this part of St Marys Lane. The dwelling would have parking that meets the requirement of DC33 and Annex 5 and rear amenity areas that are private and usable.
- 7.16 The proposed car parking to the front of the building would have some adverse visual impacts, but this would replace parking previously to the side which is visible from the highway. This also needs to be balanced against the improvements afforded by opening up views of the building from the highway. With appropriate frontage treatment, including a boundary fence and low hedging staff consider that the overall impact would have a positive effect on local character. The proposed bin stores and cycle store would be located close to the site entrance and would need to be carefully designed and landscaped. No details have been provided with the application, but the structures would be small scale and details can be subject to approval through conditions.
- 7.17 It is proposed to provide landscaped gardens to the rear in the form of a box or knot garden. This is considered to be important to the overall setting of the listed building. The option of providing parking to the rear of the building would detract from the setting of the listed building and the proposed landscaped gardens. The gardens would provide private and usable amenity space for future residents of the apartments.
- 7.18 Overall staff are satisfied that the proposed design and layout of the development would have a positive impact on the character and appearance of the area.

Impact on amenity

- 7.19 Account also needs to be taken of adjoining occupiers. In this case the main consideration is the school. The nearest residential properties are on the north side of St. Marys Lane opposite. In considering the layout of new development it is important to protect the amenities of the school and to ensure that satisfactory living conditions are provided for future occupants of the new dwellings. It is not unusual within an urban area for housing and school sites to be adjacent to each other. The relationship between the two new houses and

the school buildings is not significantly different to that which already exists with other residential properties in Boundary Road. Accordingly, there is no objection in principle to new housing development adjacent to a school site.

- 7.20 The proposed layout takes account of the school buildings. The western extension would be no closer than the existing building and the removal of the accommodation block would open up the area behind the house and provide a better aspect for the nearest school buildings. The new dwellings would be at least 10 metres away from the school boundary and no windows are proposed in the western elevations facing the school. The boundary with both the school and New Windmill Hall car park on the east side of the site is already well vegetated and further landscaping is proposed. The relationship between the new dwellings and the existing school buildings is, therefore, considered acceptable.
- 7.21 The school governors have raised concerns regarding the impact from school activities on future occupiers of the new residential units. The impact on occupiers of the new apartments is not likely to be significant and no greater than that experienced by the former occupants. Most school activities are during weekdays when residents are likely to be at work which would minimise any adverse impact. The impact on the new houses would be similar to that which already exists adjacent to the school in Boundary Road. New occupants would be aware of the proximity of the school and the potential impacts before purchasing the property.
- 7.22 The main impact on occupiers of the properties opposite the site is that the extended building would become significantly more visible. This is considered to improve the overall character of the area and would not have any adverse impacts on visual amenities. The traffic generated from the development would not have a significant impact in highway terms.
- 7.23 Staff consider that the proposed layout and proximity to school buildings would provide a satisfactorily living environment for future occupiers and that the development would not have a materially adverse impact on the school and its pupils or on the amenities of nearby residents.

Highways and parking issues

- 7.23 The proposed development would provide parking for future occupants in accordance with LDF Policy DC33 and Annex 5. The location of the parking has already been addressed and this is considered acceptable. The proposed access would meet the appropriate standards in terms of width and visibility splays. The refuse bins are located close to the entrance and collection could take place from the highway. There is also sufficient space within the site for deliveries and maintenance.

iii) Heritage Issues

- 7.24 The guidance in the NPPF is that when considering the impact of proposed development on a designated heritage asset great weight should be given to

the asset's conservation. The main issues in this case are maintaining the integrity of the building and of its wider setting. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

- 7.25 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case there would be some harm to the listed building through the conversion works and the extensions to the building. English Heritage has some residual concerns following revisions made after initial consultations. However, the harm is not considered significant and conversion is considered necessary to enable the building to be put to a viable use. Residential development is considered to be an appropriate way of securing the future of the building. At the pre-application stage a number of schemes were put forward by prospective purchasers. These all involved some form of residential use.
- 7.26 External alterations: The proposed areas of demolition are considered acceptable as they relate to modern additions that detract from the character of the heritage asset. The design of the extensions follows the Gothic style of the main building and replicate parts of the original building. The width of the eastern extension is considered to be slightly overscaled as a smaller footprint would have more accurately replicated the proportionality of the original building ensuring that it would appear subordinate. The proposed Dutch gable is considered to be overly ornate for a flank elevation. A demarcation between the original buildings and the extensions as requested by English Heritage would be difficult to achieve given the design approach adopted. By matching the architectural style and materials the use of a band of different materials would appear out of place and detract from the overall appearance.
- 7.27 Internal alterations: The internal layout of the building has remained relatively intact due to the convent use but there have been some internal changes. The proposal would result in some changes to the building that would be harmful in heritage terms, especially changes to the roof. However, these are considered necessary to bring about a satisfactory conversion and form part of the balance necessary to put the building to a viable use that would maintain its future and sustain the heritage asset.
- 7.28 New build: The two new dwellings have been sited away from the building and the spatial separation is considered acceptable as it preserves an element of the original gardens. The architecture makes reference to the listed building which allows the building to feel cohesive to the site. In these circumstances staff consider that the new dwellings would not detract from the setting of the listed building. This is a view supported by English heritage and the Heritage Officer.

7.29 The guidance in the NPPF is that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent. The proposed development, including the alterations to the listed building would have some adverse impact on the heritage significance of the listed building. However, the harm and loss to the fabric of the building would not be substantial and are considered necessary to bring about a viable use consistent with the buildings conservation. It is also considered desirable to sustain and enhance the significance of the asset and staff consider that, on balance the development proposals would achieve this.

8. Section 106 Planning obligations

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, “in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”. Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

8.2 The proposal is liable to a contribution of £54,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

9. Mayor’s Community Infrastructure Levy (CIL)

9.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The new build taking account for the building demolished would amount to 322 sq. metres and the CIL rate is £20 per square metre giving a CIL liability of £6440.

10. Conclusions

- 10.1 The site lies within the existing urban area of Upminster outside of the designated town centre. The site is not designated for any other purpose in the LDF and residential redevelopment is considered acceptable in principle, including the conversion and extension of the listed building. Planning permission and listed building consent is required.
- 10.2 The guidance in the NPPF is that when considering such applications special regard needs to be had to safeguarding the special interest of the listed building and its setting. In seeking to achieve this it is appropriate to look to new viable uses for listed buildings which are consistent with their conservation. Where development proposals would cause substantial harm to the listed building they should be refused. In this case English Heritage raises no objections to the applications and recommends that they be determined in accordance with national and local policies and in-house specialist conservation advice.
- 10.3 The main policy considerations are LDF policies CP1, DC18 and DC67 and the Heritage SPD. Whilst there would be some adverse impact on the heritage significance of the listed building the harm and loss to the fabric of the building would not be substantial and are considered necessary to bring about a viable use consistent with the buildings conservation. Staff consider that, on balance the development proposals are acceptable and would secure a viable future for the building that would help to sustain and maintain the heritage asset. Therefore, judged against the LDF policies and the guidance in the National Planning Policy Framework staff consider that the development is acceptable and it is recommended that listed building consent is granted and that planning permission is also granted subject to the prior completion to a S106 agreement to secure infrastructure contribution of £54,000. On the other hand should members consider that the development would cause substantial harm to the listed building that is not outweighed by other factors then there would be a case for refusing both planning permission and listed building consent.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resources implications and risks:

None

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity

BACKGROUND PAPER

1. Application forms and plans received 22-07-2014

**REGULATORY
SERVICES
COMMITTEE**

REPORT

29 January 2015

Subject Heading:

P0972.14 – 16 & 18 Prospect Road and land rear of, Hornchurch

Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings (outline application) (received 19/08/14)

Ward

Emerson Park

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
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01708 432755

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

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

SUMMARY

This report concerns an outline planning application to demolish 16 and 18 Prospect Road for the creation of a new access road to provide nine new detached dwellings and two replacement dwellings. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

This application was previously considered by Committee on 2 October 2014, where it was deferred to enable staff to seek to obtain details of the construction methodology in advance, to control the construction hours and to agree the phasing of the development. The report is now brought back to Members, updated to reflect the outcome of these negotiations with the applicant.

The application is recommended for approval subject to prior completion of a S106 Legal Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed 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 (1,410.4 sq.m. – 179.5 sq.m.) 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

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 £54,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- 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 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 the Head of Service be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Approval of details – 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 appearance of the buildings and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein 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.

2. Time limit for details - 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)

3. Time limit for commencement - 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).

4. Materials - 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.

5. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans as listed on page 1 of this decision notice approved by the Local Planning Authority.

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.

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

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

7. Cycle storage - Prior to completion of the 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 prior to first occupation of the development for residential purposes 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.

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

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

9. Hours of construction – All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 9.00am and 5.00pm Monday to Friday, and between 9.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

10. Construction methodology - Before development is commenced, a demolition method statement and a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority 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.
 - j) delivery locations.
 - k) advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.
 - l) lighting.
 - m) A programme and timetable detailing the various stages of the proposed works for the demolition of No.'s 16 and 18 Prospect Road and the construction of the replacement dwellings.

And the development shall be carried out in accordance with the approved demolition method statement and construction management plan.

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

11. Waste materials – No waste materials shall be burnt on site of the development hereby approved.

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

12. Permitted Development - 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 Classes A - E, (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or alterations shall take

place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, 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.

13. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and the approved boundary screening measures shall be implemented prior to first occupation of the development for residential purposes and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

14. External lighting – No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development hereby approved and permanently maintained in accordance with the approved details.

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

15. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

16. Vehicle Access - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

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

17. Parking Management Scheme - Prior to first occupation of the dwellings hereby permitted, a parking management scheme showing how the car parking spaces for the dwellings (in accordance with the proposed site plan on Drawing No. L01 Revision A) will be provided and secured for use solely by residents of the proposed dwellings, shall be submitted to and approved by the Local Planning Authority. The parking management scheme shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

18. Pedestrian Visibility Splay - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

19. Wheel 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 within the application site 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.

20. Site levels - Prior to the commencement of the development, a drawing showing the existing and proposed site levels of the application site and the finished floor levels of the proposed dwellings 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.

Reason: To protect neighbouring amenity.

21. Soil contamination - 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.

22. Air quality assessment - Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;
- a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
 - b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
 - c) The air quality assessment shall predict air quality with the development in place (with development).
 - d) The air quality assessment should also consider the following information:
 - A description containing information relevant to the air quality assessment.
 - The policy context for the assessment- national, regional and local policies should be taken into account.
 - Description of the relevant air quality standards and objectives.
 - The basis for determining the significance of impacts.
 - Details of assessment methods.
 - Model verification.
 - Identification of sensitive locations.
 - Description of baseline conditions.
 - Assessment of impacts.
 - Description of the construction and demolition phase, impacts/ mitigation.
 - Mitigation measures.
 - Assessment of energy centres, stack heights and emissions.
 - Summary of the assessment of results.

For further guidance see the leaflets titled, EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

23. Archaeology - A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programmed set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the result and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the Borough and in PPS5/NPPF.

24. Use of garages – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

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

25. Secured by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

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

26. Biodiversity/Protected Species: The applicant shall submit with the application for reserved matters – Landscaping - further survey information as indicated in the Summary of their submitted report “Update Extended Phase 1 Habitat Survey” dated 2/9/13. Any mitigation measures identified shall be put in place prior to the commencement of the development.

Reason: To ensure that appropriate mitigation measures are included in respect of flora and fauna.

27. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted 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.

28. Obscure/fixing glazing - The proposed windows at first floor in the flank elevations of the proposed dwellings (Type A and B) shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

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

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

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

30. Lifetime Homes - No development shall take place until the developer has submitted, for the approval in writing of the local planning authority, details to ensure that the proposed dwellings would be compliant with Lifetime Homes standards. The development shall thereafter be undertaken in accordance with the approved details and be retained as such.

Reason: To ensure the proposal is in accordance with Policy DC7 of the Core Strategy and Development Control Policies DPD.

31. Road Noise Assessment - Prior to the commencement of any development, an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office memorandum "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relation to community noise and PS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with the NPPF and the Noise Policy Statement for England (NPSE).

32. Replacement dwellings - The replacement dwellings at No.'s 16 and 18 Prospect Road shall be constructed prior to the construction of the new dwellings to the rear of the application site.

Reason: To protect neighbouring amenity.

INFORMATIVES

1. 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.

2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £24,618. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

4. The development of this site is likely to damage heritage assets of archaeological and historical interest. 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.

5. 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. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

6. Highway legislation - The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of 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 of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

7. Temporary use of the public highway - 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. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

8. Surface Water Drainage – With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

9. 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.

REPORT DETAIL

1. Call in

- 1.1 Councillor Ramsey requested this application be called in to committee, on the grounds of its impact on neighbours and the streetscene.
- 1.2 Councillor Wise requested this application be called in to committee, as the previous proposal had issues regarding overcrowding and insufficient pedestrian access to the site via the access road and this requires a more detailed review.
- 1.3 Councillor Ower requested this application to be called in to committee, due to the previous planning history for the site, the closeness to the Green Belt and possible traffic problems.

2. Background

- 2.1 This application was previously considered by Committee on 2 October 2014, where it was deferred to enable staff to seek to negotiate the following:
 - Provision of details of full methodology for demolition and reconstruction of the 2 frontage bungalows and for suitable planning conditions to be identified.
 - Reduce construction hours to 9am – 5pm maximum to provide some respite for the elderly attached neighbours.
 - That the 2 new frontage bungalows be completely built before any of the rest of the development and that a programme for this be secured.
- 2.2 The report is brought back before the committee as the agent has confirmed in writing that they are unable to provide the additional information regarding the construction methodology. The letter has been summarised as follows:
 - The additional information can only be provided once a suitable client to take the project to the construction phase, with input from their main contractor, and the structure of the proposed dwellings has been determined and resolved to a detailed design level.
 - The application is for outline permission and condition 10 already covers construction methodology, so the agent does not consider that the requested information will protect neighbours any further between the approval of the outline planning application and the final construction period and there is no need to submit it at approval stage.
 - Producing this information at outline application stage puts the economic viability of the project in jeopardy for the client. Depending on the outcome of the reserved matters required, the determination of the conditions and a building regulations application, the construction methodology is likely to change before the full construction drawings are completed.
 - With reference to point m of condition 10, it is impossible to put a timetable on the reconstruction of the replacement dwellings without knowing the ground conditions and proposed foundation types in the first instance. It is

unreasonable to expect a construction package of drawings to be prepared in order to provide a timetable, which either the client or any future developer, would be forced to adhere to without having any form of planning permission in place at this stage.

- For an outline application, the client has kept the amount of reserved matters to a minimum by submitting a substantially designed scheme to address any concerns of the Local Authority or neighbours.
- The protection of neighbouring amenity during the construction period is already safeguarded by the proposed conditions and other legislation such as the Party Wall Act.

3. Site Description:

- 3.1 Prospect Road is a residential cul-de-sac located to the north of the A127. The application site comprises the dwellings at No. 16 and No.18 Prospect Road, their rear gardens and land to the rear of Prospect Road formerly comprising of residential properties entitled "The Bowery" and "Sunset". The south western side of the application site fronts onto the Southend Arterial Road (A127). Ground levels fall from the highway of Prospect Road towards the south/south-east of the site. Just beyond the site boundary to the A127 there is a sharp drop in ground levels covered by some tree/shrub planting. The application site has an area of 0.43 hectares. To the rear part of the site, the eastern boundary adjoins an area of Metropolitan Green Belt, which consists of an open playing field.

4. Description of development:

- 4.1 The application is to demolish 16 and 18 Prospect Road and replace them with narrower, one storey properties for the creation of a new access road through to the rear land for the creation of nine, two storey detached properties. The application is for outline permission seeking approval for access, layout and scale. Appearance and landscaping are reserved matters.
- 4.2 The site would be laid out with the replacement bungalows fronting onto Prospect Road frontage and the new houses located to the south/south-west of, and fronting onto, the new 5.2m wide access road which would extend from Prospect Road to the south/south-east. The access road is a combined carriageway and footpath.
- 4.3 The two replacement bungalows would, as currently, be attached to the remaining part of their respective semi-detached pairs, i.e., No.'s 14 and 20 Prospect Road. They would be narrower (at 4.2m wide) and deeper (14.85m deep) than the existing semi-detached bungalows, nonetheless they would have the same matching roof form (the highest ridge height would remain at 6.1m above ground level), eaves levels and materials as the remaining semi-detached properties. Two parking spaces would be provided for each replacement bungalow - one to the front garden area and one at the end of each rear garden area.
- 4.4 Each of the nine new houses would be detached with its own rear amenity area and parking provision for two vehicles, either in an integral garage or on

hardstanding adjacent to the property. There would be 4-bedroom properties of two types A and B; the main difference being that A would be provided with an integral garage and B with an attached garage (with the exception of two dwellings which would each have two off street parking spaces). All the properties would have a similar appearance.

- 4.5 There would be 3, Type A houses. They would be a maximum of 7.7m wide, 13.1m deep and have gabled pitched roofs with a ridge height of 8m above ground level.
- 4.6 There would be 6, Type B houses. They would each be a maximum 10.4m wide (including the attached garage), 10.6m deep and have gabled pitched roofs with a ridge height of 8m above ground level.

5. **Relevant History:**

P1119.13 – Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings – outline – Refused. Dismissed on appeal.

P0087.11 – Outline application for demolition of No.'s 16 & 18 Prospect Road together with "Sunset" and "The Bowery" and the erection of 11 dwellings with associated access and parking - Refused. Dismissed on appeal.

P1627.09 - Outline application for demolition of No.18 Prospect Road and the erection of 14 dwellings with associated access and parking –Refused. Dismissed on appeal.

P1829.07 – Proposed development to provide 16 dwellings -Refused.

6. **Consultations/Representations:**

- 6.1 The occupiers of 58 neighbouring properties were notified of this proposal. A letter of objection was received from Councillor Glanville with detailed comments that have been summarised as follows: Detrimental impact on the character and appearance of the streetscene, the effect of the proposed alterations on the amenity of the occupiers of No.'s 14 and 20 Prospect Road and the visual impact of replacement bungalows.

Twenty seven letters of objection were (including one from the Emerson Park & Ardleigh Green Residents' Association) with detailed comments that have been summarised as follows:

- Proximity of the new dwellings to neighbouring properties.
- Overlooking and loss of privacy.
- Vehicular and pedestrian access.
- There is not a hospital within 1 kilometre of the application site.
- The proposed development would appear out of character in the surrounding area.
- The site is unsuitable for the proposed development of this size.
- The proximity of the access road to the replacement dwellings.
- Impact on wildlife.

- The proposal will appear dominant and visually intrusive.
- Noise, dust, disruption and pollution.
- Impact on local services.
- The safe removal of asbestos roofs of the two semi-derelict properties on the site (entitled the Bowery & Sunset).
- Objects to the demolition of the existing bungalows and the proposed development due to the impact on the occupiers of the adjoining dwellings (including No.'s 14 and 20 Prospect Road), neighbouring occupiers and the appearance of the streetscene.
- Highway and pedestrian safety.
- It was suggested that the applicant should approach the Motel owners to see if they would grant him permission to have a road built across his land into the Motel's access to the A127 road, so the existing bungalows would not need to be demolished.
- The visual impact of the access road.
- Would prefer bungalows to be built instead of houses.
- Parking, traffic and congestion.
- The removal of two oak trees on the site, which have Tree Preservation Orders.
- Disruption.
- Access for emergency vehicles.
- The area is already overpopulated with new buildings and people.
- The proposed development would overshadow the existing mostly low level residences in Prospect Road.
- Transport links are poor.
- There are no shops nearby.
- Party wall agreements and works/conditions to protect No.'s 14 and 20 Prospect Road during construction.
- Impact on amenity and human rights.
- The proposal is contrary to Policy DC61 of the LDF.
- Reference was made to the previous planning and appeal decisions.
- Loss of light.
- This application is very similar to the previously refused application, P1119.13

6.2 In response to the above, each planning application is determined on its individual planning merits. Comments regarding party wall agreements and asbestos are not planning considerations and are building control matters. A section 106 agreement would be entered into in the event that planning permission is granted, which would secure a financial contribution towards local infrastructure. There are no trees with Tree Preservation Orders on the application site. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. The remaining issues are addressed in the following sections of this report.

6.3 The London Fire Brigade Water Team – consideration has been given to the provision of fire hydrants and it will be necessary for one new private fire hydrant to be installed in the position marked by the red x on the enclosed plan. The hydrant should be numbered P106284.

- 6.4 London Fire and Emergency Planning Authority – The access road should be a minimum of 3.7m in width between kerbs and capable of supporting a pump appliance with a minimum carrying capacity of 14 tonnes. The turning facility should be of a sufficient size to allow a pump appliance to manoeuvre.
- 6.5 The Highways Authority has no objection to the proposals. Request conditions regarding pedestrian visibility splays, vehicle access, wheel washing and various informatives.
- 6.6 Environmental Health – Recommend conditions regarding soil contamination, a full air quality assessment, a demolition method statement/construction management plan, waste materials and a road noise assessment if minded to grant planning permission.
- 6.7 English Heritage – Recommend a condition regarding archaeology if minded to grant planning permission.
- 6.8 Designing Out Crime Officer – Recommends a condition and an informative if minded to grant planning permission.
- 6.9 Transport for London – No objection. Details of cycle storage should be secured by condition. Recommends a condition regarding parking facilities being equipped with Electrical Vehicle Charging points. Given the size of the scheme and the planning history for the site, Staff consider that it is not reasonable to condition electrical charging points, as this condition was not placed on the previous application P1119.13.

7. Relevant policies:

- 7.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable housing), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in new developments), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.
- 7.2 Policies 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 3.13 (Affordable housing thresholds), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 11 (Conserving and enhancing

the natural environment) of the National Planning Policy Framework are relevant.

8. Staff comments:

8.1 This proposal follows a previous application P1119.13 to demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and two replacement dwellings (outline application), which was brought to the 19th December 2013 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

- 1) The proposed development would result in the unbalancing of the semi-detached dwellings at nos. 14 and 20 Prospect Road with two long, narrow properties in the place of the properties to be demolished, resulting in a form of residential development which is out of character in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and LDF Development Control Policies DPD.
- 2) The need for such an excessively narrow and contrived bungalow design in order to enable access to the site demonstrates that the proposal represents an unacceptably cramped overdevelopment of the site, detrimental to the character and amenity of the locality and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 3) In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

8.2 Although this application was subsequently dismissed on appeal, this was solely in respect of the absence of a completed legal agreement. The Inspector did not agree with the first and second reasons for refusal and concluded the proposal would have an acceptable local impact. The appeal decision for application P1119.13 is a material consideration for this application. This proposal is the same as the previously refused scheme.

8.3 The main issues in this case are the principle of development, density and site layout, design/impact on streetscene, impact on amenity, highway/parking issues and other issues.

8.4 Principle of Development

8.4.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application site is on land which is not designated land in the LDF, such as its use for housing would be acceptable and in accordance with Policy CP1 and Policy 3.3 of the London Plan and National Planning Policy Framework which seeks

to increase London's housing supply. In addition, the principle of development was deemed to be acceptable for the previous application, P1119.13.

8.5 Density and site layout

- 8.5.1 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected. The site area is 0.43 hectares and the proposal is for 11 dwellings (including the replacement properties). The proposed density is therefore 25.6 units per hectare which falls below the guidance range. However, the provision of the access road reduces the area available for development such that the density of the land specifically developed is likely to be somewhat higher. Nonetheless density is only one indicator and the main consideration is whether the proposal provides a high quality of design and layout.
- 8.5.2 The London Plan indicates at Policy 3.5 that for four bed houses for six people should have a minimum gross internal floor area of 107 square metres. The proposed four bed houses would have a gross internal floor area of 146 square metres (type A) and 145 square metres (type B). A one bed unit for two people should be a minimum of 50 square metres. All units would be in excess of the minimum internal space standards.
- 8.5.3 In respect of the site layout, the new driveway access would extend from the existing southern edge of Prospect Road and extend southwards between the replacement bungalows and then south-east parallel to the rear boundaries of No.'s 20, 22 and 24 Prospect Road. The proposed detached houses would be located to the south/south-western side of the proposed driveway and it is considered that this would provide an acceptable arrangement with parking to the front and integral garages and amenity space provided to the rear of each property.
- 8.5.4 Six of the properties would front directly onto the access drive with two fronting onto the spur section at the south-eastern corner. The south-eastern corner has a less formal arrangement which is often the case at the end of cul-de-sacs where arrangements reflect the shape of the land available. Staff consider that the properties are reasonably well spaced and that they do not appear cramped. In any event, this would be a "buyer beware" situation where prospective purchasers would be aware of the layout/outlook before making their decision.
- 8.5.5 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. The proposed separate amenity spaces for each property at a minimum of 59 square metres for the bungalows and well over 100 square metres for the new houses are considered to provide an acceptable level of amenity space.

8.6 Design/impact on street/Garden scene

- 8.6.1 The application would comprise the demolition of No.'s 16 and 18 Prospect Road. While the dwellings appear to be in a structurally sound condition, they are not of any particular architectural or historic merit and no in principle objection is therefore raised to their demolition. There is no objection in principle to the demolition of The Bowery and Sunset properties.
- 8.6.2 Members will be aware that the decision to refuse the previous application turned primarily on the removal of the pair of dwellings and the acceptability of the resulting bungalows on the character of the streetscene and the locality.
- 8.6.3 The Inspector (for P1119.13) noted that the character of Prospect Road is not limited to one particular type of dwelling. Although the rhythm of this group of bungalows would be altered, the symmetry retained within the immediate group of No.'s 14 to 20 would not cause the dwellings to appear out of place when considered as part of the wider street scene. The Inspector further considered that, the adherence within the proposed design to the existing bungalows' roof ridge heights, and the incorporation of features similar to those on surrounding dwellings, such as window and roof gable design, would result in dwellings that would appear similar to those of their immediate neighbours. The Inspector concluded that despite their narrower width, the proposed bungalows would not stand out as being inappropriate or out of place in a row of otherwise heterogeneous dwellings, as a result of their appearance.
- 8.6.4 The appeal decision (for P1119.13) stated that the front building lines of the bungalows would be the same as others in the area, and the creation of the access road would result in a more spacious area between No.'s 16 and 18, compared with the relatively narrow spacing between the existing bungalows surrounding the site. Therefore, despite the narrower width of the plots compared with their neighbours, the Inspector considered that the impression of spaciousness currently enjoyed from the street would not be harmed. In any case, the arrangement of the two proposed bungalows and the access road would not represent such a departure from the established pattern of development that significant harm to local character would result.
- 8.6.5 Having regard to the views expressed by the Inspector, which constitutes a material planning consideration, Staff consider that this is no material justification for refusal of the development based on the demolition of the existing bungalows and the impact of the replacement bungalows on the street scene and local character. The layout, siting and scale of the proposed two storey dwellings were deemed to be acceptable for the previous application and no issues were raised in these respects in the appeal decision for application P1119.13. As these aspects are not materially changed from the previous application and there has been no material change in policy or site circumstances, these are again considered to be acceptable.
- 8.6.6 Landscaping is a reserved matter. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.

8.6.7 Appearance is a reserved matter. The agent has provided scaled elevations of the dwellings. It is deemed possible to construct dwellings that would be appropriate.

8.7 Impact on amenity

8.7.1 The nearest affected properties are No.'s 12 and 18 Prospect Road and beyond them, those to the southern side of Prospect Road from No.'s 2 to 28 (evens). Staff consider that, while the new two storey properties would be visible to the occupiers of the existing frontage properties, at a minimum distance of approximately 19 metres away there would not be any significant loss of light or privacy or overlooking between the new and existing properties. Windows to the side elevations at first floor level can be fitted with obscure glass and fixed shut (or restricted) to prevent any loss of privacy.

8.7.2 Staff further consider that the proposed development would also not suffer from a reduced level of residential amenity due to the orientation and relative positioning in relation to existing residential development and each other. Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree. It is noted that no issues were raised regarding the impact of the proposal on neighbouring amenity for the previous application, P1119.13 or in the appeal decision.

8.7.3 It is noted that Members deferred this application from an earlier committee in order to obtain information in advance about the proposed construction methodology; to reduce permitted construction times and to control the phasing of construction. The applicant has declined to provide a construction methodology in advance for reasons set out in paragraph 2.2 of this report. The applicant also advises, for reasons set out in paragraph 2.2, that the timing of the construction of the two houses cannot be established at this stage.

8.7.4 Staff note the concerns raised with regard to the impact of the development on neighbouring amenity through the construction works. It is not judged that the impacts are of such magnitude in this case that they would amount to material grounds for refusal of this application. It is considered that the impact of construction can be acceptably mitigated through the submission of a construction method statement, which can be required through planning condition in advance of any of the works commencing. Although it is not common practice to receive the details of construction methodology prior to issuing consent in this case, given the nature of the development and its particular relationship to the neighbouring properties, which involves demolition of 16 and 18 Prospect Road, this is judged to be a reasonable requirement. The hours of working planning condition has also been amended by Staff to reflect the reduced hours previously requested by Members. Such condition is considered reasonable in light of the nature of the development proposed and relationship with neighbouring houses.

8.7.5 It is considered reasonable to place a condition requiring that the replacement dwellings at No.'s 16 and 18 Prospect Road shall be constructed prior to the

construction of the new dwellings to the rear of the application site to protect the amenity of neighbouring houses.

8.8 Highway/parking issues

8.8.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. Two parking spaces are proposed to each of the nine new houses and the replacement one-bedroom bungalows. This would be acceptable.

8.8.2 In respect of access, the proposed development would take access from Prospect Road. The Fire Brigade are satisfied with the proposed access.

8.8.3 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.

8.8.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

8.9 Other Issues

8.9.1 A Noise Exposure Assessment has been submitted with the planning application. A full assessment is requested to devise a suitable scheme for sound insulation against traffic noise through a suitably-worded condition.

8.9.2 The application site lies within an Archaeological Priority Area. It is unclear from the submitted material whether there have been modern impacts on buried potential. In view of the scale of the proposals, there may be an impact on hitherto undiscovered archaeological remains. A suitable condition would be attached to any grant of planning permission in relation to the need for further archaeological investigation.

8.9.3 The agent has submitted a Phase 1 Habitat Survey with the application. It is considered that there are further requirements in terms of further surveys with regard to trees (retention or removal) and mitigation measures for protected species together with other landscaping requirements which could usefully be submitted with the reserved matters application which relates solely to Landscaping. A suitable condition will be attached to any grant of outline planning permission requiring further information/details to be submitted in line with the summary contained in the Phase 1 Survey.

8.9.4 While the site lies adjacent to an area of Metropolitan Green Belt, it forms part of the existing urban area and, in line with previous Planning Inspector's decisions (including application P1119.13), it is concluded that this development would not adversely impact on the openness of the adjoining Metropolitan Green Belt as it would be viewed in the context of the urban area.

9. The Mayor's Community Infrastructure Levy

- 9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. A CIL form was submitted with the application. The applicable fee is based on an internal gross floor area of (1,410.4 sq.m. – 179.5 sq.m.) 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

10. Planning Obligations

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 10.2 The proposal is liable to a contribution of £54,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that the guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

11. Affordable Housing

- 11.1 The proposed density is below the range for the area which results in nine additional units being just below the trigger point for affordable housing (ten or more units). Staff consider that if smaller units or semi-detached pairs were provided, that this would increase the density and number of units, nonetheless this is not the scheme for consideration. Staff consider that the proposed form of development and the size of the units are not unacceptable of themselves and that, as such, it would not be possible to add further similar-sized units without the development appearing cramped. No issues

were previously raised in respect of affordable housing for the previous application, P1119.13.

- 11.2 An area of land has been excluded from the application site. Staff consider that this could support either one or possibly two additional detached properties of the same scale to those proposed. If this site comes forward for development as a second phase, the number of additional properties would in total meet the trigger point for the provision of affordable housing and any application for this adjoining site would therefore be subject to an affordable housing contribution.

12. **Conclusion**

- 12.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the layout and access of the dwellings proposed is compatible with the prevailing character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. It is considered that the proposal would not create any parking or highway issues. There would be a financial contribution of £54,000 towards infrastructure improvements. Staff do not consider that there are material grounds for refusal based on the impact of construction works on neighbouring residential amenity.
- 12.2 The proposal is the same as that previously refused under application P1119.13. Although dismissed on appeal this decision was solely on the grounds of the lack of a S106 Agreement, with the Inspector raising no objection to any other aspect of the development. This is a material consideration. Accordingly, subject to the completion of a legal agreement, the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement. There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 19/08/2014.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

29 January 2015

Subject Heading:

P1020.12 - 69 Oldchurch Road, Romford -
The demolition of existing warehouse and
office and the construction of 34 flats in
two blocks with underground parking and
2 semi-detached houses. (received
16/08/12; revised plan received 16/12/14)

Ward:

Brooklands

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 432755

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

- Ensuring a clean, safe and green borough []
- Championing education and learning for all []
- 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 planning application relates to the demolition of an existing industrial building and a residential development of 34 flats and 2 houses. The committee resolved to approve the application at its meeting on 21 August 2014.

The resolution to approve was subject to the prior completion of a legal agreement to secure an infrastructure contribution and a restriction on parking permits. However, the legal agreement was not completed due to issues relating to development financing. In order to facilitate financing of the infrastructure contribution it is proposed to complete the development in 3 phases as per drawing no. 2216_P20.

The application is being reported back to Committee in order to amend the legal agreement requirement by allowing a phased development. No other changes have been made to the report previously considered by Members.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That it be noted that 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 a combined internal gross floor area for the two dwellings and 34 flats of 3529m² minus the existing floor area to be demolished of 1846.16m², which equates to a total area of 1682.84m² and a Mayoral CIL payment of £33,656.80.

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:

- Save for those holding blue badges restriction on residents of the development applying for parking permits within the local area.
- A financial contribution of £216,000 to be used towards infrastructure costs which will be due at the commencement of each phase of development as per the approved phasing plan (drawing no. 2216_P20). In order to facilitate financing of the infrastructure contribution it is agreed that the development be completed over 3 phases. Phase 1 would consist of the construction of a semi-detached pair of dwellings; phase 2 would consist of the construction of 10 flats and phase 3 would consist of the construction of

the remaining 24 flats (as per drawing no. 2216_P20). The payment of the infrastructure contribution is to be paid prior to the commencement of each phase at a rate of £6,000 per dwelling unit for timely payment in accordance with the phasing set out above.

- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee.

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

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 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. The development shall be carried out in accordance with the phasing plan shown on drawing no. 2216_P20 unless otherwise submitted to and approved in writing by the Local Planning Authority. No phase of development shall commence until all relevant prior to commencement conditions are approved in respect of that phase.

Reason: To ensure that no phase of development commences without submission of the required details and to accord with the provisions of the legal agreement with regard to the timing of the planning infrastructure contribution.

4. **Parking standards:** Before the building(s) hereby permitted is first occupied, provision shall be made for 34 No. off-street car parking spaces for use by the flats and 4 No. spaces (2 spaces each) for use by the 3-bed and 2-bed dwellings and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

5. **Materials:** No phase of development (as identified in accordance with condition 3) shall be commenced until samples of all materials to be used in the external construction of the buildings within that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

6. No phase of development (as identified in accordance with condition 3) shall be commenced until a detailed scheme for the hard and soft landscaping of that phase of the site has been submitted to and approved in writing by the Local Planning Authority. 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

7. **Standard flank wall condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the submitted and approved plans,) 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 (as amended or otherwise replaced) 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.

8. Wheel washing: No phase of development (as identified in accordance with condition 3) shall be commenced until details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during that phase of the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained within the application site 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 the Development Control Policies Development Plan Document Policies DC61 and DC32 of the LDF.

9. Cycle storage: Prior to completion of each phase of the development hereby permitted (as identified in accordance with condition 3), cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

10. Hours of Construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

11. Construction Method Statement: No phase of development (as identified in accordance with condition 3) shall be commenced until a scheme has been 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 that phase 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.

12. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed 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.

13. Secured by Design/Crime Prevention: No phase of development (as identified in accordance with condition 3) shall be commenced until details of the measures to be incorporated into the development demonstrating how the principles and practices of the Secured by Design scheme have been included have been submitted to and approved in writing by the Local Planning Authority. Each phase of 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.

14. Refuse and recycling: Prior to the first occupation of each phase of the development hereby permitted (as identified in accordance with condition 3), provision shall be made for the storage of refuse and recycling awaiting

collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority

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

15. Risk and Contamination Assessment, Part 1: (1) No phase of development (as identified in accordance with condition 3) shall be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority);

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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 (Remediation Scheme) Report if the Phase II Report confirms the presence of a significant pollutant linkage 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 prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

16. Risk and Contamination Assessment, Part 2: (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 this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

17. Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, which amends the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order) (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions, roof alterations or outbuildings shall take place 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. Boundary Treatment: No phase of development (as identified in accordance with condition 3) shall be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

19. Noise Insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

20. Sustainable Homes Rating: No phase of development (as identified in accordance with condition 3) shall be occupied until the developer has provided a copy of the Interim Code Certificate confirming that the

development design of the relevant phase achieves a minimum Code for Sustainable Homes Level 3 rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Within 6 months of the final occupation of any residential unit within the relevant phase the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

21. Renewable Energy System: The renewable energy measures shall be installed in strict accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational to the satisfaction of the Local Planning Authority prior to the residential occupation of each and any phase of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

22. Site drainage: No phase of the development hereby approved (as identified in accordance with condition 3) shall be commenced until details of the site drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

Reason: To prevent pollution of the water environment.

23. Lifetime Homes Standard: The new residential units hereby approved shall all be built to Lifetime Homes standards.

Reason: In order to comply with the requirements of Policy DC7 of the LDF Development Control Policies Development Plan Document.

24. Archaeological work: No development shall take place on any phase of the development (as identified in condition 3) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed approved 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: In order to comply with the requirements of Policy DC67 of the LDF Development Control Policies Development Plan Document.

25. CCTV and Lighting: Phase 2 and 3 of the development hereby approved (as identified in accordance with condition 3) shall not be commence until a CCTV and lighting scheme for the underground car parks have been submitted to and approved in writing by the Local Planning Authority for each phase. The approved details shall be implemented in full prior to occupation of the development hereby approved and permanently maintained in accordance with the approved details.

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

26. Parking restriction: No parking spaces shall be formed to the front of the proposed new dwellings fronting onto Oldchurch Road without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety.

INFORMATIVES

1. Following a change in government legislation 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. 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. 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. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £33,656.80 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be

sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website

5. 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 and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
6. The developer, their representatives and contractors are advised that planning permission 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.
7. The applicant 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.
8. With regards to surface water drainage 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 it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
9. In aiming to satisfy Condition 13 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
10. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

REPORT DETAIL

1. Background

- 1.1 Regulatory Services Committee resolved to approve the application at its meeting on 10 January 2013 subject to prior completion of a legal agreement. However, the legal agreement was not completed owing primarily to viability issues. A revised viability assessment was received by the Council, which concludes that the development is no longer able financially to support the provision of any units of affordable housing. The scheme originally proposed 8% of the units to be affordable. An independent appraisal of the assessment concurs with the conclusion that the scheme cannot support the provision of affordable housing. The application was reported back to Committee in August 2014 in order to amend the heads of terms of the legal agreement by omitting the request for 8% affordable housing units. This was agreed by Members.
- 1.2 The proposal still however requires the completion of a legal agreement to secure the payment of the infrastructure contribution required under the Planning Obligations SPD. The Council has now received a request to allow the contribution to be paid on a phased basis. This would involve developing the site in three separate phases, with the payment to be made prior to commencement of each phase. The original report presented to Members is reproduced below, with amendments to the recommendation and planning conditions to reflect the requested change. Other than the changes to the legal agreement referred to above, there are no other material changes to the proposals previously considered and found to be acceptable by Members.

2. Site Description

- 2.1 The application site is located on the western side of Abbs Cross Lane, immediately adjacent to the London Underground District Line and Railway Bridge, at the point at which Southend Road begins. The application site comprises 0.1ha, with the plot itself measuring (at its maximum) 40.6m wide by 31.6m deep. The site is currently vacant. Levels significantly drop from the carriageway into the site. A fall in levels also occurs from north to south.
- 2.2 The surrounding area is characterised by two storey terraced properties.

3. Description of Proposal

- 3.1 The application seeks planning permission for the demolition of the existing building on the site and its replacement with a residential development comprising 34 flats in two blocks and two semi-detached houses.

- 3.2 The proposal would comprise 9 no. one bedroom flats, 25 no. two bedroom flats and 1 no. three bedroom house and 1 no. two bedroom house. Access into the development would be taken from Oldchurch Rise. The development would provide parking at surface level and underground at a rate of 1.15 spaces per flat and two spaces per house with two visitor spaces.
- 3.3 The proposed flats would be provided in two separate blocks on the part of the site located to the rear of nos. 65 to 83 Oldchurch Road. Block A would provide 10 flats, with block B providing 24 flats. Block A would be situated adjacent to Oldchurch Rise in the western part of the site. The proposed block would measure approximately 24 metres in width by 21 metres in depth. The block would be of varying storey heights ranging from one to three storeys. The single storey elements would have a maximum height of 3 metres, with the three storey elements having a maximum height of 8.5 metres. Each of the flats would have Juliet type balconies, predominantly within the southern elevation. The block would be finished with facing brickwork, render and weatherboarding. A distinctive pattern throughout the development is the addition of coloured vertical strip features.
- 3.4 Block B would be situated in the eastern part of the site adjacent to the car parking of the neighbouring Blade Court flatted block. The block would measure 35 metres in width by 26 metres in depth. The block would be of varying storey heights ranging from two stories to four stories. The two storey elements of the block would be 6 metres in height with the five storey element reaching a maximum height of 12 metres. Each of the flats would have Juliet type balconies, predominantly within the southern elevation. The block would be finished with facing brickwork, render and weatherboarding. The areas at the base of the proposed blocks would provide communal amenity space.
- 3.5 The proposed pair of semi-detached houses would be provided fronting onto Oldchurch Road on the land between nos. 67 and 73. The houses would have conventional rear garden areas with surface car parking beyond. The proposed houses would measure 8.4 metres in width by 10.3 metres in depth, with a pitched roof over 5 metres in height to the eaves and 8.15 metres to the ridge. The proposed pair of houses would be connected to an existing terraced block, of similar design to the adjoining houses, with two bay window features to the front elevation. The proposed pair would therefore be seen as an extension to the terrace rather than a semi-detached pair of dwellings. The houses would be finished with facing brickwork and roof tiles.
- 3.6 This application follows a previous outline application which was approved but withdrawn due to a failure to sign the S106 agreement. The current proposal is slightly different from the previous submission in that the internal space has been arranged in a different way to provide for mainly 1-bed and 2-bed units as opposed to the previous scheme which included 3-bed units. Another change is the layout and design of the two semi-

detached dwellings proposed. The applicant has also significantly reduced the affordable housing provision from 35% (13 units) to 8% (3 units).

4. Relevant History

- 4.1 P0586.09 - Outline application for demolition of existing warehouse and office, construction of 34 flats in two blocks with underground parking and two semi-detached houses - Approved but withdrawn due to the failure to complete a S106 agreement.
- 4.2 P1980.08 - Outline planning application for demolition of existing warehouse and office, construction of 35 flats in two blocks with underground parking and two semi-detached houses – Refused

5. Consultation/Representations

- 5.1 Notification letters were sent to 78 neighbouring properties and 1 letter of objection was received.
- 5.2 The main concerns relates to the overdevelopment of this part of the Borough and the increase in traffic congestion that it would bring about.
- 5.3 The Council's Environmental Health Service requested the part 2A condition to be added as the Desktop Study indicated that there are potential pollutant linkages present on the site. Environmental Health also requested a noise insulation and construction and delivery hours condition.
- 5.4 The Highway Authority has no objection to the proposals.
- 5.5 The Borough Crime Prevention Design Advisor did raise concerns regarding certain elements discussed with the applicant which is not reflected on the plans. A Secured by Design condition is requested to deal with any outstanding issues.
- 5.6 English Heritage requests a condition securing the implementation of a programme of archaeological works.

6. Relevant Policies

- 6.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC6 (affordable housing), DC7 (lifetime homes and mobility housing), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC51 (renewable energy), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and

Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.

- 6.2 Policies 3.11 (Affordable Housing Targets), 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.7 (Large Residential Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) and 8.3 (Community Infrastructure Levy) of the London Plan (2011).
- 6.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

7. Staff Comments

- 7.1 This proposal is put before the Committee owing to the application site comprising more than two dwellings. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

8. Principle of Development

- 8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework. The Council will generally require the redevelopment for housing of commercial sites which become available for development.
- 8.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 61m² for a 2-bed 3-person flat and 50m² for a 1-bed 2-person flat. The proposed flats are in line with these minimum guidelines and considered acceptable. For the two semi-detached houses the Mayor has set the minimum internal space standards at 83m² for a 2-bed 4-person dwelling and 96m² for a 3-bed 5-person dwelling. The proposed dwellings are in line with these minimum guidelines and considered acceptable.
- 8.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The majority of the site is presently occupied by a warehouse building. The site is located within a predominantly residential area, with the existing use of the land for commercial purposes being somewhat out of character. The

proposal is therefore an opportunity to remove this use from a residential area and replace it with a land use more compatible with the surroundings. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

- 8.4 As the site has a history of commercial use, it is likely that land contamination could be present. It is recommended that issues of land contamination be dealt with by condition in the event that planning permission is granted. Similarly issues of archaeology could also be dealt with via condition.

9. Density and Site Layout

- 9.1 The application site is ranked as being within a high Public Transport Accessibility Level Zone (PTAL 5-6), with the density recommendation being 165-275 units per hectare. The proposed development of 36 units represents a density of 107 units per hectare based on the red line site area or 121 units per hectare if the site area of the two proposed semi detached houses is deducted. This is clearly below the recommended density range but may not be unacceptable given the constrained nature and location of the site. Furthermore, the advised density ranges are one of number of criteria employed to assess the appropriateness of a proposal.
- 9.2 In terms of site layout, the proposed development has a lesser overall footprint than the existing industrial buildings. This enables the proposed blocks to be positioned further from the northern site boundary than the existing building. This, in turn, is considered to create a relatively spacious setting for the development with a separation distance of between 10.5 and 20 metres being created from the northern boundary. There is also the opportunity to provide landscaped areas around each of the flatted blocks and the access road. Staff therefore consider the development to have a reasonably spacious setting.
- 9.3 It should be recognised however that the site is situated in a high PTAL zone where the provision of amenity space is likely to be at a reduced level. The development provides a landscaped area of 700 square metres in addition to further areas of landscaping adjacent to the access road which provide setting for the proposed buildings. The amenity area is considered to be relatively spacious and is set out in conveniently useable form. Additionally there is some provision of external balconies within the development, which would add to the amenity provision. The site is situated adjacent to the entrance to Oldchurch Park, which would also contribute towards the amenity needs of future occupiers of the development. Staff consider the amenity space provision acceptable.
- 9.4 To the south the site is adjoined by a public car park with open space beyond which forms part of the Romford Ice Rink grounds. The ice rink site is Council owned and it is envisaged that the site will be redeveloped in the

future. There is currently an extant planning permission to provide a mixed use development of housing, a foodstore and a petrol filling station on the adjacent site. This approval shows residential development on land immediately adjacent to the application site, although this is in outline form. The proposals for the adjacent ice rink site were received after this planning application and were judged with regard to this proposal. Staff are therefore satisfied that the proposal would not prejudice the redevelopment of this land

- 9.5 The layout of the proposed blocks would include main entrance doors from the new access road, with level access and double width doors. In order to ensure that the proposal meets the provisions of Policy DC7 in respect of Lifetime Homes, a planning condition is recommended.

10. Design and Visual Impact

- 10.1 The proposal includes the construction of a pair of semi-detached houses on land between nos. 67 and 73 Oldchurch Road, fronting onto Oldchurch Road. The surrounding properties in this part of Oldchurch Road are two storey semi-detached or terraced houses. Staff are of the view that the proposed pair of semi-detached houses would be of a suitable form and external appearance. It is considered that the proposed houses would satisfactorily integrate into the street scene.

- 10.2 The proposed flatted blocks have been designed as a predominantly three and four storey development, although the visual impact of this is mitigated by the flat roof design and use of contrasting external materials. The proposed flatted blocks would, for the most part, be of greater height than the current industrial building on the site. However, the overall height of the blocks would not exceed that of the adjacent Blade Court, which is a five storey building. Blade Court has been designed in such a way to address the road junction at Rom Valley Way and follow the curvature of the roundabout. The proposed development is considered to be different to this development in that the site does not form a frontage location and, instead, amounts to a type of 'backland' development to the rear of existing houses. The proposed development would however be visible from Rom Valley Way across the open land to the front of the Ice Rink and from Oldchurch Rise. Block A is considered to be acceptable in terms of siting and design. Block B would comprise a predominantly four storey building. The block has been designed in such a way that it steps down in height to two storeys at the point closest to the rear of Blade Court and nos. 65 and 67 Oldchurch Road. Having regard to the design of the proposed blocks and the height of the adjacent Blade Court, the overall height and bulk of the proposed buildings is not considered to be materially out of scale and character with the surroundings.

- 10.3 The proposed development would be visible along Oldchurch Rise, which serves as a secondary access point to the Queens Hospital. Block A would be set back between 3 and 12 metres from the boundary of the site onto Oldchurch Rise, which mitigates its overall impact in the street scene. Staff

are of the view that the proposal would result in an improved visual relationship to Oldchurch Rise which is presently characterised by the existing building of industrial appearance tight to the back edge of the footway.

- 10.4 In respect of the overall design and architectural style of the building, Staff consider that there is no distinctive architectural style in this part of Oldchurch Road. It is considered that the modern design of the development which consists of a mixture of different colours and types of materials would be acceptable in principle and would integrate with Blade Court and the Queens Hospital.

11. Impact on Amenity

- 11.1 To the north the site is backed on to by the rear gardens of dwellings in Oldchurch Road. In terms of bulk, visual impact and impact on light, the proposed flatted blocks are judged to be sufficiently far from the site boundary not to result in significant harm to amenity. At the closest point, habitable room windows in block A would face the northern boundary at a distance of approximately 17 metres to the boundary and 30 metres back to back. In respect of block B, at the closest point, habitable room windows would face the northern boundary at a distance of 21 metres to the boundary and 31.5 metres back to back. Staff consider this to be an acceptable relationship in respect of issues of privacy.

- 11.2 The proposed development is considered to have an acceptable relationship with Blade Court, with a distance of 12 metres being achieved to the flank elevation of block B. At this point the building is two stories and gradually increases in height to a maximum of five stories. At the point where the building reaches four stories it would be at a distance of 21 metres from the main rear wall of Blade Court. In view of the distances of separation and the orientation of the proposed flatted blocks it is considered that no material harm to amenity would result.

- 11.3 Given the curved facade of block B some of the proposed window openings facing east would face towards the rear of Blade Court. These window openings would be separated by a distance of 23 metres at the closest point and be at an oblique angle which Staff consider would prevent significant inter-looking.

- 11.4 The depth of the proposed dwellings in relation to the adjacent houses is considered acceptable and would not result in an acceptable impact upon amenity.

12. Sustainability/Renewables

- 12.1 The proposed development aims to gain Code for Sustainable Homes Level 3, which is in accordance with Policy DC49. In the event that Members were minded to grant planning permission this could be secured by condition to ensure the development attains this standard.

12.2 It is indicated that predicted carbon dioxide emissions from the development could be reduced by 20% through the use of on-site renewable energy equipment. The development would therefore accord with the target set out in the London Plan. The Council's Energy Officer is satisfied with the proposal in respect of sustainability subject to suitable conditions. The proposal is therefore considered acceptable in this respect and conditions could be imposed to ensure the development demonstrates this level of reduction of CO2 emissions is met.

12.3 Policy DC40 advises that planning permission will only be granted for developments where suitable waste and recycling storage facilities are provided. In this case the proposal would see the provision of suitable refuse storage enclosures which staff consider would allow convenient kerb side collection. In the event that Members are minded to grant planning permission a condition requiring further details in this respect could be imposed.

13 Highways / Parking Issues

13.1 Access into the site would be taken via Oldchurch Rise, with the vehicular crossover being situated in the same position as currently. The proposed access road into the site would join two ramps, each serving the underground car parks. A turning area for larger vehicles would be provided within the centre of the site. The proposed turning and access arrangements are considered to be acceptable, and meet the access and servicing needs of the development.

13.2 The development proposes a total of 44 parking spaces, which is a ratio of 1.15 spaces per flat, two spaces per house and two visitor spaces. The application site is located on the outskirts of Romford Town Centre in an area which is identified for high density development (PTAL 5-6). In view of this the proposed parking provision is considered to be acceptable and would accord with the density matrix in Policy DC2. Future occupiers could also be restricted from applying for parking permits through S106 agreement. The proposal includes cycle storage provision to accord with Policy DC36 and this would encourage alternative means of transport. Staff consider, having regard to the package of measures proposed and the location of the site in relation to Romford Town Centre, that the parking provision is acceptable.

14. Affordable Housing

14.1 The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The applicant has provided with this application a financial appraisal which in the applicant's view justifies the provision of no affordable housing within the scheme. An independent economic viability assessment has confirmed

that the scheme is not sufficiently viable to support any affordable housing provision and therefore the absence of any affordable housing provision on this site is justified and in accordance with the London Plan and Policy DC6. Members gave consideration to this issue at a previous meeting of Regulatory Services Committee in August 2014 and accepted that the development was not capable of providing any affordable housing.

15. The Mayor's Community Infrastructure Levy

15.1 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 a combined internal gross floor area for the two dwellings and 34 flats of 3529m² minus the existing floor area to be demolished of 1846.16m², which equates to a total area of 1682.84m² and a Mayoral CIL payment of £33656.80.

16. Planning Obligations

16.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £6,000 per dwelling to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement for the amount of £216,000.

16.2 In order to facilitate financing of the infrastructure contribution the applicant has requested that the development be completed over 3 phases. Phase 1 would consist of the construction of a semi-detached pair of dwellings; phase 2 would consist of the construction of 10 flats and phase 3 would consist of the construction of the remaining 24 flats (as per drawing no. 2216_P20).

17. Other Issues

17.1 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect, subject to the imposition of conditions requested by the Borough Designing Out Crime Officer.

17.2 The site is in a location which may potentially affect the flight path of helicopters using the landing pad within the grounds of the adjacent Queens Hospital. The potential impact on the flight path is a material planning consideration and as such letters of consultation were previously sent for a similar planning application to the Queens Hospital, the London Air Ambulance, the Essex Air Ambulance and the National Air Traffic Services. No objections were raised by any of these parties at the time.

18. Conclusion

18.1 In conclusion, residential development on the site is considered to be acceptable in principle and would result in the removal of an existing

commercial use. The proposal is considered to be acceptable in terms of scale, form, massing and visual impact. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. The development is also considered to be acceptable in respect of parking and highway issues. The viability case for not providing any affordable housing has been independently assessed and found to be acceptable. Staff have no objections in this case to the phasing of the development and the consequent phasing of payment of the infrastructure contribution. It is recommended that planning permission be granted, subject to the prior completion of the legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement

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 proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers

BACKGROUND PAPERS

1. Application forms and plans received 16/08/12. Revised plan received 16/12/14.

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REGULATORY SERVICES COMMITTEE

29 January 2015

REPORT

Subject Heading:

P1680.14 - Land at Haydock Close, 9 flats (2 No 1 bed and 7 No 2 bed) with associated landscaping & off street parking (Application forms and plans received 15/12/14, revisions received on 05/01/15).

Ward:

Hacton

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 432755

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

SUMMARY

The application proposes the erection of 9 no. flats which would consist of 1 no. 1-bed flat and 8 no. 2-bed flats. The committee resolved to approve the application at its meetings on 9 January 2014, 30 January 2014 and 8 May 2014 however the applicant has made various amendments to the scheme which requires a further application and Committee approval. A summary of the changes proposed and assessment are covered in the following report.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 648m² and amounts to £12,960.

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 £30,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 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. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 14 no. off-street car parking spaces within the site of which 1 would be a disabled space, 1 internal garage space and 4 visitor spaces, as shown on drawing no. 9FLTS/01B (block plan) hereby approved,. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Materials: The development hereby permitted shall be constructed with external materials as previously approved under application Q0128.14.

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.

5. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their 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

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted and approved plans,) 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.

7. Cycle storage: The development hereby permitted shall be constructed in accordance with the details of the cycle storage as previously approved under application Q0128.14.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

8. Hours of construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

9. Construction Method Statement: The development hereby permitted shall be implemented in accordance with the construction method statement as previously approved under application Q0128.14

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

10. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed 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.

11. Secured by Design/Crime Prevention: The development hereby permitted shall be implemented in accordance with principles and practices of the Secured by Design Scheme as previously approved under application Q0128.14.

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

12. Refuse and recycling: Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. The provision shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

13. Noise insulation: The buildings shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties.

14. Screen fencing: The development hereby permitted shall be constructed in accordance with the details of the screen fencing as previously approved under application Q0128.14.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

15. Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided prior to the first occupation of the development and operated in strict accordance with the approved scheme.

Reason: In the interest of residential amenity.

16. Wheel washing: The development hereby permitted shall be constructed in accordance with the details of the wheel washing as previously approved under application Q0128.14.

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 the Development Control Policies Development Plan Document Policies DC61 and DC32.

- 17 Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed flank windows in the eastern flank elevation serving a bathrooms shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason: In the interest of privacy.

INFORMATIVES

1. Fee Informative:

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. 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.

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

5. The applicant 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.
6. With regards to surface water drainage 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 it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
7. 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.

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 648m² which, at £20 per m², equates to a Mayoral CIL payment of £12,960 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is located towards the end of a cul-de-sac towards the south of Haydock Close. The site is rectangular in shape and measures approximately 820m². The majority of the site falls within Flood Zone 2.
- 1.2 Directly south of the site is an area designated as parks, open spaces and allotments. This area also forms part of the Metropolitan Green Belt, Thames Chase Community Forest and falls within Flood Zone 3.

- 1.3 The character of the surrounding area is mainly 2-storey residential dwellings towards the west along Haydock Close. Towards the north of the site is Hacton Social Hall and approximately 25m east is Hacton Lane. Access to the site is via Haydock Close.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 9 no. flats with associated parking and amenity. The proposed dwellings would consist of 2 no. 1-bed flat and 7 no. 2-bed flats. The proposed building would be located to the western part of the site, approximately 1.25m to the boundary at its closest point
- 2.2 The proposed building consists of two sections measuring approximately 13.2m in depth and 12.3m in width. The sections would be staggered with the one furthest to the west set approximately 1.2m forward. The two sections would measure 5.2m in height to eaves and 9.1m to the top of the gable ended roofs.
- 2.3 The development proposes 6 no. front dormers and 4 no. rear dormers. The front dormers would measure 1.8m in width, 2.9m in depth and 2.5m in height to the top of the hipped roofs. The rear dormers would measure 3.4m and 4.45m in width respectively, 3.3m in depth and 2m in height to the top of the flat roofs.
- 2.4 The proposed flats would consist of a kitchen/living room, bathroom and 1 or 2 bedrooms.
- 2.5 There would be a bin storage area on the eastern side of the proposed building along part of the rear boundary.
- 2.6 Parking provision for 14 vehicles, comprising 1 for each dwelling, 1 disabled bay and 4 visitor spaces would be provided on a hardstanding to the front of the proposed western block and along the eastern boundary. One of the spaces proposed would be an integral garage space.
- 2.7 Amenity space would be provided to the rear of the building for flats 1, 2, 3 and 4 and would measure 16.8m², 18.3m², 29m² and 30.5m² respectively. The first floor flats would each have a balcony of 8.5 square metres.

3. History

- 3.1 P0695.11 - Construction of one pair of semi-detached properties (1x3 bed & 1x2 bed) one 3 bed detached property and one 2 bed detached property - Approved
- 3.2 P1388.13 - 9 flats (1 No 1 bed and 8 No 2 bed) with associated landscaping & off street parking - Approved

4. Consultation/Representations

- 4.1 Notification letters were sent to 31 neighbouring properties and 4 letters of objections were received raising the following concerns:
- Cause additional parking problems in Haydock Close
 - Flats out of keeping with rest of road
- 4.2 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.3 English Heritage concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

- 6.1 The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 *Background*
- 6.2.1 This application was previously considered by Members on 8 May 2014, where it was resolved to grant planning permission, subject to the prior completion of a legal agreement to secure the payment of an infrastructure contribution under the terms of the Planning Obligations SPD.
- 6.2.2 The current application seeks the following changes to the previous approved scheme.
- Western flank boundary wall to be built in straight line

- Duplex flats 5 and 6 have been omitted; flat 1 is the only duplex apartment now.
- Half of block B has been reduced in depth to the rear to create more garden space
- Total amount of car parking is still 14 but flat 1 has an integrated garage space
- Communal staircase window at front elevation (above porch) is now the same size as the other windows.
- Changes to some of the gross internal areas
- No parking yellow box to the front of Block B
- Disabled car spaces has been moved to the front of the Northeast boundary
- Flats 7 and 9 have 2 no. loft windows each to the front elevation
- Slight reduction in amenity space provision

The proposed changes are assessed below.

6.3 *Principle of Development*

6.3.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.4 *Site Layout / Amenity Space*

6.4.1 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 50m² for a 1-bed 2-person flat and 61m² for a 2-bed 3-person. The proposed flats are in line with the recommended guidance and considered acceptable.

6.4.2 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.4.3 The proposed development would provide amenity space to the rear of the building for flats 1, 2, 3 and 4 and would measure 16.8m², 18.3m², 29m² and 30.5m² respectively. The amenity space provision is also supplemented by balconies to the southern elevation at first floor level.

Staff are of the opinion that the communal garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a usable garden area albeit that they would be overlooked by the balconies serving the first floor units. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.4.4 The residential density range for this site is 30 - 50 units per hectare (PTAL 1-2). The proposal would result in a density of approximately 109 units per hectare. Although the density range is above the recommended range it is considered acceptable given the flatted nature and siting of the development, which inherently brings about higher densities.

6.4.5 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling approximately 11m towards the west. It is considered that the proposed blocks would have sufficient spacing between the site boundaries and neighbouring buildings to not appear cramped or overdeveloped. The proposal would have a sufficient set-back from the edge of Haydock Close. The general layout and relationship with surrounding properties are therefore considered acceptable.

6.5 *Impact on Local Character and Street Scene*

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

6.5.2 The proposal would be at the end of a cul-de-sac and would therefore only be visible when the end of the close is approached. The building would be set back from the edge of Haydock Close by approximately 6m at its closest point. The buildings would also be set behind the building line of dwellings towards the west and have the same eaves and ridge height. Staff are of the opinion that due to the layout and positioning of the proposed building on the site, it would not appear as a prominent feature in the street scene.

6.5.3 Irrespective of the proposal's negligible impact on the street scene, Staff consider their design to blend in with the overall character of other dwellings in the vicinity. The proposals would not be overly bulky or visually obtrusive and are considered to be acceptable in terms of their appearance in the street scene.

6.5.4 The reduction in amount and increase in width to the remaining rear dormers proposed is considered acceptable in the rear garden environment as they are sufficiently contained within the rear roof slope and well set in from the sides, set back from the rear building line and set below the ridge.

6.5.5 Overall, the proposals are considered to be acceptable in terms of their design, scale, character and visual impact within this part of the street scene. The impact of the development on the streetscene is not considered to be materially different to that previously considered and approved under application P1388.13 and the proposal is therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

6.6 *Impact on Amenity*

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

6.6.2 The proposed development is only bordered by residential properties to the west with the nearest residential property situated at approximately 11m away. Two windows, one at ground floor and one at first floor serving bathrooms are proposed to the western flank of the development. A condition would be imposed to have these windows obscure glazed and fixed shut with the exception of the top hung fanlight. Balconies are also proposed to the rear of the proposed development. Given the orientation of the proposed building further back into the site and the rear building line of the development lining up with that of the rear boundary of the western neighbour it is not considered that the balconies would result in an unacceptable impact in terms of overlooking.

6.6.3 With regards to the proposal's proximity to the social club and the club's potential impact on future occupiers, it was noted upon site inspection that this building is single storey in height and has low-level windows. With appropriate screen fencing and vegetation, it is not considered that any overlooking would occur. Although there may be some noise impact, Staff are of the opinion that there is a "buyers beware" situation in this instance and any future occupiers would be aware of the current site circumstances.

6.6.4 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 9 No. flats would not give rise to an unacceptable level of vehicular activity.

6.6.5 In terms of general noise and disturbance, it is not considered that the addition of 9 flats would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.

6.6.7 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the

amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.7 *Highways / Parking Issues*

6.7.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type. The development would provide a total of 14 No. parking spaces. The level of parking is the same as that judged acceptable for the previous planning application. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect. The Highways Authority has not raised an objection to the proposed development.

6.7.3 A condition would be added to provide storage for 2 no. cycle spaces per flat in order to comply with the Council's standards. The relocation of the proposed cycle storage to the south-eastern corner is considered acceptable.

6.7.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.8 *The Mayor's Community Infrastructure Levy*

6.8.1 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 648m² which equates to a Mayoral CIL payment of £12,960.

6.9. *Planning Obligations*

6.9.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £30,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "*if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "*in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations*". Paragraph 2 of the National

Planning Policy Framework (NPPF) reiterates this: “*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.

6.9.3 The proposal is liable to a contribution of £30,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that this guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

6.10 *Other Issues*

6.10.1 With regards to refuse collection, the proposed relocation of the bin storage area would be acceptable as the access arrangements meet the 5m width requirement for a refuse vehicle to access the site in order for refuse collection to take place. Staff consider the refuse arrangements to be acceptable.

6.10.2 As part of the approval in 2011 a wildlife / protected species report was submitted. The report concluded that no evidence of protected species have been found on the site itself, although the site forms part of a much larger "wildlife corridor". At the time of the site visit it became apparent that most of the dense vegetation has already been cleared.

6.11 *Trees*

6.11.1 With regards to the loss of trees and vegetation on the site. Whilst the site is adjacent to Green Belt land, it does not in itself form part of the Green Belt. The site is not designated as a Site of Importance for Nature Conservation, does not fall within a Conservation Area or have any Tree Preservation Orders on any of the trees. The only trees of significance are located outside of the southern boundary of the subject site and would not be affected by the proposal.

6.12 *Flood Risk*

6.12.1 An FRA was done on the subject site as part of a previous residential approval. The Flood Risk Assessment at the time concluded that the development is unaffected by the 1 in 100 year flood level or the 1 in 1000

year flood level and that there was therefore a very low risk in terms of flooding.

7. Conclusion

- 7.1 Overall, it is considered that the proposed development by reason of its design, scale and siting, would result in an acceptable development within the street scene. It is not considered that the proposal would give rise to any overlooking or invasion of privacy and would further, due to its orientation in relation to other neighbouring properties, not result in any overshadowing. It is not considered that any highway or parking issues would arise as a result of the proposal. The development is not considered to result in an increased risk of flooding. No protected trees are located on the site. No adverse biodiversity or ecological issues are raised and subject to implementation of acceptable conditions, this part of the proposal is considered acceptable.
- 7.2 Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

Legal resources will be required to prepare and complete the legal agreement. There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

The Council's planning policies are formulated with regard to equalities and diversity implications.

BACKGROUND PAPERS

1. Application forms and plans received 15/12/14, revisions received on 05/01/15.

**REGULATORY
SERVICES
COMMITTEE**

29 January 2015

REPORT

Subject Heading:

P1534.14 – Land to the rear of Tesco Express, Oaklands Avenue, Romford - Erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage (received 04/11/14)

Ward:

Romford Town

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
01708 432755

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

- | | |
|---|-----|
| Ensuring a clean, safe and green borough | [] |
| Championing education and learning for all | [] |
| 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

The application proposes the erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage. The planning issues include the principle of development, design and street scene impact, parking and highway matters and amenity issues. These issues are set out in detail in the report below.

This application was deferred at staffs request from the meeting of 18 December 2014 to ascertain the position on speaking rights of objectors who wrote in response to LBH consultation letter, deadline for which expired close to the Committee date.

The current scheme is similar to a previous scheme which was refused under P0813.14 with the only material differences being a modern design which includes a flat roof design, revised materials and fenestration. Members will note that application P0813.14 has since been allowed on appeal.

Staff consider the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

- That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 691m² and amounts to £13,820.

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 £54,000 to be used towards infrastructure costs associated with the development and to be paid prior to commencement of the development in accordance with the Planning Obligations SPD.
- 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.

- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990.

2. Accordance with plans: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed on page 1 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. Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 9 no. off-street car parking spaces within the site, thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. Materials: 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.

5. Landscaping: No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of

hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their 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

6. Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plans,) 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.

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

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

8. Hours of construction: All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

9. Construction Method Statement: 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.

10. Highway Agreements: The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed 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.

11. Secured by Design/Crime Prevention: Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police

Designing Out Crime Officers (DOCOs), the development shall be carried out in accordance with the agreed details.

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.

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

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

13. Screen fencing: Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority the approved details shall be implemented immediately on approval and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the visual amenities of the development and to prevent undue overlooking of adjoining properties.

14. Lighting: Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided prior to the first occupation of the development and operated in strict accordance with the approved scheme.

Reason: In the interest of residential amenity.

15. Wheel 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 on site 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 within the application site and used at relevant entrances to the site throughout the duration 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 the Development Control Policies Development Plan Document Policies DC61 and DC32.

16. Obscure glazed windows: Notwithstanding the details shown on the approved plans, the proposed flank windows in the north-western flank elevation at first and second floors serving bathrooms and en-suites shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason: In the interest of privacy.

17. Lifetime Homes: No development shall take place until the developer has submitted, for the approval in writing of the local planning authority, details to ensure that the proposed dwellings would be compliant with Lifetime Homes standards. The development shall thereafter be undertaken in accordance with the approved details and be retained as such.

Reason: To ensure the proposal is in accordance with Policy DC7 of the Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Following a change in government legislation 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. 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.

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £13,543.80 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. 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 and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
5. The developer, their representatives and contractors are advised that planning permission 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.
6. The applicant 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.
7. With regards to surface water drainage 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 it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
8. In aiming to satisfy condition 11 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
9. 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 comprises of land adjoining the Esso service station and Tesco Express on the corner of the junction between Oaklands Avenue and Main Road. The site is L-shaped with an area of 0.104ha and is located to the north east of the Romford Town Centre boundaries. The site is currently vacant and has previously been in commercial use.
- 1.2 Oaklands Avenue is characterised by large two storey detached dwellings set within spacious gardens. The locality to the north and west is characterised by predominantly residential properties, a mix of commercial, public and community uses to the south, including a Police Station and Magistrates Court with the County Court on the opposite corner to the east.
- 1.3 The site falls within the Romford Area Action Plan and does not form part of any other pertinent policy designated areas as identified in the Local Development Framework Proposals Map.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage. The proposed building would be 2.19m off the south-eastern boundary, 20m at its furthest point from the rear boundary and 5.1m from the north-western boundary.
- 2.2 The proposed building will be L-shaped and consists of two sections which are linked by a stairwell. Residential accommodation will be provided at ground, first and second floors. The proposed development measures approximately 23m wide at its widest point and approximately 23.4m in depth. The proposal would measure 9.75m in height to the top of the flat roof on the south-eastern side and would reduce in height to an overall height of 8.6m on the north-western side.
- 2.3 Each of the proposed flats would consist of a kitchen/dining room, lounge, bathroom, an en-suite and 2 bedrooms.
- 2.4 There would be a bin storage area on the south-eastern side of the proposed building.
- 2.5 Parking provision for 9 vehicles would be provided, 2 spaces on a hardstanding to the front of the building and 7 spaces to the rear of the building.

- 2.6 Amenity space of approximately 51m² would be provided to the rear of flat 1 and approximately 146m² to the rear of flat 3 (back of site).

3. History

- 3.1. P0277.09 - Erection of 2 no. 4 bed dwellings and 9 no. self-contained flats - Refused and appeal dismissed.
- 3.2 P0179.10 - Erection of two No. four bed dwellings and six No. two bed self-contained flats – Refused and granted on Appeal
- 3.3 N0042.12 – Minor amendment to P0179.10 – Approved
- 3.4 P0813.14 - Erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage – Refused. Appeal allowed 11.12.14

4. Consultation/Representations

- 4.1 Notification letters were sent to 45 neighbouring properties and 10 letters of objection were received raising the following concerns:
- out of scale and character with the area, a pitched roof design would be more in keeping
 - not enough parking
- 4.2 Thames Water comments on waste, sewerage and drainage and raises no objections to the proposals.
- 4.3 The Highway Authority has raised a concern regarding the lack of suitable visibility splays and the potential impact this will have on pedestrian safety.
- 4.4 The Borough Designing Out Crime Officer requires a Secured by Design condition.
- 4.5. The London Fire and Emergency Planning Authority stated that access for FB vehicles should comply with paragraph 16.3 of the ADB volume 2. If this cannot be achieved a fire main is to be provided in accordance with 15.3 of the above and access meet 16.6.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are considered to be relevant. Policies ROM14 (Housing Supply), ROM15 (Family Accommodation) and ROM20 (Urban Design) of the Romford Area Action Plan and the Residential Extensions and Alterations Supplementary Planning Document (SPD),

Planning Obligations SPD and the Residential Design SPD are also relevant.

- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

- 6.1 The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Background

- 6.2.1 A previous application under P0813.14 was refused planning permission for the following reasons

- The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
- The proposed development, in particular the flatted section closest to 1 Oaklands Avenue, would be out of keeping with and harmful to the predominant single residential dwelling character of this part of Oaklands Avenue, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

- 6.2.2 The current proposal is similar to the refused scheme in relation to the floor plans, position of the building and the layout of the site. However the building has been re-elevated in a contemporary style. The acceptability of the revisions will be discussed later in the report. Members will however note that the development refused under application reference P0813.14

was allowed on appeal and this decision constitutes a material planning consideration.

6.3 *Principle of Development*

6.3.1 The site falls within the Romford Town Centre and the Romford Area Action Plan Policies ROM14 and ROM15 promote housing provision and family accommodation of 2 or more bedrooms respectively. The proposed mix of units complies with these criteria.

6.3.2 Policy CP1 of the LDF Core Strategy promotes housing development on brownfield land and through the Romford Area Action Plan, high density mixed use development within Romford town centre and bringing vacant properties back into use. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3.3 Residential development is therefore supported by both national and local planning policy and is acceptable, in principle, in land use terms.

6.4 *Site Layout / Amenity Space*

6.4.1 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 70m² for a 2-bed 4-person flat. The proposed flats are in line with the recommended guidance and considered acceptable.

6.4.2 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.4.3 The proposed development would provide communal amenity spaces of approximately 51m² to the rear of flat 1 and 146m² to the rear of flat 3. Staff are of the opinion that the communal garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a usable garden area. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

- 6.4.4 The application site is ranked as being within a good Public Transport Accessibility Level (PTAL) of 5. Given the site's location outside the Romford ped shed and the location within a predominantly suburban area, judgement is used in this instance in terms of the density range. The preferred density in this case would be between 50-110 units per hectare.
- 6.4.5 Based on a site area of 0.104 hectare a density of approximately 86 units per hectare is proposed. This falls with the expected density range. It is acknowledged that the site is located within easy reach of good public transport links although justification for a high density covers a number of factors, including also high quality of design and layout.
- 6.4.6 In terms of the general site layout, the application site itself is separated from neighbouring buildings with the nearest residential dwelling, 1 Oaklands Avenue, approximately 5.5m towards the northwest. It is considered that the proposed blocks would have sufficient spacing between the site boundaries and neighbouring buildings to not appear cramped or overdeveloped. The proposal would have a sufficient set-back from the edge of Oaklands Avenue. The general layout and relationship with surrounding properties are therefore considered acceptable.

6.5 *Impact on Local Character and Street Scene*

- 6.5.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.5.2 The most recent scheme was refused due to it being out of character with the surrounding predominant single residential dwelling character and unacceptably dominant and visually intrusive in the streetscene harmful to the appearance of the surrounding area.
- 6.5.3 The building has been re-elevated in a contemporary style in order to achieve two objectives. The first is to provide an obvious, clear visual distinction between the new apartment building and the residential houses to the west in Oaklands Avenue. This is to address the reason for refusal based on the predominant character of the area. In a recent appeal decision (P0813.14) the Inspector considered that the subject site lies at a transition between the two distinct areas of Oakland Avenue and Main Road, where a building of larger bulk and mass than the dwellings may be acceptable. The Inspector considered the proposal under P0813.14 would not appear as dominant and visually intrusive and would be in keeping with the transitional character and appearance of this end of Oaklands Avenue.

6.5.4 Support for the current contemporary design approach can be found in an Inspector's 2010 appeal decision where the Inspector stated as follows:

“the particular location of the appeal site, opposite the Court building and adjacent to the Tesco Express and the rear of the petrol station, is distinct from the rows of traditional houses along the remainder of Oaklands Avenue. In effect it is in a transitional location between the suburban style of the majority of Oaklands Avenue and the more dense urban development wrapping around the corner from Main Road. The overall impression of the development would be deliberately different from the houses further along Oaklands Avenue and would, in part, relate to the more substantial scale of the flat roofed Court building opposite.”

6.5.5 Staff consider the current proposal to have a contemporary flat roofed design which is broadly similar to that which was allowed on appeal in 2010. Staff concur with the Inspectors assessment and do not consider the proposal to be out of character with the remainder of Oaklands Avenue.

6.5.6 In order to address the reason for refusal based on the height, bulk and mass and the appearance as an unacceptably dominant and visually intrusive feature in the surrounding area, the applicant has reduced the overall height of parts of the building and in particular to the part closest to No. 1 Oaklands Avenue. Although the overall bulk and mass is only marginally reduced from the most recent refusal it is more substantially reduced from the 2010 approved appeal decision (as illustrated on drawing no. 14/01/07).

6.5.7 By reverting back to the contemporary design which is similar to that which was approved on appeal in 2010, Staff are satisfied that the development will integrate into the streetscene bridging the gap between the modern community buildings and the classic designed houses along Oaklands Avenue. The flat roofed design also reduces the overall mass of the building, while articulation and changes in material add interest and also break down visual impact.

6.5.8 The front boundary treatment which consists of a wall and railings is also considered acceptable as it is of modest height and similar to those found elsewhere in Oaklands Avenue.

6.5.9 Overall, the proposal is considered to be acceptable in terms of its design, scale, character and visual impact within this part of the street scene and therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

6.5 *Impact on Amenity*

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

- 6.5.2 The proposed development is only bordered by residential properties to the northwest with the nearest residential property situated approximately 5.5m away. Five windows, one at ground floor, two at first floor and two at second floor serving bathrooms and en-suites are proposed to the north-western flank of the development. A condition would be imposed to have these first floor windows obscure glazed and fixed shut with the exception of the top hung fanlight. This is sufficient to prevent material overlooking.
- 6.5.3 The rearwards projection of the flatted block would respect the required notional lines in relation to no. 1 Oaklands Avenue following guidance set out in the Residential Extensions and Alterations Supplementary Planning Document (SPD). Care has therefore been taken to ensure the scale and bulk of the proposed flatted development in such close proximity to other buildings would not cause an overbearing effect when viewed from the garden areas of the neighbouring property.
- 6.5.4 The proposal is separated from residential properties to the rear by the Romford Police Station building. No impact would result in terms of overlooking the rear gardens of these properties as a separation distance in excess of 30 metres would remain.
- 6.5.5 Consideration has been given to the possible impact of the adjacent commercial use (Tesco) on the proposed development and although there could be some noise and disturbance at late night hours, future occupiers would be aware of the current situation and would therefore choose whether to live adjacent to the existing commercial use.
- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 9 No. flats would not give rise to an unacceptable level of vehicular activity. The parking spaces are set away from the boundary with No.1 Oaklands and combined with suitable boundary treatment would not materially harm neighbouring amenity.
- 6.5.7 In terms of general noise and disturbance, it is not considered that the addition of 9 flats would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties.
- 6.5.8 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 5 and therefore requires 1.5 - 1 parking spaces per unit for a development of this type. The development would

provide a total of 9 No. parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 The Highways Authority has not raised an objection to the parking, however concerns were raised regarding the access arrangements and lack of sufficient visibility splays. Although the proposal would still not fully comply with the visibility requirements as the neighbouring property has a brick pier and wall that the applicant is unable to move, Officers are satisfied that the proposal would be acceptable as the development is utilising an existing access road. It is judged that the proposal would be an improvement on the existing arrangement and no materially greater risk would be posed to pedestrian safety.

6.6.3 A condition would be added to provide storage for 2 no. cycle spaces per flat in order to comply with the Council's standards.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in a harmful impact on the highway or parking.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 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 691m² and amounts to £13,820.

6.8. *Planning Obligations*

6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £54,000 to be used towards infrastructure costs arising from the new development is required. This should be secured through a S106 Agreement

6.8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*". Section 70 of the Town and Country Planning Act 1990 sets out the general considerations for Local Planning Authorities in determining planning applications and Section 70(2) requires that, "*in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations*". Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this: "*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*".

6.8.3 The proposal is liable to a contribution of £54,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that this guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

6.9 *Other Issues*

6.9.1 Details of refuse storage area is shown to the side of the proposed building on the south-eastern side of the site and would be easily accessed on collection days. A condition could be secured on the grant of any permission to ensure sufficient space would be provided to house the required volume of waste within the bin stores.

6.9.2 Issues raised by the Fire Brigade will be covered by the building control requirements and is therefore not considered to affect the determination of this application. Staff are satisfied that the development is capable of meeting the required standards.

7. **Conclusion**

7.1 It is considered that the proposed development by reason of its design, scale and siting, would result in an acceptable development within the street scene. It is not considered that the proposal would give rise to any overlooking or invasion of privacy and would further, due to its orientation in relation to other neighbouring properties, not result in any overshadowing. It is not considered that any harmful highway or parking issues would arise as a result of the proposal.

7.2 Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

Legal resources will be required to prepare and complete the legal agreement. There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

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 04/11/14.



REGULATORY SERVICES COMMITTEE

REPORT

29 January 2015

Subject Heading:	Application for the Stopping Up of Highway Land at Albyns Close, Rainham RM13 7YA (Application received 19th May 2014)
Report Author and contact details:	Vincent Healy - 01708 432467 Vincent.healy@havering.gov.uk
Policy context:	Highways Act 1980
Financial summary:	None

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

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

SUMMARY

This report relates to an application received on 12th November 2014 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1034.14). The planning permission (planning reference P1034.14) dated 24th October 2014 involves the demolition of existing buildings and the erection of 19 houses with associated amenity, parking and landscaping, at Albyns Close, Rainham (“the Planning Permission”).

The developer has applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up the area of highway shown zebra hatched on the plan (Drawing Number 14774/491 Revision A) annexed to this report (“the Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable in highways terms to enable the Planning Permission to be carried out.

RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter

may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAILS

- 3.1 On 24th October 2014 the Council granted Planning Permission (planning reference P1034.14) for the demolition of existing buildings and the erection of 19 houses with associated amenity, parking and landscaping, at Albyns Close, Rainham. The Planning Permission was issued on 24th October 2014 subject to conditions.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of a section of existing public highway.
- 3.3 The section of public highway to be stopped up comprises all of the area zebra hatched on the plan annexed to this report. The dimensions in length and width of each section of the highway to be stopped up are set out in the Plan attached.
- 3.3 The development involves building on land which includes areas of highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not

withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

4.1 **Financial Implications and Risks:**

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

4.2 **Legal Implications and Risks:**

Legal Services will be required to draft the Stopping Up Order and Notices as well as carry out the Consultation process and mediate any negotiation with objectors.

4.3 **Human Resources Implications and Risks:**

None directly attributable to the proposals.

4.4 **Equalities and Social Inclusion Implications:**

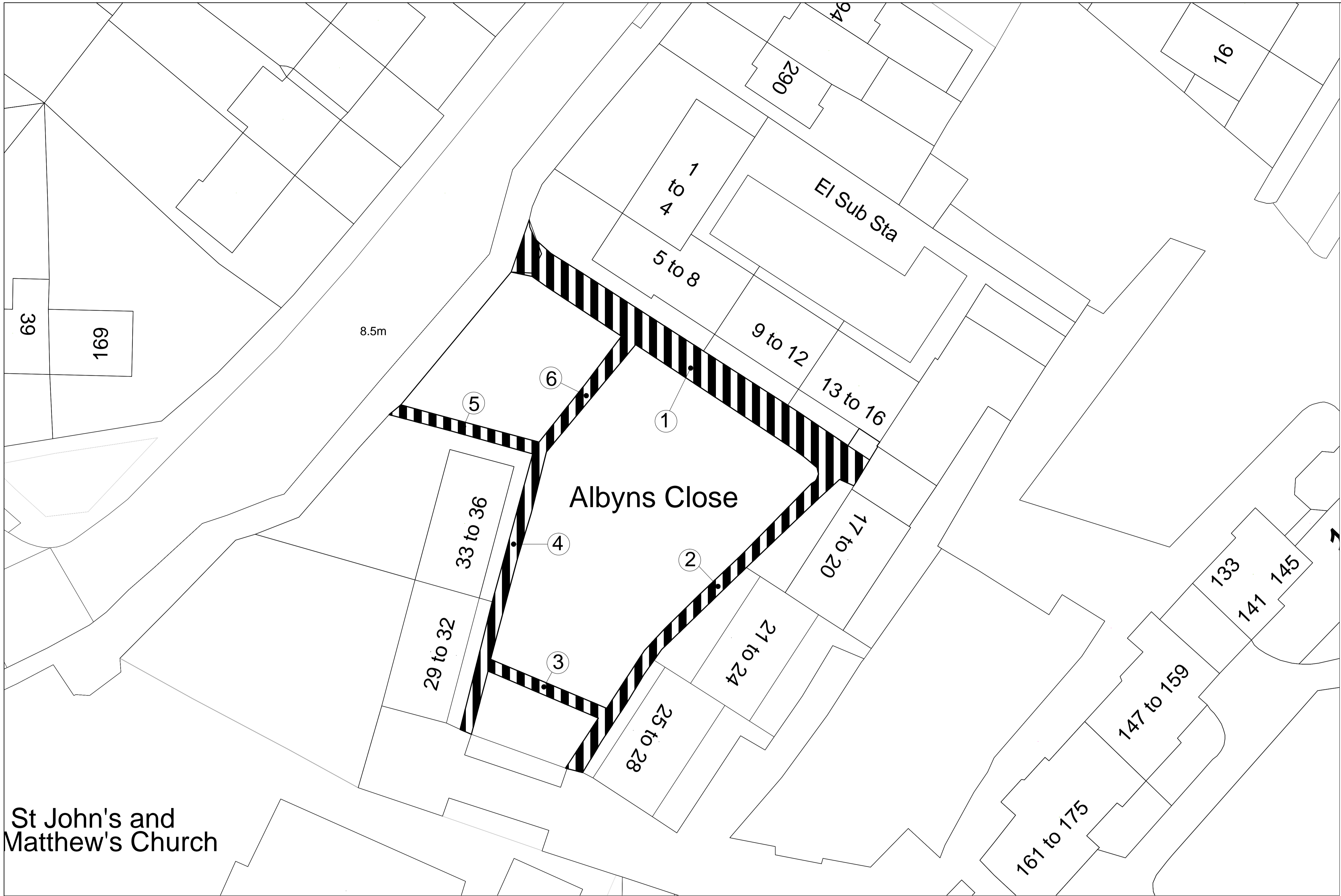
None directly attributable to the proposal.

CONCLUSION

The proposed stopping up relates to areas of highway the stopping up of which is necessary to facilitate the development of the demolition of existing buildings and the erection of 19 houses with associated amenity, parking and landscaping, at Albyns Close, Rainham pursuant to the Planning Permission (reference P1034.14). It is therefore recommended that the necessary Order is made and confirmed.

Background Papers List

1. Regulatory Services Committee dated 23rd October 2014 which granted planning permission under planning reference P1034.14
2. Plan (Drawing Number 14774/491 Revision A) showing the area to be stopped up



notes
DO NOT SCALE FROM THIS DRAWING

LEGEND:
 DENOTES EXISTING HIGHWAY TO BE STOPPED UP.

PATH DIMENSIONS		
PATH	LENGTH (m)	WIDTH (m)
1	41.830	3.309
2	41.685	1.433
3	14.411	1.235
4	29.799	1.298
5	15.652	1.282
6	15.424	1.409

St John's and Matthew's Church

FOR INFORMATION

rev.	description	date
B	PATH DIMENSION ADDED.	20.01.15
A	HATCH PATTERN REVISED TO LHO REQUEST.	30.10.14

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scale
1:200 @ A1.
 date
OCT. 2014
 drawn
R.G.
 checked
S.V.
 project

ALBYNS CLOSE RAINHAM
HAVERING RM13 7YA.

drawing title
HIGHWAY RECORD FOOTWAY
TO BE STOPPED UP

drawing no.
14774 / 491

revision
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