



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday
19 February 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

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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 - 8)

To approve as a correct record the minutes of the meeting of the Committee held on 8 January 2015 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 9 - 112)

- 6 **P1616.14 - 5 FITZILIAN AVENUE HAROLD WOOD** (Pages 113 - 130)
- 7 **P1559.14 - PARSONAGE FARM SCHOOL, FARM ROAD RAINHAM** (Pages 131 - 142)
- 8 **P1717.14 - 2-6 FITZILIAN AVENUE HAROLD WOOD** (Pages 143 - 160)
- 9 **P1378.14 - 50 PURBECK ROAD HORNCHURCH** (Pages 161 - 172)
- 10 **P1635.14 - 1-1A CHASE CROSS ROAD, COLLIER ROW ROMFORD** (Pages 173 - 186)
- 11 **P1422.14 - THE OLD FORGE, HALL LANE UPMINSTER** (Pages 187 - 204)
- 12 **P1352.14 - SCOTTS PRIMARY SCHOOL SOUTH HORNCHURCH** (Pages 205 - 216)
- 13 **P1084.14/L0010.14 - THE CONVENT, SACRED HEART OF MARY, 64 ST MARY'S LANE UPMINSTER** (Pages 217 - 242)
- 14 **P1552.14 - DELDERFIELD HOUSE** (Pages 243 - 258)
- 15 **P1526.07 - PROPOSED VARIATION OF SECTION 106 LEGAL AGREEMENT IN CONNECTION WITH P1526.07 INTERWOOD SITE, STAFFORD AVENUE HORNCHURCH** (Pages 259 - 264)
- 16 **STOPPING UP ORDER** (Pages 265 - 272)
- 17 **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
8 January 2015 (7.30 - 9.20 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best (Vice-Chair),
Steven Kelly, Michael White and +Frederick Thompson

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Ron Ower and +Alex Donald

UKIP Group +Lawrence Webb

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Philippa Crowder, Linda Hawthorn and Phil Martin.

+Substitute members Councillor Frederick Thompson (for Philippa Crowder), Councillor Alex Donald (for Linda Hawthorn) and Councillor Lawrence Webb (for Phil Martin).

17 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.

149 P1466.13 - 58 PARKWAY, GIDEA PARK, ROMFORD

The proposal before the Committee sought permission for the erection of a single storey side extension, a single storey rear extension and a two storey rear extension and various alterations.

Members noted that the application had been called in by Councillor Robby Misir.

Councillor Misir requested that the application be called in to Committee, on the grounds that the impact on the conservation area should be considered by Members rather than at officer level.

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 size, scale and contemporary design of the proposed extensions would harm the immediate street scene and the wider Gidea Park Conservation Area. The speaker stated that the proposed side extension reduce the separation distance with the neighbouring property to approximately 1 meter creating an intrusive development.

In response, the applicant's representative noted that this was a sensitive site as it lay within the Gidea Park Conservation Area. The speaker commented that the proposal would result in an overall improvement to the street scene through the removal of an unsightly garage and general tidying up of the front elevation of the property. The speaker commented that there would be an overall improvement in the separation distance with the neighbouring properties. The speaker also noted that a number of the neighbouring properties had already been extended and these existing extensions were comparable to that being proposed.

During the debate Members considered the Gidea Park Conservation Area Policy. Members commented that the proposal failed to comply with the policy as it was unsightly and failed to leave sufficient separation distance with the neighbouring property. A motion was moved to refuse the application. The motion was not seconded.

Another member commented that the proposal would improve the street scene. Members commented that some of the existing extensions to neighbouring properties were more intrusive than that being proposed.

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

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

Councillor Thompson voted against the resolution to grant planning permission.

150 **P0122.14 LAND TO THE R/O 70 STRAIGHT ROAD, ROMFORD**

The application before members was for a 2-bedroom detached bungalow to the rear of 70 and 70a Straight Road.

Members noted that two late letters of representation, objecting to the proposals, had been received detailing parking issues and an overdevelopment of the site.

The report detailed that the application had been called in by Councillor Steven Kelly on the grounds that Members should consider the proposal following the applicant reducing the number of bungalows from two to one.

During the debate members considered the distances between the bungalow and existing properties and possible overlooking and highway issues. A member noted that the application was materially similar to a number of previously approved former garage developments. Members commented on the current condition of the site and the need for additional residential accommodation within the borough.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried, it was **RESOLVED** to delegate to Head of Regulatory Services to grant planning permission subject to the applicant completing a Unilateral Undertaking (UU) to secure a £6,000.00 infrastructure tariff together with any associated legal and monitoring fees and subject to conditions covering the following plus any further conditions that the Head of Regulatory Services considered reasonable:

- Standard Time Limit
- Accordance with plans
- Materials
- Landscaping
- Remove all permitted development rights
- No flank windows without consent
- Boundary treatment.

It was noted that if the applicant failed to complete the UU, then the application would be brought back to the Committee for further consideration.

It was also noted that the application would be liable for the Mayor's Community Infrastructure Levy in accordance with the London Plan Policy 8.3.

The reasons for approval were that the development provides a residential unit benefitting the boroughs housing stock without harm to character, amenity or street scene.

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

Councillor Ower voted against the resolution.

Councillor Williamson abstained from voting.

151 **P1381.14 - 39 NELMES WAY, HORNCHURCH**

The report before Members concerned a proposal to demolish the existing bungalow and the erection of a five bedroom two storey dwelling house of approximately 234sqm with accommodation in the roof and a conservatory on the southern side elevation. The proposal also comprised a detached out building of 41.8sqm and an outdoor swimming pool in the garden to the south east of the proposed dwelling.

Members noted that one late letters of representation had been received raising concerns over lorry movements at a nearby junction during construction.

Members noted that the application had been called in by Councillor Ron Ower on the grounds of consistency with other decisions in the area.

During the debate members discussed the changing character of Emerson Park and whether the proposal was in keeping with these changes. A member noted that the plot was significant and could accommodate a substantial dwelling without it appearing overbearing or adversely affecting the street scene. Members noted that many of the properties in Emerson Park had already undergone significant extension and that this was now commonplace in the area.

The report recommended that planning permission be refused, however following a motion to grant planning permission which was carried, it was **RESOLVED** to delegate to Head of Regulatory Services to grant planning permission subject to the following conditions plus any further conditions that the Head of Regulatory Services considered reasonable:

- Standard Time Limit
- Accordance with Plan
- Materials
- Landscaping
- Remove all permitted development rights
- No flank windows without consent
- Obscure glazing
- Working times
- Construction Method Statement
- Boundary treatment

It was also noted that a tariff did not apply but a Mayoral CIL would be applicable.

The reasons for approval were that the development was in keeping with the scale and setting of nearby residential buildings; did not harm the character of Emerson Park policy area; did not harm any aspects of amenity.

152 **P1540.14 - PARK CORNER FARM, PARK FARM ROAD, UPMINSTER**

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

153 **P1439.14 - WYKEHAM PRIMARY SCHOOL, RAINSFORD WAY, HORNCHURCH**

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

154 **P1103.14 - BUDDIES SCHOOL OF MOTORING, 9-11 CHASE CROSS ROAD, ROMFORD**

The application before Members proposed the demolition of the existing building and the construction of a new A1 (retail) store on the ground floor with two, one bedroom self-contained flats above.

Members noted that one late letters of representation had been received raising concerns over opening hours, noise and parking congestion.

During the debate Members considered the arrangements for deliveries to the retail store. Members questioned whether sufficient thought had gone into the delivery and servicing arrangements and whether the restricted rear access way was sufficient to service the store. Members considered the possible effect of the delivery arrangements on highway traffic, particularly in the vicinity of the existing bus stop. Members considered the likely noise and general disturbance resulting from the movement of delivery trolleys through the access way.

Members raised concerns over the parking provision for the residential units questioning where vehicles associated with the residential units would be parked.

Members also discussed the proposed opening hours for the retail store and the arrangements for the removal of refuse from the site.

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

- A cramped development that failed to provide sufficient onsite parking for all elements of the mixed retail and residential use. In particular, due to the complete absence of on-site parking for the new flats, vehicles associated with occupiers and visitors to these residential units would

have to be parked in surrounding roads to the detriment of amenity. Although future on street parking permits could be prevented by legal agreement there was no current controlled parking scheme in the vicinity of the site.

- A cramped development, the delivery and servicing arrangements for which would fail to serve the reasonable needs of the development and would rely upon delivery and service vehicle movements harmful to highway safety and pedestrian safety and amenity including in the vicinity of the existing bus stop in Clockhouse Lane.

155 **P1158.14 - 168 HORNBURCH ROAD, HORNBURCH**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £5,040 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:

- A financial contribution of £30,000 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.

156 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND ADJACENT TO 26 CURTIS ROAD, HORNBURCH,**

The Committee considered the report and without debate **RESOLVED** that 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 and subject to the lawful implementation of the Planning Permission that:-

- The Council made 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 Plan, being adopted highway verge, as the land was required to enable development for which the Council had granted the Planning Permission.
- In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.
- In the event that relevant objections were 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 could proceed to confirm the Order.
- In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

157 **PLANNING CONTRAVENTION - 33 HORNMINSTER GLEN, HORNCHURCH**

Members considered the report and without debate **RESOLVED** that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

- Removal of the unauthorised summerhouse.
- Removal from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance with (i) above.

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

158 **PLANNING CONTRAVENTION - 203 UPPER RAINHAM ROAD,
HORNCHURCH**

Members considered the report and without debate **RESOLVED** that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

- Cease using the outbuilding for residential purposes.
- Remove from the outbuilding all fixtures and fittings associated with its unauthorised residential use.

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

Chairman

Regulatory Services Committee

19 February 2015

Application No.	Ward	Address
P0447.14	Rainham & Wennington	The Chafford School, Lambs Lane South, Rainham
P0489.14	Squirrels Heath	59 Fairholme Avenue, Gidea Park, Romford
P1167.14	Rainham & Wennington	New Road (Premier Inn), Wennington , Rainham
P1417.14	Rainham & Wennington	65 Lambs Lane South, Rainham
P1475.14	Romford Town	168-170 South Street, Romford
P1495.14	St Andrew's	Land Rear of Abbs Cross Gardens, Abbs Cross Gardens, Hornchurch
P1499.14	Hylands	28 Harrow Drive, Hornchurch
P1535.14	Havering Park	Earles Cottage, 83 Lower Bedfords Road, Romford
P1643.14	Heaton	McDonalds Restaurants Ltd, Straight Road, Romford
P1728.14	Rainham & Wennington	Chafford School, Lambs Lane South, Rainham
P1742.14	Harold Wood	Land at Oak Farm, Maylands Fields, Romford

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REGULATORY SERVICES COMMITTEE
19th February 2015

APPLICATION NO:	P0447.14	
WARD :	Rainham & Wennington	Date Received: 15th May 2014 Expiry Date: 14th August 2014
ADDRESS:	The Chafford School Lambs Lane South Rainham	
PROPOSAL:	Phased masterplan to replace and improve existing campus facilities, including a new sports centre for school and community use, new engineering and arts and drama wings, new-build and internally upgraded classbases together with upgrading and replacement of existing external sports courts, on-site parking and landscaped areas.	
DRAWING NO(S):	6151/1306 6151/1105 6151/1211 6151/1212 6151/1213 6151/1214 6151/1301 6151/1216 6151/1215 6151/1402 6151/1304 6151/1302 6151/1303 6151/1601 6151/1209 6151/1210 6151/1208 6151/1207 6151/1213 6151/1104 6151/1305	
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.	

BACKGROUND

This application was deferred at the 31st July 2014 meeting of the committee to enable staff to consider further the policy issues arising from the loss of the swimming pool. Since then Council staff have been working with the school to include proposals for a replacement pool within the masterplan scheme and to secure the necessary funding. This has resulted in an outline planning application which shows where the pool would be built should the funding be secured. The Council has also included the management of the school sports facilities (including the pool) in the sports and leisure management specification, which is currently being tendered by the Council. This application has not been altered by the outline proposals in application P1728.14 which is also on the agenda as a separate item.

SITE DESCRIPTION

The site lies on the eastern edge of Rainham and outages onto Wennington Road and Lambs Lane South. The site totals 7.2ha and comprises the school buildings with external parking, playing fields and sports surfaces and grassed areas. It also includes the Chafford Sports

Complex. The whole site lies within the Green Belt and the area of the Thames Chase Community Forest. The School buildings are located towards the south east corner of the site close to the main settlement boundary.

To the north and west of the site are the residential parts of Rainham, to the south is the Brady Primary School. To the east is the former mineral extraction site at South Hall Farm.

The school comprises five main blocks of accommodation that has evolved since the main part was built in the 1950's. The buildings are mainly single storey, but with some two storey elements. The buildings have flat roofs with facing materials of grey buff/red brick, render and some large insulations panels within window openings.

The sports complex lies to the west of the main school close to the Wennington Road frontage. It comprises two linked buildings that contain a sports hall, swimming pool and changing area. The sports hall is of two-storey scale with metal cladding and a brick base under a pitched roof. The swimming pool is single storey with a painted block base under a flat roof.

The site's main access is from Lambs Lane South with three separate points for vehicles and pedestrians. There is a further service access to the sports complex from Wennington Road.

The boundaries of the site are fenced and include a number of mature trees. There is a landscaping belt along the boundary with South Hall Farm planted in connection with the mineral working.

DESCRIPTION OF PROPOSAL

Chafford School has academy status and has a roll of 938 pupils which is close to capacity. The school is seeking to upgrade its accommodation in a series of phases by demolishing parts, rebuilding new facilities and upgrading others. The improvements would be phased over a 5-10 year period.

The main elements of the proposals are:

- * Demolition of the sports complex and providing a new sports hall and changing facilities as an extension to the main building;
- * Improving the arts, drama and music facilities by increasing the size of the front wing;
- * New engineering facilities;
- * Relocating subject groups such as science and humanities involving the erection of a first floor rear science wing and internal refurbishment;
- * Increase first floor accommodation to rear of main school building;
- * Improved vehicular access to provide in/out points and dropping off area;
- * Improved school entrance;
- * Landscaping close to new entrance and along Wennington road and Lambs Lane South.
- * Upgrading of external sports areas

The overall footprint occupied by buildings would be reduced by 250sqm through the demolition of the buildings furthest from the main school, including the current sports complex and swimming pool. The total floor space that would be demolished amounts to 3,348sqm and 5,156sqm of new floorspace would be created, giving a net increase of 1,800sqm.

There would be a range of finishing materials for the new built development which would vary to reflect the individual departments of the school. These would include brickwork to match existing, timber, fibre cement coloured panels; render, grey flat roofing and grey window units.

RELEVANT HISTORY

L/HAV/1996/73 - Demountable classroom unit - approved.

P2069.03 - Single storey detached buildings providing 3 no. classrooms - approved.

P1366.06 - Proposed classroom block - approved.

P1419.11 - Installation of electricity producing solar photovoltaic panels on the roof of the main school building - approved.

P1762.11 - Canopy in playground - approved.

P1728.14 - Construction of additional sports facilities at The Chafford School to include a 4 lane swimming pool - pending.

CONSULTATIONS/REPRESENTATIONS

Streetcare (Highway Authority - has no objections to the proposal, but would like to see pedestrian visibility splays at vehicular access points. A condition to cover this is recommended.

London Fire Brigade - strongly recommends that sprinklers are considered for the development and that the Water Team is consulted.

London Fire Brigade (Water Team) - happy for the works to go ahead and no further action is required.

Transport for London - has no objections and welcomes the reduction in on-site parking. Recommends conditions to cover cycle parking, travel plan, school management plan; construction method statement and blue badge parking. Also recommends that the provision of charging points for electric vehicles is considered.

Greater London Authority - the Mayor considers that the application complies with the London Plan and recommends that the application is determined without any further reference to the GLA. The development would be in accordance with the government's objectives for the provision of education facilities. The development would also be appropriate in the Green Belt and the applicant would not need to demonstrate very special circumstances.

Environment Agency - no comments received.

Thames Water- Public sewers cross or are close to the proposed development and the approval of Thames Water is required for any work within 3 metres of a public sewer. Proper provision for surface water drainage should be made.

Essex and Suffolk Water - has no objections and highlights that the works are notifiable under water supply regulations.

Public Protection - has no objections and recommends conditions relating to potential contaminated and air quality.

Metropolitan Police Designing Out Crime Officer - has had pre-application discussions with the applicant about incorporating crime prevention measures in the design of the development in accordance with LDF Policy DC63. Raises issues regarding fencing, lighting and access control.

Requests a condition requiring details to show how 'Secured by Design' principles and practises are to be incorporated.

Sport England - no objections raised. The development complies with its policies regarding the protection of playing fields. None of the development would limit the scope of the playing field or limit its scope for accommodating formal pitches.

Culture and Leisure - opposed to the loss of the swimming pool at the site that serves the southern part of the Borough. The Sport and Physical Activity Strategy for Havering identifies the need for such a facility, but also recognises that there is a need to replace the existing facility.

Representations:

108 neighbours have been notified of the application. One letter has been received requesting that parking is provided on site for visiting coaches to the sports complex.

RELEVANT POLICIES

LDF

CP17 - Design
CP8 - Community Facilities
DC18 - Protection of Public Open Space, Recreation, Sports and Leis
DC19 - Locating Cultural Facilities
DC29 - Educational Premises
DC33 - Car Parking
DC34 - Walking
DC35 - Cycling
DC45 - Appropriate Development in the Green Belt
DC48 - Flood Risk
DC49 - Sustainable Design and Construction
DC61 - Urban Design
SPD10 - Sustainable Design and Construction SPD

OTHER

LONDON PLAN - 3.18 - Education facilities
LONDON PLAN - 3.19 - Sport facilities
LONDON PLAN - 4.6 - Support for and enhancement of arts, culture, sport and ente
LONDON PLAN - 5.12 - Flood risk management
LONDON PLAN - 5.7 - Renewable energy
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Educational establishments are not liable for Mayoral CIL.

PRINCIPLE OF DEVELOPMENT

The application needs to be determined in accordance with the policies and guidance of the National Planning Policy Framework (NPPF) and the Development Plan. There are three main considerations: the need for additional accommodation for education; the appropriateness of the development in the Green Belt and the loss/replacement of existing sports facilities.

With regard to education the NPPF states that local planning authorities should take a proactive approach to meeting the requirements of local communities to ensure that there is sufficient choice of school places available and to development that will widen the choice of education. Great weight should be given to the need to expand or alter schools. These objectives are supported by London Plan and LDF policies. Therefore, the redevelopment proposals are considered to be acceptable in principle.

However, the site lies within the Green Belt and the proposals also need to be considered in

relation to Green Belt policies, in particular the impact on openness. An assessment of the Green Belt implications is set out later in this report.

The proposals also involve the loss of some recreational facilities through the demolition of the sports complex. The NPPF and LDF policies seek to retain such facilities unless it can be shown they are surplus to requirements or are to be replaced by equivalent or better provision. In this case the sport hall would be replaced but not the swimming pool. The existing complex would also need to be demolished before the new one could be built so there would be a period when there are no replacement facilities. The new sports hall would be to an improved standard, therefore, the objectives of the various policies would be met.

The site is also close to a small number of dwellings and there will be some impact on occupiers of these properties.

GREEN BELT IMPLICATIONS

The site lies entirely within the Green Belt. The most up to date guidance on development in the Green Belt is set out in the National Planning Policy Framework. As with earlier policy in PPG2 inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt when making planning decisions. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. All new buildings in the Green Belt are normally considered to be inappropriate development. However, there are exceptions. These include the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building.

Development plan policies are set out in the London Plan and Local Development Framework. LDF Policy DC45 sets out the development that will be permitted in the Green Belt. This does not include the extension of existing buildings. However, DC45 is not consistent with the NPPF in this respect and as a consequence can be afforded little weight. London Plan policy 7.16 states that the Green Belt should be protected in accordance with national policy and that inappropriate development should be refused, except in very special circumstances.

Earlier proposals for new development at the school have been permitted, but these had been assessed against earlier Green Belt policies that specifically addressed the difficulty of finding alternative sites for education establishments outside of the Green Belt. The guidance in the NPPF no longer refers to this specifically. Therefore, the main issue in this case is whether the new development would have a significantly greater impact on the openness and visual amenities of the Green Belt than currently exists. In this regard much of the proposed new build either extends the existing main building or develops over the existing ground floor such that the height and bulk of the main building would not be significantly increased. The demolition of Chafford Sports Complex would significantly reduce the impact on openness, especially given the height and bulk of the sports hall element. There would be no increase in the footprint of the school as the extra floorspace would be created by building a first floor over existing parts of the school.

In these circumstances officers consider that the proposed additions and extensions would not be disproportionate to the original building and the development overall would reduce the bulk and impact on openness. Therefore, notwithstanding the overall increase in the floorspace that would be provided, the development is considered to be appropriate in the Green Belt in accordance with the guidance in the NPPF. It would also comply with Policy 7.16 of the London Plan and whilst now largely superseded, the development would be in accordance with the aims and objectives of LDF Policy DC45 to maintain the openness and rural character of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed development would not significantly alter the appearance of the school when viewed from public areas. The removal of the existing sports complex would improve the appearance of the site as would the concentration of the buildings on the site. Overall it is considered that the proposal would have no material adverse impact on the streetscene or the character and appearance of the area.

IMPACT ON AMENITY

The development would have some impact on the amenities of those residents whose properties adjoin the site. These are located on the north west corner of the site, two that front onto Lambs Lane South and six onto Wennington Road. The main site roadway that gives access to parking areas that serve the school and sports complex lies adjacent to the side fence of one of the properties. There are also parking areas close to these boundaries. This situation would not change significantly under the current proposals, except that the roadway would be used only for vehicles, mainly cars leaving the site. The internal roadways would be linked under these proposals with the main entrance further to the north along Lambs Lane South. As the access and egress arrangements would be similar the impact on residential amenity would not be significantly different.

The redevelopment proposals would, however, bring buildings closer to the residential properties, with the greatest potential impact on the two that front onto Lambs Lane South and the school caretaker's house on Wennington Road. Following the demolition of the existing Sports Complex a new sports hall would be erected which would be closer by about 20m. The building would also be significantly higher than the existing swimming pool building, being two-storey in scale. This would result in some adverse impact on the visual amenities of these residents. However, the new building would be between 35m-40m away from the rear of the dwellings and this would limit the impact which staff consider would not be overbearing. The walls facing the dwellings would have no windows and finished in coloured material panels, the details of which would be agreed following the grant of a planning permission.

There would also be impact on the appearance of the area from the new building works which would be visible from the public highway and from areas outside of the site. However, there would be an overall improvement in visual terms with the new buildings being set back further into the site, creating more space around the school complex, especially along Wennington Road.

HIGHWAY/PARKING

Parking areas and access/egress to and from the site would be improved by these proposals compared with the current situation so there would be no significant additional adverse impacts on highway safety arising. No objections have been by the Highway Authority (Streetcare) subject to a condition on pedestrian visibility splays. There would be some loss of parking, but the provision would still accord with adopted standards. In addition the proposals would provide improved dropping off/collection areas.

OTHER ISSUES

The proposed development would result in the loss of some sports facilities, in particular the swimming pool. The existing sports complex is in poor condition and is in need of upgrading/refurbishment. The guidance in the NPPF and LDF Policies CP7 and DC18 seek to protect existing sports/leisure facilities unless they can be shown to be surplus to requirements or replaced by improved facilities. In this case the sports hall would be replaced and other sports facilities at the school would be upgraded. This application was deferred at the 31 July 2014 meeting due to concerns regarding the replacement of the swimming pool. As a result of discussions with the school an outline planning application for new leisure facilities, including a swimming pool, has now been submitted. Whilst the grant of planning permission would not guarantee a new pool, as this would be dependent on external funding, it would provide the

basis for the development.

Overall it is considered that the intentions of the policy would be satisfied by the replacement facilities proposed in this and the outline application. However, there can be no guarantee that any of the new sports hall would be built as this would be dependent on external funding. Staff understand that the costs of running the sports complex are significant and that the school is not obliged to keep these facilities open beyond the current contract which ends in September 2016.

However, the sports facilities would not be lost to other development and the school has agreed that the school sports facilities (including the pool) should be included in the sports and leisure management specification, which is currently being tendered by the Council. This could help to secure future funding for the facilities.

Currently school facilities are used by the local community outside of school hours, in particular the sports hall and swimming pool. LDF Policy DC29 seeks to encourage the use of school facilities by the wider community outside of school hours. This would continue with the redevelopment proposals, although there may not be a swimming pool for a period during the redevelopment of the other facilities. The sports hall, main hall, drama and music facilities and sports pitches would continue to be available for public hire.

SUSTAINABILITY/ENERGY EFFICIENCY

The improvement of existing facilities and removal of some of the more isolated buildings would enable the school to achieve energy efficiencies and reduce energy consumption. The target of a carbon dioxide reduction of 20% on the current situation is considered to be achievable by the introduction of new technologies and improving energy efficiency. Details of the technologies to be used to achieve an appropriate BREEAM could be required by condition in accordance with LDF policy DC49.

FLOOD RISK

A small part of the school site in the north-western corner lies within Flood Zone 2 as defined on the Environment Agency's flood risk maps. However, none of the existing or proposed buildings lie within the Zone. The bulk of the site lies within Flood Zone 1. There have been no objections from the Environment Agency to the proposals. Educational establishments are classified as 'more vulnerable' in the Technical Guidance to the NPPF, but are acceptable in Flood Zones 1 and 2. There is egress onto Lambs Lane North that is outside of Flood Zone 2. Therefore, the development is considered acceptable in terms of flood risk

KEY ISSUES/CONCLUSIONS

The main issues are the need for additional accommodation for education and whether this would be acceptable in the Green Belt. The guidance in the NPPF is that great weight should be given to the need to expand or upgrade education facilities. The development proposed can be considered appropriate development in the Green Belt in accordance with the guidance in the NPPF as it would not materially harm openness and the scale of the development would not be disproportionate to the original school buildings. The development would improve the overall appearance of the area. The sports complex would be replaced with the upgraded facilities subject to this application, which would again be available for local community use. There would be some adverse impact on nearby residents, but this is not considered to be significant. Overall staff consider that the proposals would comply with the relevant policies of the NPPF and the development plan. The grant of planning permission is recommended accordingly.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. Non Standard Condition 1 (Pre Commencement Condition)

Phasing Strategy

Prior to the commencement of development:

i) A Phasing Plan shall be submitted and approved in writing by the Local Planning Authority which indicates the extent of each development phase;

ii) A Condition Discharge Plan shall be submitted and approved in writing by the Local Planning Authority which indicates separate zones of the site to be subject to prior to commencement condition submissions.

Thereafter the development shall not proceed other than in accordance with the agreed phasing strategy.

Reason:-

To ensure that there is an appropriate phased sequence of development on the site and that there is a clearly defined programme for the development to enable the phased discharge of planning conditions.

3. 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:-

For the avoidance of doubt and in the interests of proper planning and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC09 (Materials) (Pre Commencement Condition)

Before any of the development hereby permitted is commenced in any of the phases identified in the details approved under condition 2 above, samples of all materials to be used in the external construction of the building(s) that form part of that phase(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. 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

6. 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.

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.

7. SC57 (Wheel washing) (Pre Commencement)

Before the development of any of the phases of the development (as approved under condition 2 above) hereby permitted is first commenced, 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. Non Standard Condition 31

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

9. SC58 (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 Development Control Policies Development Plan Document Policy DC61.

10. SC59 (Cycle Storage)

Prior to completion of any phase 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.

11. SC06 (Parking provision)

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 that the development accords with the Development Control Policies Development Plan Document Policy DC33.

12. SC60 (Contaminated land condition No. 1) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.

Reason:-

To protect people on or close to the site from the risks of associated migrating landfill gas, and in order that the development accords with LDF Policy DC53.

13. SC63 (Construction Methodology) (Pre Commencement)

Before any phase of the 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 for that phase 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:

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- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;

14. SC55 (Surface water drainage/flood plain) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until details of surface water attenuation/storage are submitted to and approved in writing by the Local Planning Authority. Surface water attenuation/storage shall be provided in accordance with the approved details.

Reason:-

To prevent the increased risk of flooding, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC49.

15. SC78 (Secure by Design) (Pre Commencement)

No works shall take place to any of the of the building(s), access roads or pathways hereby approved until a 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.

16. SC82 (External lighting) (Pre Commencement)

The re-configured parking areas between the school buildings and Lambs Lane South as shown on drawings 6151-1104 and 6151/1210 shall not be brought into use until external lighting has been provided for the car park and the new buildings that adjoin the car park in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in accordance with the approved scheme.

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

17. SC14A (Visibility splay)

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of all of the proposed new access points, 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.

18. SC27 (Hours of use) ENTER DETAILS

The community use of the new sports facilities shall not take place other than between the hours of 06:00 and 23:00 on Mondays to Saturdays and between the hours of 07:00 and 22:00 on Sundays, Bank of **Page 21** holidays.

Reason:-

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 Secure by Design Informative

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.

APPLICATION NO:	P0489.14	
WARD :	Squirrels Heath	Date Received: 7th May 2014 Expiry Date: 2nd July 2014
ADDRESS:	59 Fairholme Avenue Gidea Park Romford	
PROPOSAL:	Proposed single storey rear extension and garage conversion Revised Plans Received 19.01.2015	
DRAWING NO(S):	Location Plan Block Plan Existing Plans Proposed Plans Rev.H	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in to committee by Councillor Wallace on the grounds that the proposal raises concerns in regards to its impact upon neighbouring amenity and the character of the surrounding area.

BACKGROUND

Further to the deferral of the application by Members of Committee on 23.10.14, the applicant has revised the design of the proposed single storey rear extension in response to concerns raised by neighbour(s).

SITE DESCRIPTION

The proposal site is a two storey end of terrace property. The terrace is comprised of four dwellings featuring rear gardens bounded to the north by railway lines.

The original property apparently suffered damage during the World War and was rebuilt from 1946 with a single storey rear projection and an adjoining side garage. The side garage was extended further towards the rear during the 1950s. There is also an existing patio area raised about 230mm above ground at the rear of the house.

Ground level at the rear garden is fairly flat and there is car parking provided at the front on hardstanding. No trees will be affected.

The surrounding area is predominantly residential and characterised by two storey dwellings.

DESCRIPTION OF PROPOSAL

The development involves the demolition of the existing rear projections and construction of a single storey rear extension.

The proposed rear extension will continue to project to an overall depth of 2.85m from the existing rear projection and garage/store area as previously proposed. However, the applicant has revised plans to reduce the depth of the flank wall by the eastern boundary so that it does not project beyond 3m from the main rear wall of the house. The revised plans also include the main body of the rear extension being set back 2.3m from the boundary of No.57.

The proposed rear extension is slightly set away from the side boundaries and will feature a flat roof. Proposed works also include converting an existing garage into a habitable area and the installation of rooflights. Plans indicate that the proposal will provide a new kitchen/dining area, wet-room/WC, store room and also an additional bedroom.

It is noted that the applicant is a registered disabled person and the proposed extension is intended to provide appropriate accommodation on the ground floor due to difficulties going upstairs.

RELEVANT HISTORY

Y0022.14 - Single storey rear extension with an overall depth of 6m from the original dwellinghouse, overall height of 2.85 metres and an eaves height of 2.85 metres.
Prior Appr Refused 18-03-2014

CONSULTATIONS/REPRESENTATIONS

Four letters were sent to neighbouring properties. Two letters of objection was received.

The objectors have raised the following concerns:-

- Overbearing impact
- Loss of daylight/sunlight
- Overshadowing
- Design & appearance
- Loss of outlook
- Loss of privacy and overlooking

The above concerns are of a material planning consideration and thereby will be investigated accordingly.

Other concerns were raised relating to a loft conversion. It is acknowledged that a loft conversion which includes a rear dormer extension is under construction at the subject dwelling, however, this does not form part of the proposal.

The objector(s) has noted that there are discrepancies with the block plan and original plans from 1946 regarding a previous garage extension not being shown. The block plan submitted is considered acceptable and the previous garage extension is acknowledged and shown on the existing plans.

Concerns were raised in regards to the impact on a shared sewer. Neighbours also identified glazing proposed to the eastern flank will create difficulties in terms of its maintenance as well as a risk in the event of a fire. Plans have since been revised to remove glazed panels from the side elevation and roof, nonetheless, concerns relating to maintenance, sewers and potential fire risk are not material planning considerations.

The objector(s) has mentioned that the building is restricted against covering beyond a quarter of the curtilage. There are no planning restrictions preventing further development within the curtilage of this site. The proposed development will be assessed against all relevant planning policies and material considerations.

It is acknowledged that the objector has stressed that a family member is registered disabled and is concerned that the proposed rear extension will cause further harm to the health this family member. It should also be noted that the applicant is a registered disabled person and the proposed extension is intended to provide appropriate accommodation on the ground floor to avoid difficulties going upstairs. As mentioned above, the impact on neighbouring amenity is a material planning consideration and will be investigated accordingly.

Following consultations on the current revised plans received on 19.01.15, neighbours have raised concerns regarding the height of the proposed extension. It is noted that one neighbour has requested the height to be reduced to 2.75m, whereas the other neighbour considers a 3m height to be acceptable.

There were also concerns raised regarding the height of the existing fence being shown 2.2m in height. The objector(s) claim that the height is actually 1.65m and should remain at this height otherwise overshadowing would be a concern. The existing boundary fence does not form part of the proposed development, although it is possible that there are discrepancies with the existing fence height, Staff consider that sufficient details have been provided in order to properly assess the impact of the proposed rear extension.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The development is not CIL liable.

STAFF COMMENTS

Staff are aware that both the applicant in this case and one of the neighbouring occupiers have specific but differing medical issues. Mindful of this and notwithstanding the acceptability or otherwise of the submitted scheme, to address concerns raised by the objector, Staff have suggested setting the extension away from the boundary to ensure a 45 degree angle is not impeded.

Further to the deferral of the application by Members of the Planning Committee on 23.10.14, the applicant has revised plans to set the extension away from the concerning neighbouring boundary to ensure a 45 degree angle would not be impeded as previously recommended by staff.

However, there were further concerns raised by neighbours in relation to the height of the extension following revised plans being submitted and received on 19.01.15. Staff have contacted the applicant to suggest if the height could be reduced in response to neighbours' concerns, however the applicant has stated that the ceiling height has already been reduced to mitigate neighbourliness and are unable to lower the height any further.

The application now falls to be determined in its revised form.

DESIGN/IMPACT ON STREET/GARDEN SCENE

In terms of the impact upon the garden scene, it is noted that a number of adjoining properties have benefited from single storey rear projections and/or extensions of varying designs and appearance. It is further noted that these developments employ a mixture of finishing materials consisting of glazed roof panels, tiles and solid flat roofs.

In this context, the extension is considered to relate acceptably to the existing terraced block and the surrounding rear garden environment in terms of design, bulk, scale and massing.

Overall, the proposal would integrate acceptably with the character and appearance of the surrounding area and no objections are raised from the visual impact point of view.

IMPACT ON AMENITY

Staff consider the potential impact upon neighbouring amenity to be the most sensitive issue in this case.

In terms of No.57, this attached neighbour lies to the east of the subject dwelling and benefits from a similar rear projection to the subject dwelling, which is level in depth, however the roof is slightly higher at No.57. There is a close boarded fence along the common boundary approximately 2.2m in height according to proposed plans (not measured).

A site visit revealed that No.57 has a modest patio area raised approximately 120mm above the natural garden level and that there are two shallow steps leading up from the patio into their conservatory.

The applicant has revised the proposed single storey rear extension so that the projection will be 3m from the main back wall of the house and thereby will project approximately 500mm beyond the rear conservatory of No.57 at a height of approximately 3m measured from the patio at No.57 as indicated on proposed plans. The main body of the proposed rear extension is set back from the attached neighbour by 2.3m to provide a 45 degree angle clearance as shown on proposed plans.

Staff consider that the 2.3m set back providing a 45 degree angle clearance would appropriately address the concerns raised by the occupants at No.57 in regards to loss of sunlight/daylight, overshadowing, loss of outlook and overbearing impact.

Concerns relating to loss of privacy/overlooking were also raised due to doors proposed on the side elevation. In the event of planning permission being granted, the imposition of a planning condition shall be used requiring the glazed panels on the doors to be fixed with obscured glazing to ensure there is no potential loss of privacy to the occupants at No.57.

Turning now to the potential impact upon No.61. No 61 has a side garage built along the shared boundary which has now been converted into a habitable area. Directly to the rear of No.61 is also a decking area which is raised approximately 150mm above natural garden level.

The proposed rear extension will project approximately 2.85m beyond the rear of the converted garage at No.61. With an overall depth of 5.5m (measured from the rear main wall) the development is considerably in excess of guidelines and it is necessary therefore to consider whether there are mitigating factors to justify an exception to Council guidance.

In this case even though the proposed extension has a depth significantly beyond the 3 metres normally acceptable for a terraced property, it will only project 2.85m beyond the back of No.61 which previously had a side garage and still has a solid flank wall. In terms of impact therefore, it could be argued that such a relationship is no worse than a 3m deep extension on the boundary of a terraced property that thus far has not extended.

It should be noted that the occupants at No.61 have stated that the height would be acceptable only if it is no more than 3m above natural garden level. The height of the proposed extension will be approximately 3.2m above natural garden level and thereby exceeds the recommended 3m height as stated by the Councils 'Residential Extensions and Alterations' SPD. However, the slight infringement to the maximum height suggested by guidelines could also be regarded as modest and to some extent would be offset by the projection depth of 2.85m rather than a full 3m if that approach were to be adopted. In addition, given that No.61 features an existing raised decking area and orientated at a position where there will be no significant loss of sunlight or

overshadowing, on the balance staff do not consider that the height and depth of the proposed rear extension would cause a material loss of amenity to the occupants at No.61.

In conclusion, it is considered that the potential impact upon neighbouring amenity, particular in relation to the loss of amenity to the attached neighbouring property at No.57, has been addressed following the revisions made to the proposed extension. It is therefore considered that the proposed development would not result in a material loss of amenity to neighbouring properties.

HIGHWAY/PARKING

No objections were received.

KEY ISSUES/CONCLUSIONS

The proposed side extension would integrate appropriately with the character of the surrounding area and is not considered to cause a detrimental impact upon the residential amenities of the surrounding neighbouring properties.

It is therefore recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (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

4. SC34A (Obscure and fixed glazing)

The doors proposed to the eastern elevation of the extension hereby approved shall be permanently glazed with obscure glass and thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason:-

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

5. SC46 (Standard flank window condition)

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

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

6. SC48 (Balcony condition)

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

Reason:-

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

INFORMATIVES

1 Approval following revision

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

APPLICATION NO:	P1167.14	
WARD :	Rainham & Wennington	Date Received: 16th September 2014 Expiry Date: 11th November 2014
ADDRESS:	New Road (Premier Inn) Wennington Rainham	
PROPOSAL:	Three storey hotel extension with air conditioning compound	
DRAWING NO(S):	BRUKL Output Document PURY-EP200YJM-A A/C Unit Specs Planning Statement by Walsingham Planning, August 2014 Energy Recovery Statement by Jenks Associates Ltd, August 2014 Flood Risk Assessment by Simpson Associates Consulting Engineers LLP, Reference GH/7752/FRA, September 2014 3656/P1 3656/P3 3656/P4 3656/P5 3656/P8 3656/P11 3656/P12 3656/P13 3656/P14 3656/P15 Travel Plan by RGP, Reference RLR/WHIT/14/2249/TP01, August 2014 3656/P16	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is located on the eastern side of New Road (A1306), some 700m north of its junction with A13. The site is approximately 0.94 hectares in area, is largely flat and is irregular in shape. The site adjoins a drain/minor waterway to the south, the Ingrebourne Links Golf Complex to the north, and a private residential property called 'The Willows' to the east. The site is also just north of the boundary between Thurrock Borough Council and Havering.

The site consists of a hotel/restaurant complex, occupied by Premier Inn hotel, and The Willow Farm Table restaurant. The hotel building is an 'L' shape, has 61 rooms, and is three storeys high with pitched roof and catslide dormers. The restaurant building is link-detached to the hotel building via a covered walkway at ground floor level, and is located to the south of the hotel. It is roughly rectangular in shape, and is largely single storey, with a gable-ended two-storey projection along the northern wall (closest to the hotel).

The site is largely covered by paved car parking and accessways (for 145 car parking spaces), with landscaping along its boundaries, and a grassed area to the west and east of the hotel building.

The surrounding area is typical to that of a rural area, consisting of clusters of buildings that are separated by significant distances.

DESCRIPTION OF PROPOSAL

The application proposes a rear extension to the Premier Inn hotel building. The extension would be to the east of the building, or to the length of the 'L'.

The extension would replicate the existing form of the building, and would be three storeys with pitched roof and catslide dormers on the sides. The extension would be 15.6m deep, and 14.6m wide. The applicant has stated that the proposed extension would be 2,304 cubic metres in volume.

The extension would house 21 additional rooms, making a total of 82 rooms.

The proposal also involves the installation of an air conditioning compound, to the south-east of the extension. This would involve the removal of one car parking space.

RELEVANT HISTORY

P1171.98 -

The existing complex as it stands was approved under Planning application P1171.98 on 15 August 2000. This application was called in for decision by the Secretary of State on 10 November 1999. The reason given for the call-in was that the proposal may conflict with Green Belt policy. The Inspector cited the following issues that are particularly relevant to his consideration of the application -

- (a) The effect of the proposal on the Metropolitan Green Belt;
- (b) The loss of land allocated as Green Belt and the consequences, if any, of that loss;
- (c) Whether harm to the Green Belt, by reason of inappropriateness, and any other harm, is outweighed by other considerations to provide the very special circumstances to justify inappropriate development in the Green Belt; and
- (d) The conformity of the proposal with Government policy on transport and planning set out in PPG13 (Transport), and in particular dependence on the motor car.

Having considered these matters the Inspector recommended the application be approved. The Secretary of State agreed with the Inspector's recommendation and therefore granted consent to the application subject to conditions.

It is noted that this decision was based on the fact that there were existing uses on-site that were not deemed appropriate within the Green Belt, including car breaking, storage and repair, scrap metal reclamation, used tyre storage and fitting, open storage, and car boot sales and/or car parking. All these uses were lawful and immune from enforcement, and none were considered appropriate in the Green Belt by the Council at the time. Furthermore, the application site at that time extended further east, within close-proximity of The Willows house, and consisted of a number of non-desirable industrial buildings. The Inspector and Secretary of State considered that the hotel/restaurant complex (in its current guise) would improve the situation by removing the non-desirable buildings and replacing it with a more attractive building, albeit being built closer to the road than those buildings. Overall, it was considered that the proposal would not reduce the openness of the Green Belt or conflict with any of the purposes of including land within it.

P0117.04 -

This application was for a single storey extension to the restaurant building of the existing complex. This was approved on 16 March 2004, but was never built. The application has therefore now lapsed.

P0117.04 - Single storey extension to existing restaurant
Apprv with cons 16-03-2004

P1171.98 - Erection of 60-bed Travel Inn and a Brewers Fayre, plus access, parking and associated landscaping, including demolition of existing buildings on site
Apprv Sec State 15-08-2000

CONSULTATIONS/REPRESENTATIONS

Public Consultation -

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document. In addition, 17 neighbouring occupiers were directly notified of the application via letter. The Ingrebourne Link Golf Complex and Thurrock Borough Council were also directly notified of the application via letter.

One objection was received and is summarised below -

Material Planning Considerations -

- *Proposal would increase opportunities for overlooking.
- *Proposal contrary to policies on Green Belt.

Non-Material Planning Considerations -

- *Noise and disruption from the golf course within the past couple of years.
- *The hotel has not undertaken adequate up-keep and maintenance to the parking area, resulting in rubbish landing on neighbouring property.

Officer comment:

The golf course is not part of the application site. The overspill of rubbish between private properties is a civil issue and is not a planning consideration.

The material planning consideration would be addressed in the body of the Officer's Report.

Internal Consultees -

Council's Highways Division - No objections.

Council's Smart Travel Officer - Satisfied with the Travel Plan.

Council's Environmental Health Officer (Noise) - No objections subject to condition restricting construction hours, and noise restriction on the proposed air conditioning plant.

Council's Environmental Protection Officer (Contamination) - No objections subject to appropriate testing and remediation if necessary.

Environment Agency - No objections.

RELEVANT POLICIES

LDF

CP14 - Green Belt

CP17 - Design

CP7 - Recreation and Leisure

DC14 - Hotels

DC20 - Access to Recreation and Leisure, Including Open Space

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

LDF

DC48 - Flood Risk
DC53 - Contaminated Land
DC55 - Noise
DC56 - Light
DC61 - Urban Design

OTHER

LONDON PLAN - 5.12 - Flood risk management
LONDON PLAN - 5.13 - Sustainable drainage
LONDON PLAN - 5.21 - Contaminated land
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The proposed extension would result in a net increase of GIA by 599sqm (in accordance with the applicant's CIL Information Form), the CIL liable amounts to £11,980 (based on £20 per sqm).

STAFF COMMENTS

The subject application is brought forward to the Regulatory Services Committee as it is inconsistent with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD, adopted 2008.

More specifically, the proposal is the extension of a hotel, which is not within the list of activities deemed appropriate in the Green Belt in accordance with Policy DC45.

PRINCIPLE OF DEVELOPMENT

It is noted that the application site falls within the Metropolitan Green Belt.

The use associated with the proposal (i.e. a hotel use) is considered to be acceptable despite not being within the list of activities deemed appropriate in the Green Belt in accordance with Development Control Policies DPD Policy DC45. The purpose of the proposal is to enhance the existing use, which is to increase the capacity of the existing hotel. The extension presents an increase of 21 rooms, which is a 34% increase in capacity.

As previously discussed under the 'Relevant History' section of this report, the application site was granted planning permission for its current use as a hotel under P1171.98, including all existing physical development on site. This was carefully considered by the Inspector and the Secretary of State and they both concluded that the use would be an improvement from the existing situation at that time (which involved several industrial uses that were lawful, but out of keeping with those considered appropriate for the Green Belt).

On this basis, there is no need to reassess the impact associated with the use of the site as a hotel, as this was already deemed to be acceptable under P1171.98. The main issues to consider with regards to the subject application is those associated with the physical component, i.e. the extension itself.

Chapter 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions

over and above the size of the original building. Subject to any extensions being proportionate this form of development can be acceptable in principle.

Where extensions are considered to be disproportionate and therefore inappropriate, such applications should not be approved except in very special circumstances. The NPPF advises that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Due to the unique circumstances of the application site, the proposal should be judged on - (a)whether it has a detrimental impact on the openness of the Green Belt, or conflict with any of the purposes of including land within it; (b)whether it is proportionate to the existing building; (c)whether the proposal gives rise to any unacceptable detrimental impact on the residential amenity of adjoining occupiers; (d)whether there are significant detrimental impact on the efficient and safe operation of the local highway network; (e)any impacts on flooding and contamination; and (f)any other matters.

The physical component of the proposal is acceptable in principle when assessed against the criteria as listed above. This will be expanded upon below.

GREEN BELT IMPLICATIONS

As indicated above, the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

In this case, it is difficult to ascertain whether the proposed extension is proportionate in comparison with the original buildings, as they have been removed and were in a different location. The site boundaries have changed from the original application, and it would appear that the eastern portion of the land housing the original industrial buildings (as previously discussed) is now cleared and under the ownership of the The Willows, which is the adjacent residential property to the east. On this basis, it is more logical to assess the impact of the extension against the existing buildings on site.

Despite the above, volume calculations were carried out for both the original and existing buildings on site for reasons of comparison and transparency. The volume of the original buildings on site prior to the Premier Inn/Willow Farm Table complex was some 9,054 cubic metres, with a footprint of some 1,433 square metres. The existing complex has a volume of some 8,935 cubic metres, and a footprint of 1,328 square metres. The proposed extension has a volume of approximately 2,304 cubic metres and a footprint of some 236 square metres. This presents an increase of approximately 24% over the original buildings on site, or an increase of 26% over the existing buildings on site. On this basis, the proposal is considered to be a proportionate extension over and above the existing building based on the volume calculations alone.

The proposal is also considered to be acceptable as it would not alter the form of the existing building. The extension would replicate the profile of the existing building, and would not alter the ridge height, eaves height, or width of the building. The existing roof design was essential to the original approval P1171.98, reducing the visual bulk of the building by housing the entire second floor within the roof cavity with catslide dormers. The proposal would retain the roof design and would house the second floor within the roof cavity, with four catslide dormers on each side.

The massing of the extension is considered to be proportionate to the existing building. Although it has a depth of 15.6m, which constitutes a 43% increase in depth, it only presents an increase

in footprint of some 18%. When viewed against the backdrop of the existing complex, the proposal would not appear disproportionate.

The proposal would not have an adverse impact on the perception of openness in the area, as the subject Premier Inn/The Willow Farm Table complex appears to stand alone when viewed against the backdrop of rural Green Belt land, with no buildings within close proximity that would provide a visual reference. On this basis, the scale of extension would not interrupt the visual relationship between the host building and surrounding buildings.

The proposed extension would extend to the east of the building, away from the road, where there are no neighbouring buildings within at least 80 metres from the closest point of the extension. Due to this physical separation, the proposal would not have an impact on the setting of this dwelling, which is a Grade II listed farmhouse belonging to the Willows Farm.

It is noted that there are small clusters of buildings to the west, south-west, south, and south-east of the application site, and the proposal would not change the relationship between the host building and these other buildings.

The proposed extension would be visible when viewed from a distance, given the existing complex is a standalone one and does not visually relate to any neighbouring clusters of buildings. However, as previously discussed, the massing of the proposal is considered to be proportionate to the host building, and would replicate the profile of the existing building. The extension would be to the rear of the building, and would have a limited footprint when viewed against the backdrop of the existing complex. The proposal would not alter the hierarchy between buildings on site as it would be no higher than the existing building and would be of the same width.

The proposed air conditioning compound is acceptable as it is minor in scale when viewed against the backdrop of the complex, and is not located within a visually prominent position. It would be located to the south-eastern corner of the proposed extension within the existing complex, and would therefore largely be screened from public vantage points. The presence of an external AC compound is acceptable as it is ancillary to the hotel use, and would not be out of character for the area, given it is located adjacent to the car park.

On this basis, it is considered that the proposal would not have an unacceptable impact on the open nature and character of the Green Belt in terms of its massing, or conflict with any of the purposes of including land within it. Overall, Staff consider that the proposed extension would not result in disproportionate additions over and above the size of the existing building, and does not constitute inappropriate development in the Green Belt when assessed against Chapter 9 of the NPPF.

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. Development must therefore respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

Although the proposal would be located to the rear of the building, it would be visually prominent given the standalone nature of the existing complex. However, this does not translate into a detrimental impact on the streetscene and surrounding area. The design of the proposed extension ensures that it is consistent with that of the host building, and does not appear out of proportion.

The extension retains the existing pitched roof design which contains the second floor within its cavity. This is essential to reduce the visual bulk at top level, and avoids a top heavy appearance

for such a large building. The visual mass of the length of the building is reduced by the introduction of a staggered wall design on each side, to add an element of visual interest to an otherwise bland flank elevation.

The proposed catslide dormers (four on each side) are appropriate as they replicate those on the existing roofscape, with consistent spacing between them, and are horizontally aligned with the existing dormers. Furthermore, the catslide dormers are vertically aligned with the fenestration on the floors below, which maintains the visual consistency across the flanks.

The proposal would also remove the unsightly external staircase/fire-escape off the eastern wall of the building, as the proposed extension would internalise the fire-escape in the south-eastern corner.

The proposed AC compound would not be located in a visually prominent location. It is located within close-proximity to the host building, which is appropriate as it is directly related to the hotel, and is an expected feature in such a setting. Additional screening is recommended to further mitigate the visual impact of the compound; this can be secured by way of condition.

The subject building is well-isolated from other buildings of a similar scale (the closest being a large barn building within the golf complex site to the north some 550m away), and the proposed extension will not change its relationship with surrounding buildings.

Although the proposed extension would be visible, it is not of a sufficient scale to change the overall visual perception of the host building. The proposed extension would not alter the host building's height and width, and the building would be perceived as a large three-storey hotel with pitched roof regardless of the extension.

In light of the above, the proposal is considered to be appropriate and will not have a detrimental impact on the streetscene or the character of the surrounding area. This is consistent with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

IMPACT ON AMENITY

As previously discussed, the proposal is well-isolated from neighbouring buildings. However, it is noted that the eastern wall of the extension would be some 2m from the eastern boundary (boundary adjoining The Willows). This does not represent an inappropriate relationship in this case, given the residential dwelling of the neighbouring property is located some 85m east of the extension, and there are no buildings within close-proximity to the common boundary. On this basis, the extension is unlikely to cause any significant impact on this property in terms of shadowing, dominance, or overlooking. The proposal would reduce the opportunity for overlooking towards the east given the existing external staircase/fire-escape would be internalised. There are no proposed windows directly facing The Willows, nor towards the direction of the residential dwelling.

The proposal would have no impact on the residential amenity of any other neighbouring properties due to its physical separation.

The noise and disturbance generated by an additional 21 rooms to a 60 room hotel and restaurant complex would be within the scope of what is acceptable given the location of the site. The noise emitted from the proposed AC compound can be addressed by way of condition.

HIGHWAY/PARKING

The proposal would include the removal of one car parking space to make way for the proposed air conditioning unit. The car parking requirements for the complex as per Council's Core Strategy and Development Control Policies DPD 2008 is listed below -

Bottle-shop = 1/30sqm = 2 car parking spaces.

Restaurant/bar/dining = 1/10sqm = 31 car parking spaces.

Staff accommodation = 2 per dwelling unit = 6 car parking spaces.

Hotel = 1 per bedroom = 82 car parking spaces.

Total car parking required = 121 car parking spaces.

The application site would have a total of 144 car parking spaces, which would meet the minimum requirements by the Council's DPD. Furthermore, the proposal would not alter the existing access arrangements to the site. Council's Highways Division has reviewed the application and has no objections.

OTHER ISSUES

It is noted that the adjoining property to the east, The Willows, contains a Grade II listed farm house. This building is a two-storey 17th century farmhouse with white painted plaster walls under a hipped tile roof which is set in mainly lawned gardens.

The revelation or 'visually un-blocking' of this building through the demolition of adjacent industrial buildings was considered a reason for approval for the existing complex under P1171.98. It is therefore essential that the proposal does not have a detrimental impact on the setting of this building.

In this case, the proposal would have no impact on the setting of this building as it is located some 85m away from the building itself, and some 65m away from the nearest row of windbreaker planting (which clearly defines the residential curtilage of the site). Accordingly, the relationship between the buildings would not be significantly altered due to the degree of separation between them.

FLOOD RISK

It is noted that the application site is located within Flood Risk Zone 3 as defined by the Environment Agency (EA).

The applicant has provided a comprehensive Flood Risk Assessment which concluded that the proposed extension can be occupied and operated safely and that there will be no increase in the level of flood risk to the site or neighbouring sites as a result of the development, subject to recommendations within the report. These measures should be secured by condition accordingly.

The EA has been consulted and has no objection to the proposal.

LAND CONTAMINATION

Council's Environmental Protection Officer (Land Contamination) has reviewed the subject application and has no objections subject to appropriate testing and mitigation if required. This should be conditioned accordingly.

KEY ISSUES/CONCLUSIONS

Although the proposed use of the extension is not within the list of activities deemed appropriate in the Green Belt in accordance with Policy DC45, it is in relation to an existing use, which was deemed acceptable and given planning permission by the Secretary of State under planning application P1171.98.

The extension is considered to be appropriate due to its proportionate relationship to the host building, without fundamentally altering its form. The host building has sufficient physical separation from other buildings so the proposal would not unbalance the setting of the built form in the area.

On this basis, the proposal would not have a detrimental impact on the integrity of the greenbelt, nor would it have an adverse impact on the streetscene or the character of the area. The proposal would not affect the amenity of neighbouring properties.

The proposal would have no impact on the setting of the neighbouring Grade II listed building to the east.

The issues in relation with flood protection and land contamination can be addressed by way of condition.

The proposal would also comply with the car parking and access standards as required by the Council's DPD document 2008.

The proposed development is considered to be consistent with relevant policy and guidance and it is recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. 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. SC10A (Matching materials & samples) (Pre Commencement)

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:-

4. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

5. 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.

6. SC05 (Parking standards)

Before the building(s) hereby permitted is first occupied, provision shall be made within the site for car parking in accordance with current standards adopted by the Local Planning Authority, thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety.

7. SC42 (Noise - New Plant) (Pre Commencement Condition)

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating at maximum capacity.

Reason:-

To ensure that the amenities of occupiers of the development site surrounding premises are not adversely affected by noise from the mechanical installation equipment.

8. Screening for AC Plant

8. Screening for AC Plant

No development shall take place until details to screen the proposed external Air Conditioning compound hereby approved has been submitted to and approved in writing by the Local Planning Authority. The details should include screening which would effectively soften the visual impact of the compound. The details should therefore be carried out in full and shall be maintained for the lifetime of the development 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

9. SC62 (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. SC63 (Construction Methodology) (Pre Commencement)

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

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

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

Reason:-

To protect residential amenity, and in order that the development accords the

11. Flood Mitigation Measures

The flood mitigation/resilience measures as outlined in the Flood Risk Assessment by Simpson Associates Consulting Engineers LLP, Reference GH/7752/FRA, Issue September 2014 shall be implemented in full prior to occupation of the proposed extension.

Reason: -

To ensure the safety of people and property

12. Contamination

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

a) A Phase I (Desktop Study) Report documenting the history of 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 Strategy) 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 and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

(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.

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 Standard Green Belt Informative

The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of those extensions which have already taken place and/or been granted permission, it should not be assumed that further extensions will be agreed.

3 Secure by Design Informative

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.

4 Thames Water informative

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.

5 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.

6 Travel Plan

The applicant is advised to contact Council's Smart Travel Advisor once the travel survey is complete. This is so the Council can offer maintenance classes via CTE to the applicant's staff and cycle training, both free of charge.

7 Approval and 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 £11,980 (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.

8 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.

APPLICATION NO:	P1417.14	
WARD :	Rainham & Wennington	Date Received: 5th November 2014 Expiry Date: 31st December 2014
ADDRESS:	65 Lambs Lane South Rainham	
PROPOSAL:	Demolition of existing residential property at 65 Lambs Lane South, construction of replacement dwelling and two new bungalows.	
DRAWING NO(S):		
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

SITE DESCRIPTION

The application site is located on the north side of Lambs Lane South, some 20m east of its junction with The Glen. The site is some 1,755sqm in total and is largely flat, elevated from street level. The site currently consists of one two-storey pitched-roofed dwelling, which is located towards the front of the site, and there is a group of flat roofed outbuildings to the rear of the dwelling. The remainder of the rear garden is largely undeveloped with a number of small garden sheds.

The site is bordered on all sides by residential dwellings, to the west are the properties of The Glen, to the north, Vincent Road and to the east, Orchard Avenue.

DESCRIPTION OF PROPOSAL

The application proposes to demolish all existing buildings on site and erect three new dwellings with associated works including driveways and outbuildings.

No.65 -

This dwelling would replace the existing dwelling and is also two-storeys. It would be located in a similar position as the existing dwelling and will have two car parking spaces (one adjacent to the front garden, and one in a garage adjacent to the rear garden). It would have a combined outdoor amenity space of 179sqm (58sqm to the front of the dwelling, and 121sqm to the rear of the dwelling). The dwelling has cycle storage and waste storage in the rear garden. The dwelling would have a GIA of 138.6sqm, and the single garage would have a GIA of 15.4sqm.

No.65A -

This dwelling would be located in the rear garden area of the existing site and will be single storey. It has two car parking spaces both adjacent to the garden area. The outdoor amenity space would be 159sqm, and would be located to the south of the dwelling. The dwelling has cycle storage and waste storage in the garden. It would have a GIA of 117.5sqm.

No.65B -

This dwelling would also be located in the rear garden area of the existing site. It would be located to the north of No.65A and would also be single storey. It has two car parking spaces to the west, and an outdoor amenity area of 349sqm, which is to the north of the dwelling. The dwelling has waste storage and cycle storage in its garden. It would have a GIA of 110.6sqm.

Access and shared facilities -

All three dwellings would be accessed by a driveway which is between 2.8m to 3.5m in width, running along the western boundary of the site. There is a wooden enclosure for communal bin storage within the front garden close to the road boundary. There is also a proposed fire hydrant

in the front garden.

The subject proposal is an amendment of a previous scheme under application P0400.14, which was approved on 7 July 2014. The previous scheme was also for the erection of three new dwellings (net addition of two dwellings) and associated works. The main differences between the two schemes are summarised below -

*The layout of the two rear bungalows between the two schemes are different. The subject application places the two bungalows in the rear in a front to rear arrangement (north to south), whilst the previous scheme places the two bungalows in a side by side (or west to east) arrangement. The car parking and garden arrangements are also different due to this change in configuration.

*The application site has been enlarged from 1,585sqm to 1,755sqm under the current scheme, by incorporating land to the north of the original application site.

*The dwelling at No.65A is slightly larger under the subject application (by 6.5sqm), whilst the dwelling at No.65B is slightly smaller (by 7.4sqm)

RELEVANT HISTORY

As previously discussed, the subject proposal is an amended scheme to application P0400.14, which was approved by the Regulatory Services Committee on 7 July 2014.

P0400.14 - Demolition and replacement dwelling and 2 No detached bungalows and single garage to the rear.
Apprv with cons 07-07-2014

P0037.14 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P1494.10) and erection of 3 detached bungalows to the rear.
Withdrawn 18-02-2014

P0699.11 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P0606.10)

Withdrawn - Invalid 23-05-2012

P1494.10 - Demolition of existing dwelling at No. 65 and construction of replacement two storey house along with a single storey bungalow to the rear garden with associated access road and parking area (resubmission of planning permission P0606.10)

Apprv with cons 09-12-2010

P0606.10 - Demolition of existing dwelling and construction of a replacement chalet and one additional bungalow.
Apprv with cons 27-07-2010

P1187.09 - Demolition of existing dwelling and construction of 3No. detached bungalows
Refuse 18-02-2010

CONSULTATIONS/REPRESENTATIONS

Public Consultation -

Thirty five neighbouring properties were consulted and three objections were received. They are summarised below -

Material Planning Considerations -

- *Overdevelopment of a rear garden area out of character for the area.
- *Highways impact due to the volume of cars using the shared driveway.
- *Overlooking.
- *Increased noise and disturbance due to vehicles using shared driveway and from additional dwellings.
- *Impact on outlook.

Non-Material Planning Considerations -

- *Plans were not available on-line, request officer to contact submitter.
- *Emergency services should be consulted as part of this application.
- *Impact on property prices.

Officer Comments:

The case officer has contacted the submitter and outlined the proposal, no further correspondence has been received from this party. Emergency services that are considered to be relevant to a planning application were consulted as part of this application. Impact on property prices is not a material planning consideration.

Internal Consultation -

Highways - No objections subject to condition requiring Construction Methodology Statement.

Environmental Protection (Land Contamination) - No objections subject to suitable conditions requiring appropriate testing and remediation if required.

Environmental Protection (Noise) - No objections subject to condition requiring provision and implementation of construction management plan.

Essex & Suffolk Water - No objections

Fire Fire Brigade Water Team - No objections and no additional fire hydrants are required.

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and density), DC3 (Housing Design and layout), DC11 (Non-Designated Sites), DC33 (Car parking), DC61 (Urban Design), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations together with the Residential Design Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and the Residential Extensions and Alterations Supplementary Planning Document.

Policies 3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 7.4 (Local character), and 8.3 (Community Infrastructure Levy) of the London Plan 2011 are considered to be relevant.

Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are also relevant.

MAYORAL CIL IMPLICATIONS

The proposal is liable for CIL contributions given it involves the erection of three new dwellings.

The existing Gross Internal Area (GIA) measures 131sqm, and a total of 382sqm is proposed for the 3 new dwellings including the proposed garage, the net increase in floor area is 251sqm, which was confirmed via the applicant's CIL Information Form.

On this basis, the application is liable for CIL contributions of £5,020 (with CIL at £20 per sqm).

STAFF COMMENTS

The issues arising from this application are the principle of development; design and layout; impact on streetscene; impact on amenity and parking and highway issues.

It should be noted that a prior scheme has been approved on site under application P0400.14 for the erection of three new dwellings, involving the net increase of two additional dwellings. Considerable weighting should be given to the previous scheme when considering the proposed density of the subject development as this has effectively already been approved on site.

PRINCIPLE OF DEVELOPMENT

Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes.

The site currently has a residential land use. In accordance with the objectives of Policy CP1, there is no objection in principle to residential development on this site, providing that the proposals are acceptable in all other material respects. A recent Government announcement has amended the definition of previously developed land contained in NPPF to afford Local Authorities greater control over garden development. Staff are of the view that this announcement does not mean that all forms of development on gardens are unacceptable and that issues of character and setting should still be taken into account. The location of the site complies with these criteria.

DENSITY/SITE LAYOUT

Policy DC2 recommends a density range of between 30-50 dwellings per hectare in this location. The site has an area of 0.176 hectares and three dwellings are proposed, which gives an overall development density of 17 units per hectare. The application therefore complies with the density requirement. However, density is only one measure of the acceptability of a development proposal and consideration has to be given to the fact this is a back garden setting.

The proposal is considered to be acceptable despite being a rear garden development as the average of the proposed plot sizes would be comparable to others along Lambs Lane South, and would maintain the existing characteristics of plots off Lambs Lane South by being notably larger than those along The Glen, Vincent Road, and Orchard Avenue. The application site is unusually large for the area, as it incorporates part of the original rear garden of No.67, and is considered to be sufficient to comfortably accommodate two additional dwellings.

As previously discussed, the principle of three dwellings within the application site has already been approved under the previous application P0400.14, and the subject proposal consists of a larger site area. The layout of the two rear bungalows in the subject scheme is different that that previous approved, as they are now placed in a north to south configuration, rather than a west to east configuration. Despite the change in layout, the proposal is still able to meet the necessary requirements as discussed below.

The Council's Design for Living 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.

The layout of the site provides for sufficient private garden areas for all dwellings (over 120 square metres for each dwelling) providing a suitable setting. In respect of amenity space, staff are of the view that the proposed rear garden areas would meet the objectives of the Residential Design SPD in providing usable and private spaces. A boundary fence condition would be imposed on any decision notice to ensure an appropriate appearance.

It is noted that the two proposed bungalows would be separated by 3.9m. This is considered to be an adequate separation as they are both single storey, and their respective distances from the boundary allows for an adequate width walkway to access those sides of the properties.

The proposed access road narrows to 2.8 metres and would not therefore enable access for larger vehicles, including refuse collection vehicles. For day to day use residents would need to store refuse within their property boundary and place to the site frontage enclosure on collection days. Subject to an appropriate design for such enclosure, the impact in the street scene is not considered to be sufficiently harmful to warrant refusal if the application is judged to be acceptable in all other respects.

Each habitable room within all three new dwellings would be of a suitable size and would be served with a clear opening for suitable light and outlook. The size of each dwelling would also satisfy the London Plan area requirements as outlined under Policy 3.5 and Table 3.3, and accordingly the living accommodation of the dwellinghouses are considered to be adequate and usable.

On this basis, the proposal is considered to be acceptable in terms of density and layout.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that development should respond to local building forms and patterns of development and respect the scale, massing and height of surrounding physical context.

The development proposes a frontage building (no. 65) facing towards Lambs Lane South. This is acceptable in principle and replaces an existing dwelling on the site and has previously been granted permission. The dwelling is set back from the front site boundary by some 20m, which is similar to that of the existing dwelling, and reflects the existing staggered building line to the streetscene. The proposed frontage building is considered acceptable in the street scene in respect of bulk and massing and compatible with the character of local development. The proposed building would be of two-storey and would match the adjoining neighbour and the properties at The Glen. Accordingly, staff are of the view that the dwelling is compatible with the streetscene which is drawn from a variety of building forms.

The proposed dwellings No.65a and 65b would be situated to the rear of No.65 at the northern end of the site and would have minimal impact on the character of the streetscene as they would largely be screened by the existing two-storey buildings along Lambs Lane South. The proposed dwellings are single storey, and have been designed with low pitched hipped roofs to appear as unobtrusive as possible within the rear garden environment. The eaves height of the bungalows are 2.4m, with a ridge height of 5m. This ensures that the proposed development does not upset the existing building hierarchy of the area by only having single storey buildings in the rear gardens.

Having regard to these factors, the position, **Page 47** design of the dwelling 65a and 65b in relation to No.67 are considered acceptable as the closest bungalow is over 40m away from the rear wall of the dwelling. Consideration has also been given to the fact that at present there is a

group of flat roofed outbuildings with a depth of over 20 metres within the site situated along a substantial section of the boundary with the neighbouring property with a footprint of almost 100 square metres which would be demolished. The removal of these structures would, in staff's view improve the outlook of the neighbouring property, and the proposed single garage along the common boundary would also be acceptable.

The proposed dwellings would not have an unacceptable impact on the outlook of the adjacent properties off The Glen nor their perception of openness in a rear garden setting. The dwellings in question are bungalows and are set away from the western boundary by between 4 and 6.7m. Many of the properties off The Glen already have single storey outbuildings built against their rear boundary (which is the common boundary with the application site) which would further mitigate the visual impact of the proposed bungalows in the rear garden setting. It is noted that the proposed dwelling No.65b would be 1m from the southern boundary of No.21 The Glen, however, No.21 has a large outbuilding built against the common boundary, and the proposal would have no impact on the outlook from this property.

The proposed dwellings would also not have an unacceptable impact on the outlook of the adjacent properties off Orchard Avenue, as they are single storey, and would be some 18m from the rear wall of the adjoining terrace at the closest point. The proposed bungalows would not change the hierarchy of buildings in the rear garden setting, as they are single storey and would therefore be subservient in appearance to the two-storey dwellings fronting surrounding streets. The proposed dwellings have a setback of between 2m to 4.3m from the eastern boundary, which is considered to be adequate setback for single storey buildings, and would not have a dominating impact on the rear garden of the adjacent properties.

In summary, the proposed dwellings in their proposed position, height and design are judged to be compatible with the overall character of development in the locality. The rear dwellings at no. 65a and 65b would not be readily visible in the street scene. With the above taken into consideration, staff are satisfied that the proposed development is unlikely to result in any visual harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

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.

The proposed dwelling to the site frontage (No.65) would be located in a similar location to the existing dwelling, and has previously been granted planning permission in a similar location. It is considered to have an acceptable relationship to the neighbouring properties at No.63 and 67.

The proposed dwelling at No.65a is considered, on balance, to have an acceptable relationship with neighbouring properties. The proposed dwelling would have a low eaves height and staggered ridge heights which would reduce its visual dominance in the rear garden environment. As mentioned above a bungalow of similar proportions has already been granted planning permission in a similar location, albeit with a different site configuration. The dwelling has sufficient boundary setbacks, and sufficient separation from neighbouring dwellings to mitigate any unacceptable shadowing and dominance on these properties. The dwelling would be single storey, and any views from flank windows are or can be mitigated by adequate boundary screening by way of condition.

Like No.65a, the proposed dwelling at No.65b is also considered to be acceptable and would not have an unacceptable detrimental impact on neighbouring properties in terms of shadowing and dominance. The dwelling would be single storey on a reasonable scale, and has sufficient physical separation from neighbouring dwellings. As previously discussed, it is noted that the northern wall of the dwelling is 1m away from the boundary of No.21 The Glen, however, No.21

has an outbuilding built against this boundary, and the proposal would have no impact in terms of shadowing and dominance on this property. The dwelling only has openings at ground floor level as it is a bungalow, and would not have unacceptable overlooking opportunities towards neighbouring properties. Any concerns can be addressed by way of condition, requiring adequate boundary screening.

The establishment of two additional domestic dwellings on a large site is not considered to generate sufficient noise and disturbance to warrant refusal, given the site is in an established residential area.

In respect of the location of the access road, staff consider that whilst this is close to the western site boundary the road would only serve the dwellings and so would not materially harm neighbouring residential amenity. If permission were granted, conditions could be imposed in respect of appropriate boundary treatment to ensure neighbouring residents were not unduly disturbed by use of the access road.

With the above taken into consideration, staff are therefore satisfied that the proposed development is unlikely to result in any material harm. The development is considered to be acceptable and accords with the principles of Policy DC61.

HIGHWAY/PARKING

The site is in a location where Policy DC2 indicates parking provision of 1.5-2 spaces per dwelling is appropriate. The proposal provides adequate parking for a development of this scale and would be acceptable in this respect (although a condition may be required to ensure a buffer between the parking spaces and neighbouring fence).

The access road is relatively narrow and would not enable larger vehicles, including refuse collection vehicles to enter the site. Nevertheless, no objection is raised providing arrangements are made to collect refuse from the road in Lambs Lane South.

In respect of refuse collection, the scheme proposes that refuse is stored within properties boundaries and then placed by occupiers at the site frontage on collection day. Although this would involve the occupier of no. 65a and 65b carrying their rubbish over a significant distance this was approved in the previous permission P0400.14 and is not considered to represent material grounds for refusal for this current application.

In respect of fire brigade access, the fire brigade have raised objection to the previous permission however the access arrangements remain unaltered from that scheme. On the previous scheme the fire brigade were happy subject to a suitable system being installed to meet BS9251. Staff consider this matter could be resolved by condition if permission were granted. This is also a matter which can be addressed through Building Regulations.

London Fire and emergency also had concerns with regards to No.65a and No.65b not having sufficient provisions of domestic sprinklers previously, this could also be addressed by way of condition.

With the above matters addressed by appropriate conditions, it is considered that the proposal is acceptable and in accordance with the principles of Policy DC 33.

OTHER ISSUES

It is noted that a number of trees have been removed from the rear garden in anticipation to further development of the site, which was approved under application P0400.14. A new landscaping scheme is therefore recommended to be secured via condition to ensure sufficient planting is restored.

SECTION 106

A Section 106 Legal Agreement is normally required to secure a financial contribution of £12,000 (2 new dwellings) to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.

However, the applicant has already paid the contribution following the approval of the previous scheme P0400.14, which also involves the erection of two additional dwellings on site. The applicant's acting agent has provided evidence of payment by way of an acknowledgement letter/receipt dated 4 July 2014. On this basis, no additional financial contribution is required under the subject scheme.

KEY ISSUES/CONCLUSIONS

Staff consider that the principle of residential development in this location is suitable and is of an appropriate density, especially considering that a prior scheme with the same density has been approved under application P0400.14.

The layout and setting of all three new dwellings are acceptable and meet the relevant standards to ensure a high degree of quality of accommodation, whilst not compromising the residential amenity of neighbouring occupiers to an unacceptable degree.

The visual impact of the proposal is acceptable owing to the suitable design and massing of the proposed buildings, as well as the existing site circumstances.

For the reasons outlined above within the report, the proposal is considered to be acceptable and approval is recommended as it would not be contrary to the provisions of the London Plan 2011, Havering Supplementary Planning Documents, the LDF Core Strategy and Development Control Policies DPD, and the NPPF.

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. SC09 (Materials) (Pre Commencement Condition)

3. SC09 (Materials) (Pre Commencement Condition)

Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s) 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.

4. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

5. 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.

6. Access

Prior the first occupation of dwellings hereby permitted, the access drive shall be fully constructed to the satisfaction of the Local Planning Authority.

Reason:-

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

7. SC06 (Parking provision)

Before the building(s) hereby permitted is/are 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

8. SC14A (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.

9. SC58 (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 as shown on Drawing No.002 hereby approved, and shall be retained thereafter for the lifetime of the development.

Reason:-

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

10. SC59 (Cycle Storage)

Prior to completion of the works hereby permitted, provision shall be made for cycle storage according to details as shown on Drawing No.002 hereby approved, and shall be retained thereafter for the lifetime of the development.

Reason:-

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

11. SC46 (Standard flank window condition)

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

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

12. SC45A (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 subsequent **Page 52** amending or re-enacting that order, no development shall take place under Class A, B, C, D, and E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and

13. SC62 (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.

14. SC63 (Construction Methodology) (Pre Commencement)

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

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

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

Reason:-

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

15. Sprinklers

Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings No.65a and No.65b hereby approved. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers

16. Contamination Condition 1

16. Contamination Condition 1

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

a) A Phase I (Desktop Study) Report documenting the history of 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 Strategy) 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 and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

17. Contamination Condition 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.

18. SC78 (Secure by Design) (Pre Commencement)

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

Reason:-

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

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.

3 Vehicle crossover informative

The proposal involves works which affect the highway and/or its verge. Before commencing such works you must obtain separate consent of the Highway Authority. Please contact the Streetcare on 01708 432563.

4 Secure by Design Informative

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 Thames Water informative

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.

6 Approval and CIL (enter amount)

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 £5,020 (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.

7 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.

APPLICATION NO:	P1475.14	
WARD :	Romford Town	Date Received: 27th October 2014 Expiry Date: 22nd December 2014
ADDRESS:	168-170 South Street Romford	
PROPOSAL:	Change of use of ground floor retail unit (A1) to restaurant (A3)	
DRAWING NO(S):	Site Location Plan no. 1433/P/2 (Scale 1:500) Site Location Plan no. 1433/P/1 (Scale 1:1250)	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in on the grounds that a restaurant in this part of South Street with later opening than the present retail use is unsuitable for this location under what are a large number of retirement flats and that the necessary provision of an extraction flue is unlikely to safeguard the residents above from cooking smells impinging on the enjoyment of their property. Furthermore the location cannot absorb any more parking, being on a bus route and Regarth Avenue is full at night. The disposal of restaurant waste also gives rise to concerns.

SITE DESCRIPTION

The application relates to the building at 168-170 South Street, Romford. This is a three storey premises located on the corner of South Street and Regarth Avenue. At ground floor level the unit comprises an A1 retail unit currently occupied by 'Professional Music Technology' with associated storage space and offices in the upper floor levels. The premises forms part of a parade of commercial units including a sauna and convenience store with offices and storage above. The upper floors of the block to the south contains retirement flats and the rear of the site backs onto residential accommodation at Regarth Avenue and Gibson Court. The site is located directly adjacent to the retail fringe of Romford town centre and as such the surrounding area is characterised by a mixture of commercial and residential uses.

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 an A3 restaurant.

At this stage the applicant is just applying to change the use of the 180 square metre commercial unit in order to advertise the premises to perspective restaurant tenants.

As a result it is the principle of the change of use that is being considered and the proposal would not result in external alterations to the shop frontage or the internal layout. Any new fascia signage or shopfront alterations would be subject to separate applications.

The current landlord does not have a tenant lined up to occupy the proposed restaurant and therefore full details of the the proposed numbers of staff or opening hours are unknown, although it is reasonable to expect that a restaurant would seek to operate in the evening.

it should be noted that prior approval has recently been granted to allow the conversion of the office space above the application site to self storage flats.

RELEVANT HISTORY

P0040.15 - Change of use of first floor retail and office space to 3no. self contained apartments with additional windows and alterations to South Street elevation.
Awaiting Decision

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 134 properties and 14 representations have been received. The comments are summarised as follows:

- Noise and disturbance during the day and late into the evening from customers, staff, deliveries and general activity associated with the restaurant.
- Noise from kitchen fans and extraction equipment.
- Unpleasant cooking smells and odours in close proximity to neighbouring residential accommodation.
- Increased waste and litter would attract vermin.
- Disruption to the peaceful environment enjoyed by the residents of the neighbouring retirement apartments at Gibson Court.
- Inappropriate location for a restaurant.
- Inadequate parking provision in this area of South Street.
- There are already enough restaurants in Romford, especially along South Street and Victoria Road.
- Potential for anti-social behaviour.

Environmental Health - no objection, but have recommended conditions relating to noise insulation and noise levels of any plant and machinery, the extract and removal/ dispersal of odours are included in any approval notice.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- DC11 - Non-Designated Sites
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC23 - Food, Drink and the Evening Economy
- DC33 - Car Parking
- DC36 - Servicing
- DC55 - Noise
- DC61 - Urban Design
- SPD12 - Shopfront Design SPD

OTHER

- LONDON PLAN - 2.15 - Town Centres
- LONDON PLAN - 4.7 - Retail and town centre development
- LONDON PLAN - 4.8 - Supporting a successful and diverse retail sector
- LONDON PLAN - 7.3 - Designing out crime
- 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 surrounding residential amenity and the implications for highways, pedestrian access and parking.

PRINCIPLE OF DEVELOPMENT

The site is located within central Romford in an area typified by a mixture of commercial and residential uses. Ground floor commercial premises and office blocks are evident extending along South Street towards the cross roads junction with Oldchurch Road and Thurloe Gardens. However, the designated zoning of the Romford retail fringe area identified under policy RM11 of the Romford Area Action Plan Supplementary Planning Document (SPD) ends with premises directly opposite the application site at No.183 South Street (the end unit in the traditional parade of shops contained in the 1930's building at Station Parade). This means that the application site is situated just outside the retail fringe area and is not strictly subject to the provisions of Policy RM11.

Nevertheless, the application site is adjacent to the retail fringe and is contiguous with other commercial uses along this section of South Street beyond the retail fringe zone. On this basis it is considered that the site demonstrates a clear and strong association with Romford town centre, the retail fringe area and the general activities appropriate to town centre uses.

Policy DC23 seeks to encourage a diverse range of complementary day and evening uses in town centres. In landuse terms staff take the view that a restaurant use would be appropriate in a town centre location and given the provisions of Policy DC23 the principle of the change of use is therefore considered to be acceptable.

Issues in relation to the residential amenity of neighbouring occupiers is considered in more detail in the 'Impact on Amenity' section of this report.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The change of use proposes no alteration to the building frontage and any proposed signage would be addressed through an additional application.

IMPACT ON AMENITY

Policy DC23 also seeks to manage the evening and night time economy by considering with regard to new development its disturbance and cumulative impact on the character and function of a centre, related anti-social behaviour, and impacts on crime and the amenities of nearby residents.

Policy DC61 states that planning permission will not be granted where the proposal has adverse effects on the environment by reason of noise impact, hours of operation and fumes.

This section of South Street is typified by commercial uses at ground floor level (including restaurants and takeaways) with residential accommodation above and residential streets leading off from South Street. The Gibson Court retirement flats are located to the rear, however the main activity associated with the restaurant, such as customers entering and leaving the premises would take place away from the retirement properties at the frontage with South Street.

The site is located within central Romford, so it is acknowledged that those residents living near to the application site at Gibson Court, Regarth Avenue, Southbury Court and those living above the commercial premises on South Street would expect a different type of environment from that which would be found in an entirely suburban housing area.

Nevertheless, given the nearby residential properties it is considered reasonable to impose a restriction on the operating hours of the restaurant to between the hours of 10:00 to 23:00 on Monday to Sunday. Staff are of the view that the opening hours restriction would mitigate any unreasonable impact on neighbouring residents through noise and disturbance late into the evening whilst recognising the town centre location of the premises.

Concerns have been raised by neighbouring residents in relation to smells and odours

emanating from the restaurant as well as noise and disturbance from plant and extract equipment. At this stage no information has been provided with regard to the location of any flues or extractors as the specific requirements of any future restaurant tenants are not currently known by the applicant.

In order to address these issues Environmental Health have recommended a series of conditions which will require the implementation of additional measures before the restaurant can operate. As such further details would include a scheme to insulate the premises to secure a reduction in the level of noise emanating from within as well as limiting the noise levels of any external plant and machinery to be installed. To address concerns in relation to smells a condition would be used to ensure suitable equipment is installed at the premises to extract and disperse odours and odorous materials and prevent nuisance to neighbouring residents.

On balance staff consider that through the implementation of necessary and reasonable conditions in relation to hours of operation, noise and disturbance and odours any undue impact from the proposed restaurant can be adequately addressed in accordance with policies DC23 and DC61.

Issues concerning on-street customer car parking are discussed in more detail in the Highways section of the report.

HIGHWAY/PARKING

The site has a Public Transport Accessibility Zone (PTAL) rating of 6b; meaning that the premises has very good access to a variety of public transport facilities. South Street is a main bus route with a bus terminus situated some 100 metres away and Romford Station just 150 metres from the site. Given the town centre location and the good public transport links there is no requirement for the proposed restaurant to provide dedicated off street customer car parking provision.

South Street is a busy route through the area and is subject to a fairly consistent amount of traffic throughout the day and into the evening. Given the nature of the road a number of parking controls are present on South Street as well as on Regarth Avenue. In terms of on-street parking there are public car parking bays directly to the front of the application site on South Street and motorcycle parking bays to the side on Regarth Avenue. The other parking along Regarth Avenue is restricted to residents only between 08:30-18:30 Monday to Sunday.

The Local Highway Authority have raised no objection and it is not considered that the proposed change of use would result in any parking or highway safety issues.

No details have been provided in relation to the secure storage of refuse materials. However, a condition would be included to secure details of a waste management scheme. This would include details of the method and location of refuse storage, including provision for all refuse to be properly contained within an approved facility, together with arrangements for refuse disposal to ensure that satisfactory waste storage and disposal measures are implemented by any future occupier.

SECTION 106

The proposed change of use is not liable for any charges under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD.

KEY ISSUES/CONCLUSIONS

Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

Staff consider that the proposed change of use raises considerations in relation to the impact on the on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.

Staff are of the view that given the town centre location and the inclusion of conditions relating to hours of operation, noise and disturbance and odours the proposal would not 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.

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. SC27 (Hours of use) ENTER DETAILS

The premises shall not be used for the purposes hereby permitted other than between the hours of 10:00 and 11:00 on Monday to Sunday without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. Control of Noise (Pre Commencement Condition)

Before the commercial use commences, that part 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 nuisance and odour nuisance to adjoining properties and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

4. SC42 (Noise - New Plant) (Pre Commencement Condition)

Before any works commence a scheme for the 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 property shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning

5. SC50 (Extract ventilation for A3 uses) (Pre Commencement)

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

6. Vibration & Noise (Pre Commencement Condition)

Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the 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, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

7. SC49 (Waste disposal A3 uses) (Pre Commencement Condition)

Before the uses commences details of a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage, including provision for all refuse to be properly contained within the approved facility, together with arrangements for refuse disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the commencement of the use hereby approved and retained permanently thereafter.

Reason:-

To protect the amenity of occupiers of nearby premises, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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.

APPLICATION NO:	P1495.14	
WARD :	St Andrew's	Date Received: 12th November 2014 Expiry Date: 7th January 2015
ADDRESS:	Land Rear of Abbs Cross Gardens Abbs Cross Gardens Hornchurch	
PROPOSAL:	Proposed demolition of existing garages and erection of 1 dwelling and 4 garages Additional Plan Received 05.02.2015	
DRAWING NO(S):	01 02 03 Revision A 04 Revision A 05 Revision A 06 Revision A 07 Drawing showing amendments to previous scheme - A4	
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 to committee by Councillor Crowder on the grounds that there was a refusal on an earlier application, P0782.14, and would like this application to be discussed as it warrants consideration.

SITE DESCRIPTION

The application site consists of an area of land which is occupied by a row of garages in disrepair, with a number of mature trees at its southern end and is accessed from Abbs Cross Gardens to the north. The site is located in a predominately residential area characterised by a variety of different types of dwellings with varied lengths and sizes of gardens. The rear gardens of two storey semi-detached neighbouring dwellings in Bruce Avenue back onto the site. There are two bungalows with accommodation in the roof space at No.'s 1 and 2 White Gates, which are located to the east of the site. The rear gardens of neighbouring properties in Abbs Cross Lane and Abbs Cross Gardens are located west and north of the site respectively. The ground levels drop from north to south across the application site. Ground levels also change in Bruce Avenue from east to west.

DESCRIPTION OF PROPOSAL

The application is for the demolition of 14 existing garages and the erection of one two storey dwelling and four garages.

The dwelling and four garages would be located adjacent to the eastern boundary of the site.

The dwelling would have a width of 8.75 metres and a depth of between 8.8 and 11.8 metres. The dwelling would have a height of 6.6 metres.

The dwelling would comprise of a hallway, home office, utility room, W.C, living room, kitchen, dining room, four bedrooms, bathroom and en suite.

The four garages would have a width of 12.1 metres, a depth of 6 metres and a height of 4.5

metres to the ridge with gabled roofs. The roof ridge of the garages would be staggered due to the change in ground levels.

RELEVANT HISTORY

P0782.14 - Demolition of existing garages and erection of 1 dwelling and 4 garages
Refuse 28-07-2014

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 60 neighbouring properties. Five letters of objection were received with detailed comments that have been summarised as follows:

- The proposed development appears largely the same as the previously refused application, P0782.14.
- Would prefer a bungalow with 2 garages.
- A house would be out of character with the surrounding bungalows and 4 garages are unnecessary and may be rented out.
- No objection to a bungalow on the site.
- The size and number of the garages is excessive for one dwelling and combined with the bulk of the house, would result in a cramped appearance due to the every narrow width of the land.
- Some residents were not consulted about this application.
- Substandard width of existing vehicular access for servicing, emergency and refuse vehicles.
- No provision for a turning point or passing bay to allow vehicles to exit the site in forward gear.
- The entrance site may contain subterranean pipes, which may be septic tank soakaway pipes and should not be paved or compacted by heavy vehicles.
- Reference was made to a Land Registry Title and rights of way over the land.
- The removal of some trees and work to other trees has been previously been carried out on the site.
- The removal of the asbestos cement corrugated roof sheeting should be carried out in accordance with Building Regulations.
- Queried if a wall between the garages and a neighbouring property would be altered in height.
- The scale, style and bulk of the proposed house would appear out of character for the area, which comprises of bungalows.
- Health and safety concerns regarding the disposal of the asbestos roofs of the existing garages.
- Loss of privacy.
- Loss of light.
- Access.
- The proposal would restrict a neighbour's rights of way.
- Overlooking.
- The loss of the garages would result in an overspill onto adjoining roads.
- The existing garages should be refurbished.

Environmental Health - Recommend conditions regarding contamination, a demolition method statement and a construction management plan if minded to grant planning permission.

Thames Water - Recommends informatives regarding waste, surface water drainage and water if minded to grant planning permission.

Essex & Suffolk Water - No objection to the proposed development. Our existing apparatus does not appear to be affected by the proposed development. We give consent to this development on the condition that a new water connection is made onto our company network for the new dwelling for revenue purposes.

Highway Authority - No objections to the proposals from a highways point of view. However, the distance for refuse collection is beyond that which our waste team can accept and the London

Fire Bridge may have issues with being able to turn a fire pump (although sprinkler mains are often used in situations like this).

In response to the above, comments regarding rights of way, covenants and subterranean pipes are not material planning considerations. The proposal would be subject to Building Regulations in the event that planning permission is granted. The remaining issues will be covered in the following sections of this report.

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC32 (The road network), DC33 (Car Parking), DC53 (Contaminated land), 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 and the Planning Obligations Supplementary Planning Document.

Policies 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), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant.

Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

The CIL payment is applicable as the proposal is for a new dwelling and four garages. The fourteen garages with a floor area of 205 square metres are being demolished. According to the CIL form, the new dwelling would have a floor space of 180 square metres. The garages would have a floor space of 74 square metres. On this basis, the CIL liability equals $180 + 74 = 254$. The CIL form states that the garages have been occupied for its lawful use for 6 months of the 36 previous months when the planning application was submitted on 12th November 2014.

Given the overgrown nature of the site and the dilapidated state of the garages, many of which are filled with rubbish, Staff consider that there is the possibility that the garages may not have been in use for 6 months of the 36 previous months prior to commencement of the proposed development. Therefore, CIL would be payable up to £5,080 (subject to indexation).
 $£20\text{sq.m} \times 254 = £5,080$.

STAFF COMMENTS

This proposal follows a previous application P0782.14 for the proposed demolition of existing garages and erection of 1 dwelling and 4 garages, which was refused under delegated powers on 28th July 2014 for the following reasons:

1) The proposed dwelling would, by reason of its design, excessive height, gabled roof form, scale, bulk, mass, siting and position close to the boundaries of the site, give rise to an unacceptably cramped appearance and combined with the loss of trees and lack of soft landscaping, be materially out of keeping with the scale and character of development locally including the rear garden environment contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2) The proposed garages would, by reason of their excessive height, bulk and position on the eastern boundary, appear dominant and visually intrusive in the rear garden environment harmful to neighbouring amenity, particularly No. 2 White Gates contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3) The proposed dwelling, would by reason of its design, excessive height, gabled roof form, scale, bulk, mass, siting and proximity to the boundaries of the site, be an unneighbourly development and result in a significant loss of amenity including loss of light and outlook to neighbouring properties, particularly the dwellings and rear gardens of No.'s 1 and 2 White Gates, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

4) The proposed dwelling would, by reason of its position and proximity to neighbouring properties result in perceived and undue overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers including No. 2 White Gates, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

5) 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.

In this respect, the current application differs from the refused scheme in the following key areas:

- The width of the dwelling has been reduced from 8.9 to 8.75 metres.
- The separation distance between the flank wall of the dwelling and the eastern boundary of the site has increased from 0.5 metres to 0.95 metres.

The main issues in this case are considered to be the principle of development, density/site layout, the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers and highway/parking issues.

It is noted that there is a discrepancy on the plans, as No.'s 1 and 2 White Gates are incorrectly labelled, although this has not affected the determination of this application. No. 1 White Gates is located adjacent to the rear gardens of dwellings in Abbs Cross Gardens and No. 2 White Gates is located adjacent to the rear gardens of dwellings in Bruce Avenue.

PRINCIPLE OF DEVELOPMENT

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of a new dwelling and four garages would therefore not be unacceptable in land use terms.

DENSITY/SITE LAYOUT

The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is located within PTAL Zone 1-2, where 1.5-2 parking spaces are required per dwelling. The application site is considered to be located within an area of single and two storey detached, semi-detached and terraced houses, with the density requirement being 30-50 units per hectare. The proposal achieves a density of some 12.5 units per hectare on this 0.08 hectare site, which is below the range identified, although this is one part of the assessment.

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. This proposal is for the creation of 1 No. four bedroom dwelling.

The London Plan seeks a minimum internal floor area of 107 square metres for a two storey house with four bedrooms and 6 bedspaces. The four bedroom dwelling would have an internal

floor area of approximately 149 square metres, which is acceptable.

The Council's Design for Living 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.

The dwelling would have a rear garden with an amenity space of approximately 205 square metres. Staff are of the view that the proposed rear garden area is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

Staff consider that reducing the width of the dwelling by 15 centimetres and increasing the separation distance between its flank wall and the eastern boundary from 0.5 to 0.95 metres represent very marginal improvements, which are not sufficient to address previous concerns.

It is considered that space around the proposed dwelling in relation to surrounding properties would appear materially out of character. This serves to exacerbate the cramped appearance of the proposed dwelling within the site. It is Staff's view that the new dwelling would, due to its design, form, height and siting, be out of scale and character with the local pattern of development. Also, the proposed building footprint of the dwelling would dominate the plot with only 0.95 metres from the eastern boundary and between approximately 1.2 and 3 metres from the western boundary of the site. It is considered that the siting of the proposed dwelling to the eastern and western boundaries would appear unacceptably cramped and out of proportion with the surrounding area.

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. Development should, amongst other things, respond to distinctive local building forms and respect the scale, massing and height of surrounding physical context, complement or improve the character of the area through its appearance and integration with surrounding land and buildings. Council policy and guidance seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout.

Staff consider that increasing the separation distance between its flank wall and the eastern boundary from 0.5 to 0.95 metres and reducing the width of the dwelling by 0.15 metres represent very marginal improvements, which are not sufficient to address previous concerns.

It is considered that the proposed dwelling would, by reason of its design, excessive height, gabled roof form, scale, bulk, mass, siting and position close to the boundaries of the site, give rise to an unacceptably cramped appearance and combined with the loss of trees and lack of soft landscaping, be materially out of keeping with the scale and character of development locally including the rear garden environment contrary to Policy DC61.

IMPACT ON AMENITY

Impact on amenity

Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

No.'s 1 and 2 White Gates are located to the east of the application site and the rear facade of the existing garages abuts the western boundary of their rear garden. It is noted that No.'s 1 and 2 White Gates both have a conservatory on their rear elevations, which are not shown on the proposed site plan - Drawing No. 03 Revision A. The rear gardens of No.'s 1 and 2 White Gates have a minimum and maximum depth of approximately 8 and 14 metres (not including the conservatories), which is comparatively shorter than other rear gardens of neighbouring properties in the vicinity of the application site (namely Abbs Cross Gardens, Abbs Cross Lane and some properties south of the site in Bruce Avenue).

It is considered that reducing the width of the dwelling by 15cm and increasing the separation distance between the flank wall of the dwelling and the eastern boundary by 0.45 metres do not represent significant revisions which address previous concerns.

It is considered that the dwelling, would by reason of its design, excessive height, gabled roof form, scale, bulk, mass, siting and proximity to the boundaries of the site, be an unneighbourly development and result in a significant loss of amenity including loss of light and outlook to neighbouring properties, particularly the dwellings and rear gardens of No.'s 1 and 2 White Gates, contrary to Policy DC61.

The existing garages on the site to be demolished are relatively low in height with flat roofs. In comparison, the proposed garages would have pitched roofs with a height of 4.5 metres and gabled ends that add to their overall bulk and mass. Staff consider that the garages would, by reason of their excessive height, bulk and position on the eastern boundary, appear dominant and visually intrusive in the rear garden environment harmful to neighbouring amenity, particularly No. 1 White Gates.

Details of boundary treatments and landscaping could be secured by condition if minded to grant planning permission to prevent any undue overlooking from the ground floor windows of the dwelling. It is considered that the first floor windows of the proposed dwelling would result in perceived and undue overlooking and loss of privacy to neighbouring properties and their rear gardens, including No. 1 White Gates, contrary to Policy DC61.

It is considered that the proposal would not result in a significant loss of amenity in terms of noise and disturbance from pedestrian and vehicular movements, as the proposal is for one dwelling compared with the use of the existing fourteen garages on the site.

HIGHWAY/PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within PTAL Zone 1-2, where 1.5-2 parking spaces are required per dwelling. The proposal includes the provision of four garages. It is not clear if the proposed dwelling would utilise all four garages. In any event, two garages would provide sufficient off street parking for the proposed dwelling. There is a turning area in relation to the proposed garages.

The Highway Authority has no objections to the proposals from a highways point of view. However, the distance for refuse collection is beyond that which the Council's StreetCare team can accept. Part H of the Building Regulations (2000) states that residents should not be required to carry waste more than 30m and that waste collection vehicles should be able to get within 25m of the waste storage point. Details of refuse storage and its siting can be secured by condition if minded to grant planning permission. The provision a fire hydrant or the installation of a domestic sprinkler system for the proposed dwelling could be used to meet Building Regulations in terms of fire safety. On this basis, it is considered that the proposal would not create any parking, highway or access issues.**Page 68**

TREES

There are a number of mature trees at the southern end of the application site. The Inspector (for application P1569.06) stated that "Although it is surrounded by residential development, most of the larger trees on the site are visible from Abbs Cross Lane and Bruce Avenue and, in my opinion, provide an important green backdrop to some of the dwellings along those roads". The Inspector considered that the trees "should be retained in the interests of the appearance of the area". It is considered that this appeal decision is a material consideration for this proposal.

Although the trees in the application site are not subject to Tree Preservation Orders, Staff consider that they contribute greatly to the character and appearance of the surrounding area, particularly when viewed from the rear gardens of neighbouring properties on the perimeter of the application site. Drawing No. 03 Revision A shows two trees, although these appear to be located outside of the application site. It is considered that the proposed development would result in the loss of trees on the site, which would be harmful to the character and appearance of the surrounding area and neighbouring amenity.

SECTION 106

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".

The proposal is liable to a contribution of £6,000 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.

KEY ISSUES/CONCLUSIONS

The residential use of the site is acceptable in principle. However, for the reasons set out in the report above related to the design and appearance of the proposed dwelling and garages, the cramped nature of the development, the visual impact of the above on residential amenity for neighbouring properties and the rear garden environment, it is recommended that the application be refused planning permission.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed dwelling would, by reason of its design, excessive height, gabled roof form, scale, bulk, mass, siting and position close to the boundaries of the site, give rise to an unacceptably cramped appearance and combined with the loss of trees and lack of soft landscaping, be materially out of keeping with the scale and character of development locally including the rear garden environment contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Refusal non standard reason 2

The proposed dwelling, would by reason of its design, excessive height, gabled roof form, scale, bulk, mass, siting and proximity to the boundaries of the site, be an unneighbourly development and result in a significant loss of amenity including loss of light and outlook to neighbouring properties, particularly the dwellings and rear gardens of No.'s 1 and 2 White Gates, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. Refusal non standard reason 3

The proposed garages would, by reason of their excessive height, bulk and position on the eastern boundary, appear dominant and visually intrusive in the rear garden environment harmful to neighbouring amenity, particularly No. 1 White Gates contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

4. Reason for refusal - Loss of Privacy/Overlooking

The proposed dwelling would, by reason of its position and proximity to neighbouring properties result in perceived and undue overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers including No. 1 White Gates, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

5. Reason for Refusal - Planning Obligation

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.

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 £5,080. Further details with regard to CIL are available from the Council's website.

APPLICATION NO:	P1499.14	
WARD :	Hylands	Date Received: 26th November 2014 Expiry Date: 21st January 2015
ADDRESS:	28 Harrow Drive Hornchurch	
PROPOSAL:	Replacement 5 bed dwelling	
DRAWING NO(S):	PL01 PL02 14-0097/PL01 14-0097/PL02 14-0097/PL03 14-0097.X01 14-0097.X02 14-0097.X03 14-0097.PL04	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

The application has been called-in to committee by Councillor Pain on the grounds that the proposal would result in over-development and loss of amenity.

SITE DESCRIPTION

The application relates to the property at 28 Harrow Drive, Hornchurch. This is a two storey detached house, set back from Harrow Drive with a parking area to the front and spacious garden to the rear. The dwelling is located adjacent to a detached bungalow, however the majority of the surrounding properties along the street are characterised by predominantly large two storey detached houses.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the demolition of the existing three-bedroom house and the erection of a replacement five-bedroom dwelling.

The proposed dwelling would incorporate a hipped crown roof design with a ridge height of 8.3 metres and a symmetrical double gable forming the front elevation. The building would feature an additional single storey section to the northern side wrapping around to the rear. Internally the house will include a kitchen, lounge, dining room, study, utility room and integral garage at ground floor level and five bedrooms and a bathroom and en-suites at first floor level.

The proposed layout would include a garden to the rear with approximately 235 square metres of private amenity space enclosed by 1.8 metre high boundary fencing and patches of hedging. To the front the proposal would utilise the existing double driveway entrance arrangements providing off street car parking spaces for in excess of two vehicles.

RELEVANT HISTORY

P0427.12 - Single and two storey rear extension and single storey front extension
Apprv with cons 20-07-2012

- P0911.11 - Single storey front extension, single/two storey, side/rear extensions and single/two storey rear extensions
Refuse 27-03-2012
- P0151.11 - Single and two storey front, side and rear extensions.
Refuse 31-03-2011

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 13 properties and 2 representation has been received. The comments can be summarised as follows:

- Inappropriate scale and impact of the proposal.
- Disproportionate height, bulk and massing.
- Unacceptably dominant and visually intrusive feature in the streetscene harmful to the surrounding area.
- Excessive depth, height and position close to the boundaries.
- Inaccuracies in the supporting statement.
- Noise, disturbance and nuisance during the construction phase.
- Congestion issues from construction vehicles parking along Harrow Drive.

Essex & Suffolk Water - no objection.

Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water are included in any approval notice.

London Fire Brigade Water Team - no objection.

London Fire and Emergency Planning Authority - no objection.

Environmental Health - no objection, recommended a condition restricting the hours of construction.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- CP1 - Housing Supply
- CP17 - Design
- DC2 - Housing Mix and Density
- DC3 - Housing Design and Layout
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC61 - Urban Design
- SPD11 - Planning Obligation SPD
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

OTHER

- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development will create 1 no. new residential unit with 98 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £1960.00 based on the calculation of £20.00 per square metre.

STAFF COMMENTS

The main considerations relate to the principle of the development and the layout of the scheme, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

PRINCIPLE OF DEVELOPMENT

The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.

Under the provisions of the NPPF there is no priority given to a residential plot or garden land as a redevelopable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore acceptable in principle.

DENSITY/SITE LAYOUT

Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

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. The London Plan does not set out minimum space standards for five-bedroom two storey houses, however the proposed 373 square metres of internal floorspace is considered to be generous and above the minimum requirements for day to day living.

The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The existing rear garden would be retained and an area of approximately 235 square metres would be provided as private garden amenity space for the dwelling. It is considered that this amount of amenity space would be adequate and would provide a proportionate provision for the house.

Overall it is considered that the layout of the proposed development is acceptable and would be in accordance with the provisions of Policy DC61.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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.

In comparison to the existing dwelling the front of the proposed house would be of a similar height, albeit adding some additional bulk to the northern flank elevation. With regard to views of the dwelling frontage directly from Harrow Drive; the increased bulk would form a slightly more prominent feature than the existing dwelling in terms of the visual impact, but this would be minimised to some degree by the scale and proportion of the other nearby dwellings.

The surrounding area is characterised by a variety of dwelling types differing in appearance but predominately large detached properties, some of which that have replaced smaller houses via similar applications to the current proposal. As such there is no dominant house type, however

the design and style of the proposal is considered to generally adhere to the architectural character of the surrounding area.

The character of existing dwelling at the application site is arguably of greater quality and interest than the design of the proposed dwelling. However, the appearance of the proposal is typical of other re-build developments on neighbouring plots along this section of Harrow Drive and it is considered that a precedent for this type of redevelopment has been established in the area.

The roof ridge height of 8.3 metres would be approximately in line with the roof ridge level of the adjacent dwelling at No. 34 Harrow Drive and 1.73 metres above the steep ridge height of the neighbouring bungalow at No.24. The height difference with the bungalow would be similar to the existing relationship and consequently Officers are of the view that the increased bulk of the proposed dwelling would sit relatively comfortably within this arrangement.

The proposed dwelling would retain the front building line of the existing house but would have a considerably greater depth, effectively doubling the dwelling footprint. To accommodate this the roof would incorporate a relatively substantial crown design. It is considered that this feature would create significant bulk to the proposed dwelling particularly from views from the south looking over the roofline of the bungalow at No.24. However, examples of similar crown roof designs have been applied at other dwellings within the vicinity, most notably at No.s 39 & 40 Harrow Drive and again it is considered that the acceptability of this roof type has been previously established in this area.

In addition, planning permission (P0427.12) for a two storey rear extension was approved at the application site in 2012. It is considered that the implications of the the previously approved rear extension would create a similar increase in the depth and bulk of the proposed dwelling, with a similar impact on the streetscene to that of the proposed development. As such the additional depth is considered to be acceptable under these circumstances.

On balance and taking into account the previous planning permission at the site as well as the existing new residential development which has begun to typify Harrow Drive, it is considered that the development would not unduly harm the appearance of the streetscene and would serve to maintain the character of the area in accordance with Policy DC61.

IMPACT ON AMENITY

The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

The main consideration in terms of neighbouring residential amenity relates to the impact on privacy, daylight and outlook of the adjacent properties at No.s 24 & 34 Harrow Drive located to the to the south and north of the application site respectively.

In comparison to the existing house the proposed dwelling will project an additional 5 metres at two storey level beyond what is the existing rear building line, some 3.4 metres from the boundary with the bungalow at No.24. This element of the proposal would effectively add an additional 2 metres to the projection of the previously approved two storey rear extension under application P0427.12. As such the current proposal would increase the bulk and scale of the the rear and flank elevations of the dwelling particularly with regard to the sections adjacent to the neighbouring bungalow. The enlarged rear elevation would project 1.3 metres beyond part of the rear building line of No.24 but would be in line within a projecting rear section on the far side of this neighbouring bungalow. As a result the rear elevation of the proposed dwelling would be

contained within the acceptable limits for the projection of a two storey extension as set out in the Residential Extensions and Alterations Supplementary Planning Document (SPD).

It is recognised that the scale and bulk of the extension would be greater than at present and would indeed create a more prominent visual appearance for the occupants of No.24. However, on balance and taking into consideration the overall harm to the neighbouring occupants' amenity, Officers are of the view that in this instance the impact would not be significant enough to outweigh the guidance contained in the adopted SPD guidance.

The proposed southern flank elevation adjacent to No.24 would include two secondary windows at ground floor level serving a reception room and two first floor windows serving a bathroom and an en-suite. All of these windows will be conditioned to be obscure glazed to protect the privacy of No.24.

In terms of the impact on the neighbouring two storey house at No.34; the proposed dwelling would project at single storey level an additional 4 metres beyond the rear building line of the existing projecting section. This section of the existing house accommodates a study and lies some 0.9 metres from the boundary with No.34. The single storey element of the proposal would wrap around the side elevation effectively replacing the existing single storey pitched roof section containing the attached garage and study. The two-storey northern flank elevation of the new dwelling would maintain a 4.7 metre distance from the boundary with No.34. The proposed first floor en-suite bathroom window and ground floor utility room windows in the side elevation would be conditioned to be obscure glazed to mitigate any potential privacy and overlooking issues in the event that members agree with the recommendation.

It is acknowledged that the replacement dwelling would increase the overall scale and bulk of the house at 28 Harrow Drive, particularly in the rear and flank sections of the building. However, although the proposed house would be larger than the house it would replace it is considered that on balance the new dwelling would be within the requirements of policy DC61 and the Residential Extensions & Alterations SPD. As such Officers are of the view that any undue impact in terms of loss of light, overshadowing and over-dominance is not considered to be an extent that would justify refusal of the application.

HIGHWAY/PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within PTAL Zone 2, where a high standard of 1.5-2 parking spaces are required per dwelling.

The scheme can demonstrate off street car parking provision for in excess of 2no. vehicles to the front of the proposed dwelling using the existing vehicular access arrangements from Harrow Drive.

The Local Highway Authority have raised no objection to the proposal and the car parking and access arrangements are considered to be acceptable.

There are no details included in the proposal indicating the location for the secure storage of bicycles or for the discrete storage of refuse, although it is noted that full details of these arrangements can be reasonably obtained through the inclusion of relevant conditions.

SECTION 106

The proposed development would replace an existing dwelling with one dwelling. As such under the provisions of Policy DC72 of the LDF and the Planning Obligations SPD there is no requirement for a payment to be made in respect of the infrastructure costs arising from the development.

KEY ISSUES/CONCLUSIONS

Having regard to all relevant factors and material planning considerations it is considered that the the proposal is acceptable.

With regard to the siting, scale and location Officers are of the view that the proposed dwelling would not be disproportionate or have a harmful impact on the character of the street scene or result in a loss of amenity to neighbouring occupiers in accordance with the provisions of policy DC61 and the Residential Extensions and Alterations SPD. However, it is acknowledged that there are some fine judgements involved and that Members could give more weight to certain factors and reach an alternative conclusion.

The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. 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. SC09 (Materials) (Pre Commencement Condition)

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

Reason:-

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

4. 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

5. Permitted Development Rights

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), Article 3, Schedule 2, Part 1, Classes A, B, C or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellings 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.

6. 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 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. Obscure Glazing

The proposed windows in both side elevations of the dwelling, namely the first floor ensuite and bathroom windows and the ground floor utility room and reception room only (as indicated on drawing no. PL01), 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.

8. SC58 (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 Development Control Policies Development Plan Document Policy DC61.

9. SC05A (Number of parking spaces) ENTER NO.

9. SC05A (Number of parking spaces) ENTER NO.

Before any part of the dwelling hereby permitted is first occupied the provision of 2no. car parking spaces shall be provided to the front of the dwelling to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and 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.

10. SC59 (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.

11. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

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;
- 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;

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.

3 Approval and CIL (enter amount)

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 £1960.00 (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 Thames Water informative

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.

APPLICATION NO:	P1535.14	
WARD :	Havering Park	Date Received: 4th November 2014 Expiry Date: 30th December 2014
ADDRESS:	Earles Cottage 83 Lower Bedfords Road Romford	
PROPOSAL:	Erection of a single storey rear and side extension (with roof terrace above the side extension), and demolition of the existing rear conservatory. (Amended Description)	
DRAWING NO(S):	9237 Option 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 site is located on the northern side of Lower Bedfords Road, accessed off a long driveway which is some 470m long. The dwelling is a detached two-storey house with hipped roof with a single storey conservatory at ground floor level off the southern wall.

There is a detached triple-garage located to the north-east of the dwelling.

The site is located within the Green Belt and is not within close-proximity to any other residential dwellings, other than Upper Bedfords Farm, which is accessed off the same driveway. Upper Bedfords Farm has a Grade II listed building known as Upper Bedfords Farmhouse.

DESCRIPTION OF PROPOSAL

The application proposes to remove the existing conservatory off the southern wall, and erect a single storey rear and side extension.

The extension would have an 'L' shape, and would square off the south-eastern corner of the dwelling. The extension would be 4m deep by 10.5m wide to the side, and 3.7m deep by 8m wide to the rear. The rear extension would also have a roof terrace on top. There is a roof lantern proposed on top of the side extension.

The total volume of the proposed extension would be approximately 236 cubic metres.

RELEVANT HISTORY

L/HAV/62/79 - Detached dwelling to replace dwelling to be demolished - Approved The dwelling has a total volume of approximately 405 cubic metres.

P1881.89 - Garage - Approved.

P0287.96 - First floor extension over garage - Approved .

The existing dwelling (excluding the existing rear conservatory) has a total volume of approximately 548 cubic metres.

P0287.96 - First floor extension over garage
Apprv with cons 12-07-1996

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document.

Four neighbouring occupiers were consulted. No letters of representation were received.

RELEVANT POLICIES

Policies CP14 (Green Belt), CP17 (Design), DC33 (Car Parking), DC45 (Green Belt) and DC61 (Urban Design) of the LDF Core Strategy and Development Plan Document are considered material, together with the Residential Extensions and Alterations Supplementary Planning Document.

Policies 6.13 (parking), 7.4 (local character) and 7.16 (green belt) of the London Plan 2011 are relevant.

Chapters 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

The proposed extension has a gross internal floor area of 57 square metres and as such is not liable for Mayoral CIL.

STAFF COMMENTS

The subject application is brought forward to the Regulatory Services Committee as it is partially inconsistent with Policy DC45 of the LDF Core Strategy and Development Control Policies DPD, adopted 2008. More specifically, the proposed extensions would result in the finished building exceeding 50% of the cubic capacity of the original dwelling.

PRINCIPLE OF DEVELOPMENT

The application site falls within the Metropolitan Green Belt.

Chapter 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Subject to any extensions being proportionate therefore, this form of development can be acceptable in principle.

Where extensions are considered to be disproportionate and therefore inappropriate, such applications should not be approved except in very special circumstances. The NPPF advises that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case, the use of the proposed development is considered to be appropriate as it is a residential domestic extension to an existing dwelling and is not creating a change of use in the Green Belt. The proposed extension is also considered to be acceptable as it is of a proportionate scale, and would not impact upon the character of the Green Belt.

GREEN BELT IMPLICATIONS

As indicated above, the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The volume of the original dwelling as built circa 1979 is approximately 405 cubic metres. The volume of the existing dwelling at the time of site visit (November 2014) is approximately 548 cubic metres (excluding the existing rear conservatory as this is to be demolished). This is due to various additions and alterations since the erection of the original dwelling, which mainly took place off the north-east of the original dwelling.

The subject extension as proposed has a volume of some 236 cubic metres, which in itself constitutes an increase of 58% over the original dwelling, or an increase of 43% over the existing dwelling.

The existing dwelling plus the proposed extension would have a total volume of 784 cubic metres. In total, all extensions to the original dwelling constitutes an increase of 94% over the original dwelling. Although this is not consistent with Policy DC45, it is considered to be acceptable in this case given the site circumstances.

The proposal would not have an adverse impact on the perception of openness in the area, as it would not significantly alter its relationship with surrounding buildings. The proposed extension would extend to the south and to the east, where there are no neighbouring buildings within at least 430 metres. The closest property to the application site is Upper Bedfords Farm, which also shares the same driveway, and is located to the west of the application site. The closest building to the west is some 50m away from the subject dwelling, and the proposed extension would maintain this relationship.

The proposal would not be visually prominent when viewed from any adjoining properties, or from any public vantage points due to the remoteness of the existing dwelling. Whilst the extension may be visible from certain vantage points along the shared driveway, it is single storey and would be of a subordinate appearance when viewed against the backdrop of the existing dwelling. A large portion of the extension would not be visible from the driveway, as it would be located to the east of the dwelling, screened by the existing building.

The subject dwelling is located amongst a cluster of other buildings including domestic and non-domestic outbuildings of various sizes, and as a result the proposal is not so extensive as to alter the massing hierarchy between the surrounding buildings, especially when viewed against the backdrop of the neighbouring property to the west (which is Upper Bedfords Farmhouse, a large farm house consisting of a 3 storey tower with a 2 storey wing to the west). The proposal represents the limited infilling of an existing development rather than redevelopment, and is not of an extent to visually merge the subject cluster of buildings to the next cluster (which is located over 400 metres from any direction).

On this basis, it is considered that the proposed extension would not have an unacceptable impact on the open nature and character of the Green Belt in terms of its massing. Overall, Staff consider that the proposed extension would not result in disproportionate additions over and above the size of the original building and although contrary to Policy DC45 as it would in excess of 50%, does not constitute inappropriate development in the Green Belt when assessed against Chapter 9 of the NPPF.

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. Development must therefore respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

The proposal would have limited, if any, detrimental impact on the streetscene, given that it is over 400m from the nearest public road. The extension may be visible from some vantage points to the east and south, but would be barely noticeable given the degree of physical separation

between properties, and due to its unchanged relationships with neighbouring buildings. Furthermore, the existing landscaping along the boundaries of the application site and neighbouring sites will further soften the proposal's visual impact to an extent where it would be barely perceptible.

The subject dwelling is well-isolated from other buildings of a similar scale (the closest being Upper Bedfords Farmhouse to the west some 50m away, which is a large farmhouse consisting of a 3 storey tower with a 2 storey wing to the west), and the proposed extension will not change its relationship with these buildings. The application site is large, and the extension will not appear to be closer to any boundaries than existing due to the scale of the site.

The proposal would not significantly alter the general form of the dwelling as it would still appear as a two-storey detached house. The proposed extension is to the rear and side of the dwelling and will not alter its width or height. The extension would be single storey, and is not of a depth to change the perception of the host building (i.e. the building would still be viewed as a largely two storey building with a single storey addition).

In light of the above, the proposal is considered to be appropriate and will not have a detrimental impact on the streetscene or the character of the surrounding area. This is consistent with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

IMPACT ON AMENITY

As previously discussed, the proposal is well-isolated from neighbouring residential buildings, with the closest being Upper Bedfords Farm, some 50m to the west. On this basis, the proposed development will have no impact on this property in terms of overlooking, noise and disturbance, or shadowing and dominance.

It is noted that there would be a large balcony at first floor level. However, this would be facing east, where the nearest residential property is over 450m away. The proposal would have no impact on the residential amenity of any other neighbouring properties due to its physical separation.

HIGHWAY/PARKING

The proposal would have no impact on the safe and efficient operation of the highway network as there are no proposed changes to any parking areas or vehicle accesses.

OTHER ISSUES

As previously discussed, the application site adjoins the curtilage of Upper Bedfords Farm, which consists of a Grade II listed building known as Upper Bedfords Farmhouse. The proposal would have no impact on the setting of the listed building as it would not be closer to its curtilage, and is of a limited scale, with a majority of the extension facing away from the listed building. Furthermore, there is sufficient mature vegetation between the two properties to soften and mitigate any visual impact the proposed extension may have on the listed building.

KEY ISSUES/CONCLUSIONS

The proposal is considered by staff to be appropriate on the basis that it would not appear disproportionate to the original host dwelling, and will not fundamentally alter its form. The host dwelling has sufficient physical separation from other buildings of a similar scale so the proposal would not unbalance the setting of the built form in the area. The proposed extension is single storey, and its visual impact will be barely noticeable given the degree of separation from the road and other sites.

On this basis, the proposal would not have a detrimental impact on the integrity of the green belt,

nor would it have an adverse impact on the streetscene or the character of the area. The proposal would not affect the amenity of neighbouring properties.

The proposed development is considered to be consistent with relevant policy and guidance and it is recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. 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. SC10 (Matching materials)

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

Reason:-

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

INFORMATIVES

1 Standard Green Belt Informative

The application property is within the Metropolitan Green Belt where there are restrictions over development. In view of those extensions which have already taken place and/or been granted permission, it should not be assumed that further extensions will be agreed.

2 Approval - No negotiation required

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

APPLICATION NO:	P1643.14	
WARD :	Heaton	Date Received: 1st December 2014 Expiry Date: 26th January 2015
ADDRESS:	McDonalds Restaurants Ltd Straight Road Romford	
PROPOSAL:	Variation of condition 5 of application P0755.09 (as amended by application P0143.14) in order to extend the drive-through opening hours from 07:00-23:00hrs 7 days a week, to 06:30-23:30hrs 7 days a week.	
DRAWING NO(S):	14-113/#825/P.01 14-113/#825/P.02 Supporting Statement by Design Office Architectural Ltd	
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

Councillor Brian Eagling has called this application in as he does not believe the proposal would have an unacceptable impact on the residential amenity of neighbouring occupiers.

SITE DESCRIPTION

The application site is located on the east side of Straight Road, north of its junction with Briar Road. The site is adjoined to the east by residential back gardens of properties which front Waverley Crescent. To the north there are three storey flats, whilst to the west and south are traditional two storey housing. The character of the surrounding area is predominantly residential.

The site itself is roughly rectangular in shape having a frontage to Straight Road of about 60 metres and a maximum depth of about 42 metres. The site is occupied by a McDonalds restaurant which was converted from a public house in 1996. The McDonalds restaurant is two storey in nature with a shallow roof pitch and flat roof single storey additions. Planning permission was given in 2009 for the building to be altered and extended to include a drive thru facility. Access to the site is via Briar Road with the car park located at the northern end of the site.

The site is enclosed by 1.8 metre high fencing to the eastern boundary and mainly 0.5 metre brick walling to the north where it adjoins the flats and along the frontage to Straight Road. The restaurant building is sited centrally within the site surrounded by substantial areas of hard surfacing providing customer parking and pedestrian access / circulation and amenity areas. These are bounded by soft landscaped planted areas.

DESCRIPTION OF PROPOSAL

This application seeks planning permission to vary the hours of opening condition attached to the planning consent for the drive thru facility. Planning condition number 5 of P0755.09 originally states that the drive thru shall only be open to the public between the hours of 8.00 am and 10.00 pm on any day of the week. However, this has been varied under P0143.14, which was granted planning permission on 28/8/14, changing the hours to 7.00am to 11.00pm on any day.

The subject application seeks to vary the hours of operation to enable the drive thru to open between 6.30am and 11.30pm on any day.

RELEVANT HISTORY

The most recent planning application was P1351.14. It was to vary condition 5 of P0755.09, to extend the drive thru opening hours to 6am-midnight on any day. This application was refused under delegated powers for reasons related to the potential of noise and disturbance to neighbouring residential occupiers.

- P1351.14 - Variation of Condition 5 of P0755.09 in order to extend the drive-through opening hours to coincide with the trading hours of the eat-in restaurant
Refuse 13-11-2014
- P0143.14 - Variation of condition 5 of application P0755.09 in order to extend the drive-through opening hours to coincide with the trading hours of the eat-in restaurant
Apprv with cons 28-08-2014
- P0781.13 - The reconfiguration of the drive thru lane and car park to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines including associated works to the site. The relocation of one booth window and the closure of a pedestrian access point onto the site to accommodate the new drive thru layout. The installation of 2 x Customer Order Displays (COD) with associated canopies. Amendments to the existing signage.
Apprv with cons 10-09-2013
- P1642.10 - Variation of planning condition 5 of permission reference P0755.09 to enable the drive thru facility to open between 0700 and 2300 on any day.
Apprv with cons 07-01-2011
- P0755.09 - Proposed alteration to the appearance of the existing restaurant and minor alterations to previously approved drive thru lane - amendment to application P1392.08.
Apprv with cons 03-08-2009
- P1392.08 - Proposed alteration to existing restaurant including a drive thru lane.
Apprv with cons 02-10-2008
- P1445.96 - Demolition of side extension and reconstruction of part, formation of drive through lane together with enlarged access arrangements. Revised plans dated 13/3/97 and in accordance with applicants letter dated 1/4/97 limiting operating hours of drive through facility. P1445.96
Refuse 04-09-1997
- P1449.96 - Demolition of side extension and reconstruction of part of this and formation of drive- through lane together with enlarged access arrangements, in connection with use of premises as a restaurant with drive-through facility. This is a duplicate application to P1445.96.
Lapsed application 12-11-2002

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 83 adjoining properties and one objection was received. The objection cites the extension of drive thru hours is unnecessary as there is a 24hour McDonalds nearby, and the proposal would generate additional noise and disturbance.

The Council's Environmental Health service has raised an objection to the proposal given the application site's close-proximity to neighbouring residential properties.

RELEVANT POLICIES

LDF

DC55 - Noise

LDF

DC61 - Urban Design

OTHER

LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes

NPPF - National Planning Policy Framework

STAFF COMMENTS

The issues arising from this application is the impact the additional hours of operation of the drive thru would have on residential amenity, parking and the function of the highway.

The proposal would not result in alterations to the appearance of the premises. The proposed additional operating hours would have no impact upon the existing street scene.

The proposal is not expected to have any unacceptable impact on the safe and efficient operation of the highway network as the additional hours are not considered to be at peak time, and Council's Highways Division has no objections. However, Council Officers have significant concerns in regards to the proposal's impact on the residential amenity of surrounding occupiers.

Noise issues were highlighted by Council Officers in a number of previous applications, including P1445.96, which was refused on the basis of unacceptable amenity impact. Both P0755.09 and P1392.08 cited noise concerns and hence the introduction of the drive through hours of operation condition (Condition 5 of P0755.09). More recently, application P1351.14 was also refused due to concerns with regards to noise and disturbance as previously discussed.

It is noted that the hours have been reduced from the previous application (P1351.14) by half an hour at each end (from 6am-midnight to 6.30am-11.30pm), however this is not considered to be sufficient to address the previous reason for refusal.

The application site has already been granted a variation to extend the hours of operation of the drive through, from 8am - 10pm to 7am - 11pm (P0143.14), and this was following a 12 month trial period (granted under P0755.09). These hours are already considered to be the maximum which would be acceptable for the area given that the site is within a residential area. In the case of the subject application, further increasing the drive thru hours by half an hour at each end is not considered to be acceptable as this would be encroaching into 'night time' under environmental health terms (being the hours between 11pm to 7am), hence the objection from the Environmental Health service. The ambient noise from Straight Road between 6.30am to 7am, and 11pm and 11.30pm, is not considered to be higher than those generated by the proposed drive through activity due to the expected lower traffic count, especially given the close-proximity of the exit of the drive through to the rear gardens of the residential properties along Waverley Crescent. The applicant has not supplied robust evidence to argue the contrary, no noise assessment, traffic count, or any feasibility study on the number of customers expected during those additional hours has been submitted. The application site directly adjoins residential properties along two boundaries, and faces residential properties on the other two boundaries. On this basis, the proposal is considered likely to have a detrimental impact on the neighbouring residential amenity through additional noise effects sufficient to warrant refusal of planning permission.

Whilst it could be argued that the addition of half an hour at each end of the trading hours appears to be minor, the same argument could be made to incrementally increase hours if the subject proposal is approved. This would lead to small incremental extensions to the drive thru hours that ultimately result in a large cumulative increase, which is not acceptable. The existing drive thru hours of 7am to 11pm are considered to be the maximum acceptable to officers with regards to noise and disturbance, given the site is within a residential area and adjacent to residential properties. Any further increase from this, regardless of extent, is not considered to

be acceptable.

It is noted that the McDonalds Gallows Corner (which is some 1 mile south of the application site) currently benefits from a temporary planning permission (P0152.14) to operate the drive thru 24 hours a day. However this permission should not have a bearing on the subject application as all planning applications should be treated on a case by case basis and on their own merits. The McDonalds Gallows Corner site is off the A127 (Southend Arterial Road), which is a regional arterial road. The site is also within close-proximity to the London to Colchester main train line and within an existing industrial park.

It is acknowledged that the restaurant itself has no planning conditions to control its hours of operation. However, this could be controlled by other departments, such as the licensing department. This should not be a material consideration when assessing the proposed increase in hours of operation for the drive through, as it is currently subject to a planning condition (Condition 5 of P0155.09), which was introduced after careful consideration. The condition was varied with the same degree of consideration, given a one year trial period was introduced first (under P1642.10), before a permanent variation of hours was allowed (under P0143.14).

Furthermore, P0781.13 was approved to allow a different configuration for the drive through, which involves a double bay, meaning two cars can be serviced at the same time. This suggests that a significant number of additional customers are expected which could provide further noise impact on surrounding properties.

KEY ISSUES/CONCLUSIONS

It is considered that the proposal would have an unacceptable degree of detrimental impact on the residential amenity of neighbouring occupiers through additional noise at inappropriate times. The applicant has not supplied any evidence such as a noise assessment, traffic count, or feasibility study to suggest otherwise.

Staff consider that the approval of the subject application would provide a basis for further small incremental extensions to the drive thru hours of operation. This would be undesirable as the drive thru is already operating at the maximum hours of trading considered to be acceptable in a residential environment.

In light of the above, the application is recommended to be refused.

RECOMMENDATION

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

1. Reason for refusal - Noise and Disturbance: A3 Use

The proposal would, by reason of noise and disturbance caused by customers and their vehicles arriving at and leaving the premises, vehicles parking and manoeuvring, particularly during the extended hours of operation, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document, Adopted 2008.

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

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19th February 2015

National Planning Policy Framework 2012. However, the applicant was informed of the Case Officer's recommendation prior to the committee date and was given the chance to withdraw the application.

APPLICATION NO:	P1728.14	
WARD :	Rainham & Wennington	Date Received: 17th December 2014 Expiry Date: 18th March 2015
ADDRESS:	Chafford School Lambs Lane South Rainham	
PROPOSAL:	Outline application for additional sports facilities at The Chafford School to include a 4 lane swimming pool.	
DRAWING NO(S):	6255/1101 6255-1102 6255-1103 Planning statement	
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.	

BACKGROUND

Planning application P0447.14, which is also on this agenda, concerns proposals for a comprehensive upgrade of facilities at the Chafford School. These involve the demolition of the existing sports centre, including the swimming pool. Whilst the application includes new sports facilities it does not include a replacement pool. Following discussions and negotiations with the school and its planning agents an outline planning application has been submitted for additional sport facilities, including a new swimming pool.

SITE DESCRIPTION

The site lies on the eastern edge of Rainham with frontages onto Wennington Road and Lambs Lane South. The site totals 7.2 hectares and comprises the school buildings with external parking, playing fields and sports surfaces and grassed areas. It also includes the Chafford Sports Complex. The whole site lies within the Green Belt and the area of the Thames Chase Community Forest. The School buildings are located towards the south east corner of the site close to the main settlement boundary.

To the north and west of the site are the residential parts of Rainham, to the south east is the Brady Primary School.

The school comprises five main blocks of accommodation that has evolved since the main part was built in the 1950's. The buildings are mainly single storey, but with some two storey elements. The buildings have flat roofs with facing materials of grey buff/red brick, render and some large insulations panels within window openings.

The sports complex lies to the west of the main school close to the Wennington Road frontage. It comprises two linked buildings that contain a sports hall, swimming pool and changing area. The sports hall is of two-storey scale with metal cladding and a brick base under a pitched roof. The swimming pool is single storey with a painted block base under a flat roof.

The site's main access is from Lambs Lane South with three separate points for vehicles and pedestrians. There is a further service access to the sports complex from Wennington Road.

DESCRIPTION OF PROPOSAL

Chafford School is seeking to upgrade its accommodation in a series of phases by demolishing parts, rebuilding new facilities and upgrading others. The improvements would be phased over a 5-10 year period. These proposals are the subject of application P0447.14 and include the

demolition of the sports complex and providing a new sports hall and changing facilities as an extension to the main building. That application does not include a replacement swimming pool.

This application for further replacement sports facilities is an outline application with all matters reserved. It proposes a 4-lane swimming pool with spectator gallery, a dance and spinning studio, a fitness room and office. There would also be a plant room and water treatment facilities. The new building would be on the site of the existing sports hall and would be linked to the proposed new sports hall, although it would not necessarily be built as part of the same phase. The new fitness suite would be located within a separate extension to the redeveloped school. The implementation of this part of the scheme would be dependant on the necessary funding, including grants being available. Given the period over which the redevelopment would be phased the school is seeking an extended period for the submission of the reserved matters and implementation of this part of the redevelopment programme.

In terms of the scale the pool would be between 40 and 50 metres and between 20-30 metres wide. The fitness suite extension would range from 20-22 metres long and 10-15 metres wide. The overall height would range between 4-7.5 metres.

The existing access would be enhanced, including the parking areas for the replacement sports hall. These changes are addressed in application P0447.14. The new facilities would be for school and local community use.

RELEVANT HISTORY

L/HAV/6052/72 - Enlargement of seven form entry and dual use of sports hall - approved.

L/HAV/1996/73 - Demountable classroom unit - approved.

P0447.14 - Phased masterplan to replace and improve existing campus facilities, including a new sports centre for school and community use, new engineering and arts and drama wings, new-build and internally upgraded classbases together with upgrading and replacement of existing external sports courts, on-site parking and landscaped areas.
Awaiting Decision

P1762.11 - Canopy in playground
Apprv with cons 16-03-2012

P1419.11 - Installation of electricity producing solar photovolcanic panels on the roof of the main school building.
Apprv with cons 18-11-2011

P1366.06 - Proposed classroom block
Apprv with cons 08-09-2006

P2069.03 - Single storey detached building providing 3no. additional classrooms, store cupboards and staff workroom in new I.T. suite
Apprv with cons 30-12-2003

CONSULTATIONS/REPRESENTATIONS

The application has been advertised on site and in the local press as a major application which is contrary to Green Belt policies of the development plan. Neighbouring occupiers have also been notified. No representations have been received in response.

Essex and Suffolk Water has no objections and advises that the appropriate water supply regulations would need to be complied with.

Thames Water has no objections.

Streetcare (Highways) has no objections.

London Fire Brigade advises that no additional fire hydrants would be required.

Sport England has no objections and advise that swimming pool facilities should be designed in accordance with the appropriate Sport England guidance.

English Heritage (Archaeology) recommends an archaeological condition.

Greater London Authority raises no objections. It would amount to limited infilling within the Green Belt and does not raise any strategic issues.

RELEVANT POLICIES

LDF

- CP17 - Design
- CP8 - Community Facilities
- DC18 - Protection of Public Open Space, Recreation, Sports and Leis
- DC19 - Locating Cultural Facilities
- DC29 - Educational Premises
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC45 - Appropriate Development in the Green Belt
- DC48 - Flood Risk
- DC49 - Sustainable Design and Construction
- DC61 - Urban Design
- SPD10 - Sustainable Design and Construction SPD

OTHER

- LONDON PLAN - 3.18 - Education facilities
- LONDON PLAN - 3.19 - Sport facilities
- LONDON PLAN - 4.6 - Support for and enhancement of arts, culture, sport and ente
- LONDON PLAN - 5.12 - Flood risk management
- LONDON PLAN - 5.7 - Renewable energy
- LONDON PLAN - 7.16 - Green Belt
- LONDON PLAN - 7.3 - Designing out crime
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Educational establishments are not liable for Mayoral CIL.

PRINCIPLE OF DEVELOPMENT

The application needs to be determined in accordance with the policies and guidance of the National Planning Policy Framework (NPPF) and the Development Plan. There are three main considerations: the need for additional/replacement sports facilities for the school and local community; the appropriateness of the development in the Green Belt and the loss/replacement of existing sports facilities.

The NPPF states that local planning authorities should take a proactive approach to extending and altering schools to provide additional facilities. These objectives are supported by London Plan and LDF policies. The application includes a replacement pool and an extended range of other sports facilities. The proposed facilities would also be available to the local community outside of school hours. Therefore, the redevelopment proposals are considered to be acceptable in principle.

However, the site lies within the Green Belt and the proposals also need to be considered in relation to Green Belt policies, in particular the impact on openness. An assessment of the Green Belt implications is set out later in this report.

The proposals are for replacement sports facilities for those that would be lost as part of the wider school redevelopment proposals. The NPPF and LDF policies seek to retain such facilities unless it can be shown they are surplus to requirements or are to be replaced by equivalent or better provision. In this case the sport hall and the swimming pool would be replaced. However, the development is contingent on sufficient funding being available. As a result the overall redevelopment of the school is likely to take place in phases. The existing complex would also need to be demolished before the new one could be built so there would be a period when there are no replacement facilities. The new swimming pool and fitness suite would be to an improved standard, therefore, the objectives of the various policies would be met.

The site is also close to a small number of dwellings and there will be some impact on occupiers of these properties.

GREEN BELT IMPLICATIONS

The site lies entirely within the Green Belt. The most up to date guidance on development in the Green Belt is set out in the National Planning Policy Framework. As with earlier policy in PPG2 inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt when making planning decisions. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. All new buildings in the Green Belt are normally considered to be inappropriate development. However, there are exceptions. These include the extension or alteration of an existing building provided that it does not result in disproportionate additions over and above the size of the original building.

Development plan policies are set out in the London Plan and Local Development Framework. LDF Policy DC45 sets out the development that will be permitted in the Green Belt. This does not include the extension of existing buildings. However, DC45 is not consistent with the NPPF in this respect and as a consequence can be afforded little weight in this case. London Plan policy 7.16 states that the Green Belt should be protected in accordance with national policy and that inappropriate development should be refused, except in very special circumstances.

Earlier proposals for new development at the school have been permitted, but these had been assessed against earlier Green Belt policies that specifically addressed the difficulty of finding alternative sites for education establishments outside of the Green Belt. The guidance in the NPPF no longer refers to this specifically. Therefore, the main issue in this case is whether the new development would have a significantly greater impact on the openness and visual amenities of the Green Belt than currently exists. In this regard it is considered appropriate to consider the overall impact combined with the proposals in P0447.14. In regard to that application staff have concluded that there would be no material impact on the openness of the Green Belt as the height and bulk of the main building would not be significantly increased. Much of the proposed new build under that application would either extend the existing main building or develops over the existing ground floor. The proposal for further sports facilities would increase the impact on the Green Belt but not significantly so.

In these circumstances staff consider that the proposed new sports facilities, taking account of the proposals in P0447.14 would not be disproportionate to the original building and the development overall would reduce the bulk and impact on openness. Therefore, notwithstanding the overall increase in the floorspace that would be provided, the development is considered to be appropriate in the Green Belt in accordance with the guidance in the NPPF. It would also comply with Policy 7.16 of the London Plan and whilst now largely superseded, the development would be in accordance with the aims and objectives of LDF Policy DC45 to maintain the openness and rural character of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Design is a reserved matter and the appearance of the new building would be subject to further consideration at the detailed submission stage. However, the proposed scale of the development would be similar to that of existing buildings and as a result the building would not significantly alter the appearance of the school from public areas. The new building would be located further away from the school boundary on Wennington Road than the current sports hall. The replacement of the existing buildings would result in an overall improvement to the appearance of the site when viewed from the highway and it is considered that the proposal would have no material adverse impact on the streetscene or the character and appearance of the area.

IMPACT ON AMENITY

The development would have some limited impact on the amenities of those residents whose properties adjoin the site. However, the main sports hall replacement would lie between these dwellings and the new swimming pool so the extended facilities would not be visible from the properties. The activities associated with the use of the new facilities, which would largely replace existing ones, would not be significantly different from that which currently exists. The pool would be further away from these properties than the existing one. However, there could be some adverse impact from the use of the sports facilities outside of school hours and staff recommend that conditions are imposed to restrict opening hours and to agree external lighting.

There could also be some adverse impacts on residents and on the appearance of the area from the construction works. These would be addressed through limitations on construction hours and the requirement to agree a construction method statement. Overall the impact on amenity is considered to be acceptable.

HIGHWAY/PARKING

The proposed access and parking arrangement would be the same as application P0447.14. Parking areas and access/egress to and from the site would be improved compared with the current situation so there would be no significant additional adverse impacts on highway safety arising. No objections have been by the Highway Authority (Streetcare). There would be some loss of parking for the redevelopment as a whole but this would not affect the use of sports facilities outside of school hours when the demand for parking by residents is likely to be at its highest.

OTHER ISSUES

The overall redevelopment programme for the school would be undertaken in phases and the timing of these would depend on the availability of funding. Reserved matters pursuant to an outline permission would normally need to be submitted within three years of a permission with commencement within a further 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. In this case given that the overall development would be phased and the uncertainties relating to funding the applicant has requested a longer period to submitted reserved matters and implement the scheme. In these circumstances staff consider that a five year period for the submission of reserved matters and a further five years for commencement would be reasonable.

However, there can be no guarantee that any of the new sports hall would be built as this would be dependent on external funding. Staff understand that the costs of running the sports complex are significant and that the school is not obliged to keep these facilities open beyond the current contract which ends in September 2016. However, the sports facilities would not be lost to other development and the school has agreed that the school sports facilities (including the pool) should be included in the sports and leisure management specification, which is currently being tendered by the Council. This could help to secure future funding for the facilities.

Currently school facilities are used by the local community outside of school hours, in particular the sports hall and swimming pool. LDF Policy DC29 seeks to encourage the use of school facilities by the wider community outside of school hours. This would continue with these redevelopment proposals.

FLOOD RISK

A small part of the school site in the north-western corner lies within Flood Zone 2 as defined on the Environment Agency's flood risk maps. However, none of the existing or proposed buildings lie within the Zone. The bulk of the site lies within Flood Zone 1. There have been no objections from the Environment Agency to the proposals. Educational establishments are classified as 'more vulnerable' in the Technical Guidance to the NPPF, but are acceptable in Flood Zones 1 and 2. There is egress onto Lambs Lane North that is outside of Flood Zone 2. Therefore, the development is considered acceptable in terms of flood risk.

KEY ISSUES/CONCLUSIONS

This application concerns replacement sports facilities at an existing school which is within the Green Belt. The guidance in the NPPF is that great weight should be given to the need to expand or upgrade education facilities. The development proposed can be considered appropriate development in the Green Belt in accordance with the guidance in the NPPF as it would not materially harm openness and the scale of the development would not be disproportionate to the original school buildings. The development would improve the overall appearance of the area. The development would replace existing sport facilities which would continue to be available to the wider public outside of school hours.

However, as the total redevelopment package is likely to take a number of years with most relying on external funding, staff consider it appropriate to extend the period for the submission of reserved matters to five years from the normal three and with the period for implementation extended to five years. Overall staff consider that the proposals would comply with the relevant policies of the NPPF and the development plan. The grant of planning permission is recommended accordingly.

RECOMMENDATION

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

1. SC01 (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 layout, scale and appearance of the buildings, the means of access thereto, 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

2. SC02 (Time limit for details) 5yrs

Application for approval of the reserved matters shall be submitted to the Local Planning Authority within five years from the date of this permission.

Reason:-

To comply with Section 92 of the Town and Country Planning Act 1990.

3. SC03 (Time limit for commencement) 2yrs

The development to which this permission relates must be begun not later than the expiration of five 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. Non Standard Condition 31

The community use of the new sports facilities shall not take place other than between the hours of 06:00 and 23:00 on Mondays to Saturdays and between the hours of 07:00 and 22:00 on Sundays, Bank or Public holidays.

Reason:-

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

5. Non Standard Condition 32

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.

6. Non Standard Condition 33

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.

7. Non Standard Condition 34

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be 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. Non Standard Condition 35

No works shall take place in relation to any of the development hereby approved until details of surface water attenuation/storage are submitted to and approved in writing by the Local Planning Authority. Surface water attenuation/storage shall be provided in accordance with the approved details.

Reason:-

To prevent the increased risk of flooding, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC49.

9. Non Standard Condition 36

No works shall take place in relation to any of the development hereby approved until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.

Reason:-

To protect people on or close to the site from the risks of associated migrating landfill gas, and in order that the development accords with LDF Policy DC53.

10. Non Standard Condition 37

SC63 (Construction Methodology) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. 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;

11. Non Standard Condition 38

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.

12. SC09 (Materials) (Pre Commencement Condition)

No works shall take place in relation to any of the development hereby approved until 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.

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.

REGULATORY SERVICES COMMITTEE
19th February 2015

APPLICATION NO:	P1742.14	
WARD :	Harold Wood	Date Received: 22nd December 2014 Expiry Date: 23rd March 2015
ADDRESS:	Land at Oak Farm Maylands Fields Romford	
PROPOSAL:	Change of use of land to burial grounds including removal of existing agricultural buildings and erection of two pavilion buildings for associated usage, hard and soft landscaping, new access to A12 and internal roads and paths, parking, and workshop area for storage of associated equipment, tools and materials.	
DRAWING NO(S):	3873_200_A 3873_201_A 3873_202_C A_02_01 A_02_02 A_02_03 A_02_04 A_02_05 A_02_06 A_02_07 A-00-01 A-00-02 A-00-03 A-01-01 A-01-02 A-01-03 A-01-04 3873_101	
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.	

SITE DESCRIPTION

The site is an irregular shaped area of land measuring approximately 11.5ha in area and comprising a TPO-protected woodland, semi-improved grasslands, and scrubland located within the Green Belt. The site is designated as a Metropolitan Site of Nature Conservation Importance and includes areas at its southern extent, located in Flood Zones 2 and 3. The site has a natural and rural appearance.

The western boundary runs alongside residential properties located along Maylands Way, John's Terrace, Craven Gardens, and Mount Avenue. The northern boundary adjoins the A12, whilst the southern and eastern boundaries run alongside the River Ingrebourne. Part of the eastern boundary adjoins a site in residential use, which is located alongside the A12 and benefits from a temporary planning permission.

The afore mentioned woodland, known as Oak Wood, covers a significant area through the centre and southern areas of the site. The semi-improved grasslands are predominantly located at the western side of the site. Extensive belts of vegetation run along the northern and western boundaries, screening the site from the A12 and a residential area. An agricultural storage building is located at the eastern end of the site. The site is accessed from the A12 and generally slopes down from north to the south.

DESCRIPTION OF PROPOSAL

This planning application proposes the change of use of the site to a cemetery for Muslim burials. The proposal would involve the creation of burial areas across the grass and scrubland areas in the western, northern, and eastern areas of the site. Woodland burials within two woodland glades are also proposed. The facility would provide capacity for upto around 10,000 burials.

The proposal would also involve the following:

a) The demolition of an existing agricultural building, measuring around 517sqm in area and having a volume of approximately 1,867cu.m, which is located at the eastern end of the site.

b) The erection of storage and workshop buildings, forming one block, in place of the existing agricultural building, upto to around 3.6m in height and approximately 112sqm in area. In total, this block of buildings would have a volume of around 366cu.m, around two thirds of which would be removed once the burial areas reach capacity.

c) The erection of two pavilion buildings and a toilet block, clustered together in the central part of the site. These structures would be built on piers, reflecting the site's sloping nature, and would have a combined footprint of around 319sqm in area and a combined volume of around 1232cu.m, with a maximum height from ground level of approximately 5.5m. The buildings would be as follows:

- A visitor toilet block, measuring around 56sqm in area;

- A hall, measuring around 119sqm in area;

- A pavilion building, to contain toilets, meeting room, a hall, storage, and plant accommodation, measuring approximately 144sqm in area.

These buildings would mainly be clad with timber and glazing to the walls, with green roofs above, and accompanied by canopies, decking, and steps, adding a further 237sqm to the overall building footprint.

c) The erection of perimeter fencing, external lighting, CCTV equipment, bicycle storage, benches, 117 car parking spaces, and a network of footpaths and roadways providing access throughout the site, including the woodland.

The proposed facility would be accessed from the west-bound A12, the entrance connecting with the A12. The boundary treatment would comprise 2.4m high wire-mesh fencing located along, or close to, the northern, western, and eastern boundaries, whilst 1m high post and rail fencing would be erected within the site. The proposal would result in some level changes, with the creation of swales, the construction of level road ways, and the construction of a retaining wall towards the site's north eastern corner.

The submitted information states that 140 trees would be removed from the site, resulting from the creation of two woodland glades, along with the removal of trees around the woodland edges and within the open areas, for the creation of the burial spaces, buildings, and roads. However, 340 new trees would be planted throughout the site. Access to the site would be permitted during opening hours.

RELEVANT HISTORY

P0469.13 - Change of Use of redundant agricultural land to burial grounds with ancillary Memorial Hall, parking, landscaping (hard and soft) and altered access layout - Withdrawn.

The agricultural storage building located at the eastern side of the site was granted planning permission in 2004:

P0240.03 - Erection of barn and corral and creation of new driveway - Approved.

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 233 neighbouring properties; site notices were placed in the vicinity of the site, including within the adjoining residential area; and advertisements have been placed in the local press.

1,884 people have submitted letters of support, most from addresses outside Havering. The majority of the comments simply state the correspondent's support for the proposal. In some cases, it is stated that the proposed facility is needed to address demand and that the proposal would improve the site's landscaping.

91 objections have been received to date from local occupiers, on the following grounds:

- a) The proposal would be detrimental to the Green Belt;
- b) Adverse noise impacts would be harmful to neighbouring amenity;
- c) The proposal would result in an intensification of the use of neighbouring residential roads;
- d) Insufficient vehicle parking would be provided;
- e) The proposal would result in the loss of protected trees;
- f) The proposal is not suitable near to a residential area;
- g) The proposal would result in the loss of a local recreation attraction that has been used by residents for many years;
- h) The proposal would give rise to highway safety issues along the A12;
- i) There are other, more suitable sites where the proposal could take place;
- j) There is insufficient demand for the proposal;
- k) The proposal would be harmful to wildlife in the local area;
- l) Havering has a small Muslim population and the proposal would not serve local people;
- m) The proposal could cause contamination to the neighbouring watercourse;
- n) The proposal would result in a loss of privacy to neighbouring residents;
- o) The site experiences flooding;
- p) The site should be open to the public.

Comments have been received from the following consultees:

Thames Water - No objections.

Essex and Suffolk Water - No objections.

Natural England - No objections.

Environmental Health (Contaminated Land) - No objections.

Environmental Health (Air Quality) - No objections.

Highways - No objections.

Transport for London - No objections, conditions recommended.

Environmental Agency - Objections received in relation to flood risk and drainage.

English Heritage - No objections; condition recommended.

Designing Out Crime Officer - No objections.

Energy Management Officer - No comments received.

RELEVANT POLICIES

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

CP8 - Community Facilities
DC22 - Thames Chase Community Forest
DC31 - Cemeteries and Crematoria
DC33 - Car Parking
DC45 - Appropriate Development in the Green Belt
DC48 - Flood Risk
DC53 - Contaminated Land
DC55 - Noise
DC58 - Biodiversity and Geodiversity
DC59 - Biodiversity in New Developments
DC60 - Trees and Woodlands
DC61 - Urban Design
DC63 - Delivering Safer Places
DC70 - Archaeology and Ancient Monuments

The London Plan

Policies 7.16 (Green Belt), 7.19 (Biodiversity and Access to Nature), and 7.23 (Burial Spaces)

National Planning Guidance

National Planning Policy Framework ("the NPPF")

MAYORAL CIL IMPLICATIONS

The proposal would result in the erection of new building floorspace that is less than that of the existing agricultural building, which is to be removed. Therefore, the proposal would not give rise to a contribution under the Mayoral CIL Regulations.

STAFF COMMENTS

The main issues relating to this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, Highway and access arrangements, and other considerations.

For information, the site has previously been the subject of applications to establish a village green and public rights of way. These applications were not successful. The site does not benefit from any public access.

PRINCIPLE OF DEVELOPMENT

Policy DC31 of the LDF states that the Council will support the provision of new cemeteries to address the borough's needs.

The Site is located in the Metropolitan Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including cemeteries, and that new buildings in the Green Belt will only be approved where they are essential to the identified uses. This policy has been superseded in a number of respects by the guidance contained in the NPPF.

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 the material change of use land, along with building and engineering operations. Each type of development will be considered in turn.

Material Change of Use

Material changes of use are not listed as potentially constituting appropriate development in the Green Belt. The proposed change of use is therefore considered to be inappropriate development in the Green Belt.

As an aside, the proposed development would involve use of part of the site for car parking (in the region of 120 vehicles), and it is considered that this would be detrimental to the openness of the Green Belt and conflict with the purposes of including land in the Green Belt, namely, to prevent encroachment into the countryside. The proposed use would also involve the laying out of thousands of graves. The submitted information states that, in this case, there would be an absence of grave stones and the use of hard materials, with burials resulting in low level, grass-seeded mounds with simple name plates attached. Whilst this low-key, "soft" landscaped approach would limit the proposal's impact on openness and the visual amenities of the site, it is considered that the proposal would, nevertheless, result in burial areas that exhibit a formalised and rhythmic appearance. It is considered that the effect, when thousands of such graves are taken into consideration, would, on balance, be harmful to the openness of the Green Belt.

Building Operations

Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt need not be inappropriate where they relate to the provision of appropriate facilities for cemeteries, providing they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. As this aspect of the guidance relates to building operations, it is considered that appropriate facilities would need to relate to an existing cemetery use where the use is already established. This is not the case here, and on this basis, the proposed building operations, including the erection of buildings, fencing, lighting, a bicycle store, benches, and CCTV apparatus are considered inappropriate development in the Green Belt.

Engineering Operations

Paragraph 90 of the NPPF states that the undertaking of engineering operations in the Green Belt need not be inappropriate providing they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed level changes that are indicated in the submitted information relate primarily to the creation of swales, a retaining wall, and changes relating to the car park to be located in the central part of the site. Minor level changes would also be required in relation to the proposed roadways. Areas of hardstanding would be provided in relation to the parking areas and access routes. All of these changes are considered to be of a modest nature and relatively isolated, and would not be harmful to the openness of the Green Belt, or conflict with the purposes of including land within it.

It is considered that the proposal, by reason of the proposed material change of use and building operations, would result in inappropriate Green Belt development. It is therefore necessary for the applicant to demonstrate very special circumstances that clearly overcome the harm to the Green Belt, by reason of inappropriateness and other harm. The applicant has submitted very special circumstances, which will be 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. The site is considered to have a natural character, having the appearance of undeveloped countryside that makes a significant contribution to the visual amenities of the Green Belt. The proposed development would result in permanent changes to the appearance of the site, which mainly comprises woodland and open, semi-improved grassland.

The proposal would result in the erection of three buildings in the central part of the site, along with a further block of buildings at the eastern side of the site; fencing; lighting; CCTV apparatus; the creation of thousands of graves, introducing a low-level, engineered character to significant areas of the site; and the laying of areas of hard surfacing, including the creation of car parking areas. It is considered that these elements of the proposal would diminish the site's open, rural character. However, there are a number of mitigating factors in relation to the proposal's visual impact, which are as follows.

The site is very well screened from its surroundings, owing to the presence of dense vegetation around the edges, and through the centre of the site. The proposal would result in a net increase in trees across the site, with the site's western, northern, and eastern boundaries being reinforced by further planting. The proposed buildings would be located in areas of the site which, owing to the site's topography and the existing/proposed landscaping, would not be visible from beyond the site's boundaries. Moreover, an existing building, which has a greater footprint and volume than the proposed structures, would be removed. The proposed graves would not be accompanied by grave stones or other hard materials, as is typical within cemeteries. Above ground level, the proposed graves would comprise low, grass-seeded mounds, with name plates. The proposal would retain the bulk of the existing vegetation, including the woodland. The proposed pavilion buildings and toilet block would be clad in timber materials and would have green roofs, softening their impact within the site. The overall approach to the proposal's design and visual impact appears to be a "soft", low key one, intended to retain the site's existing character to the greatest extent possible, whilst still enabling a viable cemetery to be created.

Nevertheless, it is difficult to conclude that the proposal, particularly the proposed buildings and vehicle parking, but also the other elements when considered cumulatively, would not result in significant harm to the site's rural character. This is a matter of judgement, and Members may consider that the proposal could be undertaken in a visually acceptable manner.

Should planning permission be granted, it is recommended that conditions be imposed requiring the approval of details in relation to hard and soft landscaping (including the appearance of the proposed graves, along with details of benches and bins, in addition to surfacing materials), boundary treatment, CCTV equipment, bicycle and refuse storage, and building cladding materials. A condition should also be employed requiring the removal of workshop and storage buildings, as depicted on the submitted plans.

It is considered that the proposal would be detrimental to the visual amenities of the Green Belt and the natural character of the site and that it would therefore be contrary to Policy 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.

Neighbouring residential occupiers have objected to the proposal on the grounds that the proposal would give rise to unacceptable noise impacts and would be inappropriate in a residential area.

The nearest residential properties to the site are located immediately to the east and comprise a mobile homes, which have a temporary planning permission. To the west, the nearest residential properties are located along Maylands Way, Craven Gardens, Mount Avenue, and John's Terrace. The western extent of the proposed burial area would be located at least 12m from the rear gardens of these properties, and 40m from the dwellings. Currently there is a belt of vegetation located immediately to the east of these properties, and the submitted plans indicate that such screening would be retained and enhanced. It is considered unlikely that the proposal, particularly where it is located near to residential properties, would result in any significant increase in noise levels over and above what neighbouring occupiers are already affected by. It is considered that the proposal would not result in any significant overlooking, loss of light, or loss of outlook to the neighbouring properties. It is recommended that a condition be imposed requiring the approval of landscaping details to ensure that appropriate species are planted, and that the site is adequately screened from its surroundings.

Subject to the use of the afore mentioned condition, it is considered that the proposal would not result in any other significant adverse impacts on the amenities of neighbouring occupiers, and that in this regard, the proposal is in accordance with Policy DC61 of the LDF.

HIGHWAY/PARKING

The proposed facility would be accessed from the west-bound A12, and the main public entrance being taken directly from the A12. The site is considered to have low public transport accessibility. The proposal would include the provision of a 117 parking spaces. The proposed parking arrangements are considered sufficient to accommodate the site's proposed future use, and parking within the nearest residential areas is considered unlikely.

The Council's Highway officers and Transport for London have all been consulted about the proposal with no objections being raised. Transport for London are satisfied that any concerns they have could be addressed through the completion of a highway agreement subsequent to the grant of planning permission. It is considered that a deceleration lane may need to be provided within the public highway, to allow for safe access to the site. If deemed necessary, this could be approved as part of the following condition.

A condition can be imposed, should planning permission be granted, requiring the approval of proposed changes to the public highway. Conditions are also recommended requiring the approval of details in relation to a construction method statement, bicycle storage, wheel washing facilities, and electric vehicle charging points.

OTHER ISSUES

Contaminated Land and Air Quality

In terms of contaminated land and air quality, the Council's Environmental Health officers have raised no objections to the proposal, subject to the use of conditions should planning permission be granted.

Flood Risk

Parts of the site are located in Flood Zones 3a and 3b (floodplain), and the site is, in any case, over one hectare in area. A flood risk assessment has been submitted with the application and scrutinised by the Environment Agency. Objections have been raised in relation to the impact the proposal would have in terms of flood risk and surface water drainage. The applicant has submitted additional information to address these concerns, which the Environment Agency is considering at the time of writing. It is anticipated that the objections raised can be overcome and Members will be given an update during the Committee meeting in relation to progress. If the preferred option is to grant planning permission for the proposal and the Environment Agency's concerns have not yet been addressed, then it is recommended that authority be delegated to

the Head of Regulatory Services to grant approval for the proposal subject to the flood risk and drainage issues being addressed. Otherwise, as things stand, the flood risk and drainage issues raised would need to constitute reasons for refusal.

Archaeology

Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made for preservation and recording of archaeological remains in situ or through excavation. English Heritage have been consulted about the proposal and raised no objections subject to the use of a condition requiring the approval of a scheme of archaeological works.

Nature Conservation

The site is designated as a Metropolitan Site of Nature Conservation Importance and comprises a significant area of woodland, along with open, semi-natural grasslands and scrubland. Policy DC58 of the LDF states that the biodiversity and geodiversity of SNCIs will be protected and enhanced. Policy 7.19 of the London Plan states that in the determination of planning applications, planning authorities should "... give strong protection to Sites of Metropolitan Importance for Nature Conservation." Policy DC60 of the LDF states that the amenity and biodiversity value afforded by trees and woodland will be protected and improved by, where appropriate, retaining trees of nature conservation and amenity value, and not granting planning permission for development that would adversely affect ancient and secondary woodlands.

Natural England were consulted about the proposal but raised no objections, although Natural England's remit primarily concerns nationally designated sites such as SSSIs and protected species. The Environment Agency has raised no objections in relation to the proposal's ecological impact.

Ecological surveys have been submitted, concluding that the proposal would not result in significant adverse impacts to protected species. It is concluded that the loss of habitats, mainly grassland and scrub considered to be of minor ecological value, would be offset by the inclusion of the proposed floodplain area alongside the River Ingrebourne, along with the additional planting proposed. In any case, the grass and scrubland areas could be removed if the site were to be used for agricultural purposes, which is a permitted use. Should planning permission be granted, it is recommended that conditions be imposed requiring the approval of a landscape management plan, hard and soft landscaping details, and a scheme of ecological enhancement measures, including insect, bat and bird boxes, along with the planting of species rich (native) hedgerows where appropriate.

The submitted information states that the proposal would result in the direct loss of 140 trees; however, these are considered to be of limited value, and the proposal would, in any case, result in a net increase of 200 trees at the site. The Council's Tree Officer has raised no objections to the proposal, subject to the use of conditions requiring the Council's prior approval of proposed landscaping, tree protection measures, and a scheme of tree removal so that the removal of given trees can be agreed in advance.

Subject to the afore mentioned conditions, the proposal's impact on ecology and trees is considered to be acceptable, and in accordance with Policies DC58 and DC60 of the LDF, and Policy 7.19 of the London Plan.

Equality and Diversity

The proposal is for a burial ground catering for those of the Muslim faith, for whom burials are a religious requirement. The need for burial spaces amongst the Muslim community is a material consideration. The need for the proposed development will be given further consideration below, as part of the assessment of very special circumstances.

Other Considerations

Neighbouring occupiers have stated that the proposal would result in the loss of a local open space enjoyed by the public. The submitted information does state that the site would be open to the public, although access would be limited to the facility's opening times. The site is privately owned, and in the absence of established public rights of way across the site, members of the public would not be entitled to enter the site except with the permission of the landowner. The proposal could therefore result in an improvement to public access.

Green Belt - Very Special Circumstances

Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88).

The submitted very special circumstances are as follows:

a) Community

- The proposal will meet an identified community need;
- It will provide for Muslim burial without compromise;
- It will meet London Plan objectives for additional burial space provision;
- It will provide access to the site for recreation and amenity purposes;
- It will provide additional security to residents of Harold Wood.

In relation to the provision of recreation and amenity space, this matter is considered further on in this report. It is unclear how the proposal would provide additional security to the residents of Harold Wood.

The applicants have submitted very special circumstances that include an assessment of the need for the development in relation to London's requirement for new burial spaces, considering existing and future supply and demand. The first question then concerns whether there is a demonstrable need for the development. Is there robust and convincing evidence, concerning the existing capacity for burial spaces and anticipated future burial rates, both within the local area and wider region, to support the development of a new facility on the edge of Havering?

The application is accompanied by a Needs Assessment Report. Using a range of evidence, including, amongst other things, an audit of burial capacity prepared for the Greater London Authority in 2011, the report concludes that there is a shortage of burial provision within London, and this is particularly acute in relation to the Muslim community. That there is a shortage of burial provision within London as a whole has been well documented and officers acknowledge this. Several London boroughs have exhausted their burial capacity and rely on other boroughs to accommodate their burials. The report argues that the general London shortage affects Muslims in particular for the following reasons:

- i) The lack of burial space that meets the specific needs of the Muslim community.
- ii) The increase in the Muslim population.
- iii) The ageing of the Muslim population.
- iv) The compromises inherent in much of the existing cemetery provision which purports to cater for Muslim needs.
- v) The increase in the proportion of Muslims no longer willing to accept burial which compromises their faith.

The following factors are of particular importance in relation to Muslim burials: burials should

ideally occur within 24 hours of death; the use of shrouds rather than a coffins; the orientation of the graves; only virgin ground should be used for burials and only one corpse should occupy a grave; burials should take place within areas set aside for Muslim burials; all body tissue should be buried; graves should include a mound rather than a flat surface; and grave markers should be simple and without ostentation. Muslim cemeteries should include facilities for daily prayers and washing.

The applicants, Gardens of Peace, operate a facility in Redbridge, which the report states is the only one in London that caters for these requirements, 7 days per week, 365 days per year. The proposal would be run in the same manner and would therefore provide Muslim burials, which do not require compromise.

A survey of Muslim burial provision, undertaken as part of the Needs Assessment Report, concludes that facilities for Muslim burial are offered at 24 local authority and 6 privately owned cemeteries in London. With the exception of the Gardens of Peace facility, all of these facilities involve compromise on the part of those needing to be buried. Romford Cemetery is one such example, where some of the Muslim requirements, such as dedicated prayer and washing facilities, are not provided. The report refers to other burial grounds in the North East London area where there is capacity for Muslim burials, but where compromise is required.

Using Census data, the report explains that London's Muslim population experienced higher growth than any other faith group (66.8%) in the period 2001-2011. The growth rate in North East London was 68%. The report states that the Muslim population is relatively young and that the mortality rate is therefore lower (except in the case of child mortality). The younger age profile indicates that further high rates of population growth can be expected in future. The report states that in the long term, with a rapidly growing population, the numbers of Muslims needing to be buried will have significantly increased.

It should be noted that North East London, which is considered to be the catchment area for the proposed development, is defined by the following boroughs: City of London, Tower Hamlets, Newham, Waltham Forest, Redbridge, Barking and Dagenham, and Havering. The report states that Muslims make up around 9.5% of the population of North East London, ranging from 2% in the case of Havering, increasing towards the more central boroughs. The proportions in Tower Hamlets and Newham, for instance, are in the region of 35% and 32% respectively. The submitted information estimates that Muslim deaths make up 9.5% of the mortality rate in North East London and 0.6% in Havering. In North East London, there were 1,508 Muslim burials recorded in 2012. The number of available Muslim graves is estimated to be 15,171, which would provide around 10 years supply. However, much of this capacity is not considered suitable given the compromise it requires. The report estimates that the Gardens of Peace facility in Redbridge, which is the only facility known not to require compromise, has between 2.5 years and 5 years of capacity remaining. The proposed 10,000 capacity burial ground, at 2012 North East London burial rates, would provide the equivalent of around 6.5 years supply.

The submitted information therefore explains that in London as a whole, there is an increasing shortage of burial space capacity. This is considered to be particularly acute in relation to the Muslim community where there are special requirements not addressed by most London cemeteries; where there is a high rate of population growth; and where capacity at the most suitable burial facility is limited. It is considered that these aspects of the submitted report are reasonable and that the report adequately demonstrates that increased burial capacity, including that which caters adequately for Muslims, is likely to be required within London in the foreseeable future.

Following on from this, the next stage in demonstrating very special circumstances relates to the proposed location of the development. Is there an adequate justification for addressing the identified need through the redevelopment of greenfield land located in the Havering Green Belt? If it were possible to demonstrate that previously developed sites (preferably outside the Green

Belt, but failing that, within the Green Belt) were unsuitable, then there may be a justification for the redevelopment of an undeveloped, Green Belt site. Consideration would also need to be given to the proposal's proximity to those communities it is intended to serve.

The submitted information includes an assessment of potential alternative sites, including Green Belt and non-Green Belt sites, within and outside Havering, which are ruled out for various reasons.

Policy 7.23 of the London Plan states that:

"Boroughs should ensure that provision is made for London's burial needs, including the needs of those groups for whom burial is the only option. Provision should be based on the principle of proximity to local communities and reflect the different requirements for types of provision."

One criticism of the submitted alternative site analysis is that it focuses on North East London, rather than London as a whole. It is unclear why the demand for Muslim burials within Tower Hamlets and Newham could not be addressed in areas of north, west, and south London, which might be nearer to those communities than the application site. The use of North East London as a study area seems somewhat arbitrary when the highest demand for Muslim burials is in boroughs that might address their needs in boroughs outside of North East London. No information has been provided about potential sites in Hackney for instance, which would be located in closer proximity to the majority of intended future users and have adequate access to the existing body-cleaning facilities in Hainault.

It is unclear why an undeveloped Greenfield site within the Havering Green Belt should be developed ahead of Green Belt/Metropolitan Open Land or other sites located in closer proximity to the communities to be served. There appear to be numerous areas of open land that could be given consideration for this proposal ahead of the site under consideration. Hackney Marshes, Wanstead Flats, and other open areas located between the main areas of demand and the application site, which have not been considered. Moreover, the analysis of alternative sites is considered to be unconvincing. In a number of cases, sites are ruled out simply because they are allocated as "open space" in a Development Plan, whilst others fail, in part, because they are located within the Green Belt. It is unclear how this makes these sites less suitable than the one under consideration.

Policy 7.23 of the London Plan is clear that provision should be based on the principle of proximity to local communities. The proposal would be located at a site with very poor public transport links, in a location that is relatively remote in relation to the communities it is most likely to serve. According to internet resources, the distance between Bethnal Green (Tower Hamlets) and the site would be between around 16.5 and 26 miles by car depending on the route taken, with average journey times by car estimated, in the early afternoon, to be between 50 and 70 minutes. The journey times by public transport would be significantly in excess of this, requiring a combination of train and bus journeys, plus a lengthy walk as the nearest (east-bound) bus service to the site stops significantly short of the site entrance.

b) Environmental

- It will maintain, protect and enhance the woodland block on site;
- Ongoing management of the deciduous woodland will enhance ground flora and understory;
- Management of individual trees of merit;
- It will protect and positively advance the ecological value of the site;
- It will maintain the countryside character of the site;
- It will bring enhancements to the Ingrebourne River and associated wildlife;
- Enhanced bat foraging habitat and increased bat roosting opportunities;
- Enhanced nesting and foraging opportunities for a range of bird species;
- Habitat management initiatives will ensure the maintenance of a diverse matrix of habitats;

- SINC grassland management will avoid loss due to scrub invasion;
- Long term management of the site will maintain boundaries in a fit and proper condition;
- The site will make a positive and growing contribution to green infrastructure provision;
- Landscape and ecological benefits will be secured through the Woodland, Ecology and Cemetery Management Plan.

It is considered that the proposal would, on balance, result in ecological enhancements at the site. Whilst the proposal would result in the removal of trees and other vegetation, the use of conditions can ensure that this only applies to less valuable specimens, and overall, the proposal would result in a significant net increase in the number of trees at the site. The conditions recommended earlier in this report would help to ensure that the site's landscape and ecology are managed in a manner that is beneficial to the site's landscape and ecological value overall, adequately compensating for any harm that might arise from the development.

In terms of the countryside character of the site, it is considered that the proposal, with its "soft", low key design, would result in a relatively minimal impact, considering what is possible to enable such a development to occur and be viable in the location proposed. The proposal requires buildings, a car park, roads, footpaths, lighting, fencing, CCTV, and burial areas; these features are considered to be necessary and appropriate for the proposed use and have been designed to help them blend in with the site's countryside character. Nevertheless, it is difficult to conclude that the cumulative effect of these features would not significantly diminish the site's existing, undeveloped, countryside character.

c) Green Belt

- It will reduce the floorspace and built volume of buildings on site;
- It will remove any development pressure on the site into the future;
- It will secure and reinforce the boundary between the urban area and the countryside;
- It will allow access to the countryside on the site where none currently exists;
- It will bring beneficial use to the Green Belt through access, recreation, enhanced landscape, visual amenity and biodiversity;
- It will ensure the site continues to fulfil the purposes of including it within the Green Belt;
- It will retain open land adjoining existing urban edge retaining Green Belt performance.

The proposed buildings would result in less built floorspace and volume than the existing agricultural building, located at the eastern end of the site. Whilst this does lessen the proposal's impact on the site's openness than if there were no existing buildings at all, consideration must also be given to the fact that the proposed buildings would be more disparate, and arguably less discrete, than the existing building, and that the proposal would include a significant amount of decking and fencing, which would contribute to the impact on openness. The proposal would include other structures such as lighting, CCTV equipment, and benches. The presence of up to around 120 parked vehicles would also have an impact upon the site's openness, and the proposed burial areas would introduce a man-made appearance across the site.

That the proposal might remove development pressure is not considered to be a material consideration. Any proposals that come forward in future will be considered on their own merits in accordance with the Development Plan and other material considerations. The proposal would not secure the boundary between an urban area and the countryside any better than if the site were left undeveloped.

The proposal would allow public access to the site during opening hours, which would be a benefit over the existing situation. Should planning permission be granted, it is recommended that a condition be imposed requiring the approval of a scheme of public access, detailing when and how the general public would be able to visit. The proposal's ecological, landscape and visual impacts, and access enhancements have already been considered. To the extent that the proposal would allow public access to the site, it could make a positive contribution towards the

site's recreation value.

In terms of the other matters mentioned, the proposal's impact on the Green Belt has already been considered in this report.

KEY ISSUES/CONCLUSIONS

The assessment of this application has involved a careful balancing exercise, weighing the identified harm against the proposal's potential benefits.

Consideration has been given to the fact that the proposed facility would help to address an identified need for additional Muslim burial capacity within London, and that it would do so in a manner that could deliver ecological enhancements, additional tree planting, the maintenance of a protected woodland, and public access to a site that is currently closed to the public. Regard has also been given to the fact that, in terms of its overall design, the proposal would have as low an impact on the site's character as can reasonably be expected in order for a viable facility to be provided at the proposed location.

Nevertheless, the proposal would constitute inappropriate development in the Green Belt, and it is considered that it would be harmful to the rural character of the site. As things stand, it is considered that the proposal would also cause significant harm in relation to flood risk and drainage arrangements. The submitted information is considered insufficient to justify the development of greenfield, Green Belt site on the outskirts of Havering, when there appear to be numerous potential alternatives, which haven't been considered, that would be located in closer proximity to the communities the facility is primarily intended to serve. For this reason, the proposal is considered to be contrary to Policy 7.23 of the London Plan.

On balance, it is concluded that very special circumstances, which clearly outweigh the identified harm to the Green Belt, and any other harm, have not been demonstrated in this case. However, Members may reach a different conclusion.

The proposed development is considered to be unacceptable having had regard to Policies CP8, DC22, DC31, DC33, DC45, DC48, DC53, DC55, DC58, DC59, DC60, DC61, DC63, and DC70 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 proposed material change of use and building operations would constitute inappropriate Green Belt development, and in the absence of very special circumstances that clearly outweigh the harm to the Green Belt, by reason of inappropriateness and other harm, the proposal is considered to be contrary to the guidance contained in the National Planning Policy Framework.

2. Refusal non standard condition

The proposed structures, burial areas, hardstandings, and car park would result in significant harm to the rural appearance of the site and to the visual amenities of the Green Belt. The proposal is therefore considered to be contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD, and the guidance contained in the National Planning Policy Framework.

3. Refusal non standard condition

Insufficient information has been submitted to demonstrate that the proposal could not

be provided in closer proximity to those communities that it would serve, and it is therefore considered to be contrary to Policy 7.23 of the London Plan.

4. Refusal non standard condition

The submitted flood risk assessment fails to demonstrate that the proposed development would not result in a net loss of floodplain storage and that acceptable surface water drainage arrangements could be achieved. The proposal is therefore contrary to the guidance contained in the National Planning Policy Framework.

1 Refusal - Amendments requested not made

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

19 February 2015

Subject Heading:

P1616.14 - 5 Fitzilian Avenue, Romford

Demolish existing rear storage buildings to erect 1 no. Mews House and 1 no. Town House and refurbish shop accommodation into Town House. (received 08/12/14, revision received on 12/01/15)

Ward:

Harold Wood

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
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 planning application relates to the demolition of existing rear storage buildings and the construction of 1 no. 4-bedroom Mews House, 1 no. 3-bedroom Town House and the refurbishment of shop accommodation to create a 3-bedroom Town House.

The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues. These issues are set out in detail in the report below.

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 would not be liable for CIL as the floor area to be demolished (619m²) is larger than the floor area proposed (364m²).

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 £18,000 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 Owner/Developer 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.
- of the Owner/Developer 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 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 1 no. garage parking space for each of the Town Houses and 2 no. parking spaces for the Mews House of which 1 is a garage space and thereafter this provision, shown on drawing No. 1 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. 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 any 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. Vehicle access: 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. This shall include the removal of all redundant vehicle crossings and the provision of dropped-kerb style vehicle crossings serving each garage parking area.

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.

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. 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"), no extensions, roof extensions, roof alterations or outbuildings to the new dwellings 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.

14. 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.

15. 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.

16 Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of 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 Strategy) 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 and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

17. 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.

18. Obscure glazing: The proposed bathroom window at first floor to the mews house shown on drawing no. 3 Rev. A shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority.

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

19. The proposed mews house at the rear of the site shall be constructed with an oriel window with the south-east facing pane permanently glazed with obscure glass as indicated on drawing no. 3 Rev. A. The oriel window and the obscure glazing shall be maintained thereafter and permanently fixed shut unless otherwise submitted to and approved in writing by 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.

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 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).
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.
9. That the Committee notes that the development proposed would not be liable for CIL as the floor area to be demolished (619m²) is larger than the floor area proposed (364m²).

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the northern side of Fitzilian Avenue approximately 25m from the junction with Ethelburga Road. The site consists of No. 5 Fitzilian Avenue, land to the side of No. 5 Fitzilian Avenue and land to the rear of No. 9-11 Fitzilian Avenue.
- 1.2 No. 5 Fitzilian Avenue is currently utilised as a shop. The rear of No. 9-11 Fitzilian Avenue is currently occupied by commercial storage buildings.
- 1.3 The site is situated within a mixed use commercial and residential area with the majority of nearby commercial units comprising ground floor shop units with residential units above.

2. Description of Proposal

- 2.1 This planning application relates to the demolition of the existing rear storage buildings to erect 1 no. 4-bedroom Mews House, erect 1 no. 3-

bedroom Town House and refurbish shop accommodation into a 3-bedroom Town House.

- 2.2 The proposal is to demolish the existing storage buildings to the rear of No. 9-11 Fitzilian Avenue and construct a 4-bedroom, 2-storey Mews House. It is also intended to erect a 3-bedroom town house alongside the shop building at No. 5 Fitzilian Avenue and to refurbish the shop building to a 3-bed town house.
- 2.3 The proposed town houses would have 1 internal garage parking space and the mews house would have 1 onsite parking space and 1 internal garage space. Access to the mews house would be gained via an existing 2.6m wide access road situated between No.11 and 13 Fitzilian Avenue.
- 2.4 Cycle and refuse storage will be provided to the rear of the town house developments and to the front of the mews house.

3. History

- 3.1 No relevant recorded history

4. Consultation/Representations

- 4.1 Notification letters were sent to 33 neighbouring properties and 1 letter of objections was received raising the following concerns:

- Overlooking neighbouring property
- Lack of adequate turning area in front of mews house resulting in backing out onto Fitzilian Avenue.
- Proposal would hinder future extensions to neighbouring property
- Likely damage to historic wall to rear of neighbouring property
- concerned that the existing building have rodent infestation which will disperse into neighbouring properties
- Noise and disruption as a result of building works

Issues relating to rodent infestation and the hindrance of future expansion to neighbouring properties are not material planning considerations. The wall to the rear of the property is not contained within the Council's list of Heritage assets. Revised plans were received to mitigate overlooking concerns to neighbouring properties.

- 4.2 The Council's Environmental Health Service requested a contamination condition in the event of an approval.
- 4.3 The Highway Authority has raised no objection to the proposal however requested conditions for visibility splays, vehicle access and vehicle cleansing in the event of an approval.
- 4.4 The London Fire and Emergency Planning Authority have raised no objection to the proposal.

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 more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 *Principle of Development*
- 6.2.1 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.
- 6.2.2 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 102m² for a 3-bed 5-person three storey house and 100m² for a 4-bed 5-person two storey house. The proposed two and three storey dwellings are in line with these minimum guidelines and considered acceptable.

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 of approximately 62m² is provided to the front and side of the mews house and 50m² and 47m² respectively to the rear of the town houses. Staff do not consider the amenity space to be unacceptable given the site constraints.
- 6.3.3 The residential density range for this site is 50 - 80 units per hectare (PTAL 3-4). The proposal would result in a density of approximately 78 units per hectare. The units per hectare are within the density range and considered acceptable.
- 6.3.4 In terms of site layout, the proposed development has a similar footprint than the existing structures on the site. Development would mostly continue the existing building line of Fitzilian Avenue with the only exception being the Mews house which would be situated to the rear of No. 9-11 Fitzilian Avenue. There is an existing substantial storage building located in this rear part of the site, that would be removed and replaced by the proposed new mews house. The proposal would in fact result in development that would be more spacious in comparison to the scale and bulk of the buildings currently located on the rear part of the subject site. Staff therefore consider the development to be acceptable in term of layout and not to be an overdevelopment of the site.

6.4 *Impact on Local Character and Street Scene*

- 6.4.1 The new town house proposed to the side of No. 5 Fitzilian Avenue would be an extension of the existing terrace and would therefore not result in an unacceptable impact on the streetscene. The only impact would be the addition of a small front dormer window to both the new town house and the conversion of 5 Fitzilian Avenue. These dormers are modest in size, well set in from the flanks and not considered to result in an unacceptable impact on a streetscene which consist of various different types of building heights and designs.
- 6.4.2 The mews house will be constructed to the rear of No. 9-11 Fitzilian Avenue with limited views from the streetscene. Any impact on the streetscene is therefore deemed acceptable. The mews house is not considered to result in an unacceptable impact on the rear environment as it would replace a building of larger footprint and of substantial bulk. Staff

consider the development to make a visual improvement to the existing rear environment.

6.4.5 In conclusion Staff do not consider the proposal to be out of keeping in this location and the surrounding area.

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 Staff do not consider the new town house to result in an unacceptable impact on the neighbour at No. 3 Fitzilian Avenue as the first floor would only project 1m beyond the first floor rear building line of this dwelling. At ground floor the proposed house would extend 4m beyond the rear building line of this neighbour. Although this is contrary to guidance for terraced properties, Staff consider it acceptable in the current circumstances given the favourable orientation and the removal of a significant amount of outbuildings to the rear of the subject property which would result in a positive impact in terms of this neighbours outlook.

6.5.3 The conversion of No.5 Fitzilian Avenue would not result in an unacceptable impact on neighbouring amenity as it would not project beyond the rear building line of the new town house and project only slightly beyond the rear building line of No. 9 (0.8m).

6.5.4 Although the new dwelling to the rear of No. 9-11 Fitzilian Avenue would be positioned on the north-eastern boundary, Staff do not consider it to result in an unacceptable visual impact as it is replacing a larger structure. Initial overlooking concerns were raised by the neighbouring occupier at No. 13 Fitzilian Avenue as a result of the close proximity of the proposed first floor windows to its boundary. In order to address these concerns the agent has replaced the windows above the garage with an oriel window with obscure glass to the part overlooking the rear garden of this neighbour. The first floor bathroom window is also shown to be obscure glazed. The provision of obscure glass to the windows closest to this neighbouring occupier is considered sufficient to address overlooking concerns. The remainder of the first floor windows are set sufficiently of the flank boundary to mitigate any overlooking concerns. No flank windows are proposed to the eastern elevation, which would prevent overlooking of the rear garden of no.13.

6.5.5 Also no interlocking would result between the site and the rear of no. 9-11 Fitzilian Avenue, which has only one ground floor and 1 first floor window to its rear elevation.. These windows are situated opposite the proposed oriel window and obscure bathroom window. Any interlocking would be mitigated by these obscure glazed windows and the existing rear projections at No. 9-11 Fitzilian Avenue which would result in an oblique angle to the additional first floor windows proposed to the mews house.

6.6 *Highways / Parking Issues*

- 6.6.1 Car parking is proposed across the development at a rate of 1 space per unit for the town houses and two spaces for mews house. The site is located within PTAL Zone 3-4, where 1.5-1 parking spaces are anticipated per unit for flats and 2-1.5 spaces per dwelling. Given the close proximity to Harold Wood station Staff consider the slight shortfall in parking to the town houses to be acceptable. The mews house complies with guidance
- 6.6.2 The agent has stated that provision would be made for cycle storage provision. A condition will be attached in the event of an approval to provide details of the cycle storage.
- 6.6.3 It is considered suitable arrangements can be made for the storage of and collection of refuse from the site. Details are required by condition.

6.7 *The Mayor's Community Infrastructure Levy*

- 6.7.1 That the Committee notes that the development proposed would not be liable for CIL as the floor area to be demolished (619m²) is larger than the floor area proposed (364m²).

6.8. *Planning Obligations*

- 6.8.1 In accordance with the Planning Obligations Supplementary Planning Document a financial contribution of £18,000 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 £18,000 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 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 secure by design conditions.

6.9.2 The agent has stated that provision would be made for refuse storage. A condition will be attached in the event of an approval to provide details of the refuse and recycling arrangements.

10. **Conclusion**

10.1 In conclusion, residential development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. Parking and amenity provision are considered acceptable. It is recommended that planning permission be granted, subject to the completion of the relevant 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.

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:

None

BACKGROUND PAPERS

1. Application forms and plans received on 08/12/14, revision received on 12/01/15.

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REGULATORY SERVICES COMMITTEE

19 February 2015

REPORT

Subject Heading:

P1559.14 – Parsonage Farm School, Farm Road – Single storey stand alone building consisting of 7 No Classrooms, 1 No multi-purpose room, toilet block and circulation space, new hardstanding to the playground and relocate the existing garage (received 11/11/14).

Report Author and contact details:

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Ward

Rainham & Wennington

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	[x]
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. The application seeks planning permission for a single storey stand alone building consisting of 7 No Classrooms, 1 No multi-purpose room, toilet block and circulation space, new hardstanding to the playground and relocate the existing garage. Staff consider the application to be acceptable and recommend approval 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

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

3. 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. Land Contamination – Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of 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 Strategy) 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 and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

5. Land contamination - 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.

6. Pedestrian entrance - Prior to first occupation of the single storey building hereby permitted, a pedestrian entrance shall be provided to Parsonage Farm School from Allen Road in accordance with details to be previously submitted to and approved by the Local Planning Authority and thereafter retained. The pedestrian entrance shall be available for both morning and afternoon travel and that an Access Management Plan shall be submitted to and approved by the Local Planning Authority to demonstrate how pedestrian access to the site will be managed.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34. To reduce the impact of parent parking in the streets surrounding the site and to accord with Policy DC33.

7. Review of parking restrictions - Within 18 months of the development being bought 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 junctions are not unduly impeded.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34. To manage the impact of parent parking in the streets surrounding the site and to accord with Policy DC33.

8. School Travel Plan – Prior to the occupation of the development hereby permitted, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall consider measures to reduce vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

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

9. Road safety review – Within 18 months of the development being bought into use a road safety review of the junction of A1306 New Road/ Upminster North/ Upminster South junction, Upminster Road North and the residential streets around the school shall be carried out and submitted to and approved by the Local Planning Authority. The review shall particularly examine pedestrian safety and accessibility issues.

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

10. Capacity review - Within 18 months of the development being brought into use a capacity review of the junction of A1306 New Road/ Upminster North/ Upminster South junction, Upminster Road North and the residential streets around the school shall be carried out and submitted to and approved by the Local Planning Authority.

Reason: To ensure the interests of highway safety, capacity and amenity and to accord with Policy DC32.

11. 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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. 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 breakdown 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.

11. 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.

INFORMATIVE

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.

REPORT DETAIL

1. **Site Description:**

- 1.1 The application site is Parsonage Farm Primary School which is located on the southern side of Farm Road. There are playing fields to rear of the school building, which separates it from surrounding residential properties. The application site is located within a predominantly residential area and is joined on four sides by residential properties with associated rear gardens.

2. **Description of development:**

- 2.1 The application seeks permission for a single storey stand alone building consisting of 7 No Classrooms, 1 No multi-purpose room, toilet block and circulation space, new hardstanding to the playground and relocate the existing garage. The building would have a maximum width of 63.3 metres, a minimum and maximum depth of 10 and 14.5 metres and a height of between 2.9 and 5.2 metres. The proposed materials are render, brickwork, grey metal profiled roof and powder coated aluminium windows and doors. The existing canopy alongside the existing link building will be extended with a height of approximately 3.1 metres. The design, structure and colour of the canopy roof will match the existing canopy.
- 2.2 The proposal involves utilising part of an existing playing field adjacent to Allen Road to construct a new hardstanding playground with a tarmac surface. The playground will be laid with a slight fall into a drain channel, which will discharge into the existing south west drainage system.
- 2.3 The proposal involves relocating the existing garage adjacent to the southern boundary of the site and relocating it approximately 2.5 metres to the east of the site with a new concrete base.
- 2.4 Parsonage Farm Primary School currently operates as a 3 form entry school, providing educational requirements for approximately 630 children aged from

5 to 11 years old from the surrounding local areas. In recent years, there has been an increase in the birth rate in the south east of the country, resulting in pressure on the current educational premises and an urgent need for additional school places across the borough to fulfil the authorities' legal responsibilities. A desktop analysis revealed that the schools existing accommodation is in excess of the requirements of a three form of entry school and this same analysis identified Parsonage Farm Primary School as a suitable site for expansion to provide the required additional school places within this area of the borough. The proposals seek to provide seven new classrooms and expand the school to 4 form entry and raising the school intake from 630 to 840 places.

3. Relevant History:

3.1 P1312.14 – Pair of 1800mm high palisade fencing gates into existing opening and new crossover to highway – Approved.

Q0085.14 – Discharge of conditions 4, 6 and 7 of P0919.13- Discharged in part.

P0097.14 – Hard surfacing including pavement lighting and 2 No. open porch entrances – Approved.

P0919.13 – Single storey extension, new car park, relocation of a garage and associated landscaping – Approved.

P0079.13 – Single storey extension – Approved.

P1272.05 –Single storey extension to existing School, incorporating a classroom, staffroom, library and toilets with link under cover/walkway– Approved.

4. Consultations/Representations:

3.1 The occupiers of 220 neighbouring properties were notified of this proposal. 39 letters of objection were received with detailed comments that have been summarised as follows:

- Traffic.
- Highway and pedestrian safety.
- Parking.
- Access.
- The size of the existing school is big enough.
- The closure of other schools in the borough should have been re-thought, instead of selling off the schools to build more houses, which require more school places.
- Other sites should be considered to create more school places.
- Object to the expansion of the school.
- The existing school is overcrowded including the canteen and assembly hall and impact on existing resources/facilities.
- There are no safety measures to assist children to cross the road near the school.

- The proposal would disrupt the education of existing pupils.
- Capacity of local roads.
- Inadequate public transport.
- Social development of children attending a school of this size.
- It is alleged that this application has already been determined.
- Noise, traffic, congestion and disruption during construction works.
- Comments regarding the gates and crossover for application P1312.14.
- Visual impact.
- Impact on property value.
- Pollution.
- Comments regarding a new one way system.
- Noise.
- Lack of consultation for properties in Morgan Way.
- There is no increase of on site parking.
- Loss of community spirit.
- It is alleged that the additional school places are required for pupils from other areas (not living locally).
- Siting and proximity of the new classrooms including inter/overlooking.
- It is alleged that there are plans to put a school bus stop at the top of Allen road to transport non local children to school.

3.2 In response to the above, each planning application is determined on its individual planning merits. Comments regarding property value and noise, congestion and disruption during construction works are not material planning considerations. The Highway Authority has advised that there are no current plans to introduce a new one way system. This application has not been determined and will be assessed by Members of the Regulatory Services Committee. Neighbouring properties in Morgan Way were consulted. The Highway Authority has advised that there is a pair of existing bus stops at the top of Allen Road, which are served by the 652 bus route. The remaining issues will be addressed in the following sections of this report.

4.3 Environmental Health – Recommend two conditions regarding contamination if minded to grant planning permission.

4.4 Fire Brigade – No objection.

4.5 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.

4.6 The Highway Authority has no objection to the proposal subject to the provision of some conditions.

5. **Relevant policies:**

5.1 Policies CP17 (Design), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC53 (Contaminated land) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development

Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

6.1 This proposal is put before the Committee owing to the land being Council owned. The issues arising in respect of this application will be addressed under the headings principle of development, impact on the streetscene, amenity issues and parking and highways implications.

6.2 Principle of Development

6.2.1 The proposal is for a single storey building consisting of 7 No classrooms, one multi-purpose room, toilet block and circulation space, new hardstanding to the playground and relocate the existing garage. The proposal is acceptable in principle and complies with LDF Policy DC29.

6.3 Design and Visual Impact

6.3.1 It is considered that the single storey building would not be harmful to the streetscene, as it would be located to the rear of the school and within the school grounds. It is considered that the single storey building has been designed in sympathy with the existing school buildings. The western flank of the building would be set in approximately 50 metres from Allen Road, which would help mitigate its impact in the wider streetscene. Staff consider that relocating the garage would not adversely affect the streetscene, as it would be set back approximately 39 metres from Allen Road. It is considered that the new hardstanding to the playground would not be harmful to the streetscene, as it would be partly screened by the trees on the western boundary of the site and a 2m high fence.

6.4 Impact on amenity

6.4.1 It is considered that the building would not be harmful to residential amenity, as it is single storey and its western flank would be set in approximately 50 metres from Allen Road. The roof of the building slopes away from the southern boundary of the site, which minimises its bulk and the impact on neighbouring properties. Also, there would be a separation distance of between approximately 24 and 29 metres between the rear façade of the building and the rear façade of No.'s 1-8 Morgan Way, which would help to mitigate its impact. It is considered that relocating the existing garage would not result in an additional harm to neighbouring amenity over and above existing conditions. There is a 2m high fence as well as trees and shrubs adjacent to the southern boundary of the site and No.'s 1-8 Morgan Way, which would provide some screening. It is recognised that an additional two hundred and ten pupils would increase noise and disturbance, although this would be balanced against pupils utilising the whole of the school site. Given the existing use of the site as a school it is not considered the increase in

pupil numbers would result in a material change in the character or use of the site sufficient to justify refusal on grounds of noise and disturbance.

6.4.2 It is considered that the new hardstanding to the playground would not result in a significant loss of amenity to neighbouring properties in terms of noise and disturbance, as this parcel of land is currently used as an existing playing field. Staff consider that the tarmac playground would not appear visually intrusive, as it would be partly screened by the trees on the western boundary of the site and a 2m high fence.

6.5 Highway/parking issues

6.5.1 In terms of this proposal, the school presently has 630 full time education pupils and 35 staff (of which a proportion has part-time hours). The proposals seek to provide seven new classrooms and expand the school to 4 form entry. Therefore, there would be 210 additional pupils and 15 additional staff. There are 41 car parking spaces on the site.

6.5.2 Discussions have taken place between the applicant and the Highway Authority in terms of providing mitigation measures that will be secured by condition and are summarised as follows:

- The provision of a pedestrian entrance to the school from Allen Road.
- A review of the parking restrictions around the school entrance.
- The provision of a School Travel Plan with measures to reduce vehicular trips.
- A road safety review of the junction of A1306 New Road/Upminster North/Upminster South junction, Upminster Road North and the residential streets surrounding the school.
- A capacity review of the junction of A1306 New Road/ Upminster North/ Upminster South junction, Upminster Road North and the residential streets around the school.

The above measures are aimed at improving pedestrian access to the school.

6.5.3 Annex 5 of the Development Plan Document sets a maximum staff car parking standard of 1 space per member of teaching staff. The proposal maintains the existing 41 car parking spaces and the Highway Authority considers the staff parking element to be acceptable. A Transport Assessment has been submitted, which suggests that the development will attract 65 additional pupils travelling by car and 124 by foot. The Highway Authority agrees that the Allen Road pedestrian entrance would assist in spreading parent parking and alleviating parking stress in Farm Road. A condition is suggested in order to ensure such pedestrian access is secured.

6.5.4 Parking and road safety impacts have been identified and require mitigation. A number of mitigation measures have been suggested by Highways, as set out in paragraph 6.5.2 above. This includes physical measures, such as reinstating pedestrian access on Allen Road to reduce parking stress and potential for conflict between pedestrians and vehicles at the Farm Road access. Staff are satisfied that the measures proposed, which can be

secured by planning condition, would be sufficient to mitigate against any adverse highways issues likely to arise from the development and that the proposal would be acceptable in this respect.

7. Conclusion

- 7.1 Staff are of the view that the single storey building consisting of 7 No Classrooms, 1 No multi-purpose room, toilet block and circulation space, new hardstanding to the playground and relocate the existing garage are 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 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 own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 11/11/2014.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

19 February 2015

Subject Heading:

P1717.14 - 2-6 Fitzilian Avenue, Romford

Demolish existing garage buildings and erect 8 apartments (3 storey) and 1 no. 3 storey detached house (received 17/12/14, revision received on 09/01/15 and 04/02/15)

Ward:

Harold Wood

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
suzanne.terry@havering.gov.uk
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 planning application relates to the demolition of existing garage workshop buildings and the construction of a 3 storey building for the purpose of 8 no. flats and 1 no. detached house.

The committee resolved to approve the application at its meeting on 14 November 2013 however the applicant has made various amendments to the scheme which requires a further 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 455.5m² (724.2m² minus existing floor area of 268.7m²) and amounts to £9110.

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 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 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.
- 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 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 as shown on drawing No. RM/01B 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. 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. Vehicle access: 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. This shall include the removal of all redundant vehicle crossings and the provision of dropped-kerb style vehicle crossings serving each parking area.

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.

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. 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”), no extensions, roof extensions, roof alterations or outbuildings to the detached dwelling 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.

14. 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.

15. 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.

16 Risk and Contamination Assessment, Part 1: (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of 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 Strategy) 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 and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

17. 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.

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. Balcony screen: Before the building(s) hereby permitted is first occupied, provision shall be made for a balcony screening as indicated on drawing no's. RM/03A, RM/04A, RM/05A, RM/06A and thereafter this provision shall be made permanently available, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent undue overlooking of adjoining properties.

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 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).
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 455.5m² (724.2m² minus existing floor area of 268.7m²) which, at £20 per m², equates to a Mayoral CIL payment of £9,110 (subject to indexation).

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the corner of Fitzilian Avenue and Athelstan Road. The site is currently used as a garage and consists of several buildings.
- 1.2 The application site comprises 0.1ha with the plot itself measuring (at its maximum) 35.4m wide by 40.4m deep. The site is relatively level with the exception of a drop down on Fitzilian Avenue from west to east.
- 1.3 The site is situated within a mixed use commercial and residential area with the majority of adjacent commercial units comprising ground floor shop units with residential units above.

2. Description of Proposal

- 2.1 This planning application relates to the demolition of the existing garage buildings and construction of 8 apartments (3-storey) and 1 no. 3 storey detached house.

- 2.2 The proposal would comprise 1 no. one bedroom flat, 3 no. two bedroom flats, 4 no. three bedroom flats and 1 no. four bedroom house. Access into the development would be taken from Athelstan Road. The development would provide parking on a hardstanding to the front of the development along Athelstan Road and Fitzilian Avenue and to the rear at a rate of 1 space per flat, two spaces for the house and two visitor spaces.
- 2.3 Cycle and refuse storage will be provided to the rear of the property.

3. History

- 3.1 P1117.97 - Demolition of property - Approved with Conditions
- 3.2 P1185.07 - Proposed construction of three two bed flats - Refused and Dismissed on Appeal
- 3.3 P0819.13 - Demolish existing garage buildings and erect 8 apartments (3 storey) and 1 no. 3 storey detached house - Approved

4. Consultation/Representations

- 4.1 Notification letters were sent to 77 neighbouring properties and 1 letter of objections was received raising concerns regarding the improper removal of the old fuel tanks.
- 4.2 The Council's Environmental Health Service requested a contamination condition in the event of an approval.
- 4.3 The Highway Authority has raised no objection to the proposal however requested conditions for visibility splays, vehicle access and vehicle cleansing in the event of an approval.
- 4.4 The London Fire and Emergency Planning Authority have raised no objection to the proposal.

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 more than two dwellings. The main issues to be considered by Members in this case are the principle of development, amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Background

- 6.2.1 A previous application for the same amount of units was granted permission under P0819.13 by the Regulatory Services Committee on 14 November 2013.

- 6.2.2 The main differences to the current proposal are: the introduction of a 2m separation distance between the proposed development and No.8 Fitzilian Avenue, some modifications to the external design, an increase in parking along Athelstan Road, revised cycle and refuse store layout, revised amenity space layout and revisions to the internal floor layout.

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.

- 6.3.2 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 50m² for a 1-bed 2-person flat, 61m² for a 2-bed 3-person flat, 74m² for a 3-bed 4-person flat and 106m² for a 4-bed 5-person three storey house. Apart from the 3- bed-4-person flat which at 73.2m² is only marginally below the requirement, the proposed flats and detached house are in line with these minimum guidelines and considered acceptable.

6.4 Site Layout / Amenity Space

- 6.4.1 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.

6.4.2 Limited amenity space is provided to the rear of the development in the form of a communal garden. The ground floor flats would also have patio areas to the rear of the buildings. Balconies are provided to the rear of the building for some of the 1st and 2nd floor units. Staff do not consider the amenity space to be unacceptable given the site constraints. The amenity space provided would in fact be in excess of that which was approved under P0819.13.

6.4.3 The residential density range for this site is 50 - 80 units per hectare and 200-250 rooms per hectare (PTAL 3-4). The proposal would result in a density of approximately 90 units per hectare and 180 rooms per hectare. Although the no of units per hectare is in excess of the recommended range consideration should be given to the site constraints and the proposal being for flatted development.

6.4.4 In terms of site layout, the proposed development has a similar footprint to the existing commercial structures on the site. Development would mostly be situated close to the building lines of Fitzilian and Athelstan Road with a relatively spacious area left to the rear of the proposed buildings. Staff therefore consider the development to be acceptable in term of layout and would not be an overdevelopment of the site.

6.5 *Impact on Local Character and Street Scene*

6.5.1 The proposal consist of two, 3 storey buildings. The bigger of the buildings would consist of 8 flats and is set 2m off the existing 3-storey building on Fitzilian Avenue and wraps around the corner of Fitzilian Avenue and Athelstan Road. The design of the main building aims to match the fenestration of the existing 3 storey structure on Fitzilian Avenue in order to minimise the potential impact on the streetscene from a visual point of view. The 3 storey design is broken up on the return elevation fronting Athelstan Road by vertical glass panels which serve the main staircase to the flats at ground, first and second floors. The proposal follows the existing building lines along Fitzilian Avenue, with the return elevation slightly set forward of the building line along Athelstan Road. Staff do not consider the slight forward projection unacceptable given that the building would still be well set back from Athelstan Road.

6.5.2 Staff consider the potential impact on Fitzilian Avenue to be acceptable as the design principle mostly mirrors that of the existing 3-storey building along this road. The deviation from the design at ground floor is considered acceptable and not considered harmful when viewed from Fitzilian Avenue.

- 6.5.3 The main return elevation along Athelstan Road is also considered acceptable as it is similar in height to the residential properties along this road. Although the proposed development would have more of a visual presence on this corner location compared to the existing single storey development on the site, Staff do not consider it to result in an unacceptable impact given the similar building along Fitzilian Avenue as well as another flatted development across the road from Fitzilian Avenue.
- 6.5.4 A smaller 3 storey detached residential building is proposed to the side of 52 Athelstan Road. This structure would have similar design characteristics to the main flatted development and would be separated from the main development by a 4.9m wide access road. Staff consider this detached dwelling to be acceptable within the streetscene as it will be seen in relation to the main building proposed and given the similar design characteristics. The detached building would also be lower than that of the flatted development and the semi-detached house at 52 Athelstan Road.
- 6.5.5 In conclusion Staff do not consider the proposal to be out of keeping in this location and the surrounding area and will in fact be a visual improvement to the existing garage buildings and workshops on site.

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 Staff do not consider the proposed development to have an unacceptable impact on neighbouring amenity. Windows and a balcony to the rear elevation of the proposed building along Fitzilian Avenue would overlook commercial premises and a residential garage site to the east and southeast. The only potential impact would be to No. 52 Athelstan Road which is situated to the south of this building. Any potential impact to this dwellings rear garden is considered acceptable as there is a back to side separation distance of approximately 28m. It should also be noted that most of the views would be blocked by the return elevation along Athelstan Road.
- 6.6.3 Views from the rear elevation of the return elevation along Athelstan Road are also considered acceptable as it would overlook ground floor buildings to the rear of commercial premises situated to the east and a garage court to the southeast. The closest residential premises to the east are flats with a back to back distance of approximately 29m. The balconies have been designed in such a way that any views to the south would be blocked by a 1.8m high screen to mitigate overlooking the rear garden of No. 52 Athelstan Road.

6.6.4 Any overlooking as a result of the detached dwelling would be similar to that of the return elevation mentioned previously and is considered acceptable.

6.6.5 In term of outlook and loss of light, Staff do not consider the proposal to have an unacceptable impact as it would not project forward of the front building line or beyond the rear building line of the adjacent building along Fitzilian Avenue. Any impact on No. 52 Athelstan Road is also considered acceptable as the rear projection would be in line with this neighbour's rear building line with a separation distance of 2.2m between the rear projection and this neighbouring dwelling. The favourable orientation of this residential property to the south of the development is further mitigating circumstances to any potential impact on loss of light.

6.7 *Highways / Parking Issues*

6.7.1 Car parking is proposed across the development at a rate of 1 space per unit for the flats, two spaces for the detached dwelling and two visitor spaces. The site is located within PTAL Zone 3-4, where 1.5-1 parking spaces are anticipated per unit for flats and 2-1.5 spaces per dwelling. The proposal therefore complies with policy guidance and is considered acceptable.

6.7.2 The proposal includes cycle storage provision. A condition will be attached in the event of an approval to provide details of the cycle storage.

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 455.5m² (724.2m² minus existing floor area of 268.7m²) which, at £20 per m², equates to a Mayoral CIL payment of £9,110 (subject to indexation).

6.9. *Planning Obligations*

6.9.1 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.

6.9.2 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 £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.

6.10 *Other Issues*

6.10.1 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 secure by design conditions.

10.2 A refuse area has been provided to the rear of the property. A condition will be imposed to provide detail of the refuse and recycling arrangements.

11. **Conclusion**

11.1 In conclusion, residential development on the site is considered to be acceptable in principle. There would be no harmful impact on neighbouring amenity and the proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene and surrounding environment. Parking and amenity provision are considered acceptable. It is recommended that planning permission be granted, subject to the completion of the relevant 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.

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:

None

BACKGROUND PAPERS

1. Application forms and plans received on 17/12/14, revision received on 09/01/15 and 04/02/15.

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REGULATORY SERVICES COMMITTEE

19 February 2015

REPORT

Subject Heading:

**P1378.14: 50 Purbeck Road,
Hornchurch**

**Retention of an existing one-bedroom
duplex flat. (Application received 7
October 2014)**

Ward:

Hylands

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 checked="" 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 retention of an existing one-bedroom duplex flat created in a side extension to the dwelling at 50 Purbeck Road, Hornchurch.

On balance the proposal is considered to be unacceptable and raises concerns in relation to the insufficient arrangement of amenity space and inadequate on site car parking provision resulting in an excessively dense over-development of the site and a substandard form of residential accommodation in terms of its internal spacing arrangements.

This matter has been called in to committee by Councillor Pain as the applicant feels they were poorly advised by planning staff in 2010 on a proposal to extend the property which has led to the current breach of planning control.

RECOMMENDATIONS

That planning permission is refused for the following reasons:

1. The development would, by reason of the lack of direct access to the amenity space from the upper floor flat and the overlooked nature of the amenity area make inadequate amenity space provision on the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.
2. The development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the LDF Development Control Policies Development Plan Document.
3. The development would, by reason of the number of units on the site and resultant cramped living accommodation, poor arrangement and functionality of the amenity area and insufficient parking, result in an excessively dense over-development of the site to the detriment of the character and amenity of the surrounding area and the amenity of future occupiers contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document.

4. The proposal would provide accommodation which is below the Mayoral minimum size standard. It is considered that the limited floorspace would result in a substandard level of living space for the occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the SPD on Residential Design and Policy 3.5 and Table 3.3 of The London Plan.
5. In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards infrastructure costs of new development, the proposal is contrary to the provisions of Policy DC72 of the LDF and the Havering Planning Obligations Supplementary Planning Document.

INFORMATIVES

1. 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.

REPORT DETAIL

1. Call In

- 1.1 This application has been called in by Councillor Pain on the grounds that the applicant considers they were poorly advised by planning staff in 2010, which has led to the current breach of planning control.

2. Site Description

- 2.1 The application relates to the property at 50 Purbeck Road, Hornchurch. The building was originally constructed as a two storey semi-detached house. In 1959 planning permission was granted for the conversion into two self-contained flats, with the upper floor becoming No.50a and the ground floor remaining as No.50.
- 2.2 In 2010 planning permission was granted for a two storey side extension to enlarge No.50 and change it from a ground floor flat into a split level maisonette. However, once constructed the extension was converted into an unauthorised self-contained one-bedroom duplex flat and since January 2014 has been rented out as 50b Purbeck Road.

- 2.3 The property is situated with a garden to the rear and a parking area to the front. The site is located in a predominantly residential area characterised by two storey semi-detached dwellings.

3. Description of Proposal

- 3.1 The application is seeking planning permission retrospectively for the retention of a one-bedroom duplex flat.
- 3.2 Effectively the two storey side extension built in 2010 has been partitioned off internally and converted into separate self-contained living accommodation. At ground floor level the dwelling comprises a combined kitchen and lounge, a downstairs WC and a hall and at first floor level a bedroom and a bathroom.
- 3.3 The rear garden would be subdivided between the two properties providing private amenity space areas of 91 square metres for the additional dwelling and retaining 88 square metres for No.50. The existing first floor flat at No.50a would have no access to the amenity space.
- 3.4 The parking area to the front and dropped kerb access from Purbeck Road is currently shared between the dwellings providing 3no. off street car parking spaces.

4. Relevant History

- 4.1 P0760.10 - Two storey side extension and single storey rear extension, to convert ground floor flat into 1 bedroom maisonette and alterations to layout of garden area – Approved.
- 4.2 P1692.09 - Single storey rear and double storey side extension to convert ground floor flat into 1 bed maisonette and alterations to layout of garden areas – Approved
- 4.3 P0923.09 - Two storey side/rear extension to form additional one bed flat – Refused
- 4.4 P0011.09 - Single/two storey side/rear extensions to create new one bedroom flat unit – Refused
Appeal Ref: APP/B5480/A/09/2106451 – Dismissed.
- 4.5 P1603.08 - Single storey rear extension to existing ground floor flat and single/two storey side/rear extension to create one-bed dwelling – Refused
- 4.6 P1568.08 - Proposed extension to existing dropped kerb – Approved
- 4.7 ES/HOR179/59 – Conversion into 2 flats – Approved

5. Consultations/Representations

- 5.1 Notification letters were sent to 14 properties and no representations have been received.
- 5.2 Local Highway Authority – object to the proposal on the grounds of insufficient off-street car parking provision.
- 5.3 Environmental Health – no comments.

6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD.
- 6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

7. Staff Comments

- 7.1 The main considerations relate to the principle of the development and the layout of the scheme, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

Background

- 7.2 In 2008 planning permission (P1603.08) was sought to extend No.50 with single and two storey side and rear extensions. At the same time permission was sought to use the extensions as a separate flat. Planning permission was refused on the basis that the proposals would leave the upper floor flat (No.50a) with no direct access to the rear garden. The Council's decision also cited a lack of off-street car parking together with a concern that the proposals would result in a cramped living environment.

- 7.3 Two further amended planning applications were made during 2009 (ref: P0011.09 and P0923.09), however both of these applications were refused for similar reasons to those outlined above.
- 7.4 An appeal was lodged against the refusal of application P0011.09 and was subsequently dismissed by the Inspector. In reaching a decision the Inspector concluded that the proposed amenity space would not be acceptable for the residents of the property as a whole. The inspector also considered that whilst the proposed extensions were unobjectionable, the resultant development density would be out of keeping with the surroundings. Finally, the Inspector concluded that the proposed car parking provision would be inadequate for the flats.
- 7.5 In late 2009 planning permission (P1692.09) was sought to extend the property with single and two-storey side extensions. The proposals were to enable the enlargement of the existing ground floor flat at No.50 to create a maisonette. Recognising that the layout of the extension had the potential to be used as a separate residential unit, the Council agreed to grant planning permission subject to the applicant entering into a Unilateral Undertaking. The purpose of the legal agreement was to prevent the subdivision of the enlarged No.50 without the prior consent of the Council.
- 7.6 A further planning application (P0760.10) was made in 2010 for a proposal of the same nature as P1692.09, albeit with a different roof form to the side extension and an enlarged first floor to create a bigger bathroom. This application was also approved by the Council subject to a new legal agreement to prevent the subdivision of No.50 without prior consent. As such planning application P0760.10 was implemented and the extensions were built under this permission.

Principle of Development

- 7.7 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 7.8 In terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area in a sustainable location.
- 7.9 Policy DC4 states that subdivision of existing units can provide an important source of additional housing for smaller households. As a result the policy supports the subdivision of dwellings to create self-contained residential accommodation provided that the dwelling has reasonable outlook and aspect, a separate sleeping area and safe and secure access from the street.
- 7.10 In this sense the additional dwelling appears to adhere to the principles of the policy. However, the policy clearly outlines that care and consideration

should be given to ensure that the standard of the resultant new dwellings is satisfactory both in terms of the standard of accommodation provided and its impact on the surrounding environment. As a result, establishing whether the principle of the development is acceptable requires further assessment. A more detailed discussion in relation to these matters is set out in the following sections.

Density/ Layout

- 7.11 Policy DC2 of the LDF provides guidance in relation to the dwelling mix and density within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 7.12 The application site falls within an area designated as ‘the rest of the borough’ where the appropriate density for new development would be 30-50 dwellings per hectare. This area is residential in nature and, since the site comprises an area of 0.035 hectares the proposal for an increase from 2 to 3 flats would result in a density of 85 dwellings per hectare which would be substantially higher than the appropriate level for the area.
- 7.13 With regard to the appeal on the previously refused application for a similar proposal, the Inspector noted that this “would result in a development of excessive density which would be out of keeping with the surroundings”. Effectively the same development has been implemented by the applicant and it is considered that the Inspector’s observations remain relevant.
- 7.14 The cumulative effect of poor quality homes and the citywide benefits improved standards would bring is a strategic issue and concern of the London Plan. As such Policy 3.5 advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The relative size of all new homes is a key element of this strategic issue and to this end the policy requires that new residential development conform to minimum internal space standards.
- 7.15 No standard is given for one-bedroom two storey houses but due to the internal layout it is considered reasonable in this instance to regard the additional dwelling as a duplex flat. Under these circumstances it is appropriate to apply the nearest standard which relates to one-bedroom flats for two occupants and requires a minimum internal floor area of 50 square metres. The additional dwelling has a total internal floor area of just 46.2 square metres, a figure which includes the non-habitable areas such as the circulation space and store cupboards. As such the internal spacing of the additional dwelling falls considerably below the London Plan minimum standard and staff take this as being indicative of the overall cramped living conditions. It is therefore considered that the unit is of an insufficient size for day to day living with regard to the adopted guidelines.

- 7.16 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 7.17 A third one bedroom flat has been provided at the property with the rear garden split into two strips providing private amenity space areas of 88 square metres and 91 Square metres respectively. The plans show a gate to one of the rear gardens via a side access shared with no. 48 Purbeck Road. If the rear amenity space was to be shared with No.50b then the residents of the first floor flat at No.50a would be required to leave via the front door and then walk via the side access to reach the rear amenity space. However, the applicant's supporting statement indicates that despite the subdivision of the garden this arrangement has never been implemented and the first floor flat has been rented out for the past 6 years on the basis that no amenity space is provided.
- 7.18 In reaching a decision to dismiss the appeal on the previously refused scheme the Inspector concluded that the proposed amenity space would not be acceptable for the residents of the property as a whole. Effectively the development results in the provision of an additional dwelling, but only provides private garden space for two of the flats.

Impact on Amenity

- 7.19 The additional dwelling is located in a two storey extension abutting the property boundary with the shared passageway with No.48 and as such is not situated in close proximity to any other dwellings than was previously deemed to be acceptable under the approved application for the extension. The creation of the additional dwelling has not resulted in the installation of any new windows or alterations harming the amenity of the neighbouring dwellings.
- 7.20 The additional dwelling can demonstrate a reasonable outlook and aspect, a separate sleeping area and safe and secure access from the street. However, the internal spacing arrangements of the flat are considered to be overly cramped and below recommended standards set out in the London Plan. As such staff are of the view that the development creates a confined and restricted dwelling resulting in a poor quality standard of accommodation that would be harmful to the amenity of the occupants. The application is therefore considered to be contrary to Policy DC4 of the LDF and 3.5 of the London Plan.

Environmental Issues

- 7.21 The site was previously in use as a part of a residential garden curtilage and as such there are no historical contaminated land issues associated with the plot.
- 7.22 The site is not located within a Flood Zone and presents no issues in relation to flood risk.

- 7.23 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

Parking and Highway Issues

- 7.24 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The site has a low Public Transport Accessibility Level (PTAL) and therefore, to accord with Policy DC2, new residential development in this location is required to provide a high car parking provision of 1.5 to 2 no. spaces per unit.
- 7.25 The proposal can demonstrate off street car parking provision for 3no. vehicles along the frontage with Purbeck Road, equating to one parking space per flat.
- 7.26 When dismissing the previous appeal the Inspector noted that with regard to the availability of public transport, the application site is over 1 mile from the nearest national railway station in Romford and further from the nearest London Underground at Elm Park. Bus services which serve Hornchurch and Romford Town Centres run along Hornchurch Road some five minutes walk from the site. The inspector went on to state that the provision of 1.5 - 2 parking spaces per dwelling unit is required in this area and as such the proposal would therefore fail to meet the Council's minimum parking requirement and, is therefore a manifestation of the over-development of the site.
- 7.27 The Local Highway Authority Have objected to the proposal due to the insufficient provision of off street car parking.
- 7.28 While there are no parking restrictions in the vicinity of the appeal site, the proposal would be likely to result in an increase in demand for on-street parking which would be detrimental to traffic circulation and contrary to the requirements of policy DC33 of the adopted LDF which requires that parking provision should be made in accordance with the Council's standards. Staff therefore consider that the development creates conditions that are likely to materially adversely affect the free flow of traffic and highway safety in the vicinity of the site.

Community Infrastructure Levy and Developer Contributions

- 7.29 The development creates 1 no. new residential unit within an existing extension which was approved prior to the introduction of Mayoral CIL. The proposal does not result in the creation of any net additional gross internal floorspace and is therefore not liable for Mayoral CIL.
- 7.30 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".

- 7.31 The proposal is liable to a contribution of £6,000 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.
- 7.32 As the scheme is recommended for refusal, the lack of ability to secure this contribution is given as a separate refusal reason.

8. Conclusion

- 8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be unacceptable.
- 8.2 Staff consider that the development raises concerns in relation to the insufficient arrangement of amenity space and inadequate on site car parking provision resulting in an excessively dense over-development of the site and a substandard form of residential accommodation in terms of its internal spacing arrangements.
- 8.3 If Members are minded to grant planning permission, Staff suggest that conditions shall be placed that consist of at a minimum: car parking provision, refuse storage and cycle storage, together with a requirement to enter into a unilateral undertaking to secure the planning infrastructure contribution.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement, should the application be approved.

Legal implications and risks:

Legal resources will be needed to draft the legal agreement, should the application be approved.

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 PAPERS

Application form, drawings and supporting statements received on 7 October 2014.

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REGULATORY SERVICES COMMITTEE

19 February 2015

REPORT

Subject Heading:

P1635.14 1-1a Chase Cross Road, Collier Row, Romford

Ward:

Extension of first floor to form 2no. one-bed flats and extension and sub-division of ground floor for A1 and A3 use including new shop fronts. (Application received 27/10/2014)

Havering Park

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
Suzanne.terry@havering.gov.uk
01708 4322755

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

Financial summary:

Not Relevant

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

The application site lies within a designated fringe area of the Collier Row Minor District Centre where the proposed development is considered to be acceptable in principle. Planning permission has been granted in 2008 and 2011 for similar development, but which has not been implemented. The design and layout of the development is considered acceptable and the proposed flats would provide an acceptable standard of accommodation for future occupants. The proposal would provide an enhancement of the retail frontage and have a positive impact on the character and appearance of the area. There would be no significant impacts on the amenities of nearby residents. No parking is proposed for residents which was the case for the earlier application. There is unrestricted on-street parking in the area. Subject to the prior completion of a S106 agreement to secure an infrastructure contribution of £12,000 and to restrict applications for parking permits should restriction be imposed the grant of planning permission is recommended.

RECOMMENDATIONS

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 £1400 subject to indexation. This is based on the creation of 70 square metres of new gross 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:

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme

- A financial contribution of £12,000 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. *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.

4. *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.

5. *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.

6. *Secured by Design* - The development hereby permitted shall not 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. 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 and DC63 of the LDF Development Control Policies Development Plan Document.

7. *Lifetime Homes* - The development 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.

8. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development 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.

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 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.

11. *Boundary Treatment* - No part of the building shall be occupied until boundary fencing is provided along the boundaries of the site to Clockhouse Lane in accordance

with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall be permanently retained and maintained thereafter.

Reason:- To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. *Obscure-glazing* - The first floor flats shall not be occupied until a screening panel between the proposed balconies has been provided to a minimum height of 1.7 metres and which shall be permanently glazed with obscure glass to a glazing rating level of a minimum of level 3.

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

13. *A3 use Hours* –The restaurant (A3) unit shall not be open to customers outside of the following times 9:00 hours and 23:00 hours Mondays to Sundays, including Bank and Public Holidays.

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

14. *A1 use opening* - The retail (A1) unit shall not be open to customers outside of the following times: 07:00 hours to 23:00 hours Monday to Sunday including Bank and Public Holidays.

Reason: To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policy DC61.

15. *Extraction equipment* - The restaurant (A3) use shall not commence until a scheme for the installation of equipment to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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

16. *Mechanical ventilation* - The restaurant (A3) use shall not commence until a suitable mechanical ventilation system is installed in accordance with a scheme to control the transmission of noise and vibration which has been previously submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated in accordance with the scheme during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61

1. *DMO Statement* - Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with paragraphs 186-187 of 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 £1400 (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 obligations required 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. *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 432563 to make the necessary arrangements. Further details are available on the Council website.

5. *Secured by Design* - 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

REPORT DETAIL

1. Site Description

1.1 The application site comprises a part single storey and part two storey building that lies at the roundabout junction of Clockhouse Lane and Chase Cross Road. The application property is part of a terrace of four that are finished in an

art deco style with white render and facing brickwork. The main frontage of the terrace is onto Chase Cross Road, but there is also rear access from Clockhouse Lane. No.1 is the single storey part of the building which is set behind the Chase Cross Road frontage and is currently in retail (A1) use. No.1a is the two storey section which has a vacant unit on the ground floor and an office and storage area on the first floor. The building lies within a fringe area of the Collier Row Minor District Centre.

- 1.2 There is no vehicular access to the building either from Clockhouse Lane or Chase Cross Road. There is a pedestrian barrier along the whole length of the road frontages. There is a small yard to the rear of the building which provides access to the ground floor units.
- 1.3 The adjoining properties in the terrace are also within the Centre and have A5 (takeaway) and A3 uses on the ground floor with flats above. The District Centre extends further along Collier Row Road to include the former 'Buddies' Driving School site. Beyond that property the area is predominantly residential.

2. Description of Proposal

- 2.1 It is proposed to extend the shop frontage of no.1a on Chase Cross Road by about 1.2 metres and remove internal walls and storage areas to increase the floor space which would be split between the restaurant (A3) and retail (A1) uses. The frontage to the proposed A3 unit would be extended and new glazed frontages are proposed to both units. The existing first floor office space would be extended over most of the area of the existing ground floor to form two one-bed flats with balconies facing out onto the street. Some of the existing single storey elements on Clockhouse Lane would be demolished to facilitate the redevelopment. The enlarged building would have a flat roof similar to the existing. The appearance of the front elevation at first floor level would remain broadly unchanged.
- 2.2 Access to the flats would be from Clockhouse Lane. Part of the existing rear yard would be retained to provide access for deliveries to the ground floor units and to provide bin and cycle storage for the flats.

3. Relevant History

P0401.03 - Reconstruction of ground floor annex plus first floor extension - approved

P0001.08 Change of use of 1st floor to residential, first floor and single storey side/rear extensions – approved.

P0727.11 Alterations and extensions to form 2 no. 1-bed flats and increase retail area to ground floor – approved.

4. Consultations/Representations

- 4.1 London Fire Brigade (Water) is happy for the development to go ahead.

- 4.2 Thames Water advises that there are public sewers close to the development site and that any works within 3 metres would require it approval.
- 4.3 Public Protection requests a condition covering noise insulation.
- 4.4 Essex and Suffolk Water has no objections on the condition that a new metered water connection is made to its network for the units.
- 4.5 Streetcare (Highways) has no objection to the increase in commercial area as the amount of associated deliveries are likely to be similar to that for the existing authorised uses. Object to the lack of residential parking which is likely to create overspill in nearby, unrestricted streets. However, in view of earlier planning decisions consider that a legal agreement to restrict applications for parking permits in the future would address the issue.

5. Relevant Policies

- 5.1 Policies CP1-Housing Supply; CP17 – Design; CP2 - Sustainable Communities; DC2 - Housing Mix and Density; DC3 - Housing design and Layout; DC 16 (Core and fringe frontages in district and local centres), DC33 - Car Parking; DC49 - Sustainable Design and Construction; DC61 - Urban Design; DC62 – Access; DC7 - Lifetime Homes and Mobility Housing; DC72 - Planning Obligations of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are relevant considerations.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments) and 6.13 (parking) of the London Plan and the guidance in the National Planning Policy Framework are also material considerations.

6. Staff Comments

- 6.1 The main issues for consideration are the principle of the development, its impact on the character and appearance of the street scene, impact on neighbouring amenity and parking and highway issues. In respect of these issues regard also need to be had to a recent decision by the committee in respect of the 'Buddies' School of Motoring Site nearby. This was an application for the demolition of the existing building and redevelopment for ground floor retail with flats above. This was refused on the grounds of inadequate parking for the residential units and inadequate servicing and delivery arrangements. This application differs in that it involves the retention of the existing building and uses with a first floor extension to provide for the residential units.

Principle of the development

- 6.2 The site is located in the fringe area of Collier Row Minor District Centre. The ground floor already has an A1 use and no.1a has previously been used as a

restaurant (A3). The proposed extensions/modifications to provide additional floor space would, therefore, be acceptable in principle. LDF Policy DC16 allows A1 retail uses throughout the primary shopping area and non-retail uses, including A3, in fringe areas are acceptable at ground floor level. Policy CP1 accepts the principle of mixed-use developments in town centres and DC4 accepts the conversion of existing buildings to residential. The NPPF also encourages residential development in town centres at appropriate sites. In principle the development would accord with NPPF, London Plan and LDF policies.

- 6.3 Planning permission was granted in 2008 and 2011 for a similar development at the site. The 2008 application was for the extension of the first floor to provide a two-bed flat and alterations to the shop front. The 2011 application was the same as currently proposed with two one-bed flats within a larger extension to the first floor compared to the 2008 proposal and enlarged ground floor accommodation for retail use. The main difference is that no restaurant use was proposed. Permission was granted in both cases without any parking provision or specific delivery arrangements. These permissions have established the principle of no parking for the residential units and are a material consideration.

Design/Impact on Streetscene

- 6.4 At ground floor level there would only be minor changes in the layout through the extension of the existing frontage of the former restaurant unit, a new entrance lobby to serve the flats from Clockhouse Lane and changes to the retail frontage. These proposals would enhance the streetscene and appearance of the area as part of the minor district centre.
- 6.5 In terms of the first floor extension there would be no change to the elevation above the restaurant which would extend around the building onto Clockhouse Lane. The extension would be in a similar style to the existing frontage in Chase Cross Road and would bring about an overall improvement in the appearance of the building thereby enhancing the streetscene.

Density/Site layout

- 6.6 The proposed one-bed flats would meet the minimum space standards set out in Policy 3.5 and Table 3.3 of the London Plan. The proposed density would also be within the range set out in London Plan Policy 3.4 and Table 3.2 but above that in LDF policy DC2. However, these figures only provide a guide to appropriate densities and as only two flats are proposed which are above existing retail, a higher density is considered acceptable.
- 6.7 The Residential Design SPD recommends that every home should have access to amenity space that is both private and usable. For flatted development this can include balconies. The SPD states that balconies should be incorporated into all flatted 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. Both of the proposed balconies would have a depth and area which

complies with policy. The balconies would be sufficiently screened from each other to provide a sufficient degree of privacy and amenity for future occupiers.

- 6.8 In terms of layout Policy DC4 states that subdivided or converted residential units should have a safe secure access from the street and decent outlook and aspect. An entrance is proposed from Clockhouse Lane which would provide safe and secure access. The balconies would have an outlook over the street which would provide a less than ideal outlook. However, it is not unusual to have balconies overlooking the street and given the site's configuration there are no alternative options for amenity space. The balconies would be large enough to provide for some 'landscaping' in terms of pot plants and views over the street could be screened to provide additional privacy. The site's size and configuration would not allow for any other landscaping. On balance staff consider that the proposed amenity space provision would be acceptable.

Impact on amenity

- 6.9 The proposed ground floor alterations would not result in any significantly greater impact on neighbouring properties. Those on the ground floor are either takeaways or restaurants and whilst there are some flats at first floor level the proposals would not significantly intensify the existing authorised uses. Future occupiers of the proposed new first floor flats could experience some disturbance from the ground floor uses, mainly as a result of noise. Sound insulation would be dealt with through the Building Regulations and future occupiers would be aware of the site's location within a shopping centre where a higher level of activity would normally be expected, including the evening compared with a residential area. As there is no on-site parking associated with the ground floor uses there would be no significant impact from evening uses due to vehicle movements or from deliveries. Overall the impact on amenity is considered to be acceptable. Conditions are however recommended to control opening hours and to ensure the use of suitable ventilation and extraction equipment.

Highways/Parking Issues

- 6.10 LDF Policy DC36 seeks to ensure that new town centre developments make adequate provision for servicing. There are no off-road facilities for deliveries to the ground floor units as there are pedestrian barriers along the highway frontage to both Clockhouse Lane and Chase Cross Road. Both of the units would be serviced from Clockhouse Lane and there is expected to be little change from the existing situation. Given the size of the units the number of deliveries is not expected to be significant and would not materially change from the current position. The Highway Authority has confirmed that this would be acceptable.
- 6.11 In respect of the application for the nearby 'Buddies' site considered by members at the 8th January meeting, the Highway Authority requested a contribution towards the provision of unloading facilities in Clockhouse Lane. However, in this case no such contribution has been sought as there would be little or no change in existing conditions. It is considered there are material

differences between the scale and nature of the respective developments, including a difference in floorspace, with the Buddies proposal around twice the gross floorspace at over 400 square metres.

- 6.12 With regard to parking for the flats the site has a PTAL of 3 and LDF Policy DC2 would normally require 1.5-1 spaces per unit. However, the London Plan would accept less than one space per unit and the 2008 and 2011 permissions were granted without any parking. Parking cannot be accommodated within the site and there is currently unrestricted on-street parking in the locality. Whilst objecting to the lack of provision the Highway Authority has requested that the applicant enter into a planning agreement restricting future occupiers applying for parking permits. This would be consistent with the recommendation for the 'Buddies' site. Subject to the agreement the position regarding parking is considered acceptable.

Section 106 Planning Obligations

- 6.13 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".
- 6.14 The proposal is liable to a contribution of £12,000 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.

7. Mayoral CIL Implications

7.1 The proposal would be liable for Mayoral CIL based upon the net increase in the gross internal floorspace. The floorspace of existing buildings can be taken into account if lawfully used for at least six months over the last three years. In this case the floorspace that has been in lawful use amounts to 159 square meters and the total new build would amount to 229 square metres. As a consequence there would be a net increase in floorspace of 70 square metres giving rise to a CIL liability of £1,400 at £20 per square metre.

8. Conclusions

8.1 The site lies with a Minor District Centre where the proposed development is considered acceptable in principle. Planning permission for similar development has previously been granted, but not implemented. The design and appearance of the extended first floor would be in keeping with the existing frontage onto Chase Cross Road and maintain the character and appearance of that part of the shopping centre. The proposed changes to the existing ground floor retail unit along Clockhouse Lane would bring about significant improvements to the character and appearance of the area which currently has a run-down appearance. The development is considered acceptable in terms of impact on adjoining properties and the residential development would provide an acceptable level of accommodation for future occupants. Subject to a legal agreement on resident parking permits the proposal is acceptable in highway terms.

8.2 There would be a financial contribution of £12,000 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, the London Plan and NPPF. 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

1. Application forms and plans received 27/10/2014 and revised plan received 29/01/2015

**REGULATORY
SERVICES
COMMITTEE**

REPORT

19 February 2015

Subject Heading:

P1422.14 The Old Forge, Hall Lane,

Ward:

Demolition of drain clearance and design factory to create 4 no. 3- bedroom dwellings (2 no. semi-detached properties)(Application received 29/10/2014)

Harold Wood

Report Author and contact details:

Suzanne Terry
Interim Planning Manager
Suzanne.terry@havering.gov.uk
01708 4322755

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

Financial summary:

Not Relevant

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]
- Value and enhance the life of our residents [x]
- Delivering high customer satisfaction and a stable council tax []

SUMMARY

The site lies in the Green Belt where new residential development would normally be considered inappropriate. However, planning permission has previously been granted (P0783.11) for the same development as currently proposed. In that case it was judged that 'very special circumstances' existed sufficient to justify an exception. There were no objections on highway or amenity terms. Since that decision government guidance on Green Belt development has been revised through the National Planning Policy Framework. This accepts that the redevelopment of brownfield sites such as this one may be appropriate in the Green Belt subject to there being no greater impact on openness. As there have been no material changes to local site circumstances it is considered that the judgement made in 2011 remains relevant and provides weight in favour of the current application. However, staff judge that the development would have a material adverse impact on the openness of the Green Belt and as such would be inappropriate development in the terms of the NPPF. On balance staff consider that the case made for very special circumstances still provides sufficient weight to make the development acceptable. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement. However, should members consider that 'very special circumstances' have not been adequately demonstrated then there would be a case for refusing permission on Green Belt grounds.

RECOMMENDATIONS

1. That the Committee notes that the development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. However, in this case as there would be no net increase in internal floorspace no charge would be payable.
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 £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.
- The Developer/Owner to pay the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That 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* – With the exception of the access details covered separately by condition 8 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 dwelling unit shall be occupied 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 permanently made 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. *Secured by Design* - The development hereby permitted shall not 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. 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 and DC63 of the LDF Development Control Policies Development Plan Document.

8. *Sight Lines* – Notwithstanding the details shown on drawing 996/01B there shall be a single access to the site from Hall Lane which shall be constructed in accordance with details that are to be submitted to and approved in writing by the local planning authority prior to the commencement of development. The access shall be designed to provide a 2.4 metre by 90 metre vehicular visibility splay on either side of the access, set back to the edge of carriageway. 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.

9. *Pedestrian visibility* - Pedestrian visibility splays – Pedestrian visibility splays shall be provided on either side of the access onto Hall Lane of 2.1 by 2.1 metre back to the boundary of the public footway. Thereafter the visibility splay shall be permanently retained and kept free from obstruction or object higher than 0.6 metres.

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

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. *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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. 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 breakdown 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.

12. *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.

13. *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.

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

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

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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

15. *Obscure-glazing* - The proposed flank window to the first floor bathroom of the property nearest the northern boundary of the site identified on drawings no. 996/01B and 996/02 shall be non-opening below 1.7 metres measured from the floor of the bathroom and permanently glazed with obscure glass to a minimum of level 3 and thereafter maintained as such.

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

16. *Boundary Treatment* – No part of the building shall be occupied until screen fencing is provided along the site boundaries in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall be permanently retained and maintained thereafter.

Reason: To protect the visual amenities of the development and prevent undue overlooking of adjoining property, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

17. *Permitted Development* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, Classes A, B, C, D, E and F, no enlargement, improvement or alteration of the dwellinghouses, no enlargement of a dwellinghouse consisting of an addition or alteration to its roof, no other alteration to the roof, no erection or construction of a porch outside any external door of the dwellinghouses, no curtilage buildings, enclosures, swimming or other pool enclosure or the maintenance, improvement or other alteration of such a building or enclosure, no container for domestic heating purposes for the storage of oil or liquid gas and no hard surface or replacement in whole or in part of such a surface 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. *Flank Window* - 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 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.

19. *External and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas of the development, 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.

20. *Vehicle access* - All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway required by condition 8 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 CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

21. *Lifetime Homes* - The development 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.

22. *Prior completion of access* - No building shall be occupied or use commenced until the site access has been constructed in accordance with the details approved under condition 8 above.

Reason: In the interests of highway safety in accordance with Policy DC61 of the Development Control Policies DPD.

23. *Site Clearance* No residential development in accordance with this permission shall be commenced until all of the existing buildings and hardstanding have been demolished in their entirety and any waste materials removed from the site.

Reason: To ensure the development is acceptable in accordance with Policies DC3, DC45 and DC61 of the Development Control Policies DPD.

24. *Ground Levels* No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: In order to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

Informatives

1. *DMO Statement* - Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with paragraphs 186-187 of 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 no CIL is payable as there would be no net increase in internal floorspace arising as a result of the development.

3. *Planning obligation* - The planning obligations required 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. *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 432563 to make the necessary arrangements. Further details are available on the Council website.

5. *Highway alterations* – The Highway Authority advises 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 necessary agreement, notice or licence to enable alterations to the public highway (including temporary works) must be entered into prior to the commencement of the works concerned. In order to obtain a licence for the works the applicant should contact Streetcare, Traffic & Engineering on 01708 433750 to commence the submission/licence approval process.

6. *Secured by Design* - 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site, which amounts to 0.125 hectare lies within the Green Belt on the eastern side of Hall Lane. It comprises a series of linked single storey commercial buildings that extend into the site for much of its depth. There is a single access from Hall Lane that serves concrete hardstanding on the northern side and to the front of the building used for circulation and parking. There is an extensive verge on the highway boundary and mature planting to the rear of the site.
- 1.2 The area is generally open, but with a number of detached dwellings in the vicinity, including two immediately to the north of the site. The area is also well vegetated land with mature hedgerows and areas of significant planting, including the land to the west of Hall Lane planted as part of the Thames Chase Community Forest. The northern boundary with the nearest dwelling (Four Wantz) is fenced and includes a mature hedge.

2. Description of Proposal

- 2.1 The proposal is for the demolition of the existing commercial buildings and the construction of 4 houses arranged as two pairs of semi-detached houses.
- 2.2 The proposed houses would be set back some 20m from the rear edge of the highway and 1.8m from the shared boundary with Four Wantz. The existing raised embankment to the south of the application site (within the applicant's ownership) would be retained as an open grassed area with the nearest property's flank wall located between 0.75m and 0.9m from the southern

boundary. Units 1 and 2 to the northern part of the site would be located in a setback position 3m behind Units 3 & 4 on the southern part. Rear amenity space would be provided to each property.

- 2.3 Each property would be 5m wide and have a depth of 10m with gabled side elevations with maximum ridge heights of 7.8m above ground level. The houses would be of a chalet-bungalow style with the first floor accommodated within the roof area with large dormer windows to the front and rear of the properties. Two parking spaces would be provided to the front of each property. Originally it was proposed to provide a shared in-out access/egress for the four houses, however, following concerns regarding visibility splays the applicant has agreed to a single access/egress. Planting is proposed along the site frontage.
- 2.4 The application submission seeks to demonstrate that there are 'very special circumstances' that would justify new residential development in the Green Belt. These include a reduction in the volume of buildings on the site that would increase the openness of the site. Planning permission for the same development was granted in 2011 based upon a similar case.

3. Relevant History

- 3.1 P0783.11 Factory to be demolished and construction of 4no. three- bedroom dwellings (2no. semi-detached) – approved.
- 3.2 P0598.90 - Single storey side extension to light industrial building (assembly of window blinds) – approved.

4. Consultation/Representations

- 4.1 The application was advertised on site and through a press notice, in addition neighbours were notified. No representations have been received in response.
- 4.2 Streetcare (Highways) considers that there should be a single shared vehicular access to ensure appropriate visibility splays. Recommend appropriate condition to achieve this. Car parking is considered satisfactory.
- 4.3 London Fire Brigade is happy for the development to go ahead.
- 4.4 Thames Water has no objections, but advises that the proper provision for surface water discharge is the responsibility of the developer.
- 4.5 London Fire and Emergency Planning Authority advise that a fire appliance should be able to approach within 45metres of all points within the dwellings.
- 4.6 Public Protection raises no objections subject to conditions covering ground contamination; construction method statement and hours of construction.
- 4.7 English Heritage advise that no archaeological condition required due to limited groundworks proposed.

5. Relevant Policies

- 5.1 Policies CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC7 (Lifetime Homes); DC33 (Parking); DC45 (Appropriate Development in the Green Belt), DC55 (Noise), DC60 (Trees and Woodland); DC61 (Urban Design); DC62 (Access); DC7 - Lifetime Homes and Mobility Housing; DC72 (Planning Obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are relevant considerations.
- 5.2 Also relevant are the Planning Obligations SPD and the Residential Design SPD; Policies 3.5 (Quality and Design of Housing Developments); 3.8 (Housing Choice), 6.13 (Parking); 7.3 (Designing out Crime); 7.4 (Local Character); 7.16 (Green Belt) 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

Background

- 6.1 Planning permission was granted for the same proposals in December 2011 (P0783.11) when the committee considered that 'very special circumstances' had been demonstrated that justified a departure from Green Belt policies. It was concluded that the harm that would be caused to the Green Belt was outweighed by other material considerations. The planning permission has not been implemented and has now lapsed. Whilst the relevant LDF policies have remained unchanged the NPPF has been published since the decision.

Principle of the development

- 6.2 The site lies within the Green Belt and the main issue is whether the erection of four new dwellings in place of existing buildings would be appropriate development. If not whether the case for 'very special circumstances' has been demonstrated. The previous grant of planning permission is a material consideration in this regard, although government policy on development in the Green Belt has been modified since the decision. The NPPF states that inappropriate development is by definition harmful to the Green Belt and should only be permitted if 'very special circumstances' can be demonstrated or where certain exceptions apply. The NPPF also states that isolated new dwellings in the countryside generally should be avoided unless there are special circumstances. These include circumstances where it is essential that someone lives near to their place of work and where redundant or disused buildings are reused. In this case all the existing buildings would be demolished and no details are provided in support of essential need, therefore, the principle of the development falls to be assessed against Green Belt policies. In addition to acceptability in Green Belt terms consideration also needs to be given to the impact on the streetscene and on residential amenity, and there being adequate access and parking provision.

Green Belt considerations

- 6.3 The most recent government guidance on development within Green Belts is set out in paragraphs 88 - 90 of the NPPF. The construction of new dwellings would normally be considered inappropriate development unless one of the exceptions set out in paragraph 89 is applicable. One of these is relevant and concerns the redevelopment of existing brownfield land whether redundant or in continuing use which would not have a greater impact on openness and the purpose of including land within the Green Belt.
- 6.4 London Plan policy 7.16 states that the Green Belt should be protected in accordance with national policy and that inappropriate development should be refused, except in very special circumstances. LDF Policy DC45 limits new buildings to those required for agriculture, forestry, outdoor recreation nature conservation and cemeteries. The 2011 application pre-dated the NPPF and the previous government guidance in PPG2 (Green Belts) did not include the re-development of brownfield sites as one of the possible exceptions to normal restrictions on development in the Green Belt.
- 6.5 The proposal would result in the removal of an existing building which has been extended over time and has an overall footprint of 469 square metres. The existing building is single storey and set back from the highway. It has a parapet roof to the front 4.3 metres high which obscures much of the rest of the building behind which is lower. The height and orientation together with landscaping along the site's boundaries restricts the visual impact and maintains a degree of openness.
- 6.6 The proposed dwellings would have a footprint of about 200 square metres and a floorspace of 380 square metres (over two floors). The two pairs of dwellings would be staggered and set further back into the site compared with the existing buildings. When viewed from the highway most of the site width would be filled with new building, whilst the existing building only fills about 60%. The new building, at eight metres would also be significantly higher. These two factors would make the site appear much more developed resulting in a greater impact on openness. Notwithstanding this the overall volume of the new building would be slightly less than the existing buildings and the footprint significantly smaller.
- 6.7 Openness is not defined in the NPPF and whilst the overall volume of built development is clearly a consideration, height and bulk are also factors that could impinge on openness. In this case the new buildings would be significantly higher and appear bulkier when viewed from Hall Lane. Staff consider, as a matter of judgement, that the overall impact on openness would be significantly greater and as a result the development would be 'inappropriate' in the Green Belt. However, should members judge that the impact would not be any greater, then the development could be considered as appropriate in the Green Belt in accordance with paragraph 89 of the NPPF.
- 6.8 The proposal was considered 'inappropriate development' in 2011 based upon the guidance in PPG2, which did not include the redevelopment of smaller

brownfield sites. However, a case for 'very special circumstances' was put forward and accepted in 2011. This was based upon the following:

- i) a reduction in site coverage and building volume and the increase of open areas as a consequence through the provision of garden areas ;
- ii) an improvement in the appearance of the site, in particular as a result of the removal of commercial buildings and concrete hardstanding and landscaping to the site frontage;
- iii) the fact that the building could not be easily converted and that a new layout would better relate to the Residential Design SPD.

Members judged that these factors taken together amounted to the 'very special circumstances' necessary to justify an exception to Green Belt policy. As the application is for the same development and there have been no material changes in local circumstances staff consider that these factors are still relevant.

- 6.9 Whilst the proposed development would be inappropriate development in the Green Belt staff consider, as a matter of judgment, that the case for 'very special circumstances' has been demonstrated. In reaching this conclusion staff have given weight to the earlier decision which was based upon the same 'very special circumstances case. However, should members give greater weight to the harm to the Green Belt and consider that the case for 'very special circumstances' has not been demonstrated there would be a case for refusal.

Density/site layout

- 6.10 The proposal is for 4 houses on a site of 0.125 hectares. In this location with a low public transport accessibility level, a residential density range of between 30 and 50 units per hectare would be appropriate in accordance with LDF Policy DC2. The proposal would have a density of 32 units per hectare which would fall within this range.
- 6.11 The site would be laid out with a deep landscaping area to the front with parking spaces provided in curtilage to the front of each house. To the rear of each house a garden, each approximately 108 square metres would be provided. The proposed layout is unchanged since the 2011 application and is again considered acceptable. The proposal would have a layout and arrangement of outdoor amenity areas and parking facilities which would, in Staff's view, result in an acceptable level of amenity for new residential occupiers.

Design/impact on streetscene

- 6.12 The proposed development would result in the removal of existing low level buildings and their replacement with residential accommodation. The dwellings would be chalet style and would fill much of the site width when viewed from Hall Lane. However, the new dwellings would be setback into the site much more than the existing commercial buildings. The design is the same as

considered acceptable in 2011. The prevailing character is rural with isolated dwellings or small groupings. There are two large detached dwellings immediately to the north, an extended cottage to the southwest and a group of cottages to the south. The proposed development of two pairs of chalet bungalows would reflect the variety in housing styles in the area.

- 6.13 The spacing between the new dwellings and the Four Wantz dwelling to the north would be less than existing and together with the increase in height would reduce the current spacious character of development in the area. However, given the setback into the site and the retained separation of 12 metres staff consider, as a matter of judgement that there would be no material adverse impact on the character and appearance of the area. In addition the proposed development would improve the overall appearance of the site by removing the existing commercial use and associated activities. The proposed landscaping to the front would also help improve the appearance of the site, which lies within the area of the Thames Chase Community Forest.

Impact on residential amenity

- 6.14 There are two residential properties immediately to the north of the site, the nearest being Four Wantz which shares a boundary with the site. The proposed development would reduce the existing gap between buildings. Staff consider that whilst the main windows to the two-storey Four Wantz property are located in their southern and northern elevations, at a distance of 11m to the nearest side elevation of the proposed development, there would be no significant loss of amenity to the existing occupier. This is due in part to the difference in ground level with the new dwellings being sited on lower ground and also due to the mature hedge and fencing along the common boundary. A condition is recommended requiring agreement of finished ground levels to ensure that an acceptable relationship is maintained.
- 6.15 The window proposed at first floor level facing Four Wantz would be a bathroom. A condition is proposed requiring this window to be fitted with obscure glass and non-opening up to 1.7 metres to prevent any overlooking or loss of privacy to this occupier. Additionally a condition is proposed to prevent the provision of any further flank windows, including to the proposed dormers.
- 6.16 Subject to these conditions staff consider that there would be no significant harm to occupiers of adjoining properties from the development. No objections have been raised to the proposals by any of the neighbours.

Highway/parking issues

- 6.17 In this location where there is a low public transport accessibility level 1.5 - 2 parking spaces is the range of expected provision. The proposal would provide 2 parking spaces in curtilage for each of the properties which would be in this range and is therefore acceptable.
- 6.18 The application as originally submitted proposed a separate access and egress points to be shared by the four dwellings. Following concerns raised by

Streetcare (Highway Authority) the applicant has agreed to a single access/egress point in the centre of the site's frontage, similar to the existing access. A condition is proposed to secure an appropriate layout and visibility splays. Further conditions are proposed to require appropriate cycle and refuse/recycling storage to be provided.

Section 106 Planning Obligations

- 6.19 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations. There would be a net addition of four units and at £6,000 per new dwelling the charge would be £24,000 which would need to be secured through a S106 Planning Obligation.
- 6.20 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".
- 6.21 The proposal is liable to a contribution of £24,000 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.

7. Mayoral CIL Implications

- 7.1 The proposal is for four new houses and would be liable for Mayoral CIL based upon the net increase in the gross internal floorspace. The floorspace of existing buildings can be taken into account if lawfully used for at least six months over the last three years. In this case the commercial buildings are

currently in lawful use and cover an area of 469 square metres and the total new build would amount to 380 square metres. As a consequence there would be a net reduction in floorspace and there would be no CIL liability.

8. Conclusions

- 8.1 The site lies within the Green Belt where new residential development would normally be considered inappropriate, unless it could be demonstrated that there were 'very special circumstances' that outweighed the harm to the Green Belt. In this case members have previously accepted that such circumstances did exist when granting planning permission for the same development in 2011.
- 8.2 Since the decision new government guidance in the NPPF now includes development of brownfield sites as a category of appropriate development. As there have been no material changes to local site circumstances staff consider that the judgement made in 2011 remains relevant and provides weight in favour of the current application. However, staff judge that the development would have a material adverse impact on the openness of the Green Belt and as such would be inappropriate development in the terms of the NPPF. On balance staff consider that the case made for very special circumstances still provides sufficient weight to make the development acceptable. The grant of planning permission is recommended accordingly subject to the prior completion of a S106 legal agreement. However, should members consider that 'very special circumstances' have not been adequately demonstrated then there would be a case for refusing permission on Green Belt grounds.
- 8.3 In terms of other impacts the development is considered to be acceptable and the grant of planning permission is recommended subject to the prior completion of a S106 planning obligation to secure a financial contribution towards local infrastructure costs and appropriate conditions.

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 PAPERS

1. Application form and plans received on 29th October 2014

REGULATORY SERVICES COMMITTEE

REPORT

19 February 2015

Subject Heading:

**P1352.14: Scotts Primary School,
Bonington Road, Hornchurch**

**Proposed single storey stand alone
unit comprising of 8 classrooms and
toilets, along with linking walkway
(Application received 25 September
2014)**

Ward

Hacton

Report Author and contact details:

**Suzanne Terry
Interim Planning Control 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 checked="" 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 development is for the erection of a single storey stand alone unit to the rear of Scotts Primary School. The site is characterised by single storey buildings located within a fairly large open playing field.

The proposed stand alone unit will provide 8 new class rooms including a separate toilet facility. A canopy will also be created to link the proposed unit to the main school building. Additional car parking is proposed to the front of the main building and also alterations to an existing toilet.

The development 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 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) 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. 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.

4. Land Contamination (1)

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

- a) A Phase I (Desktop Study) Report documenting the history of 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 Strategy) 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 and occupation of the development from potential contamination and in order that the development accords with Development Control Policies Development Plan Document Policy DC53.

5. 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.

6. 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.

7. 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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

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.

8. 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 junctions are not unduly impeded.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34. To manage the impact of parent parking in the streets surrounding the site and to accord with Policy DC33.

9. Travel Plan

Prior to the occupation of the development hereby permitted, a revision to the existing Travel Plan which reflects the increase in pupil numbers shall be submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall include a review of walking routes and conditions in the area around the school and measures to reduce vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32. To ensure the interests of pedestrians and address lines and to accord with Policy DC34.

10. Highway Signal Optimisation

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 DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34.

11. 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. 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.

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the site at Scotts Primary School, Bonington Road, Hornchurch. This is an existing school comprised of single storey

buildings which has a main entrance to the north off Bonington Road. There is also access to the site from the south off Maybank Avenue.

- 1.2 The site is located within a fairly large area of open space bounded by Airfield Way to the east and residential properties to the south and west. Rows of terraces along Bonington Road lie adjacent to the boundary of the site to the north.
- 1.3 The site is relatively flat and covers an area of approximately 21619m² (2.161 ha).

2. Description of Proposal

- 2.1 The application is for the proposed erection of a single storey stand alone unit providing 8 classrooms and toilet facilities. The proposed unit measures approximately 39.8 metres in length, 16.3 metres wide and 4.9 metres in height. The proposed unit will create a floor area of approximately 617sqm.
- 2.2 Other works involve the erection of a canopy supported by steel posts linking the proposed units to the main school building. 22 new car parking spaces are also proposed to the front of the main school building as well as minor alterations to the existing disabled toilets.

3. Relevant History

- 3.1 P0680.14 - Extensions to 3no. classrooms, together with the demolition of existing garage stores, formation of new external play area with canopy over and extension to existing playground – Approved with conditions
- 3.2 P1302.04 - Single storey extension to house new disabled facility and extended staff room area – Approved with conditions
- 3.3 P0469.02 - Extension to provide music and art room, store, staffroom, offices and corridor access – Approved with conditions

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 103 properties. 2 letters of objection were received following neighbouring consultations, raising the following issues:
 - The development will create additional traffic problems involving car parking and road safety issues.
 - Increased noise and disturbance created from the development.

The above concerns are material planning considerations and will be discussed in sections 9 & 10 below.

The objector(s) mentioned that plans fail to show all surrounding neighbouring properties. Staff acknowledge that the submitted location plan does not show properties located by Griggs Gardens and Tylers Crescent. However, the location plan does provide sufficient details of the site in order to comprise a valid application and enable the proposals to be assessed. The impact upon the residents of Griggs Gardens and Tylers Crescent will be taken into account.

Comments also stated that there are no details of the proposed units and only details of the proposed walkway are shown on plans. Details of the proposed unit including the linking walkway are both shown on proposed drawings.

4.2 Highways – No objections subject to recommended conditions.

4.3 Environmental Health - Three conditions were recommended if minded to grant planning permission.

5. Relevant Policies

5.1 Policies CP17 (Design), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Policy 3.18 (Educational Facilities), 6.3 (Parking), 7.4 (Local Character) and 7.6 (Architecture) of the London Plan are material considerations.

5.3 The National Planning Policy Framework, specifically Sections 1 (Building a strong, competitive economy) and 7 (Requiring good design) are relevant to the development.

6. Staff Comments

6.1 The main considerations relate to the impact on the character and appearance of the street scene, the implications for the neighbouring residential amenity of occupants and highway and parking implications.

7. Principle of Development

7.1 Policy DC29 states that the Council will ensure that the provision of primary education facilities is sufficient to meet the needs of residents by, amongst other things, seeking to meet the need for increased school places within existing sites.

7.2 The development represents an expansion in the school floor space of approximately 617 square metres to provide additional classrooms and toilet facilities. The proposal is considered to be a necessary expansion in order for the school to continue to meet the needs of residents as well as future demands from

population changes. The proposal is therefore acceptable in principle.**8.**

Design/Impact on Street/Garden Scene

- 8.1 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.
- 8.2 The site is characterised by an arrangement of single storey buildings occupying a fairly large area of open land. The height of the proposed stand alone units would be in keeping with the height of the existing single storey school buildings. Furthermore, given the siting of the proposed units, their overall bulk, scale and massing is not considered to harm the appearance of the existing school buildings and would not erode the openness or spacious character of the site.
- 8.3 The proposed walkway consisting of a canopy supported by steel posts linking the proposed units to the main school building will be constructed from lightweight materials and therefore is not considered to cause a significant visual impact. Alterations proposed to the existing disabled toilets would have a negligible impact.
- 8.4 It is acknowledged the proposed expansion to the existing car park will involve the loss of trees located by the front of the main school building. However, the car parking scheme has been revised to include replacement trees and provide a two metre separation distance from the boundary in order to ensure the health of an existing row of trees by the northern boundary is appropriately maintained. It is therefore considered that the proposed car parking would not harm the appearance of the existing car parking area.
- 8.5 Overall the development would integrate appropriately with the character and appearance of the site. There would be no significant impact on the streetscene.

9. Impact on Amenity

- 9.1 The nearest residential properties are located at least 20 metres away from the proposed development and therefore the proposed new building would cause no material adverse impact in terms of loss of daylight/sunlight, overbearing impact, overlooking or loss of outlook.
- 9.2 Although the proposed stand alone units will enable the number of pupils attending the school to be increased, the use of the proposed building will remain ancillary to the main school. In all, the proposal is not considered to cause an increase in noise and disturbance to which would cause a material loss of amenity to surrounding neighbouring occupants.
- 9.3 Overall the proposed development would not result in any undue impact on the amenity of the surrounding residential properties in accordance with the provisions of policy DC61.

10. Parking and Highway Issues

- 10.1 As mentioned above, neighbours have raised concerns regarding further impact on traffic and parking.
- 10.2 The proposal will increase the school from one form of entry to two. This represents an increase in pupil numbers from 213 to 420. Staff numbers are expected to increase from 23 to 39 members. The proposal includes the expansion of the existing car park to provide 22 additional car parking spaces. LDF parking standards require 1 car parking space per teaching staff. Therefore the additional car parking spaces proposed will provide sufficient parking for staff.
- 10.3 The Councils Highways department consider the proposal to be acceptable in principle. No objections are raised subject to conditions to ensure the impact on traffic and parking are monitored and controlled appropriately.

11. Conclusion

- 11.1 Having regard to all relevant factors and material planning considerations, Staff are of the view that this proposal would be acceptable.
- 11.2 Staff consider that the proposed stand alone units and alterations to the school building will not adversely impact on the streetscene and will serve to maintain the character and appearance of the local area. The development proposed will not result in any undue loss of amenity to the occupants of the neighbouring residential accommodation. No material harm is judged to result to the highway. Therefore the proposal is considered to be acceptable in all material respects.

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 and drawings received on 25 September 2014. Revisions received 6 February 2015.

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**REGULATORY
SERVICES
COMMITTEE**

19 February 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. (Revised plans received 17-11-2014)

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

The consideration of these applications was deferred at the 29th January 2015 meeting due to concerns relating to the notification of objectors of the meeting date. The report has been updated to reflect a late representation.

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

The consideration of these applications was deferred at the 29th January 2015 meeting due to concerns relating to the notification of objectors of the meeting date. The report has been updated to reflect a late representation.

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 32 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;
- Development of two new dwellings is solely for profit and not a replacement for the demolished extension;
- Development not in the best interests of the listed building

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;
- Modern extension should be retained given its historical link to the convent;
- Integrity of listed building has not been adequately protected in the past and this scheme would also adversely impact on the building. Many existing features would be lost.

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, cornices 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 building 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 and revised plans received 17-11-2014.

REGULATORY SERVICES COMMITTEE

19 February 2015

REPORT

Subject Heading:

P1552.14 Delderfield house, Havering Road, Romford

The demolition of an existing two storey building and the construction of 13 new houses comprising nine 3 bed 5 person houses and four 2 bed 4 person houses together with associated parking and landscaping.(Received 07/11/2014)

Ward:

Pettits

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

The application is for the redevelopment of this site formerly used for older persons sheltered accommodation. It is proposed to develop 13 new dwellings following demolition of the existing buildings. The intention is that all the dwellings would be for shared-ownership. The site lies within the urban area where redevelopment for residential use would be acceptable in principle. The development would also help to meet the Borough's needs for affordable housing. The proposal involves land that is currently part of the public highway and a stopping-up order would be required if planning permission is granted. The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues. The proposal is therefore judged to be acceptable and, subject to the prior completion of a S106 legal agreement and conditions, it is recommended that planning permission is granted.

RECOMMENDATIONS

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 a maximum of £24,600 subject to indexation, although the applicant may be able to apply for exemption for the affordable housing element. This is based on the creation of a net increase of 1,230 square 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:

- The provision of a minimum of four residential units within the development as affordable housing for shared ownership in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- The Council having nomination rights on all affordable units.
- A financial contribution of £78,000 to be paid prior to the commencement of the development, 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.
- The Developer/Owner to pay 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 dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing E13.135/D(00)101 Revision D has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

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

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the 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 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.

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

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords

with the LDF Development Control Policies Development Plan Document Policy DC36.

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of that phase of the development and retained thereafter in accordance with the approved plans.

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

9. *Secured by Design* - The development hereby permitted shall not 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. 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 and DC63 of the LDF Development Control Policies Development Plan Document.

10. *External 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, 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 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.

11. *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.

12. *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. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. 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.

13. *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.

14. *Land contamination* - The development hereby permitted shall not 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 site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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

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

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

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

17. *Sustainability* – The development hereby permitted shall not 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 4 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.

18. *Renewable energy* - The renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. *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.

20. *No additional 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 and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

21. *Stopping up of Highway* – Prior to the commencement of the development hereby permitted an application to stop up that part of the application site which comprises adopted highway shall be submitted to the Council as Highway Authority and no development pursuant to this planning permission shall be carried out on that part of the application site which comprises adopted highway until and unless a stopping up order is confirmed by the Council as Highway Authority or the Secretary of State (on appeal) as appropriate.

Reason: To ensure that the impact of the proposed development in respect of public highway has been fully considered prior to any development commencing.

22. *Pedestrian visibility splays* – Pedestrian visibility splays shall be provided on either side of the access points onto the public highway of 2.1 by 2.1 metre back to the boundary of the public footway. Thereafter the visibility splay shall be permanently retained and kept free from 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.

23. *Vehicle access* – All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway as part of the required by the development 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 CP10, CP17, and DC61 of the Core Strategy and Development Control Policies DPD.

24. *Lifetime Homes* - The development 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.

25. *Ground levels* - No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: In order to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

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. *Secured by Design* - 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.

3. *Changes to the public highway* - The Highway Authority require 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. If a new or amended access is 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. 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 relevant approval process. Unauthorised work on the highway is an offence.

4. *Highway legislation* - The granting of planning permission does not discharge the requirements of the New Roads and Street Works Act 1991 or 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.

5. *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.

6. *Highways stopping up process* - Before any works take place on the area which is currently public highway, it should be stopped up under S247 of the Town & Country Planning Act 1990. The developer should allow time for the process to be completed within its programme as there are statutory notices required.

7. *Planning Obligations* - The planning obligations required have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is triangular in shape and has frontages to Havering Road, Heather Avenue and Portnoi Close. The immediate area is residential with a mixture of mainly two-storey terraced and semi-detached properties. The site area is 0.23 hectares and is currently occupied by a single two-storey building purpose built by the Council as sheltered accommodation for older persons. The accommodation no longer meets current healthcare guidelines and the building is no longer in use. However, there is a separate building to the south of the main accommodation which is part of the Delderfield House complex which remains occupied as sheltered accommodation.
- 1.2 The site slopes from north to south, with a marked step down from the Heather Avenue frontage. The existing building is set back from the highway boundary with landscaped frontages, including several well-established trees along the Havering Road frontage. There is a car parking bay which is within the site on the Portnoi Close frontage which forms part of the public highway.

2. Description of Proposal

- 2.1 This is a full application for the redevelopment of the site following the demolition of the existing building. The development comprises 13 new dwellings arranged in two terraces, one fronting onto Heather Avenue and the other onto Havering Road, three semi-detached pairs fronting Havering Road and a single semi-detached pair on Portnoi close.
- 2.2 There would be nine three-bed five person properties and four two-bed four person properties. There would be a total of 19 off-street parking spaces. Each of the houses would have rear garden areas. The dwellings would be constructed in brick under gable ended tiled roofs. The height of the ridge line above ground level would have a staggered appearance reflecting the north-south change in ground levels across the site.
- 2.3 All of the dwellings would be constructed to lifetime homes standards and to Code for Sustainable Homes Level 4. As part of this high performance building fabric coupled with photovoltaic cells on some of the roofs would deliver reductions in excess of 35% in carbon emissions.
- 2.4 All the dwelling would be wheel chair accessible, including the layout of paths between parking space and front doors. The scheme overall has been designed to meet Secured by Design matters.
- 2.5 The proposed developer is a Housing Association and it is the intention that all the new dwellings would be delivered as affordable housing. However, only four of the proposed dwellings would be formally offered as affordable and covered in the S106 agreement.

3. Relevant History

3.1 None

4. Consultations and Representations

4.1 The application has been advertised on site and in the local press as a major development and neighbour notification letters sent to 96 local addresses. No representations have been received.

4.2 Thames Water has no objections and advises that any works within 3 metres of any existing public sewer would require consent.

4.3 Streetcare (Highways) raises objections to the application on the level of parking provision. The site has a PTAL of 2 which would require 1.5 – 2 spaces per dwelling. The proposal falls just below this and an additional space would enable the objection to be withdrawn. The access details are acceptable but a layby on Havering Road would need to be adjusted. Servicing and refuse collection arrangements are acceptable. Part of the public highway in Portnoi Close would need stopping up. Conditions and Informatives are also requested.

4.4 London Fire Brigade (Water) is happy for the development to go ahead.

4.5 London Fire and Emergency Planning Authority is satisfied with the proposals.

4.6 Public Protection requests land contamination conditions.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); 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); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

5.2 In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD and Sustainable Design and Construction SPD are also material considerations.

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (children's play facilities), 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), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self-sufficiency), 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), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan are material considerations.

5.3 The provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also material considerations.

6. Staff comments

Principle of the development

6.1 The building was previously used as sheltered residential accommodation and staff understand that it has been vacant for some years. LDF Policy CP8 (Community Needs) seeks to retain or re-provide community facilities where a need exists; this includes sheltered residential accommodation. It is understood that the reason that the building has been left unoccupied is that it no longer meets the minimum requirements for this type of facility and that provision has been made elsewhere. One of the two units that make up the Delderfield House facility has been retained in community use and some tenants have been re-housed in that block.

6.2 LDF Policy CP1 prioritises the redevelopment of brownfield and non-designated sites within the urban area for housing to help meet housing need. The policy also requires that such sites are used efficiently. On this basis staff consider that the redevelopment for affordable housing would be acceptable in principle.

Density and Layout

6.3 The site has a PTAL value of 2 and in accordance with Policy DC2 the site is classified as 'rest of borough', outside of a defined PTAL area. A density range of 30-50 dwellings per hectare is indicated as appropriate. The application site has an area of 0.23 hectare and proposes 13 new dwellings. This equates to a development density of 56 units per hectare, which is only just above the range specified in Policy DC2. However, density is only one measure of acceptability and there are other relevant considerations. These include the need to make efficient use of the site taking account of site constraints and the site layout and its impact on the character and appearance of the area. It is also necessary to provide an acceptable level of accommodation for future occupiers.

6.4 In this regard all of the proposed dwellings would meet the minimum size standards set out in London Plan policy 3.5 and Table 3.3 and provide private and usable amenity space in accordance with the Residential Design SPD. Whilst the layout of the amenity areas would be compact there would be no

significant overlooking issues. Each dwelling would have at least one off-street parking space and parking on adjoining roads would be unrestricted.

- 6.5 The layout of the site would provide buildings with a street frontage in the form of terraces and semi-detached pairs. This would accord with the existing residential character of the area.

Design and visual impact

- 6.6 Architecturally, the proposed units have adopted a traditional building form. Materials are principally proposed to be a light coloured brick for the three-bed dwellings and a contrasting red brick for the two-bed. There would be feature projecting brick courses to street frontages. The roof would be gable ended with grey concrete tiles. The appearance of the buildings would respect the varied residential character of the area which has a mix of styles and building materials. The site is in a prominent location with three road frontage. Staff consider that the development would have an acceptable visual impact in its own right, especially as it would be replacing a larger single building. The design would provide a development with a more spacious feel than the existing building and have a positive impact on the character and appearance of the area. Detail of materials are given in the application but it is considered that the submission of samples for approval should be required by condition

Impact on amenity

- 6.7 Whilst the site lies within a residential area it does not share a direct boundary with any residential property. The only adjoining property is the remaining part of Delderfield House which is set back from the common boundary. None of the new dwellings would face onto the site. Staff consider, therefore, that there would be no material adverse impact on the amenities of users of the residents of the building and would comply with LDF Policy DC61.
- 6.8 Within the development the relationship between residential units is generally acceptable. There are some tight relationships, where the flank wall of proposed dwellings abuts the rear boundary of other dwelling plots. Whilst the siting of a two storey flank wall directly on the rear boundary of proposed dwellings is not ideal, some revisions were made at the pre-application stage to minimise these. In view of these factors staff consider, as a matter of judgement, that the proposed dwellings would still enjoy a reasonable level of amenity, such that the proposals do not give rise to materially unacceptable living conditions such as amount to a material objection to the proposal.

Parking and highways Issues

- 6.9 The proposal provides a total of 19 parking spaces which equates to 1.46 spaces per dwelling. Whilst this falls below the LDF parking requirements of 2-1.5 spaces per dwelling it would fall within the maximum standards set out in Table 6.2 and Policy 6.13 of the London Plan. There has been an objection

from the Highway Authority on the level of parking; however, it would only be marginally below the 1.5 spaces requirement. In these circumstances and also taking into account that on-street parking in the area is not restricted, staff considered that the proposed provision would be acceptable. The proposals also make provision for cycle parking, which would be secured by condition.

- 6.10 The proposed development would involve the loss of public highway along Portnoi Close. This part of the highway comprises a parking bay which is available to all residents in the area. The bay would be incorporated into the site as a parking area for the new dwellings. There are no objections to this from the Highway Authority. There is alternative on-street parking elsewhere and the spaces would have been use mainly by visitors to Delderfield House. The highway would need to be stopped up prior to any development taking place on it. An existing layby on Havering Road would also need to be modified to allow access to proposed off-street parking spaces.

Affordable Housing

- 6.11 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with Policy DC6. In this case four (31%) of the units are proposed to be for shared ownership. However, it is intended that, subject to necessary grants the whole scheme would be affordable. East Thames Housing Association has secured grant funding from the GLA as part of the Mayor's Housing Covenant. The level of affordable housing is considered acceptable to housing staff subject to the Council having nomination rights to all the affordable properties. Whilst there would be no social affordable units there is a need for two and three bed shared ownership accommodation. Overall staff consider that given that the grant provision agreed would deliver a 100% affordable housing across the site the proposals would meets the objectives of LDF Policies CP2 and DC6 and Policy 3.11 of the London Plan.

S106 Contributions

- 6.12 The dwellings would result in additional local infrastructure demand such that a financial contribution is needed in accordance with Policy DC72 and the SPD on Planning Obligations. There would be a net addition of 13 units and at £6,000 per new dwelling the charge would be £78,000 which would need to be secured through a S106 Planning Obligation.

7. Mayor's Community Infrastructure Levy

- 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 charged at £20 per square metre based on an internal gross floor area of 1,230 square metres less the area of existing buildings in lawful use for at least 6 months in the last three years. As this has not been the case none of the existing floorspace can be deducted. However, there are exemptions for affordable housing which needs to be sought prior to commencement of development. In this case the maximum CIL contribution would be of £24,600 subject to indexation.

8 Conclusions

- 8.1 The proposed residential development on the site is considered acceptable in principle. The design, scale and layout of the proposed development is considered to be in keeping with the character and amenity of the locality and to provide an acceptable quality living environment for future occupants. There is judged to be no material harm to neighbouring residential amenity arising from the proposals and the application makes acceptable provision for landscaping and sustainability. The proposal is considered to be acceptable in respect of parking and highways issues.
- 8.2 The proposal includes only four affordable units which is below the Borough wide target, however, the development would be undertaken by a housing association which has received grant that would enable 100% affordable provision. The Council would have full nomination rights. This provision is considered acceptable in terms of the aims of LDF and London Plan policies. The delivery of affordable housing and the nomination rights would be addressed through a S106 legal agreement.
- 8.3 There would also be a contribution to meet infrastructure costs associated with the development in accordance with the Planning Obligations SPD. This would be secured through a S106 legal agreement. The proposal is therefore judged to be acceptable, subject to the obligation and conditions, and it is recommended that planning permission is granted accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources will be required to prepare and complete the Section 106 legal agreement..

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Planning application form and plans received 07-11-2014

**REGULATORY
SERVICES
COMMITTEE**

19 February 2015

REPORT

Subject Heading:

Proposed variation of Section 106 Legal Agreement in connection with P1526.07: Interwood Site, Stafford Avenue, Hornchurch

Change of use of site from industrial to residential and erection of 73 no. 1 & 2 bedroom flats in three blocks

Squirrels Heath

Ward

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

SUMMARY

This report relates to the development of land at the former Interwood Site, Stafford Avenue, Hornchurch. The site has the benefit of planning permission (under planning reference P1526.07) subject to a Section 106 legal agreement. The legal agreement obligates the owners to provide affordable housing on the site, the carrying out of highway works, and the payment of financial contributions in respect of highways and the provision of education facilities.

A request has been made to the Council to vary the legal agreement under the provisions of Section 106A of the Town and Country Planning Act 1990 (as amended) to phase the payment of the education contribution required by the S106 Agreement.

The Section 106 Agreement has been varied twice before by Deeds of Variation.

RECOMMENDATIONS

It is recommended that the Head of Regulatory Services be authorised to enter into a Deed of Variation under section 106A of the Town and Country Planning Act 1990 (as amended), to vary the legal agreement completed on 12 August 2008 in respect of planning permission P1526.07 and modified by previous Deeds of Variation Dated 20 October 2011 and 17 April 2014, to change the phasing of the payment of the Education Contribution.

The variation of the phasing of the education payment shall be as follows:

- i) Not to occupy or permit occupation of the Affordable Housing Units forming part of Block C (6 no. 2 bed units) until payment of £24,446.39 of the Education Contribution has been made to the Council;
- ii) Not to occupy or permit occupation of the Open Market Units forming part of Block C until payment of £142,994.73 of the Education Contribution has been made to the Council.

The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the Deed of Variation irrespective of whether the matter is completed.

Save for the variation to the Education Contribution set out above and any necessary consequential amendments to the legal agreement dated 12 August 2008 all recitals, terms, covenants and obligations in the said agreement shall remain unchanged.

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

REPORT DETAIL

1. The site to which this proposal refers is the former Interchange Site, Stafford Avenue, Hornchurch. The site has planning permission for residential development of 73 no. 1 and 2 bedroom flats in three blocks. Permission for the development was granted subject to a legal agreement signed and dated 12 August 2008. The development has commenced on site.
2. The legal agreement includes a requirement for affordable housing, highway works and financial Highway and Education contributions. The Agreement pre-dates the Council's current Planning Obligations SPD.
3. Since completion of the legal agreement, there have been two requests to modify the legal agreement. The first modification, dated 20 October 2011, varied the legal agreement to phase the payment of the Education Contribution, such that a proportion of the overall payment would be required upon the occupation of each one of the individual three blocks within the development. The second modification, dated 17 April 2014, revised the definition of 'affordable housing' within the development and effectively reduced the affordable housing requirement from 33 units in the original scheme to 6 units.
4. A request has now been received from the owner that the Section 106 Agreement be further varied to alter the trigger point when the Education Contribution for Block C, within the development, becomes payable.
5. As presently varied, the Legal Agreement requires the payment of a total of £167,441.12 before any of the units within Block C can be occupied. This represents 56% of the overall Education Contribution. However, Block C is now proposed to provide a mix of both open market and affordable housing units – 6 of the units within the block are affordable and the remaining 35 are open market. The block is under construction and built in such a manner that the 6 affordable housing units will be ready for occupation before the remainder of the block is completed.
6. The owner is requesting a further modification of the legal agreement so that a proportion of the required Education Contribution for Block C can be paid prior to the occupation of the 6 affordable housing units (equating to

14.6% of the Block C contribution), with the remainder paid prior to the occupation of the remaining 35 open market units to be constructed as part of Block C. This means that a total of £24,446.39 Education Contribution would be paid prior to occupation of the 6 affordable housing units within Block C; with a further payment of £142,994.73 before the 35 market housing units within Block C are occupied.

7. The applicant has advised that there is a contract in place with Estuary Housing Association, which will enable the affordable housing units to be provided on site. A requirement to pay the education contribution for the block in full before these 6 affordable units can be occupied is not financially viable as there will be no income from the remainder of the units which are yet to be constructed and it is unlikely that bank funding could be obtained to pay the education contribution. If the applicant waits until the 35 market units are completed this affects the contract with the housing association and this will delay the availability and handover of the affordable housing units.
8. Staff consider the phasing of payment of the education contribution to be acceptable. The current trigger point for payment of the contribution is 'prior to occupation' and the variation sought would still ensure that funding for education infrastructure is received before occupation of the relevant units. It is not considered that the phasing of the payment in the manner proposed would, in this case, adversely affect the Council's ability to manage the impacts of the development on educational infrastructure. The proposal would also enable the affordable housing units within the development to be provided at an earlier stage than they otherwise might be.
9. It is not considered that the proposed changes to the phasing of the payment of the Education Contribution would have any material impact on the remaining provisions of the S106 Legal Agreement.

10. Conclusion

- 10.1 Staff consider that the proposed variation of the S106 Legal Agreement to split the phasing of the payment of the Education Contribution for Block C between the occupation of the affordable housing units and the occupation of the open market units is acceptable. It is therefore recommended that the proposed variation of the legal agreement is approved.

IMPLICATIONS AND RISKS

Financial Implications and risks:

No implications.

Legal Implications and risks:

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

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to Equalities and Diversity. The proposal will continue to meet infrastructure requirements relating to education provision which is in the wider interest of the community

BACKGROUND PAPERS

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**REGULATORY
SERVICES
COMMITTEE
19 February 2015**

REPORT

Subject Heading:	Application for the Stopping Up of Highway Land at Ongar Way Garages, Rainham (Application received 19th May 2014)
Report Author and contact details:	Vincent Healy - 01708 432467 Vincent.healy@onesource.co.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 13th November 2014 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1644.11). The planning application (planning reference P1644.11) (application received 12 December 2011; revised plans received 8 April 2014 involves demolition of existing garages and construction of 12 no. dwellings (“the Planning Application”). The planning permission was issued on 13th May 2014

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 titled Ongar Way Stopping Up) 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 13th May 2014 the Council granted Planning Permission (planning reference P1644.11) for the demolition of existing garages and construction of 12 no. dwellings, at Ongar Way, Rainham. The Planning Permission was issued on 13th May 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 areas zebra hatched on the plan annexed to this report. The dimensions in length and width for each of the 4 separate areas identified by letters on the plan are as follows: Point A – 21.89 metres in length by 15.99 metres in width; Point B – 25.47 metres in length by 14.59 metres in width; Point C – 60.60 metres in length by 16.90 metres in width and Point D – 36.67 metres in length by 2.88 metres in width.
- 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

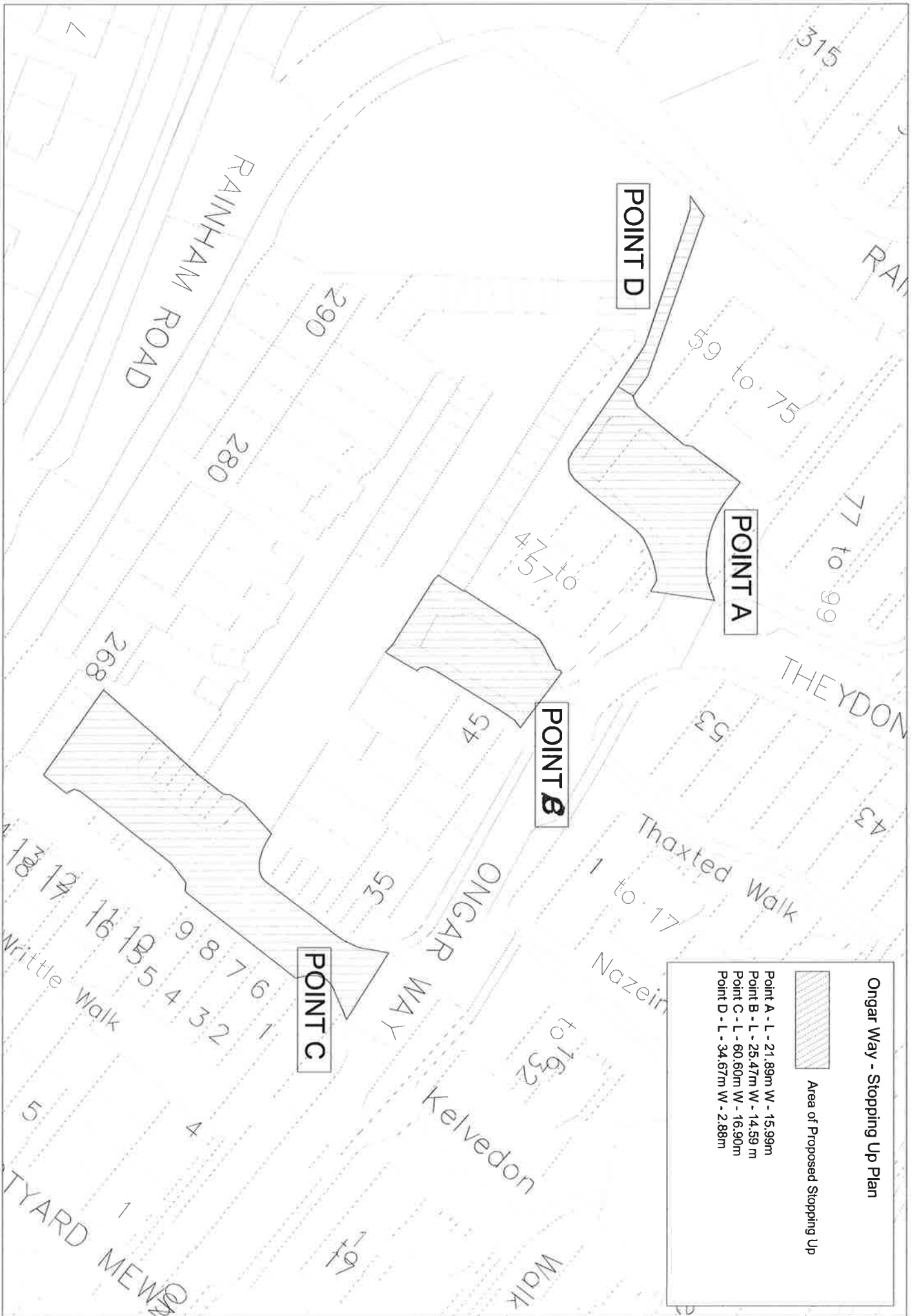
The proposed stopping up relates to areas of highway the stopping up of which is necessary to facilitate the development of the demolition of existing garages and construction of 12 no. dwellings, at Ongar Way, Rainham pursuant to the Planning Permission (reference P1644.11). It is therefore recommended that the necessary Order is made and confirmed.

Background Papers List

1. Regulatory Services Committee dated 8th May 2014 which granted planning permission under planning reference P1644.14

2. Plan (Drawing titled Ongar Way Stopping Up) showing the area to be stopped up

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