



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
12 March 2015**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

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

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering
Residents'(2)**

Linda Hawthorn
Ron Ower

**UKIP
(1)**

Phil Martin

**Independent
Residents
(1)**

Graham Williamson

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

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

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

Reporting means:-

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

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

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

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 12)

5 P0104.15 - 57 BROOKDALE AVENUE, UPMINSTER (Pages 13 - 26)

6 P1653.14 - HAROLD HILL LEARNING VILLAGE (Pages 27 - 52)

- 7 **P1220.14 - OLD WINDMILL HALL, ST MARY'S LANE, UPMINSTER** (Pages 53 - 76)
- 8 **L0016.14 - SULLENS FARM, SUNNINGS LANE, UPMINSTER** (Pages 77 - 84)
- 9 **P1655.14 - SULLENS FARM, SUNNINGS LANE, UPMINSTER** (Pages 85 - 108)
- 10 **P0101.15 - LAND TO THE REAR OF TESCO EXPRESS, OAKLANDS AVENUE, ROMFORD** (Pages 109 - 124)
- 11 **P0972.14 - 16 & 18 PROSPECT ROAD HORNCHURCH AND LAND TO THE REAR OF** (Pages 125 - 150)
- 12 **STOPPING UP ORDER** (Pages 151 - 156)
- 13 **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**

Regulatory Services Committee

12 March 2015

Application No.	Ward	Address
P1638.14	Mawneys	311-313 Collier Row Lane, Romford
P0098.15	Harold Wood	1 Ethelburga Road, Romford

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APPLICATION NO:	P1638.14	
WARD :	Mawneys	Date Received: 10th December 2014 Expiry Date: 4th February 2015
ADDRESS:	311-313 Collier Row Lane Romford	
PROPOSAL:	Variation of conditions 2 and 20 of P0393.12 to enable the ground floor commercial unit to be used for either Class A3 or mixed class A3/A5 purposes between the hours of 08.00 and 23.00 on any day including on Bank and Public Holidays. Revised Description - To include A5 use	
DRAWING NO(S):	Location Plan Opening Hours in the Vicinity of 311-313 Collier Row Lane	
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 lies on the western side of Collier Row Lane, Romford and forms part of the Fringe Area of the Collier Row Minor District Centre.

The site formally comprised of a single storey detached vacant building that was previously used as a DIY retail shop, this has now been demolished and construction of a commercial unit with three flats above is currently underway.

The surrounding area is characterised by commercial premises and two-storey residential properties. The adjacent property at 309 Collier Row Lane comprises of a Funeral Director at ground floor with a separate residential unit above. Directly opposite the site is a supermarket.

DESCRIPTION OF PROPOSAL

Permission is sought for the variation of conditions 2 and 20 of P0393.12 to enable the ground floor commercial unit to be used for either Class A3 or mixed class A3/A5 purposes between the hours of 08.00 and 23.00 on any day including on Bank and Public Holidays.

RELEVANT HISTORY

P1677.14 - Provision of external extract ducting to flank wall of building
Apprv with cons 04-02-2015

Q0039.14 - Discharge of Condition 5 of P1557.11
DOC Discharge 20-02-2014
PART

Q0131.12 - Discharge of conditions 4, 5, 6, 7,10,11, 12,13,16 of P1557.11
DOC Discharge 13-11-2012
PART

P0393.12 - Variation of condition 18 of P1557.11 to extend trading hours from 08.00-21.00 Mondays to Sundays and Bank Holidays to 08.00-23.00 Mondays to Sundays and Bank Holidays
Apprv with cons 31-05-2014

- P1557.11 - Demolition of existing commercial building and construction of a commercial unit on the ground floor with A3 use and 3x2 bedroom flats on the first and second floors
Apprv with cons 16-12-2011
- P0930.10 - Demolition of the existing commercial building and construction of a commercial/retail unit on the ground floor with A1 and A2 use and 3x2 bedroom flats to the first and second floors
Apprv with cons 06-08-2010
- P0410.10 - Demolition of the existing commercial building and construction of a commercial/retail unit on the ground floor with A1, A2, A3 & A5 use and 3x2 bedroom flats to the first and second floors.
Refuse 22-07-2010
- P0678.09 - Change of use -pre school to cater for up to 40 children in the morning and 40 in the afternoon
Refuse 24-08-2009
- P0448.93 - New Shopfront
Apprv with cons 18-05-1993

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 92 neighbouring occupiers. Objections were received by eight neighbours and a petition with 7 signatures was also submitted.

Concerns were raised regarding:

- The number of existing late night fast food takeaway outlet
- Traffic concerns and highway safety
- Lack of parking
- Anti-social behavior / gathering of people
- Extra rubbish
- Cooking smells
- Noise and disturbance in relation to later opening hours and the time at which staff will leave the premises.
- The proposal for later opening has already been dismissed at appeal
- The location of takeaway next to a funeral parlour and poor taste.

Environmental Health and Highways have not raised any objections to the proposals.

RELEVANT POLICIES

LDF

- CP4 - Town Centres
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC32 - The Road Network
- DC61 - Urban Design

STAFF COMMENTS

The main issue in this case is the impact of the extended opening hours and proposed A5 use on residential amenity and any highway and parking issues.

The proposal site has an extensive planning history and there are a number of appeal decisions that constitute material considerations in the determination of this application. These are set out in further detail in the remainder of the report.

PRINCIPLE OF DEVELOPMENT

The site is located within the fringe area of Collier Row Minor District Centre where Policy DC16 states that planning permission for non retail uses in fringe areas will be granted at ground floor level provided that the use:

- Has an active frontage
- Is open during shopping hours
- Would not significantly harm the character, function and vitality and viability of the centre.

The principle of an A3 use on the site has already been established (P1557.11).

It is considered that an A5 use would be acceptable in principle providing it meets the above criteria.

DESIGN/IMPACT ON STREET/GARDEN SCENE

N/A

IMPACT ON AMENITY

Policy DC61 states that permission will not be granted for uses which will create unreasonable adverse effects on the environment by reason of noise, hours of operation, vibration and fumes.

Application P0410.10 sought permission for demolition of the existing commercial building and construction of a commercial/retail unit on the ground floor with A1, A2, A3 & A5 use and 3x2 bedroom flats to the first and second floors. This application was refused on the basis of the A3 and A5 use having an unacceptable impact on the amenity of neighbouring residents and highway safety. This decision was subject to appeal and the appeal was dismissed.

Permission has since been granted for A3 use on this site (P0393.12).

The appeal decision stated that the proposal site is in close proximity to the neighbouring flat above No. 309 and other properties on Collier Row Lane. By the nature of A5, and to a lesser extent A3 uses, a successful business would generate considerable pedestrian movements whether these be customers, diners or delivery staff extending late into the evening. In relation to an A5 operation, some customers may walk to place and pick up their orders. Others may drive, particularly as a swift return home to maintain the just cooked condition of the food would be a reasonable aim in maximising the enjoyment of a takeaway meal. This would also apply to a takeaway home delivery service which might use cars or motor bikes/scooters. In either case it is likely that vehicles would park up, either on the forecourt of the premises or close-by along Collier Row Lane. In either case the noise of vehicles visiting the outlet; parking; the opening and closing of car doors; and manoeuvring close to the existing neighbouring residential accommodation, would undoubtedly cause noise and disturbance to residents late into the evening. In addition to vehicular movements, customers entering and leaving the premises and possibly lingering outside would also be a contributory factor to the effects of the proposal on the living conditions of the nearby residents.

Officers consider that the Inspector's findings as set out in the appeal decision relating to A5 use are still relevant and whilst under the current proposal the site would have a combined A3 and A5 use, this would still result in a material adverse impact on the amenity of neighbouring residents arising from noise and disturbance caused by customers entering and leaving the premises and vehicles parking and manoeuvring on street, particularly during the evening hours of operation.

Application P0393.12 sought permission to extend the opening hours of the permitted commercial unit from 08.00-21.00 Mondays to Sundays and Bank Holidays to 08.00-23.00 Mondays to Sundays and Bank Holidays. The application was approved with conditions that restricted the opening times to 08:00 -21:00 on Sundays and Bank Holidays. This condition was subject to appeal and the appeal was dismissed. The inspector stated that the proposed

increase in opening hours would be detrimental to the living conditions of occupiers of nearby properties and contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document, 2008 which aims to protect the environment in terms of noise impact and hours of operation among other things.

Officers consider that the Inspectors findings are still relevant and there is insufficient justification to approve the later opening hours.

HIGHWAY/PARKING

The amount of parking provision for the A3 (restaurant/cafe) use was previously deemed to be acceptable under application P1557.11. In light of the town centre location of the site (enabling easy access to services and facilities), the bus stop opposite the site from which a number of bus routes operate, the existence of a pay and display car park to the rear of Tesco, which is opposite the site and the current parking restrictions between 8am - 6.30pm Monday to Saturday on Collier Row Lane together with footway parking in Moorlands Close, officers consider that the extension of opening hours from 21:00 to 23:00 on Sundays and Bank Holidays would not create any highway or parking issues.

With regards to the proposal to allow A5 use in addition to A3 use, officers consider that this could result in an increased number of patrons arriving by car however, the Highways Authority has been consulted and has raised no objections. The proposal is therefore considered it be acceptable with regards to highways and parking.

KEY ISSUES/CONCLUSIONS

Having regard to all relevant factors and material planning considerations officers are of the view that this proposal would not be acceptable.

Officers are of the view that the proposed later opening hours and A5 use would have a material adverse impact on the amenity of neighbouring residential properties arising from noise and disturbance caused by customers entering and leaving the premises and vehicles parking and manoeuvring on street, particularly during the evening hours of operation.

The proposal is therefore considered to be contrary to policy and it is recommended that planning permission is refused.

RECOMMENDATION

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

1. REFUSAL - Non Standard

The proposal would by reason of its A5 use and extended opening hours result in noise and disturbance caused by customers entering and leaving the premises and vehicles parking and manoeuvring on street, particularly during the evening hours of operation to the detriment of the amenities of the occupiers of nearby residential properties and the future occupiers of the flats, contrary to Policy DC61 of the LDF Development Control Policies Development Plan Document.

1 Refusal - No negotiation

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

APPLICATION NO:	P0098.15	
WARD :	Harold Wood	Date Received: 26th January 2015 Expiry Date: 23rd March 2015
ADDRESS:	1 Ethelburga Road Romford	
PROPOSAL:	Conversion of a 9 bedroom care home into a House of Multiple Occupancy consisting of 9 bedsits sharing a kitchen. Also a new central dropped kerb to front of property Revised Plans received 9/2/2015	
DRAWING NO(S):	14198/04 14198_01 Rev. B 14198_03 Rev. B	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report given at the end of the report.	

CALL-IN

This application has been called before the Regulatory Services Committee by Councillor Brian Eagling as he believes that there is inadequate parking.

SITE DESCRIPTION

The subject property is situated on the northeastern side of Ethelburga Road approximately 30m from the junction with Fitzilian Avenue. The premises is currently occupied by a 9- bedroom, 2-storey detached dwelling which is currently unoccupied. The dwelling was previously used as a care home.

The surrounding area is predominantly residential in nature with some commercial units located nearby in Fitzilian Avenue.

DESCRIPTION OF PROPOSAL

The application is for the conversion of care home into a House of Multiple Occupancy. Also a new central dropped kerb is proposed to the front of the property.

The proposal would retain the 9 bedrooms, all with en-suite shower rooms. The existing common areas will be converted to facilities such as utility/laundry room, kitchen, lounge/diner which will all be shared.

The application has indicated that all rooms are of an adequate size to suit dual occupancy.

Parking spaces for 5 vehicles would be provided to the front of the property. Cycle storage for 9 cycles would be provided to the side of the building on the north-eastern boundary.

RELEVANT HISTORY

P0426.08 - Variation of condition 3 of planning permission L/HAV/409/80 to enable use of building as a care home for adults.

Apprv with cons 05-06-2008

P1339.95 - Single storey side extension, ground floor rear and two storey rear extensions

Apprv with cons 29-03-1996

P0438.92 - Two storey side/rear and single storey rear extensions
NDAL e refuse 25-06-1992

P0528.91 - Two storey side and rear extensions
Refuse 18-07-1991

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 71 neighbouring properties and 4 letters of objections were received raising the following concerns:

- quiet road would be impacted by 9 bed sits
- not enough parking available
- noise and disturbance
- not sustainable to have nine bedrooms and only one kitchen, property will deteriorate and lead to anti-social behaviour
- objection to 9 dual occupancy rooms and therefore the potential to have 18 people living in the house.
- proposal would not be in keeping with the surrounding area.

Environmental Health requested a sound insulation condition.

Highways raised an objection to the parking provision however suggested a S106 to prevent parking permits being issued, in the event of an approval.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC35 - Cycling
- DC4 - Conversions to Residential & Subdivision of Residential Uses
- DC5 - Specialist Accommodation
- DC61 - Urban Design
- DC72 - Planning Obligations

OTHER

- LONDON PLAN - 6.13 - Parking
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal does not create any additional floorspace, therefore, no CIL is required. It would also not trigger any Crossrail S106 contribution again because there would be no additional floorspace and also because of the type of development.

STAFF COMMENTS

This application is for a house in multiple occupation (HMO) which is defined in the Housing Act 2004 as including a building which has been converted entirely into flats or bed sits which are not wholly self-contained and which are let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.

The applicant has not stated who would use the building. However, the only requirement is that in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Therefore, as long as the occupants have a tenancy agreement and the property is their main or only residence then it would qualify as an HMO. If permission is granted for a change of use to an HMO then in theory tenants could come from any category. It would be a matter for the landlord to let to tenants he deemed

appropriate. This would be the same as with any property that is let, such as fully self-contained flats.

PRINCIPLE OF DEVELOPMENT

Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria. Policy DC4 concerns the conversion to a residential use. It requires, amongst other things that the property is detached and well separated from neighbouring dwellings and the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling. The criteria of policy DC5 would also need to be satisfied.

The criteria in policy DC5 which relate to specialist accommodation, include location within a residential area, good accessibility to services and public transport and adequate parking for residents and visitors.

Policies CP8 and DC27 seek to ensure that a suitable range of community facilities are provided and that existing facilities are not redeveloped unless there is no longer a need for the facility or where there is suitable alternative provision made. Policy CP8 includes residential care in the definition of community facilities. Policies DC4 and DC5 refer to both residential care facilities and HMOs as communal residential uses and specialist accommodation. The current authorised Care home (C2 use) is, therefore, both a community facility and a communal residential use.

No information has been provided that there is no longer a need for such a facility. The applicant has stated that initially the accommodation was converted to satisfy the requirements of a care home but due to the change in demand it was decided to convert it to a HMO. The building could not be readily used for other community purposes without significant conversion and the limited parking would also make it unsuitable for many such uses. In these circumstances it is considered that a change of use under policies DC4 and DC5 would be acceptable in principle.

Subject to meeting these criteria the use of the building as an HMO would be in accordance with the Council's policies.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposal is not considered to have an impact on the streetscene, rear garden or surrounding area as no external changes are proposed.

IMPACT ON AMENITY

Policies DC4 and DC5 set criteria that seek to ensure a change of use to an HMO would not be out of character with the locality and would not be likely to give rise to unacceptable levels of noise and disturbance to residential occupiers nearby. Policy DC4 requires that the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining dwellings by reason of overlooking and that it would not be likely to give rise to significantly greater levels of noise and disturbance compared with an ordinary single family dwelling.

The property was previously converted for multiple occupation as a care home. When the care home was proposed consideration would have been given to the potential impact on adjoining occupiers from its siting and internal layout, including any impact from overlooking. The existing bedrooms would be re-used and there are no proposals for any additional windows or other openings. Therefore, the impact from overlooking of the proposed change of use would not be significantly different.

Concerns have been raised by local residents that there would be a significant impact on

adjoining occupiers from the proposed use, especially when compared with the previous care home use. In assessing this impact staff consider that it would be appropriate to also compare the impact with the use of the property as a dwelling. Whilst the building is large it is comparable with dwellings elsewhere in the Borough and a change to C3 use would be an acceptable alternative use.

The the main impact on adjoining residents would be likely to arise from activities in the rear garden and front parking area. The proposal level of occupancy is likely to be much greater than for a single dwelling or if it were converted into a number a smaller self-contained flats, giving rise to the potential for a greater impact. However, if the building were redeveloped with 4 new flats then the level of occupancy could be similar.

Whilst there would be some additional impact on adjoining residents compared with the care home use, staff judge that it would be an acceptable alternative use of the site. The existing use could accommodate up to 9 people based on single occupancy. The proposed HMO would be able to accommodate up to 18 people if the rooms are used for dual occupancy. Staff do not consider that the additional noise and disturbance would cause harm and disturbance to neighbouring occupiers to such a degree as to justify a refusal, however this is a matter of judgement and Members may come to a different conclusion.

HIGHWAY/PARKING

Policy DC33 sets out the appropriate level of parking for this type of development. Annex 5 of the LDF sets a maxima of one space per two habitable rooms and the development has a shortfall of 1 parking space. The site is however located within walking distance of local amenities including shops and other services, and to Harold Wood railway station. Staff therefore do not consider the shortfall of parking to be unacceptable given the close proximity to the Harold Wood Town Centre and station. Secure cycle storage is proposed within the property which would help to encourage cycle use in accordance with policy DC35. A section 106 agreement would however be requested preventing future occupiers from applying for residents permits. This is in order to safeguard existing resident spaces within Ethelburga Road

OTHER ISSUES

The impact of changes of use of buildings in residential areas to uses such as HMOs can materially alter the character of the streetscape in which they are set. In this case the building has been designed for multiple occupation and the main changes required to make it suitable for the new use would be internal. The external changes only relate to parking areas and this would not materially affect the character or appearance of the area. The building is separated from neighbouring dwellings and is of appropriate appearance for a residential area.

The building is considered suitable to accommodate an HMO and the standard of accommodation is considered acceptable.

KEY ISSUES/CONCLUSIONS

The property was previously converted for multiple occupation and the proposed internal changes would provide a satisfactory level of accommodation for future occupiers. The site is in a sustainable location with easy access to Harold Wood station and other local services. The shortfall in car parking space is considered acceptable. The external changes in front of the property would not have any material impact on the character and appearance of the surrounding area.

A house in multiple occupation (HMO) is a recognised form of residential use that is acceptable in a residential area, subject to there being no significant adverse impacts. In this case whilst there could be some additional impact on neighbours compared with the former care home use or use as a single dwelling house, staff consider that, as a matter of judgement the likely impact

on adjoining residents would not be materially harmful to an extent to justify the refusal of planning permission. In reaching this conclusion staff have also taken account of the potential for residential redevelopment of the site should the HMO use not go ahead. Staff consider, therefore, that the proposals would comply with the relevant policies of the Core Strategy and Development Control Policies DPD. However, should members judge that there would be a material adverse impact on local residents then this could form the basis of a reason for refusal.

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 32

The use of the building shall be as a House in Multiple Occupation (HMO) as defined in the Housing Act (2004) and shall not be occupied by more than eighteen persons at any time.

Reason: In order to ensure that the use of the building and level of occupancy does not give rise to an unacceptable level of impact on adjoining residential occupiers or have an adverse impact on the character and appearance of the area in accordance with policies DC4, DC5 and DC61 of the Core Strategy and Development Control Policies DPD.

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 Policy DC61.

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

5. SC06 (Parking provision)

Before the building(s) hereby permitted is first occupied as a House in Multiple Occupation (HMO), the area set aside for car parking shall be laid out and surfaced in accordance with details that have previously been submitted to and approved in writing by the local planning authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policies DC33 and DC68.

6. SC59 (Cycle Storage)

Prior to the first occupation of the building as a 'house in multiple occupation' hereby permitted, secure cycle storage shall be provided within the building 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 in accordance with Development Control Policies Development Plan Document policy DC35.

INFORMATIVES

1 Approval following revision

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

2 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.

REGULATORY SERVICES COMMITTEE

12 March 2015

Subject Heading:

Ward

Report Author and contact details:

Policy context:

Financial summary:

REPORT

P0104.15: R/O 57 Brookdale Avenue

To modify the approved scheme P1510.12 for two semi-detached houses to two detached houses on land to the rear of 57, 59 and 61 Brookdale Avenue, with a slight alteration to the boundaries of 59 and 61 with a shared access drive as before.

Upminster

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

Local Development Framework
The London Plan
National Planning Policy Framework

None

SUMMARY

This application seeks an alteration to a previously approved scheme for two new dwelling houses to the rear of 57 Brookdale Avenue. The previous application proposed two adjoining properties, however consent is now sought to create a separation distance between the two dwelling houses making them detached.

The proposal is considered acceptable in all material respects, including design and layout, impact on neighbouring amenity, environmental impact and parking and highway issues and subject to safeguarding conditions it is recommended that planning permission is granted.

A new Section 106 Agreement will be required to secure the necessary tariff of payment of £12,000 as the site boundary has changed.

This planning application has been called in by Councillor Ron Ower, owing to the concerns about access and the impact on the properties in Brookdale Avenue

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 152m² new gross internal floor space. The proposal would therefore give rise to the requirement of £3,040 Mayoral CIL payment (subject to indexation).

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 £12,000 to be used towards infrastructure costs in accordance with the draft Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the 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: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. Car parking - Before the building(s) hereby permitted is first occupied provision shall be made within the site for 2 No. car parking spaces per dwelling and thereafter this provision shall be kept free of obstruction and made permanently available for the parking of vehicles associated with the development, 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. Removal of 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 and C, no extensions, roof extensions, roof alterations 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.

7. Storage of refuse - 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 Development Control Policies Development Plan Document Policy DC61.

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

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

9. Construction Methodology – Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the

amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

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

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

11. 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.

12. No Flank Windows 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.

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

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.

14. Hours of construction All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; 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.

15. External Lighting The development hereby permitted shall not be commenced until a scheme for the lighting of external areas including the low level lighting of the access road, 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 security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63

16. Non Standard Condition Before any of the development hereby permitted is commenced, surfacing materials for the access road and vehicle turning area shall be submitted to and approved in writing by the Local Planning Authority and the works to provide the access road and form the turning area shall take place in accordance with the approved materials. Once constructed, the extended part of the access road and vehicle turning area shall be kept permanently free of any obstruction (with the exception of the parking spaces shown on the plans) to prevent their use for anything but turning and access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area, in the interests of Highway Safety and to safeguard neighbour amenity.

REPORT DETAIL

1. Site Description

- 1.1 The application site is triangular in shape with a narrow access from Brookdale Lane. The site is located to the rear of residential properties from 57-73 Brookdale Road and 65-75 Bridge Avenue. It should be noted that the applicant owns the whole of the triangle-shaped area of land. The site has been slightly enlarged by incorporating an area at the foot of the gardens of 59 and 61 Brookdale Avenue.
- 1.2 The site has been used for domestic animals and was, prior to being cleared recently, particularly overgrown with a number of mainly self-seeded trees which are not the subject of any protection. The site has an area of 0.164 hectares.

2. Description of Proposal

- 2.1 The proposal seeks consent for two detached houses on the application site. It must be noted that consent was previously given for two adjoining properties which occupied a similar footprint. This proposal seeks to separate the previously approved properties, while retaining the same orientation/features.

- 2.2 The proposed dwellings would be accessed via an existing shared 45.0m long driveway that is 4.50m wide, narrowing to 3.10m wide adjacent to no 57 and 51 Brookdale Avenue.
- 2.3 The proposed dwelling on Plot 2 (Northern plot) would have three bedrooms and take the form of a chalet bungalow with barn hipped roof with two dormer windows to the front and one to the rear. This property would measure 8.30m deep and 9.70m wide.
- 2.4 The proposed dwelling on Plot 1 (Southern plot) would also take the form of a chalet bungalow, however would benefit from a half-hip roof with two dormer windows to the front and a single dormer to the rear. The building has been designed in such a way that it would have two building lines and measures 9.63m wide, 10.34m deep and would be set back from Plot 2 by approximately 3.30m.
- 2.5 The proposed dwellings would be orientated to face North East as with the previous application.
- 2.6 Parking for two vehicles for each dwelling has been shown and will occupy the space between Plot 1 and 2 in respect of the dwelling to the North – and to the front of the proposed house sited to the South to the rear of no. 57 Brookdale Avenue.
- 2.7 The proposed dwelling to the North would have rear amenity space of 197m² which stretches around the property to the North West corner of the application site.
- 2.8 The proposed dwelling to the south would have rear amenity space of 349² that is located to the south of the dwelling.

3. History

- 3.1 P1510.12 – A pair of semi-detached houses on land to rear of 57 Brookdale Avenue with a shared access drive
- 3.2 P0705.12 – Change of use of part of the land forming part of the application site to residential use and retention of garage and hard standing – Approved
- 3.3 P0675.10 - Demolition of garage at 57 Brookdale Avenue to provide access to land at the rear of the property and construction of a 3 bedroom and 2 bedroom house – Refused

4. Consultation/Representations

- 4.1 The application was publicised by way of direct notification of adjoining properties. Nine letters of objection were received as summarised below

- Inadequate provision for refuse collection
- Risk of accident due to an increase in traffic
- Obstruction of views/potential overlooking
- Noise and disturbance from vehicles
- Noise and disturbance from use
- Congestion
- Exhaust fumes
- Discrepancies on submitted plans
- Maintenance of shared driveway
- Inappropriate development/overdevelopment

5. **Relevant Policy**

- 5.1 London Plan Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 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), and 8.2 (planning obligations).
- 5.2 Local Plan Policies: Policies CP1, CP2, CP9, CP10, CP17, DC2, DC3, DC6, DC7, DC30, DC32, DC33, DC34, DC36, DC40, DC49, DC50, DC51, DC53, C55, DC61, DC63, and DC72 of the Local Development Framework Core strategy and Development Control Policies Development Plan Document ("the LDF") are material considerations. In addition, the Residential Design Supplementary Planning Document ("the SPD"), Designing Safer Places SPD, Landscaping SPD, sustainable Design and Construction SPD, and Draft Planning Obligations SPD are also material considerations in this case.
- 5.3 The provisions of the National Planning Policy Framework are also a material consideration.

6. **Staff Comments**

- 6.0 The issues arising from this application are the principle of the development, in respect of the alterations made to previously approved scheme and the impact of its design, scale and massing upon the character of the area together with impact upon neighbours living conditions, parking and highway matters.

6 Principle of Development

- 6.1 Policy CP1 of the LDF seeks to ensure an adequate supply of housing within the Borough.
- 6.2 This application follows planning application P1510.12 which sought consent for a pair of adjoined houses with similar orientation and footprint which was approved subject to a number of safeguarding conditions which at present have not been discharged.

- 6.3 The previous application confirmed that the development of residential units on the application site is acceptable in principle and this position is not changed by the amendments sought.

7 Density and Layout

- 7.1 The proposal has been altered from the previous application, P1510.12, by separating the adjoined units by approximately 3.30m, but maintaining the orientation and outlook of the previously approved scheme.
- 7.2 The separation of the two proposed dwelling houses has been enabled by the addition of a small area of the adjacent gardens of 59 and 61 Brookdale Avenue. The revised proposal achieves a satisfactory layout on the site which will appear not appear cramped or overbearing within the rear garden environment of neighbouring properties, the closest of which is 25m away..
- 7.3 The proposal retains the favourable aspect of orientating the proposed dwelling houses towards the turning head, avoiding a relationship which affords direct views towards neighbouring properties.
- 7.4 The proposed garden arrangement differs slightly from the previous scheme, however despite the alteration from adjoined to detached, a greater amount of amenity space has been shown that would ensure that any future occupants would benefit from adequate outdoor space for their enjoyment and privacy.

8 Design / Impact on Streetscene

- 8.1 Policy DC61 states that development must respond to distinctive local building forms and patterns of development – and respect the scale, massing and height of the surrounding context.
- 8.2 The proposed dwellings, despite the separation introduced are still positioned centrally which staff consider favourable as it allows greater separation distance from the boundary of the application site and from the surrounding residential properties.
- 8.3 The bungalows are of an identical height to those previously approved, and are considered to be in keeping with the scale and form of the existing bungalows in the area with a design that is sympathetic to the prevailing character of the area.
- 8.4 Staff consider that the proposed development by reason of its positioning, scale and design would not constitute an over bearing garden development nor cause any material harm to the residential appearance of the surrounding area.
- 8.5 The proposal also incorporates an access road to the side of the existing dwelling, no. 57 Brookdale Avenue which has not changed from the previously approved scheme – the proposed gated access is over 24.0m

from the highway and well away from the existing dwellings which will flank the access road.

- 8.6 Staff are satisfied that the revised layout does not give rise to any materially greater impact on the rear garden scene than the previously approved scheme and the proposal is considered to be in accordance with Policy DC61 and advice contained within the NPPF.

9 Impact on Amenity

- 9.1 Policy DC61, states that planning permission will not be granted where development results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing or new properties.
- 9.2 The two proposed dwelling houses maintain their north western orientation at the same angle to one another, thus preventing inter-looking. The separation of the two properties will bring the southern dwelling 3m closer to the rear of 59 and 61 Brookdale Avenue, but with a separation of 26m and a design and orientation designed to minimise any overlooking, it is not considered that any significant harm to amenity will result.
- 9.3 The rear dormers on both proposed properties will be obscure glazed, with a view to negating any potential for overlooking of neighbouring occupiers.
- 9.4 Concerns have been raised by neighbouring occupiers over the harmful impact of the use of the access road and it is acknowledged that the close proximity to the host property and neighbour to the opposing flank formed a reason for refusal of a previous application. It is the view of staff however, that these points were addressed under the subsequent application P1510.12 which followed and allowed the use of the access road, which it must be noted, has not changed in any form as part of this current application. The host property benefits from an existing solid wall which would serve to provide a reasonable level of acoustic screening. The neighbour to the opposing flank also benefits from a boundary fence which would partly mitigate any harmful impact as a result of the use anticipated by occupiers of the proposed dwelling houses.
- 9.5 Subject to safeguarding conditions – in particular a pre-commencement condition relating to landscaping it is considered that the proposal would not have any materially greater impact upon the amenities of neighbouring properties to that which was previously approved under application P1510.12 and as such is in compliance with Policy DC61 and the guidance set out in the NPPF.

10 Highway/Parking

- 10.1 Policy DC33 of the Development Control policies Development Plan Document states that planning permission will only be granted if new developments provide car parking spaces to the standards provided in

Annex 5 which are based on those provided in the London Plan. Annex 5 refers to the density matrix in Policy DC2 for residential car parking standards.

- 10.2 As outlined by Policy, the Council will generally seek at least two off street car parking spaces in the location identified, and the developer has shown this. The layout has changed from the previously approved application, however staff have no objections to this alteration and no adverse representation has been received by the Highways Authority. The proposal is therefore in accordance with Policies DC2 and DC33 as it was previously.

11 Mayoral CIL

- 11.1 The proposal would result in the formation of 152m² new gross internal floor space giving rise to the requirement of £3,040 Mayoral CIL payment (subject to indexation).

12 Planning Obligations

- 12.1 This planning application is subject to the Council's tariff under the Planning Obligations SPD. The proposal would give rise to a contribution of £12,000.00 towards infrastructure cost. This payment was previously secured by a legal agreement, so in this instance planning permission should not be granted until a new agreement has been prepared.
- 12.2 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"*.
- 12.3 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.

13. Conclusion

- 13.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations it is considered that the proposed dwellings would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or parking standards.
- 13.2 The application therefore complies with the aims, objectives and policies of the LDF Core Strategy and Development Control policies Development Plan Document, London Plan and the intentions of the National Planning Framework. Approval is accordingly recommended.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

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

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

Application form and drawings received 28th January 2015.

REGULATORY SERVICES COMMITTEE

12 March 2015

REPORT

Subject Heading:

P1653.14 – Harold Hill Learning Village,
Settle Road, Harold Hill

Extension of the period of time for submission of reserved matters and implementation of planning permission P0682.09 (Outline planning permission for the phased redevelopment of existing buildings and associated development for the purpose of a new Learning Village) in order to allow for the implementation of phases 2-4 of the proposal.

Ward:

Gooshays

Report Author and contact details:

Simon Thelwell
Projects and Regulation Manager
simon.thelwell@havering.gov.uk
01708 432685

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

SUMMARY

Outline planning permission for the Harold Hill Learning Village was granted in December 2009, with a condition that details of the development, to be developed in phases, be submitted within 5 years. Only one phase has been completed and the present application seeks to extend the time for reserved matters applications to be submitted.

In accordance with government guidance, applications for renewal should assess the extent, if any, of change in planning policy or other material considerations since the original grant of planning permission and whether these should lead to any different recommendation.

It is considered that the changes in planning policy since 2009 add weight in favour of the development which would provide enhance educational facilities in the area. The possibility that Pyrgo Priory Primary School may remain in place is not considered to be such a significant change in circumstances to lead to a different recommendation.

It is recommended that the outline planning permission be renewed subject to referral to Secretary of State and Mayor for London and a deed of variation to an existing legal agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands, but would be acceptable subject to:

- a) no direction to the contrary from the Mayor for London,
- b) no call-in following referral of the application to the Secretary of State as a departure from the development plan,
- c) Havering College (as joint applicant), and all others (other than the Council) having an interest in the land, entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended) to secure the following:
 - that on securing an interest in part of the Learning Village site that they will enter into a further deed, the terms of which will be same as this agreement, which will be binding on successors in title to that land
 - that should they secure an interest in part of the Learning Village land and implement the college part of the planning permission then the Quarles College building will be vacated within 3 years of occupation unless the buildings on the Quarles site are demolished
 - at the Quarles Campus site, demolition to include removal of all footings, slabs, services capped at site boundary etc and an

environmental scheme to return the land to top-soiled and planted/grassed parkland condition

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

1. Approval of details - The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved in writing by the Local Planning Authority, showing the layout, scale, appearance and landscaping as defined in the Town and Country Planning (General Development Procedure) Order 1995 (herein after called 'the reserved matters').

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

2. Time limit for details - Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within five years from the date of this permission.

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

3. Time limit for commencement - The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters 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. Phases of Development to be Identified for Condition Submission – The development shall not commence and no reserved matters submissions or submissions of details to comply with conditions shall be made until a Plan is submitted to and approved in writing by the Local Planning Authority, clearly identifying the different phases of the development to which reserved matters applications and details required by condition submissions shall subsequently be made. No phase of the development shall commence until all relevant reserved matters and details prior to commencement conditions are approved in respect of that phase.

Reason: To ensure that full details of the relevant phase of the development are submitted for approval.

5. Reserved Matters for Each Phase to be Submitted at the Same Time – All reserved matters in relation to any phase of the development (as identified in accordance with Condition 4) shall be submitted at the same time.

Reason: Given the sensitive nature of the site within the Metropolitan Green Belt, it is important that all aspects of the development are considered together.

6. The College Development - The further education college hereby approved shall only be first occupied by the controlling owner of Quarles Campus at Tring Gardens.

Reason - The proposed further education college is inappropriate development in the Green Belt. The very special circumstances put forward are particular to Havering College as the controlling owner of the Quarles campus and therefore no other institute should occupy the new building until the Quarles Campus has been vacated and the site cleared.

7. Community Use of Sports Facilities - No phase of the development (as identified in accordance with Condition 4) shall be occupied until full details of the community use of the sports facilities, including a Community Use Scheme has been submitted to and approved in writing by the Local Planning Authority in respect of that phase. The Scheme shall include access policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of that phase of the development.

Reason: In order to ensure adequate mitigation for the loss of sports pitches, in accordance with Sport England comments.

8. In Accordance with Parameters - The development (including all reserved matters and other matters submitted for approval pursuant to the planning conditions) shall be carried out in accordance with the development parameters as detailed in Section 5.2 of the Design and Access Statement and Drawing No's:

P1700	Parameter Plan - Footprints
P1701	Parameter Plan – Building Heights

No application for approval of reserved matters (or other matters submitted for approval pursuant to the planning conditions) which would entail any significant deviation from the parameters and plans shall be made unless otherwise provided for by conditions elsewhere within this permission.

Reason: To ensure that the development is carried out in accordance with the plans and parameters that form the basis for the consideration of the scheme.

9. Boundary Treatment - No phase of the development (as identified in accordance with Condition 4) shall commence until details of the boundary treatment to that phase of development, demonstrating compliance with an overall site strategy, are submitted to and approved in writing by the local planning authority. No phase of the relevant development site shall be occupied until boundary treatment for that phase has been provided in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and in the interests of creating safer places.

10. Maximum Parking Provision – The total number of parking spaces on the site shall not exceed 506.

Reason: To ensure that the total parking provided does not exceed the maximum standard, in accordance with Policy DC33 of the LDF.

11. Cycle Parking – No phase of the development (as identified in accordance with Condition 4) shall be occupied until cycle parking is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority in respect of that phase. Such cycle parking shall thereafter be retained.

Reason: To ensure the development takes account on the needs of cyclists, in accordance with Policy DC33 of the LDF.

12. Design statement - Any application for reserved matters shall be accompanied by a comprehensive design statement which demonstrates how the development responds to the guidance set out in paragraph 032 of National Planning Policy Guidance.

Reason: To ensure the ongoing provision of high quality design, in accordance with Policy DC61 of the LDF.

13. Access statement - Any application for reserved matters shall be accompanied by an access statement, such statement to be approved in writing by the Local Planning Authority prior to the commencement of development of the relevant phase of the site (as identified in accordance with Condition 4). The statement shall demonstrate that all parts of the relevant phase of development, including the car parks and all external public areas, shall be designed to be accessible for all, including people with disabilities. Such details to include:

How the layouts, including entrances, internal and external circulation spaces, car parking areas, directional signs, lighting levels and other relevant facilities are accessible, adaptable or otherwise accommodate those with mobility difficulties or visual impairments.

Such provision to make the development fully accessible shall be carried out in accordance with the approved details and made available before each phase of the development is first occupied and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future users and visitors in accordance with the Councils policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 and Policy 7.2 of the London Plan.

14. Sustainability statement - Any application for reserved matters shall be accompanied by a sustainability statement, such statement to be approved in writing by the Local Planning Authority prior to the commencement of development of the relevant phase (as identified in accordance with Condition 4). The statement shall outline how the development will meet the highest standards of sustainable design and construction to incorporate measures identified in Policy 5.3 of the London Plan and shall be required to demonstrate that the development will achieve Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' rating, or better depending on the prevailing requirement at time of submission. Prior to the commencement of any relevant phase of the development (as identified in accordance with Condition 4) a Design Stage Certificate shall be submitted to the local planning authority. The relevant phase of the development shall thereafter be carried out in full accordance with the agreed Sustainability Statement. On completion of the relevant phase of the development a Post Construction Review under the appropriate BREEAM scheme shall be submitted.

Reason: In the interests of energy efficiency and sustainability in accordance with the Policy DC49 of the LDF, the Council's Sustainable Design and Construction SPD Adopted April 2009 and London Plan Policies.

15. Energy statement - Any application for reserved matters shall be accompanied by an Energy Statement, such statement to be approved in writing by the Local Planning Authority prior to commencement of development of any relevant phase thereof (as identified in accordance with Condition 4). The statement shall incorporate an energy demand assessment and shall detail the energy efficiency design measures and renewable energy technology to be incorporated into the final design of the development. The statement shall include details of a renewable energy/low carbon generation system for the proposed development, including consideration of the use of photovoltaics, which will displace at least 20% of carbon dioxide emissions, beyond Building Regulations requirements. The renewable energy generation system shall be installed in strict accordance with the agreed details and be operational to the satisfaction of the Local Planning Authority prior to the occupation of any relevant phase of the development. The development shall thereafter be carried out in full accordance with the agreed energy statement and the measures identified therein. Any change to the approved energy strategy shall require the written consent of the Local Planning Authority in consultation with the Mayor for London.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF, the Council's Sustainable Design and Construction SPD Adopted April 2009 and London Plan policies.

16. Secured by Design Scheme - Prior to the commencement of any relevant phase of the development (as identified in accordance with Condition 4), a full and detailed application for the Secured by Design scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the aforementioned scheme are to be incorporated. Once approved in writing

by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor, the relevant phase of 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 PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and Policy 7.3 of the London Plan.

17. CCTV - Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4) a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Havering Police Crime Prevention Design Advisor. No relevant phase of the development shall be occupied or used before the scheme is implemented as agreed.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and Policy 7.3 of the London Plan.

18. Car Park Security - Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4) a scheme shall be submitted in writing providing details of how the parking provided shall comply with Secured by Design standards. Once approved in writing by the LPA in consultation with the Crime Prevention Design Advisor, the relevant phase of the development shall be carried out in full accordance with the agreed details

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, and policies CP17 'DESIGN' LBH Core Strategy DPD) and DC63 'DELIVERING SAFER PLACES' LBH Development Control Policies DPD, and Policy 7.3 of the London Plan.

19. Lighting Scheme – Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4) a scheme shall be submitted in writing providing details of all external lighting to that phase, demonstrating compliance with an overall site strategy, and approved in writing by the local planning authority. No phase of the relevant development site shall be occupied until lighting for that phase has been provided in accordance with the approved details.

Reason: In the interests of residential and visual amenity, security and biodiversity.

20. Details of Plant and Machinery – Prior to the occupation of the relevant phase of the development (as identified in accordance with Condition 4), details shall be submitted of all external plant and machinery to that phase, including details

of external appearance and noise information. All external plant and machinery shall be installed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and in order to minimise noise disturbance.

21. Details of Extract Ventilation – No cooking of food shall take place, within a phase of development (as identified in accordance with Condition 4), unless extract ventilation equipment is installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise smell nuisance, in the interest of users of the site and nearby residential amenity.

22. Hours of Use of Floodlit Sports Areas – The playing fields and multi use games areas hereby approved shall not be used and any floodlighting switched off other than between the hours of 09.00 to 21.00 hours Mondays to Saturdays and 09.00 to 18.00 hours on Sundays and Bank or Public Holidays without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control in the interests of amenity.

23. Landscape Management Plan – Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4), a landscape management plan for that phase, demonstrating compliance with an overall site strategy and including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented in accordance with the agreed details.

Reason: In order to ensure a satisfactory design, layout and external appearance of the development.

24. Ecological Mitigation and Management – Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4), a scheme for the ecological enhancement and management of suitable open areas within that phase, demonstrating compliance with an overall site strategy, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the proposed details.

Reason: In order to ensure protection and enhancement of biodiversity, in accordance with Policy DC58 of the LDF.

25. Bat Mitigation – Prior to the commencement of the relevant phase of the development (as identified in accordance with Condition 4), a scheme for the conservation of bats and mitigation against the impacts of the development

shall be submitted to and agreed in writing by the Local Planning Authority. Such details as are agreed shall be implemented in full.

Reason: In order to ensure protection and enhancement of biodiversity, in accordance with Policy DC58 of the LDF.

26. Car Park Management Strategy – Prior to the first occupation of the relevant phase of the development (as identified in accordance with Condition 4), a parking management and allocation scheme for that phase shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of ensuring adequate provision of parking for the whole development, in accordance with Policy DC33 of the LDF.

27. Surface Water Drainage – No phase of development (as identified in accordance with Condition 4) shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to improve habitat and amenity.

28. Archaeology – No individual phase of development (as identified in accordance with Condition 4) shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Significant archaeological remains may 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, in accordance with the guidance and model condition set out in PPG16.

29. Archaeology - No development on the relevant phase of the site (as identified in accordance with Condition 4) shall take place on the site until fencing has been erected, in a manner to be agreed in writing with the Local Planning Authority, to protect the ditch along the site's northern perimeter that is associated with the Scheduled Ancient Monument. No works shall take place north of that fence without the written agreement of the Local Planning Authority.

Reason: Significant archaeological remains are known to exist along northern boundary of the site. The planning authority therefore wishes to ensure that these important remains are not impacted on by development works.

30. Construction Method Statement - No relevant phase of the development (as identified in accordance with Condition 4) shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the relevant construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of residential amenity and highway safety.

31. Contamination - Prior to the commencement of any relevant phase of the development (as identified in accordance with Condition 4), 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 with 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's 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:
 - o Part A – Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.
 - o 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

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

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

32. Travel Plans – No individual phase of development (as identified in accordance with Condition 4) shall be occupied unless a Travel Plan for that phase has been submitted to and agreed in writing by the Local Planning Authority. The plan shall include measures to reduce private vehicular trips and proposals for monitoring progress, including a timetable for its implementation and review. The agreed Travel Plan shall remain on force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys and to minimise the potential for increased on street parking in the area

33. Servicing Arrangements - No individual phase of development (as identified in accordance with Condition 4) shall take place until details of the servicing (deliveries and refuse collection) of that phase are submitted to and approved in writing by the Local Planning Authority. Servicing shall take place in accordance with the approved details.

Reason: To ensure a satisfactory layout and in the interests of highway safety.

34. Protection of Trees – No individual phase of development (as identified in accordance with Condition 4) shall take place until a scheme for the retention and protection of trees during construction of that phase is submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented and /or kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason: To protect the trees on the site.

35. Hours of Construction - All building operations in connection with demolition, 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.

36. Green Roofs/Walls – No individual phase of development (as identified in accordance with Condition 4) shall take place until details of green roofs and walls for that phase are submitted to and approved in writing by the Local Planning Authority. Green roofs/walls shall be provided in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and to improve habitat and amenity.

37. Signage and Wayfinding Strategy – No individual phase of development (as identified in accordance with Condition 4) shall be occupied until a scheme for signage and wayfinding for that phase, demonstrating compliance with an overall site strategy, is submitted to and approved in writing by the Local Planning Authority. The scheme, as approved, shall be implemented prior to the occupation of that phase of the development.

Reason: In order to achieve a satisfactory layout for users of the site.

INFORMATIVES:

1. In relation to Condition 28 – The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
2. Details required in relation to biomass application: Where the use of biomass is proposed, the biomass boiler must be certified as an exempt appliance in accordance with the Clear Act 1993. A list of exempt appliances can be found at: <http://www.uksmokecontrolareas.co.uk/appliances.php>
Efforts should be made to ensure the biomass boiler be one of the lowest emitting models available on the Government's Exempt Appliance list at the time of installation. The following information should also be provided:
 - The make, model and thermal capacity of the biomass boiler and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions. What reductions in emissions will this produce?
 - The type, height and location of the chimney
 - Information on the fuel, fuel feed system, the fuel supply chain and the arrangements that have been investigated to secure fuel
 - A breakdown of emissions factors for NOX, particulates and any other harmful from the biomass boiler.
 - An assessment of the impact of the emissions to ground level concentrations and any additional impact to surrounding

buildings/structures. It would be most helpful if the results of dispersion modelling were presented on a map

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

REPORT DETAIL

1. **Background**

- 1.1 The application has been called in by Councillor Webb on the basis that he has received a lot of queries from parents and residents in regard to the proposals.
- 1.2 On 23 December 2009, outline planning permission was granted for the redevelopment of the sites east and west of Settle Road, Harold Hill, to provide a learning village for 4 educational establishments. The site was to provide a redeveloped secondary school, a primary school, a special educational needs school and a further education college. Condition 2 attached to the planning permission required that reserved matters be submitted within five years of the permission. To date, only the secondary school (Drapers Academy) has been constructed (Reserved matters granted 27 August 2010, Ref P0817.10) and no detailed reserved matters applications have been made for the remainder of the Learning Village. The present application, submitted before the expiry of the 5 year reserved matters submission period, seeks to extend the period for submitting details for the remainder of the development.
- 1.3 The ability for this type of application to be made is limited. Such an application in effect seeks a new planning permission/consent with a new time limit or limits. The original permission will continue to exist whatever the outcome of this application. It is not possible to use this procedure where the permission or consent has already expired at the time of application, or where the permission/consent was granted after 1 October 2010. In such cases, a new application would have to be made. In most circumstances it is not possible to use this procedure where development has already commenced. The only exception to this is where the original permission was submitted in outline and implemented in phases, and one or more of the phases has begun. Under these circumstances, the procedures apply as long as the development was required or expressly permitted to be implemented in phases when the outline permission was originally granted by the local planning authority – this applies in this case.
- 1.4 Government advice on such applications is that local planning authorities should, in making their decisions, focus their attention on development plan

policies and other material considerations which may have changed significantly since the original grant of permission. Therefore this report summarises the main issues considered as part of the original outline planning application, outlines whether any changes to planning policy have occurred in relation to that issue and where necessary includes an assessment against the changed policy.

- 1.5 The planning permission granted in 2009, was subject to two legal agreements, one between the Council as local planning authority and Havering College to ensure that the Quarles Campus buildings be demolished. The other agreement was between the Council as landowner and TfL, enabling TfL to seek a contribution toward increasing bus service should assessments (defined in the Agreement as a Travel Survey) undertaken on occupation of the replaced Kings Wood School (Drapers Academy) show that bus services have a shortfall in capacity. No such Travel Survey was undertaken by TfL on occupation of the Drapers Academy. A Travel Survey would now have no legal affect and therefore there is no need or requirement to carry this obligation forward to a new planning permission.

2. **Site Description**

- 2.1 The application relates to a large area of land, totalling 17.3 hectares, north of Dagnam Park Drive in Harold Hill. The site currently comprises three schools and associated grounds as well as Settle Road, which provides vehicular and pedestrian access to the schools as well as to Dagnam Park to the north. Nearby land at the Quarles Campus site in Tring Gardens (occupied by Havering College) is also relevant to the application for the reasons set out later in this report.
- 2.2 Pyrgo Priory Primary School occupies the south west part of the site, west of Settle Road. The school comprises a long, primarily single storey building located to the rear of residential properties at 150-168 Dagnam Park Drive and running toward the centre of the site. The building fronts onto a large open space which is used as playing pitches, but also contains a number of mature trees, bounding onto Dagnam Park Drive and Settle Road. To the rear is a hard play area, bounding residential properties in Sedgefield Crescent and several mature trees bounding on to Cockerells Moat which is a Scheduled Ancient Monument. The site also includes a single storey building which is used as a children's centre. The parking area for the school is situated off Settle Road. The main school building was built in the 1950's.
- 2.3 Dycorts School occupies the north west part of the site, west of Settle Road. It is a single storey building occupying an area between Cockerells and Settle Road. To the rear of the building is a hard play area, whilst to the front is a parking area. The site is bounded to the north by Dagnam Park.
- 2.4 Drapers Academy occupies the north east part of the site. It comprises a recently completed brick finished building up to three storeys in height. To the rear are sports pitches including an all weather pitch.

- 2.5 The south east part of the site is vacant having been occupied by part of the previous Kings Wood School.
- 2.6 The site is designated in the Havering Local Development Framework as Metropolitan Green Belt and part is within the Havering Ridge of Special Character. There are no other land-use policy designations affecting the site, although it adjoins a Scheduled Ancient Monument and Sites of Importance for Nature Conservation.
- 2.7 The surrounding area is residential in character to the south and west with terraces and semi-detached housing typical of the post-war development of the Harold Hill Estate. To the east and north the area is of open character with Dagnam Park and Maylands Golf Course providing recreational facilities, Duck Wood and other areas of trees providing character and open countryside to the M25 in the valley.

3. **Description of Proposal**

- 3.1 The Outline Planning Permission proposed a phased development resulting in the eventual demolition of all buildings on the site and redevelopment to provide a Learning Village. Development was to be carried out in phases. Only one phase has been completed – the Drapers Academy. The present application seeks to extend the period for the submission of Reserved Matters for the remainder of the Learning Village.
- 3.2 The application sets out that the Learning Village would comprise the following:
- An academy providing education for 11-18 year olds – a replacement for King's Wood School previously on the site – this has been built.
 - A higher education college – a replacement for that currently at the Quarles Campus, Tring Gardens, Harold Hill.
 - A primary school, nursery and children's centre.
 - A special school.
 - New vehicular access off Dagnam Park Drive.
 - Internal access roads, drop off areas and car parking areas.
 - A public central area between the buildings on Settle Road (civic heart)
 - Provision of sports facilities including a gymnasium/sports hall, playing fields, multi use games courts and hard pitches.
 - Associated landscaping.
- 3.3 All matters, except access, are reserved for further submission and consideration. However, the following parameters are set:
- The maximum footprint of the proposed buildings (18,010 sq m) and their approximate location;
 - The maximum floorspace of the buildings (26, 381 sq m);
 - The maximum height of each of the buildings (College up to 3 storeys, Primary School up to 2 storeys, Special School up to 2 storeys and Gymnasium/Sports Hall up to 2 storeys) ;

- Maximum number of parking spaces (506) and approximate position of parking areas.
- 3.4 The college building is proposed to be located to the front of the site, in the open area currently used as a playing pitch by Pyrigo Priory Primary School. The building is indicated as having a curved “J” shaped footprint with a frontage length of approximately 200 metres. The building would be set back from the corner of Dagnam Park Drive and Settle Road by at least 70 metres, leaving a large area of open space. Behind the college building would be a ‘dropping off’ and parking area. A larger parking area for the college would be provided on the site of the current Pyrigo Priory Primary School building, accessed off the new road.
- 3.5 The proposed special school would be on the opposite side of Settle Road to the Drapers Academy building. It would have a frontage width of 40 to 50 metres and a depth of about 65 metres. To the north of the building would be a hard playing area and a small playing field. Parking for the special school would be to the west of the new access road, close to the boundary with Cockerells Moat.
- 3.6 The proposed primary school would be located to the south of Drapers Academy, on the site of the demolished south block of King’s Wood School. The building would have an overall width of 70 metres, a frontage width of 40 metres and a depth of between 43 to 50 metres. Parking for the school would be located to the south of the building, accessed from Sheffield Drive – similar to the previous parking for King’s Wood School. To the west of the building would be hard play areas, playing fields and a multi use games area.
- 3.7 As part of the application, the applicants have offered a “transfer” of the existing Quarles site footprint to the Learning Village site, with the Quarles site reverting to appropriate Green Belt uses to be ensured by way of legal agreement in order to ensure that the overall impact of the development ‘footprint’ on this part of the Green Belt is acceptable.

4. **Relevant Planning History**

- 4.1 P0575.06 – King’s Wood Site – Provision of synthetic sports pitch with floodlighting, fencing, access and extended car park - Approved
- 4.2 P0668.07 – Pyrigo Site – Single storey detached building for children’s centre – Approved
- 4.3 P0384.09 – Pyrigo Site – New hard surface to provide external play area – Approved
- 4.4 P0682.09 – Learning Village – outline approval for Learning Village
- 4.5 P0817.10 – Drapers Academy – Reserved matters for academy building - Approved

- 4.6 P0886.11 – Dycorts Site – Garage for mini-bus - Approved
- 4.7 P0978.13 – Pyrigo Site – Demountable building – Approved
- 4.8 P0853.14 – Pyrigo Site – Single storey extension - Approved

5. **Consultation/Representations**

- 5.1 A total of 162 notification letters were sent to properties in the vicinity of the site. The application was also advertised by way of site and press notice.
- 5.2 210 representations have been received, raising objections to the application. The objections can be summarised as follows:
- The new primary school will no longer be for Pyrigo school
 - Two primary schools will lead to traffic problems in the area
 - The playing fields to the front of the site are used by Pyrigo school for a variety of sporting activities and will be lost
 - Proposal results in loss of openness
 - Increase in noise
 - Not appropriate to mix pupils and students of different ages
 - Loss of habitat for deer
 - Loss of trees
 - Loss of privacy from new buildings
 - Increase in litter
 - Buildings will not be attractive
 - Parking problems
 - Disruption during construction period
 - Impact on wildlife
 - Loss of outlook, daylight and sunlight
 - Four storey building would have significant visual impact
 - Pyrigo would be overshadowed by new buildings
- 5.3 A petition, signed by 824 people has been submitted entitled:
- “SAVE OUR PYRGO PRIORY SCHOOL FIELD. The Council have plans to build on our schools playing field. This would be a massive loss to the school and pupils who use the field for various activities.”
- 5.4 The Greater London Authority have been consulted on the proposal at Stage 1 of the referral process – their response is awaited.
- 5.5 Sport England – state that they commented on the original application back in 2009, raising no objection and confirming that the scheme complied with E4 of the Sport England policy to protect playing fields. The response states that Sport England does not object to the application which merely seeks to extend the life of the original permission.

5.6 Environment Agency – no objections subject to condition requiring details of Sustainable Urban Drainage.

5.7 Brentwood Borough Council – no objections

5.8 English Heritage – No comments

6. **Staff Comments**

6.1 The main issues in this case are whether there has been any significant change in circumstances (planning policy or other material considerations) since outline planning permission was granted in 2009 and, if so, whether these would lead to a different recommendation.

6.2 In 2009, the principle issues with the proposal were considered to be the principle of the development in land use terms, with particular reference to the Green Belt status of the land, loss of playing fields, site layout and visual impact, impact upon existing neighbouring occupiers, highways and parking, heritage, security/safer places, sustainability, ecology and flood risk. There are not considered to be any additional considerations as part of the renewal application.

6.3 In terms of the Council's own local policies, the Local Development Framework, adopted 2008 continues to apply and the policy considerations are the same. Policies CP8 (Community Facilities), CP9 (Reducing the need to Travel), CP10 (Sustainable Transport), CP14 (Green Belt), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage) of the Local Development Framework Core Strategy are considered relevant.

6.4 Policies DC18 (Protection of Public Open Space, Recreation, Sports and Leisure Facilities), DC26 (Location of Community Facilities), DC28 (Dual Use of School Facilities), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Management), DC45 (Appropriate Development in the Green Belt), DC46 (Major Developed Sites), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees and Woodland), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC69 (Other Areas of Special Townscape or Landscape Character), DC70 (Archaeology and Ancient Monuments), DC71 (Other Historic Landscapes) and DC72 (Planning Obligations) of Local Development Framework Development Control Policies Development Plan Document are also considered to be relevant.

6.5 Since December 2009, the Council has adopted the Heritage SPD which is considered relevant.

- 6.6 Since 2009, the London Plan 2008 has been replaced by the London Plan 2011 and Revised Early Minor Alterations to the London Plan October 2013. Policies 3.1 (Ensuring Equal Life Chances for All), 3.18 (Education facilities), 3.19 (Sports Facilities), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and Construction), 5.7 (Renewable Energy), 5.9 (Overheating and Cooling), 5.11 (Green Roofs and Development Site Environs), 5.13 (Sustainable Drainage), 6.9 (Cycling), 6.10 (walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.14 (Air Quality), 7.16 (Green Belt), 7.19 (Biodiversity and Access to Nature) are further material considerations
- 6.7 Since the grant of outline permission in 2009 previous national policy has been replaced by the National Planning Policy Framework (NPPF).

The principle of the development

- 6.8 The site is currently in educational use with schools and associated hard surfaced areas and green open space including playing fields. The proposal would not change the use of the land – it would remain in educational use. Retaining community facilities (which includes education) is supported by Core Policy CP8 of the LDF. Furthermore, since 2009 there has been changes in policy that weigh further in favour of the proposal - Policy in the NPPF states that Local Planning Authorities should give great weight to the need to create, expand or alter schools (para 72). Policy 3.18 of the London Plan states that Development proposals which enhance education and skills provision will be supported; proposals for new schools should be given positive consideration; multiple use of educational facilities for community or recreational use should be encouraged and proposals that encourage co-location of services between schools and colleges and other provision should be encouraged in order to maximise land use, reduce costs and develop the extended school or college's offer. Staff therefore consider that the proposed development of the site for educational purposes would be acceptable in land use terms.
- 6.9 The main consideration in terms of the principle of the development relates to the Green Belt allocation of the site. National policy contained in the NPPF, reflected in LDF Policy DC45, states that the construction of new buildings inside the Green Belt is inappropriate unless it is for specified purposes. The proposed educational buildings are not within one of the specified purposes within the NPPF. Therefore the proposed development is inappropriate development, harmful to the Green Belt and is considered to be a departure from the development plan. This was also the conclusion in 2009.
- 6.10 As with previous Green Belt Policy, the NPPF states that inappropriate development should not be approved, except in very special circumstances. It for the applicant to show why permission should be granted.
- 6.11 In 2009 the following very special circumstances were considered to outweigh the in principle harm to the Green Belt through inappropriateness:

- The proposal to co-locate learning establishments from pre-school to further and higher education on a single, unified site was considered to have significant regenerative benefits, addressing wider issues in the area such as educational attainment, social mix and inclusivity. The siting of the buildings around a central heart space was considered to provide a significant and identifiable centre for learning in the area, fulfilling both the Councils Living Ambition for the Borough and specific programme for Harold Hill.
- There was a lack of alternative sites for the development. Locating the Learning Village at this site is a more sustainable form of development which should be supported.
- The proposal, although having some impact on the openness of the green belt, nonetheless it would not conflict with the purposes of including the land in the Green Belt. Furthermore, it was considered that the proposal would not have a harmful impact on the character of the Havering Ridge Area.
- A “footprint transfer” with the Havering College Quarles Campus being transferred to the Settle Road site with all buildings removed, to be secured by legal agreement, would result in a significant improvement to the Green Belt in the immediate area.

6.12 Staff consider that the policy position has not significantly changed and that the very special circumstances still apply such that the harm to the Green Belt is outweighed in this particular case – in addition to this, national and London Plan policies suggest a more favourable consideration for new educational facilities than was the case in 2009. This policy change adds to the very special circumstances case.

Loss of Playing Fields

6.13 The proposed College building would be sited on open land in front of the current Pyrgo Priory Primary School. In 2009, this was used for mini and junior football and was defined by legislation as a playing field. The playing field is also used by Pyrgo Priory School for a number of sporting and outdoor activities. National policy in 2009 has been carried forward to the NPPF stating that playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location (para 74).

6.14 The proposal includes the following sports provision:

- Retention of existing floodlit artificial turf pitch
- Retention of and improvements to existing 3 turf pitches
- Provision of three new Multi Use Games Areas
- Provision of two new turf pitches
- Provision of two new indoor sports halls

6.15 In 2009, Sport England commented that as long as the sports facilities are available for community use, then they consider that the proposal would meet

its exceptions (improvement to sporting facilities) and raise no objection. Sport England have been consulted on the present application and have raised no objections. The community use of the sports facilities can be secured by way of condition. Staff therefore consider that the loss of playing field is suitably mitigated by the proposal and complies with national policy and Policy DC18 of the LDF.

6.16 A number of objections have been received on the grounds that the proposal would result in the loss of the open space in front of Pyrigo School and that this is used by the school for sporting activities. Objections are that the loss of this open space would be detrimental to the school if it is to remain on the site in its present buildings, which objectors say would be likely as the school is now an academy. If Pyrigo were to remain in situ, this would be a change in circumstance since permission was originally granted in 2009. However, the following factors should be taken into account indicating that the proposal, in its outline form, is acceptable:

- If Pyrigo School were to remain in their current buildings, that part of the Learning Village development covering this part of the site and the open space, the college building and associated parking and access road, could not be implemented. Any alternative proposal for a college on this site would necessarily have a different footprint and access arrangement and have to be subject to a separate new planning application where the relationship to the retained Pyrigo school and proposed provision of open space/playing field would need to be assessed (as well as other issues including Green Belt impact).
- The proposal includes a range of playing fields and sporting facilities which are an overall enhancement on what was and is currently available across the whole site. London Plan policy 3.18 encourages multiple use and co-location of facilities. A condition is recommended seeking community use of all the sporting facilities of the Learning Village – such community use would include use by any school on the site such that the sports field offer across the Learning Village is an improvement over existing and benefits Pyrigo School.

6.17 In the circumstances, it is considered that the change in circumstances, is not so significant to recommend refusal of the proposal.

Site Layout and Visual Impact

6.18 In 2009, it was concluded that the parameter plans sufficiently demonstrate that a high quality design can be achieved across the site and therefore would accord with LDF Policy DC61. There has been no significant change in policy to come to a different conclusion.

Heritage

6.19 Part of the site is within an Archaeological Priority Area and the site adjoins the Cockerells Moat which is a Scheduled Ancient Monument. The NPPF requires protection of heritage assets, but the policies are not significantly different to

2009 where it was concluded that subject to conditions requiring further archaeological investigation and protection of the Scheduled Ancient Monument during construction, the proposal is considered acceptable in Heritage terms.

Impact on Neighbouring Occupiers

- 6.20 There is considered to be no policy or other significant changes since 2009 in regard to assessment of impact on neighbours. The considerations at the time were as follows
- 6.21 As a result of the proposal, properties in Settle Road would be at least 40 metres and those in Dagnam Park Drive at least 55 metres from the proposed maximum 2 storey section of college building, properties in Sheffield Drive would be at least 40 metres from the proposed maximum 2 storey section of the primary school, properties in Sedgefield Crescent would be at least 130 metres away from any buildings. At these distances there would not be any loss of daylight or sunlight to these properties, nor would the proposed buildings appear unduly dominating in views or result in overlooking problems.
- 6.22 Parking areas are proposed close to residential boundaries, particularly the college car park proposed in the southwest corner of the site, which would be, at its closest point, about 3 metres from the boundary with properties in Dagnam Park Drive and Sedgefield Crescent. Given that this distance should enable a decent level of landscaping, that this part of the site is currently a school playground and that activity would be likely to be concentrated during the day, it is considered by Staff that there would not be undue noise and disturbance to residents by parking. The other proposed parking area in close proximity to residents would be the primary school parking opposite properties in Sheffield Drive. As this area was previously used as parking area for King's Wood School and therefore no new issues are considered by staff to arise.
- 6.23 In terms of levels of activity associated with the site, there is no doubt that there will be an increase, primarily due to the additional establishment moving to the site (the college). The current college campus at Tring Gardens is located further to the west off Dagnam Park Drive. There will be a corresponding decrease in levels of activity along Tring Gardens which is poorly suited to providing access to an important, and busy, educational facility. Staff consider that the location of the application site is preferable for the concentration of activity and that any inconvenience to residents would be within acceptable limits.
- 6.24 Play areas for the proposed schools would be sufficiently distant from residential properties to minimise noise disturbance. A number of the outdoor sports facilities would be floodlit. Again these are some distance (at least 90 metres) from residential properties, although conditions should be imposed to control light spillage and the hours that the facilities can be used. Conditions would be attached to ensure that noise and disturbance is minimised during what is likely to be a long construction period.

Highways and Parking

- 6.25 In terms of parking spaces, a total of 506 spaces are proposed, allocated as 292 for the College, 100 for the Academy, 53 for the Primary School, 55 for the Special School and 6 for the children's centre (part of primary school). Annex 5 of the LDF specifies maximum numbers of parking spaces for developments, stating that for schools, 1 space per teaching staff be provided and for colleges of further education, 1 space per 2 staff plus 1 space per 15 students. Based upon the anticipated staff, pupil and student levels at the Learning Village, this would equate to a maximum requirement of 504 spaces (excluding the children's centre). There has been no significant change in parking standards since 2009 and it is therefore considered that the level of parking proposed is acceptable, complying with Policy DC32 of the LDF.
- 6.26 There has been no significant change in the capacity of the road network since 2009. The Council's Highways engineers have raised no objections to the proposals including proposed changes to the existing road layout and accesses.
- 6.27 The 2009 permission includes a legal agreement between TfL and the Council, enabling TfL to seek a contribution toward increasing bus service should assessments (defined in the Agreement as a Travel Survey) undertaken on occupation of the replaced Kings Wood School (Drapers Academy) show that bus services have a shortfall in capacity. No such Travel Survey was undertaken by TfL on occupation of the Drapers Academy. A Travel Survey would now have no legal affect and therefore there is no need or requirement to carry this obligation forward to the new planning permission.

Security/Safer Places

- 6.28 There have been no significant policy changes since 2009. Subject to a condition requiring details of the secure by design measures to be implemented, it is considered that the proposed village would be a safe attractive place, in accordance with Policy DC63 of the LDF.

Sustainability and Energy

- 6.29 There have been no significant policy changes since 2009. Due to the outline nature of the proposal, precise details of the energy saving and renewable measures cannot be confirmed at this stage. However, a suitable condition could ensure that the development provides suitable measures to comply with Policy DC49 of the LDF and appropriate Supplementary Planning Document.

Ecology

- 6.30 There have been no significant policy changes since 2009. Suitable conditions are suggested in relation to ecology.

Flood Risk

6.31 There have been no significant policy changes since 2009 – the site is in Flood Zone 1. The Environment Agency have made no objections subject to a condition requiring details of drainage for the site.

7. Conclusion

7.1 Although there have been some changes to planning policy since outline planning permission was granted in 2009, in particular national and London Plan policies, none of these changes result in a fundamentally different assessment of the merits of the proposal. If anything, national and London Plan policies are more favourable of new educational development and this adds to the previous very special circumstances case which was previously considered to outweigh the harm to the Green Belt.

7.2 There is now a likely possibility that the Pyrgo Priory Primary School may not move, with the effect that the outline proposal could not be implemented in full – but the ability to fully implement an outline planning permission is not normally a material planning consideration. Furthermore, the proposal provides for enhance sporting facilities for all establishments across the site.

7.3 It is therefore recommended that outline planning permission be granted, subject to a deed of variation to the S106 agreement to ensure the demolition of buildings on the Quarles site.

7.4 As the application is a departure from the development plan, it would need to be referred to the Secretary of State to give the opportunity for the application to be called in. Furthermore, Stage 2 referral of the application is required to the Mayor of London, who has the power to either direct refusal of the proposal should it be considered contrary to strategic policies for London or take on the application for his own determination..

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: The Council will need to prepare deeds of variation to the legal agreement with TfL and S106 agreement between the Council and Havering College. This will involve legal resources.

Human Resources implications and risks: None

Equalities implications and risks: The creation of a Learning Village would bring direct benefits to the Harold Hill area and aid social inclusion in the area.

BACKGROUND PAPERS

1. Application form, plans and supporting documentation.

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REGULATORY SERVICES COMMITTEE

12 March 2015

REPORT

Subject Heading:

P1220.14: Erection of three storey building comprising 22 no. retirement living apartments with communal facilities landscaping and parking.

Former Old Windmill Hall Site, St Marys Lane, Upminster

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
National Planning Practice Guidance

London Plan

Financial summary:

Not applicable

SUMMARY

The application has been called in by Councillor Linda Van den Hende on the grounds of over development, bulk at this location, insufficient parking, and effect on the streetscene and impact on Upminster Park.

The application is for the redevelopment of this site previously in community use for 22 older person flats and car parking. The redevelopment is considered acceptable in principle in accordance Development Plan and National Planning Policy Framework policies. The proposed building would fill much of the site and would be visually prominent in the streetscene which is characterised by open well landscaped frontages and large buildings, a number of which are listed. However, the building's design features, including the use of materials and the retention of mature landscaping would help break up the bulk and staff consider that, on balance, the appearance of the development would be acceptable. The proposals would help to meet a housing need for a particular category of occupiers.

No on-site affordable housing is proposed, but following negotiations an off-site contribution has been offered. A viability report has been submitted by the applicant, which has been independently appraised. The advice to the Council is that a larger contribution could be justified. Staff are seeking further clarification on a number of issues, however, based upon the current advice staff consider that the sum offered represents a reasonable amount that would meet development plan affordable housing policies. It will be a matter of judgment for members whether the sum offered is sufficient to meet policy requirements.

This application raises issues where members will need to exercise careful judgment, in particular in relation to design and appearance and affordable housing. Should members judge that these amount to material objections to the application then they could amount to grounds for refusal. Staff consider that, on balance, the proposals would 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 £54,800 subject to indexation. This is based on the creation of 2,740 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 financial contribution of £312,000 to be paid prior to the commencement of the development, to be used towards the provision of affordable housing within in Havering in accordance with Policies CP2 and DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- A financial contribution of £132,000 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 AA44707/2011 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 first occupation 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 and internal lighting* - The development hereby permitted shall not be commenced until a scheme for the lighting of external areas and the undercroft parking area 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, including any works of demolition; 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 within the site 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.

15. *Sustainability* – The development hereby permitted shall not be occupied until the developer has provided the Local Planning Authority with a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for

Sustainable Homes Level 4 rating. Within 6 months of the date of the final occupation of all the residential units 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.

16. *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.

17. *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.

18. *Vehicle access* – All necessary agreements, notices or licences to enable the proposed alterations to the Public Highway as 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.

19. *Alterations to highway* – No part of the building shall be occupied until the proposed alterations to the public highway, including the proposed delivery bay as shown on approved drawing 047.0020.100 has undertaken in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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

20. *Obscure-glazing* – The proposed flats on the first and second floors on the south eastern corner of the development as shown on approved drawings AA44707/2012 and AA44707/2013 shall not be occupied until screening panels have been provided along their eastern edge which are a minimum of 1.7 metre high and which shall be permanently glazed with obscure glass to a glazing rating level of a minimum of level 3. The screening panels shall be permanently retained thereafter.

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

21. *Diversion of footpath* – The development hereby permitted shall not commence until the public right of way that crosses the site (Footpath 198) has been formally diverted under the provisions of S273 of the Town and Country Planning Act 1990 (or equivalent legislation).

Reason: The prior diversion of Footpath 198 is necessary to enable the development to be carried out.

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. *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.

7. *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 £54,800 (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.

REPORT DETAIL

1. Site Description

- 1.1 The application site lies on the south side of St Marys Lane, Upminster between the New Windmill Hall and Gridiron Place. The site currently comprises a public car park and the site of the former community hall, now demolished which is fenced off from the car park. There are two access/egress points to the car park. To the south of the site are the open grassed areas of Upminster Park.
- 1.2 There are a number of mature trees on the site frontage with St Marys Lane and within the site itself. There is also a substantial conifer hedge along the boundary with the park which extends along the park boundary with the New Windmill Hall. There are shrubs along the frontage and the eastern boundary.
- 1.3 To the east of the site is a surfaced pathway that is part of the Sustrans cycle network beyond which is a further landscaped area that forms the boundary with two residential properties in Gridiron Place. Gridiron Place provides access to a block of three-storey flats which back on to the park. Further to the east is the Grade I listed St. Laurence's Church and its churchyard. To the north of the site are residential properties and a primary school.

2. Description of Proposal

- 2.1 It is proposed to erect a three-storey block containing 22 retirement flats following the clearance of the site. The proposed parking comprises 16 spaces, including three disabled, plus a motorcycle space, all of which would be accessed under the building via a single access point from St Marys Lane. The building would be constructed in mainly brick under a tiled roof, including a series of staggered elements with gable ends facing onto St Marys Lane.

- 2.2 The ground floor would include communal facilities, including lounge area, buggy and cycle store and guest accommodation. There would be three ground floor 2-bed flats with rear terraces facing onto the park. The first floor would comprise eight 2-bed and one 1-bed flats. All of the flats would have external balconies.
- 2.3 The building has been design to enable most of the mature trees on the site around the boundaries to be retained. A Horse Chestnut and Crab Apple would be removed to make way for the new access. The conifer hedge to the rear would also be removed. Within the site a number of less mature trees would be removed and some crown reduction would also be required.
- 2.4 The application site includes land currently with Upminster Park which would be landscaped as part of the proposals and returned to the park upon the completion of construction.

3. Relevant History

None

4. Consultations and Representations

Representations

- 4.1 The application has been advertised on site and in the local press as major development and notification letters sent to 100 neighbouring occupiers. There have been 53 representations, eight in support and forty five against raising the following matters:

Objections

- Alter the general ambience of the neighbourhood;
- Increase traffic on St Mary's Lane
- Increased risk of injury to children from local schools due to positioning of access;
- Loss of public car parking, the area should be developed as public parking for the park;
- Should be restored as parkland;
- Loss of outlook from existing dwellings;
- Loss of privacy and overlooking of properties in Gridiron Place from proposed balconies;
- Inappropriate scale and design of building which would not be in keeping with the area and would be overbearing;
- Lack of parking for the development will lead to more parking in local roads;

- Overlooking of park which is frequently in use by children
- Part of the park should not be used for development;
- Impact on listed buildings;
- Inappropriate in a town centre;
- Should be used as car park to help attract visitors to historic buildings nearby;
- Could result in activities at the New Windmill Hall being curtailed;
- Loss of trees and open green space,
- Would reduce the amount of access to the park
- Loss of right of way

Support

- Would be an asset to the area;
- Need more residential places in Upminster of the type being proposed.

Consultations

- 4.2 London Fire Brigade (Water) - no extra fire hydrants required;
- 4.3 London Fire and Emergency Planning Authority - access for a pump appliance should be provided to within 45m of all points of the building;
- 4.4 Public Protection - land contamination, hours of construction, sound insulation and soil testing conditions requested;
- 4.5 English Heritage – no archaeological conditions required;
- 4.6 English Heritage (Listed Buildings) do not object to the principle of development but consider that the height, scale, depth and continuous length of the elevation combine to create a building which would appear bulky and overscaled in the local context of St Mary's Lane and the setting of nearby heritage assets particularly the Grade II listed school. Concerned that the proposals would cause some harm to the setting of the heritage assets and encourages revisions to be sought to secure a development that reflects the bulk, scale and form of that found nearby;
- 4.7 Ramblers Association – do not oppose the diversion of the public right of way to facilitate the development.
- 4.8 Metropolitan Police Designing Out Crime Officer - the principles of secured by design do not appear to have been reflected in the design of the proposed development and does not reflect the seven attributes of Safer Places as required by policy DC63. These matters have been raised with the applicant but have been dismissed without any changes being made that would assist in reducing the vulnerability of the proposed building or its residents to crime. Concerns are raised in relation to the undercroft parking, the buggy and bicycle stores and the refuse store. Other recommendations include: a boundary fence

to the rear, landscaping to the front should have a mature height of no more than 1m, lighting should have dusk to dawn sensors, bollard luminaries should not be used given poor light distribution. Should planning permission be granted a secured by design condition is recommend.

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); 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), 5.13 (sustainable drainage), 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 and the provisions of the National Planning Policy Framework and the National Planning Practice Guidance are also material considerations.

6. Staff Comments

Call-in

6.1 This application has been called-in for determination by Councillor Linda Van den Hende on the grounds of over development, bulk at this location, insufficient parking, and effect on the streetscene and impact on Upminster Park.

Background

- 6.2 The application site is owned by the council and includes land that currently forms part of Upminster Park. At its 13 February 2013 meeting Cabinet approved the disposal of the site as being surplus to the Council's requirements. The approval included an adjustment to the site to create a regular boundary with the park. An area of 191 square metres was taken from the park which was replaced with a similar compensatory area from the site. This included a strip along the eastern boundary to accommodate the widening of the Sustrans cycle route. The application site includes the compensatory land and additional land to accommodate a proposed landscaping strip between the new building and the park. The landscaped area would form part of the park upon the completion of the development.

Principle of the development

- 6.3 The site is allocated on the Local Development Framework Proposals Map as being a park/open space where Policy DC18 applies and within Upminster Town Centre where Policy DC16 applies. Annex 4 of the LDF identifies the site as being outside of both the retail core and fringe areas. The most recent use is for community purposes where Policy DC27 applies.
- 6.4 The site can be considered to be previously developed as it has been used for car parking and for community use through the Old Windmill Hall. Currently part of the site is used for public car parking. One of the core principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The application site would meet this objective.
- 6.5 The site lies outside of the core and fringe areas of the town centres where there are no specific policies restricting or regulating development. In the remainder of the town centre residential development is subject to a number of strict policy tests which would not normally allow entirely residential schemes. However, there is no such restriction in this part of the town centre.
- 6.6 Policy CP1 is particularly relevant with regard to housing provision in seeking to prioritise the use of brownfield sites to meet the housing need. Whilst the site is designated land so would not meet one of the policy criteria, as brownfield land it would be included within the scope of the policy. The proposal would help to meet an identified housing need and while the LDF does not include any policies that specifically relate to age restricted tenure, the London Plan policy 3.8 seeks to ensure that in planning decisions account is taken of the changing age structure of London's population, in particular the varied needs of older residents. Details submitted in the application indicate a demand for the type of accommodation proposed. The proposals would help to meet the identified need for one and two-bed properties in Havering.
- 6.7 Policy DC18 seeks to protect parks and open spaces. However, the site has not been used as part of the park for some time, the former play area having been relocated in 1987 when the car parking area was created to support the

hall. The last use of the entire site was for community use, including the car park. Apart from the car parking there is no longer any community use.

- 6.8 The Council has formally determined that the former use, including the car park, is surplus to requirements. Policy DC27 will only allow such sites to be redeveloped where there is no longer a need for the facility or where suitable alternative provision is made. In October 2011 the Council approved a strategy for the future use of community halls. This included the demolition of the Old Windmill Hall, whilst retaining and improving the adjacent New Windmill Hall. The car parking was retained as an operational car park. In February 2013 the Council determined that parking needs in the area were reasonably met elsewhere so the 15 spaces were no longer required. Therefore, staff consider that the requirements of Policy DC27 have been met.
- 6.9 Policy DC18 seeks to protect open space from other uses. However, these may be permitted where it can be shown that the land is surplus to requirements and there is an improvement to other open space in the vicinity. The Council has decided that the land is surplus to open space requirements when it relocated the equipped area of play and developed the site for community use. The terms of the policy have in effect already been met by the change to community use and the relocation of the play area elsewhere within the park.
- 6.10 In terms of the London Plan policy 2.15 states the proposals in town centres should accommodate housing growth through intensification and selective expansion in appropriate locations. Policy 3.15 seeks to ensure that there is adequate social infrastructure provision and where a current facility is no longer needed to take reasonable steps to identify alternative community uses for which needs have been identified. Policy 7.18 seeks to protect open spaces unless equivalent or better quality provision is made within the local catchment area. The guidance in the NPPF is along similar lines. Local services should be provided to meet community needs. One of the core planning principles of the NPPF is to deliver sufficient community facilities to meet local needs, this includes recreational and other social facilities. Existing open space should not be built on unless it has been shown that the land or buildings are surplus to requirements or replaced by better or equivalent provision.
- 6.11 Assessed against these policies staff consider that the redevelopment of the site for housing would be acceptable in principle. The main issues are, therefore, whether the development would be acceptable in terms of its impact on the character and appearance of the area, the scale and design of the development, the impact on the setting of nearby listed buildings and the acceptability in highway terms.
- 6.12 The issue of affordable housing provision is addressed in more detail later in the report. The requirements of LDF policies CP2 and DC6 need to be addressed if the development is to be considered acceptable. The borough wide target set out in LDF policies CP2 and DC6 is 50%. In some cases an off-site contribution would be acceptable and in assessing the viability of a proposal needs to be taken into account. In this case an off-site contribution has been offered.

Density and site layout

- 6.13 The site has a PTAL value of 4 and in accordance with Policy DC2 the site is within the Upminster PTAL area. The site would be classified as suburban and a density range of 50-80 dwellings per hectare is indicated as appropriate, comprising terraced housing and flats. The application site has an area of 0.2 hectare and proposes 22 new dwellings. This equates to a development density of 110 units per hectare, which is outside of the range specified in Policy DC2. The London Plan, Table 3.2 gives a higher range with this proposal being at the upper end. 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.
- 6.14 In terms of amenity space each flat would have a balcony or terrace. These would all meet the size recommendations in the Residential Design SPD. The space can be considered usable and all would look out onto landscaped grounds, including the park. None of the space would be directly overlooked from the public realm, although those on the north side whilst screened could be visible from the street, especially during the winter months. Those on the north side would also have restricted sunlight. There would be no external communal space, although residents would have the use of the communal lounge and also have the benefit of the adjacent park. Overall staff consider as a matter of judgement that the amenity space provision would be acceptable.
- 6.15 In terms of the parking provision this would be less than one space per unit. London Plan Policy 6.13 and Table 6.2 set a maximum of less than one space per unit; however, the LDF in Policy DC2 would require 1.5-1 space per unit. However, the development would be entirely flats and the site is very accessible to town centre facilities and to public transport, including mainline rail services. On balance, staff consider that the car parking provision would be acceptable.
- 6.16 The proposed building would fill much of its plot width and on the western side be within one metre of the site boundary and only about 2 metres away from the nearest part of the New Windmill Hall. Parts of the building would be set significantly forward of the New Windmill Hall and the houses in Gridiron Place. However, there would be substantial gap on the eastern side which is already significantly landscaped. Issues of impact in the streetscene are dealt with later, nevertheless, given the site coverage the proposals could be considered cramped within the site and amount to an overdevelopment. The proposed density is at the upper end of the range in the London Plan and in excess of that set out in the LDF. The acceptability of the development will, therefore, turn on the overall impact on the character and appearance of the area.

Impact on residential amenity

- 6.17 The nearest neighbours are the dwellings in Gridiron Place and the New Windmill Hall. The nearest dwelling is about 18 metres away from the edge of the new building and 20 metres from the nearest balcony. Neighbours from these properties have expressed concern about the loss of outlook and loss of privacy. In terms of the outlook this would only be experienced at first floor level and given the existing and proposed landscaping staff judge that this would not be significant. In terms of privacy, there would be no windows in the flank elevation facing the dwellings and the main impact would be likely to arise from the nearest balconies, especially that on the second floor. Whilst there could be a perception of overlooking the main impacts could be addressed through the use of obscured glazing panels which could be required by condition. Overall staff judge that the impact on amenity would not amount to an overriding objection to the proposal.
- 6.18 Given the proximity of the New Windmill Hall which holds evening functions, especially at weekends concerns have been raised that new occupiers could make complaints that would result in these activities being restricted. This could undermine the functioning of the hall. However, the nearest part of the hall is a solid wall and a stair well is proposed in the closest part of the new block. The windows of the main part of the hall face over the park and not over any part of the application site. The nearest flats are at first and second floor level and the use of the balconies would be unlikely during periods when noise is likely i.e. late evenings. The applicant has stated that the sales particulars would refer to the potential for social events at the hall. Staff judge that the potential for some noise would not amount to an overriding objection to the proposal.

Design and impact on streetscene

- 6.19 The south side of St Marys Lane is characterised by generally large buildings that are well set back from the road frontage and set in large grounds. The frontage areas are also well landscaped giving the area a distinctive character that is further enhanced by the number of listed buildings; including the Grade I listed Church of St Laurence and the former Convent of the Sacred Heart of Mary. Opposite the site are residential properties also of distinctive character, including a pair of Gothic style Victorian houses and St Joseph's Church. Further along is the Grade II* listed Upminster Windmill which is also set in spacious grounds. The nearest houses to the east in Gridiron Place are set well back from the road frontage.
- 6.20 The proposed block of flats would fill most of the site and would be much closer to the road frontage than other buildings on the south side of St Marys Lane. The former Old Windmill Hall was single storey and occupied only about a third of the site. In comparison the proposed building would have a significantly greater impact. Given its siting the proposed building at three storeys would be visually dominant in the streetscene and would be uncharacteristic in the locality. Whilst the new block would be well separated from the houses to the east it would be very close to the New Windmill Hall to the west.

- 6.21 In order to address the potential visual dominance of the building in the streetscene it has been designed with gable ended sections facing onto St Marys Lane with lower elements between. This helps to break up the bulk of the building and provides visual interest through the range of proposed materials, including red and buff bricks under a slate roof. The building frontage would also be staggered with the site entrance section projecting forward of the main building. The retention of most of the mature frontage trees would also help to break up the massing of the building.
- 6.22 Staff consider as a matter of judgement that the design of the building does break up the bulk to an acceptable degree. Whilst there would be some adverse impact on the character and appearance of the area and on the local context of this part of St Marys Lane with the proximity of a number of listed buildings, this is not considered to amount to a material objection to the proposal such as to justify refusal. However, should members judge that the bulk and scale of the development would be materially adverse to the character and appearance of the area then there would be grounds for refusing planning permission.

Highways and Parking

- 6.23 The proposed parking provision has been addressed as part of the site layout and considered acceptable. With regard to access concerns were initially raised with regard to servicing and deliveries, particularly because of a light controlled pedestrian crossing and bus stop close to the site. A loading bay is proposed on the highway to the west of the access which is considered acceptable in highway safety terms. This will require works to the highway prior to occupation. There have also been issues regarding construction works, but these have now been satisfactorily addressed.

Secured by design

- 6.24 A number of issues have been raised by the Designing Out Crime Officer in relation to the guidance in Safer Places and LDF Policy DC63. These relate to reducing the vulnerability of the building and its residents to crime. The undercroft parking, the buggy and cycle stores and the refuse store are considered to be particularly vulnerable. The applicant has responded by stating that accessibility to these areas of the building is important and that the issues can largely be addressed by on site management, including security systems. An appropriate condition is recommended to address secured by design issues.

Heritage Issues

- 6.25 The application site lies within the vicinity of a number of listed buildings, including the Grade I listed Church of St Laurence and the Grade II* listed, Upminster Windmill. In addition there are three Grade II listed buildings, the nearest being the former Convent of the Sacred Heart of Mary which lies to the west of the New Windmill Hall. There is the potential for the development to have an adverse impact on the setting of these buildings. The guidance in the

NPPF at paragraph 132 is that great weight should be given to the significance of a designated heritage asset. Any harm needs to be clearly justified. In determining applications it is desirable that new development in proximity of a listed building makes a positive contribution to local character and distinctiveness. LDF Policy DC67 and London Plan Policy 7.8 also seek to protect the setting of listed buildings. Harm to the significance of the asset could amount to a material objection to the application.

- 6.26 English Heritage does not object to the principle of the development but considers that the building would appear overly bulky and overscaled in the local context of St Marys Lane and the setting of the nearby heritage assets, particularly the former convent. There is less concern about the church and windmill which are further away. These concerns relate to the impact on the overall character and appearance of the area. These are similar to the issues already addressed. When the disposal of the site was recommended to Cabinet the need for a quality design that took account of the nearby listed building was raised. It will be a matter for members to judge whether the proposals adequately take into account the setting of nearby listed buildings.
- 6.27 Staff consider that a less bulking and visually dominant building would fit better in the streetscene and the context of the listed buildings. However, setting is not defined in the guidance and can vary from asset to asset. In this case staff consider, as a matter of judgement that given the separation of over 70 metres to the nearest listed building and the intervening maintenance buildings on St Marys Lane, the level of impact would not amount to an overriding objection.

Public Right of Way

- 6.28 A public right of way (footpath 198) crosses the site and links St Marys Lane to the park beyond. The path continues across the park to link up with an existing surfaced path that runs north-south from St Marys Lane. The development could not be carried out without affecting the right of way. This impact is material to the consideration of the application and could amount to a material objection if it cannot be diverted along a suitable route. There is an application to divert the footpath which would need to be subject to formal diversion procedures should planning permission be granted. A suitable route around the site would be possible utilising the existing surfaced path that has recently been widened to accommodate the Sustrans cycle route. This additional width means that the path is suitable for the diversion. One of the considerations for diversions is the experience afforded to the walker by the path and that it is equally as usable and does not involve a significantly longer route. The diversion proposed is would provide an equivalent route around the site and staff consider this to be acceptable, subject to the formal advertising procedures and consultations. No objections in principle have been raised by the Ramblers. The formal diversion route would addressed separately and require a further report to the committee following a decision on this application.

Other issues

- 6.29 The site is open land with a number of mature trees and hard surfaced areas, including undeveloped areas following the demolition of the former community hall. This gives the potential for important habitats and protected species. A Phase 1 habitat survey has been undertaken to assess the habitats on the site. The survey did not identify any habitats of ecological significance. Any tree or vegetation removal should take place outside of the bird nesting season.

Affordable Housing

- 6.30 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with Policies CP2 and DC6. Given the proposal is for retirement (older person) accommodation the principle of an off-site payment is considered acceptable under these policies. In this case the applicant has submitted a viability appraisal that seeks to demonstrate that the development would be unviable with a policy compliant affordable housing payment. The valuation report concludes that the residual land value is less than the benchmark value, thus producing no surplus for planning obligations. The valuation has been independently appraised and there is disagreement regarding the benchmark value. The Council's consultant considers that the benchmark value should be lower giving a surplus that would enable an off-site contribution to be made.
- 6.31 The values and costs used to support the valuation are not disputed, what is at issue is the benchmark value against which the ability to provide money for planning obligations is assessed. The applicant's valuation is based upon a notional nine unit housing scheme which would be below the affordable threshold. The assessment on behalf of the Council is based upon current use value with the addition of a premium. The viability assessment provides an analysis to demonstrate that the residual land value i.e. the value of the land after all the development costs have been deducted, including a 20% profit, from the projected sales income; would be less than the benchmark value. The outcome is that it would be about £54,000 less. The figures used in the valuation are accepted as being reasonable, what is currently disputed is the means of assessing the benchmark against which the residual land value is compared. The current use benchmark value provides a surplus of £1.5 million for S106 contributions. Making an allowance for the infrastructure tariff and the mayoral CIL there is scope for a significant contribution.
- 6.32 Since the viability review undertaken on behalf of the Council the applicant, whilst maintaining his position on the viability assessment, has offered a contribution of £312,000. Based upon recent tender information build costs are in the region of £2,000 per square metre. The affordable housing requirement in the Borough is mainly for two and three-bed family houses. Applying the London Plan minimum space standards the sum offered would provide for about 1.5 dwellings, excluding land and other costs. Based on the advice that staff have received to date the contribution offered falls below what would be considered acceptable for the scale of development proposed. Staff are seeking further clarification on a number of issues, however, based upon the

current advice consider that the sum offered represents the best offer that can be negotiated and would, in principle meet development plan affordable housing policies. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability.

- 6.33 The guidance in the NPPF and National Planning Practice Guidance is that to ensure viability the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer. Viability will vary with different housing types. For older people's housing, the scheme format and projected sales rates may be a factor in assessing viability.
- 6.34 The NPPF states that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability. The NPPG sets out guidance on how viability should be assessed. The land value should reflect policy requirements and provide a competitive return to willing developers and landowners. The assessment should also reflect comparable market-based evidence. Such evidence is included in the viability assessment which concludes that the land value assessed meets the criteria above.
- 6.35 In this case it will be a matter of judgment for members whether the sum offered is sufficient to meet policy requirements. Staff will provide an update at the meeting to assist. Should members consider that the contribution is not sufficient then the development would be unacceptable as the proposals would not meet the objectives of LDF Policies CP2 and DC6 and Policy 3.11 of the London Plan.

Section 106 Planning Obligations

- 6.36 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 22 units and at £6,000 per new dwelling the charge would be £132,000 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 2,740 square metres. There is no existing floorspace to be taken into account in the assessment. In this case the CIL contribution would be of £54,800 subject to indexation.

8 Conclusions

- 8.1 The proposed residential development on the site is considered acceptable in principle and would help to meet housing need within Havering. While the LDF does not include any policies that specifically relate to age restricted tenure, the London Plan policy 3.8 seeks to ensure that in planning decisions account is taken of the changing age structure of London's population, in particular the varied needs of older residents.
- 8.2 The scale and bulk of the proposed development is considered to be visually prominent in the streetscene, but as a matter of judgement staff consider that the design of the building does break up the bulk to an acceptable degree. Whilst there would be some adverse impact on the character and appearance of the area this is not considered to amount to a material objection to the proposal such as to justify refusal. 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.
- 8.3 A financial contribution has been offered towards affordable housing of £312,000 which would need to be secured through a S106 legal agreement. Staff are seeking further clarification on a number of issues, however, based upon the current advice staff consider that the sum offered represents a reasonable amount that would meet development plan affordable housing policies. It will be a matter of judgment for members whether the sum offered is sufficient to meet policy requirements.
- 8.4 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 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 from and plans received 11/09/2014

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REGULATORY SERVICES COMMITTEE

12 March 2015

REPORT

Subject Heading:

L0016.14 Sullens Farm, Sunnings Lane,
Upminster

Listed Buildings Consent for conversion of
existing brick barns to create new
apartments, demolition of modern barns to
allow construction of new houses within
curtilage of listed building (Received 02-
12-2014)

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
National Planning Practice Guidance

London Plan

Financial summary:

Not applicable

SUMMARY

This application together with the associated planning application has been called-in by Councillor Ron Ower on the grounds of the closeness of the site to the Green Belt, the additional traffic that would be generated and the planning history of the site.

The application site lies within the Green Belt to the south of Corbets Tey and comprises a Grade II listed building and associated outbuildings within its curtilage. The application concerns the conversion of a range of outbuildings to provide three apartments; the demolition of other more recent outbuildings and the erection of two new terraces of three dwellings in each. The proposed conversion would provide a viable use for the former barns and would enhance the overall setting of the listed building and help sustain its significance. The demolition of two of the curtilage buildings would result in some limited harm to the setting of the listed building, however, this needs to be balanced against the overall benefits. Overall staff consider that, on balance, the significance of the listed building would be enhanced by the development and that the proposals would be in accordance with the guidance in the NPPF and the NPPPG, LDF Policy DC67 and London Plan Policy 7.8.

RECOMMENDATIONS

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 building range C-Q 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).

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.

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.

4. 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.

5. 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 range C-Q, 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.

6. Full details of doors and windows and samples of all materials including rainwater goods to be used in the conversion of the building range C-Q 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.

7. No works relating to the conversion of the building range C-Q 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.

8. 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.

9. a) No development, including any works of demolition shall take place until the applicant has secured the implementation of a programme of historical assessment, recording and evaluation of the buildings to be demolished 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) No development or demolition shall take place other than in accordance with the written scheme approved under Part b).

Reason: Heritage assets of historical interest survive on the site. The planning authority wishes to secure the provision of a programme of assessment and recording for the structures to be demolished in accordance with LDF policy DC67 and the guidance in the NPPF.

Informatives

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

REPORT DETAIL

1. Site Description

1.1 The application site comprises a number of former agricultural buildings now in commercial use, a listed grade II farmhouse and an area used for the storage/parking of commercial vehicles. Sullens Farm is a 16th Century timber framed house with early 19th Century additions. The list entry does not make any reference to curtilage buildings. There have also been a number of more recent additions.

1.2 The wider area around the buildings also includes an area used for caravan storage. The buildings became redundant when the agricultural activities ceased on adjoining land. To the north of the site is a terrace of five dwellings that face onto Sunnings Lane, the nearest of which adjoins the application site boundary.

1.3 The following are curtilage buildings:

- Building A which is a large ex-WW2 hanger/Nissen building which is constructed partly of block and corrugated steel sheeting over a metal frame. The building has a semi-cylindrical shape. Roller shutter doors have been fitted to the front of the building which has been divided internally into 12 separate commercial units. The building was originally acquired for agricultural use.
- Building B is constructed partly of block and partly steel framed. The external cladding is part corrugated sheeting and part timber boarding. The roof is of corrugated steel, pitched with gable ends. The building is in commercial use.
- Building C-Q is of brick construction with part timber cladding under a corrugated metal roof. It is subdivided into a number of smaller units. The building is in a number of sections forming an open courtyard. The building is in commercial use.
- Building S comprises a detached brick/block single storey building white rendered and with corrugated metal roof. The building is in use as an office

2. Description of Proposal

2.1 There is an application for listed building consent for the conversion of building range C-Q to form three new apartments and the demolition of the remaining curtilage buildings to facilitate the construction of six new dwellings in two terraces. Consent is required for the demolition of curtilage buildings where they were erected prior to 1st July 1948 and are in the same ownership at the time of listing.

3. Relevant History

3.1 P0881.14 - Conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses, Removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking - refused.

3.2 L0009.14 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – pending.

3.3 P1655.14 - Conversion of existing brick barns to create 3 no. new apartments, demolition of modern barns, to allow construction of 6 no. new houses, removal

of external caravan storage use and hard surfaced yard and replacement with landscaped parking.

4. Consultations and Representations

Representations:

4.1 The application was advertised as affecting the setting of a listed building. 16 letters of objection have been received raising the following issues

- Green Belt development;
- Increase in traffic;
- Noise and other environmental impacts;
- Impact on Corbets Tey Conservation Area;
- Loss of privacy;
- Maintenance difficulties for buffer strip;
- Increased risk of flooding;
- Layout inconsistent with current dwellings in Sunnings Lane.

4.2 These objections were made in conjunction with objections to P1655.14 and raise issues that do not directly relate to the listed building application. Whilst these matters are not material to this application they are addressed in the report on P1655.14.

Consultations:

4.3 English Heritage - (historic buildings) - application should be determined on the basis of the Council's own specialist conservation advice. English Heritage cannot confirm whether the buildings involved are curtilage structures. In order to be curtilage structures the buildings would need to have been erected prior to 1 July 1948 and in the same ownership at the time of listing (1979). It will be a matter for the Council to determine whether the buildings are covered by the listing. If they are deemed to be curtilage buildings then any harm caused by demolition would need to be off-set by public benefits in accordance with the guidance in the NPPF.

5. Relevant Policies

5.1 Policies CP18 (Heritage); DC67 (Buildings of Heritage Interest) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies Development Plan Document, Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan and the guidance in Chapter 7 of the National Planning Policy Framework and the National Planning Practice Guidance are material all material considerations.

6. Staff Comments

- 6.1 This application together with the associated planning application has been called-in by Councillor Ron Ower on the grounds of the closeness of the site to the Green Belt, the additional traffic that would be generated and the planning history of the site.
- 6.2 The main issue in this is whether either the conversion or the demolition of the curtilage buildings would cause substantial or other harm to the listed building. Sullens Farmhouse is Grade II listed and the buildings subject to the application fall within its curtilage. Of the buildings the range C-Q and building A are considered to be covered by the listing as curtilage buildings. However, from the details submitted regarding buildings B and S it is unclear whether they are covered by the listing, although there is some evidence of buildings on that part of the site pre-1948. In these circumstances the application is considered to cover the demolition of all the curtilage buildings. This will ensure that recording of historic details of the buildings is addressed through the demolition process.
- 6.3 The demolition of existing buildings has the potential to adversely impact on the significance of the listed building. Significance is defined as the value of the heritage asset to this and future generations because of its heritage interest. This derives from the physical appearance of the asset and its setting. Curtilage buildings can form an important part of the setting and hence the significance of the listed building.
- 6.4 Whether a proposal causes substantial harm will be a matter of judgement and the guidance in the National Planning Practice Guidance is that it is a high test and that substantial harm should be exceptional. Where substantial harm is recognised to overcome such harm or loss substantial public benefits that outweigh that harm should be demonstrated. In this case staff judge that the proposed development would not lead to substantial harm to or loss of the significance of the listed building or to its setting through the loss of the curtilage buildings or their conversion. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.
- 6.5 The curtilage buildings appear as a group of former agricultural buildings around the main farmhouse and do have some value within the overall setting of the listed building. As a result there would be some limited harm to the setting through the demolition of the buildings. Where there is less than substantial harm, as in this case here, the NPPF paragraph 134 advises that this should be weighed against the public benefits of the proposal. Public benefits may include sustaining or enhancing the significance of the asset. The buildings to be demolished have no particular historical significance in themselves and their removal, along with other open uses on the site would enhance the setting of the farmhouse.
- 6.6 The conversion of the former barns, C-Q would put the building to a viable use and enhance its significance as part of the former farm complex. Whilst there

are no details of its age it is significantly older than the other curtilage buildings. Part of the range has the appearance of a traditional Essex barn.

- 6.7 In this case staff consider that the special character of the listed building as set out in the listing would not be materially affected by the demolition and conversion. The grant of listed building consent is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: None

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

1. Listed building application and plans received 02-12-2014

REGULATORY SERVICES COMMITTEE

12 March 2015

REPORT

Subject Heading:

P1655.14 Sullens Farm, Sunnings Lane,
Upminster

Conversion of existing brick barns to
create 3 no. new apartments, demolition
of modern barns, to allow construction of
6 no. new houses, removal of external
caravan storage use and hard surfaced
yard and replacement with landscaped
parking (Received 02-12-2014)

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

SUMMARY

This application together with the associated application for listed building consent has been called-in by Councillor Ron Ower on the grounds of the closeness of the site to the Green Belt, the additional traffic that would be generated and the planning history of the site.

The application site lies in the Green Belt and includes a Grade II listed building and associated outbuildings. This application follows an earlier refusal for similar proposals on the grounds of the adverse impacts on the Green Belt, on the amenities of adjoining residential occupiers and on the setting of the listed building. The application concerns the conversion of listed outbuildings to provide three apartments; the demolition of other more recent outbuildings and the erection of two new terraces of three dwellings in each. The application has been revised to reduce the scale of the development and the associated impacts. As a result of these changes staff now consider that, on balance the development would be acceptable and subject to the prior completion of a S106 legal agreement to secure an infrastructure contribution, the grant of planning permission is recommended. However, should members judge that the changes do not overcome the adverse impacts of the development identified in the reasons for refusal of the earlier application, then these could remain as material objections to the development. The works to convert the listed outbuildings are subject to a separate application for listed building consent.

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 £18,660 subject to indexation. This is based on the creation of a net increase of 933 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:

- No new dwelling shall be occupied prior to the removal of all caravans from the site and the landscaping of the land in accordance with details to be approved;
- No new dwelling shall be occupied prior to the removal of all hardcore from the remaining part of the area covered by lawful development certificate E0018.12 that lies outside of the application site and the landscaping of that land in accordance with details to be approved.
- A financial contribution of £54,000 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 2865PL01D 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 first occupation 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, including any works of demolition; 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 within the site 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:

a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and likelihood of contaminants, 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.

15. *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.

16. *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.

17. *New footway* – None of the dwellings hereby permitted shall be occupied until the new footway proposed along the Sunnings Lane frontage of the site has been constructed in accordance with details previously submitted to an agreed in writing by the local planning authority. The footway shall be permanently retained thereafter.

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

18. *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.

19. *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 and completed 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.

20. *Lifetime Homes* - The development hereby permitted shall not commence until a Lifetime Homes methodology statement for the six properties comprising the new build development 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.

21. *Archaeology* - a) No development 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 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.

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. *New footway* - The provision of the footway will involve the relocation of a telegraph pole and lighting column and approval of the Highway Authority will be required for these works. In addition there is a drainage ditch between Sunnings Lane and building C-Q which is likely to be affected by the footway works. Additional drainage works are likely to be required by the Highway Authority.

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.

8. *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 £18,660 (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.

REPORT DETAIL

1. Site Description

- 1.1 The application site lies within the Green Belt to the south of Corbets Tey. The area around the site is generally open and mainly in agricultural use. To the northwest is the Corbets Tey Conservation Area which in the vicinity of the site comprises mainly open land. The application site comprises a number of former agricultural buildings now in commercial use, a listed grade II farmhouse and an area used for the storage/parking of commercial vehicles. The application site area amounts to 0.57 hectares. Access to the site is from Sunnings Lane.
- 1.2 The wider area around the buildings also includes an area used for caravan storage. The buildings become redundant when the agricultural activities ceased on adjoining land. To the north of the site is a terrace of five dwellings that face onto Sunnings Lane, the nearest of which adjoins the application site boundary. There is an area of grass between the outbuildings and the nearest dwelling. To the north east on the opposite side of Sunnings Lane is a terrace of three cottages.
- 1.3 The buildings that are subject to this application comprise:
- Building A which is a large ex-WW2 hanger/Nissen building which is constructed partly of block and corrugated steel sheeting over a metal frame. The building has a semi-cylindrical shape. Roller shutter doors have been fitted to the front of the building which has been divided internally into 12 separate commercial units. These uses are unauthorised and an application for a lawful development certificate has been refused. To the rear is an office building. The building was originally acquired for agricultural use.
 - Building B is constructed partly of block and partly steel framed. The external cladding is part corrugated sheeting and part timber boarding. The roof is of corrugated steel, pitched with gable ends. There are three lawful commercial uses (B1 and B8) within the building.
 - Building S comprises a detached brick/block single storey building white rendered and with corrugated metal roof. The building is in use as an office. A LDC has been issued for B1 use.
 - Building C-Q is of brick construction with part timber cladding under a corrugated metal roof. It is subdivided into a number of smaller units. The building is in a number of sections forming an open courtyard. The building is in unauthorised commercial use and an application for a lawful development certificate has recently been refused. The building is considered to be listed as being within the curtilage of the listed building and associated with it.

2. Description of Proposal

2.1 This is a full application for a total of nine new dwellings following the demolition of buildings A, B and S and the conversion of buildings C-Q. The proposed development would comprise:

- A terrace of three new 3-bed two-storey dwellings in an 'L-shaped' configuration on the site of the existing Nissen building (building A);
- A terrace of three new 2-bed two storey dwellings in an 'L-shaped' configuration on the site of buildings B and S, and,
- The conversion of the range C-Q to form one 3-bed ground floor apartment; one 2-bed duplex apartment and one 5-bed duplex apartment.

2.2 All of the dwellings would have rear amenity areas and private car parking which would be provided in three separate areas. There would be 4 spaces to the front of the converted outbuildings; 6 spaces in front of the terrace and 16 spaces to the west of the 'L-shaped' block in the re-configured yard and lorry parking area. The land used for caravan storage would be cleared and returned to open land; however, this is outside of the application site.

2.3 Parts of building C-Q would be demolished and the remainder converted into three apartments; one single storey and the other two with rooms within the roof space. The metal roof would be replaced with slates and conservation roof lights. The new buildings would use materials to match those of the existing brick barn (C-Q). The replacement for building B would be located close to the retained building to create two open courtyards. These dwellings would have rear gardens backing onto the side boundary of existing dwellings in Sunnings Lane. A 5 metre landscaped buffer would be provided between the new gardens and that of the nearest dwelling in Sunnings Lane.

2.4 The new buildings would be two-storey constructed in brick, timber and render under hipped tiled roofs. The area to the west of Building B where there is lawful use for vehicle parking would be laid out to provide parking for the new dwellings that would replace building B. The access roads would be improved and open areas landscaped. The remaining part of the lawful commercial vehicle parking area outside of the application area would also be landscaped.

3. Relevant History

3.1 P0881.14 - Conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses, Removal of external caravan storage use and hard surfaced yard and replacement with landscaped parking - refused.

3.2 L0009.14 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – pending;

- 3.3 L0016.14 - Listed Buildings Consent for conversion of existing brick barns to create new apartments, demolition of modern barns to allow construction of new houses within curtilage of listed building – pending;
- 3.4 E0015.12 - Certificate of Lawfulness for the existing use of Building A as a car maintenance workshop with associated office and storage units – refused;
- 3.5 E0016.12 - Certificate of Lawfulness for the existing use of Buildings B and S for B1 & B8 use – approved;
- 3.6 E0017.12 - Certificate of Lawfulness for the existing use of Blocks C and Q for B1 & B8 use – refused;
- 3.7 E0018.12 - Certificate of Lawfulness for the existing use of parking and overnight storage of commercial vehicles – approved.

4. Consultations and Representations

Representations

- 4.1 The application has been advertised on site and in the local press as not in accordance with the development plan and as affecting the setting of a listed building. In addition neighbour notification letters sent to 45 local addresses. 18 representations have been received raising the following issues:
- Extra traffic generated would increase noise and congestion;
 - Inappropriate in the Green Belt and would change the rural character of the area;
 - Impact from construction;
 - Loss of residential amenity, including overlooking, noise from new residents and overshadowing;
 - Flooding problems arising from rear garden development;
 - Impact from external lighting, in particular the car par;
 - Design of new dwellings would be out of character;
 - Changes since earlier refusal only minor;
 - Would set a precedent for further Green Belt development;
 - Highway safety concerns and increased maintenance costs;
 - Would adversely affect the Corbets Tey Conservation Area;
 - Impact on wildlife;
 - Impact on local services;
 - Ownership concerns in terms of maintenance of landscaped area behind plots 1-3;
 - Layout inconsistent with existing properties in Sunnings Lane;
 - Run-down character of farm should be retained;
 - Loss of small business and storage for caravans is used locally;

Consultations:

- 4.2 Thames Water - No objections with regards to sewerage infrastructure. The developer is responsible to make proper provision for surface water drainage.

- 4.3 Environment Agency - No response.
- 4.4 Public Protection - contaminated land condition requested as land is potentially contaminated; construction hours condition; no burning on site during site clearance and construction and demolition statements.
- 4.5 London Fire and Emergency Planning Authority - access is required to comply with relevant part of the Building Regulations.
- 4.6 Essex and Suffolk Water - no objections. New dwellings would require metered water connection.
- 4.7 Streetcare (Highways) – has no objections and is happy to adopt proposed footway which would involve relocation of telegraph pole and lighting column. Drainage work would also be required. Conditions requested to cover pedestrian visibility splays; highway agreements and vehicle cleansing.
- 4.8 Metropolitan Police Designing Out Crime Officer - raises concerns relating to layout issues, including the location of the car parking area which should be relocated to provide natural surveillance. Secured by Design condition recommended.
- 4.9 London Fire Brigade Water Team - no further action required.
- 4.10 English Heritage (Archaeology) - the development could have impacts on heritage assets (archaeology) and a further assessment is required. This should include the wartime heritage. Archaeological investigation may be required prior to development.
- 4.11 English Heritage (historic buildings) - application should be determined on the basis of the Council's own specialist conservation advice.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); 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); DC45 (Appropriate development in the Green Belt); DC49 (Sustainable design and construction); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and geodiversity); 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 relevant.

- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 5.3 (sustainable design and construction), 5.21 (contaminated land), 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 8.3 (community infrastructure levy) of the London Plan and the provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also material considerations.

6. Staff comments

Call-in

- 6.1 This application and the associated listed building application have been called-in for determination by Councillor Ron Ower on the grounds of the closeness of the site to the Green Belt, the additional traffic that would be generated and the planning history of the site.

Background

- 6.2 The outbuildings within the curtilage of Sullens Farm were originally used for agricultural purposes in association with the agricultural use of the adjoining land. Following the cessation of farming the buildings have been put to use for commercial purposes. An area to the west of the Nissen building has been used for the storage of caravans for many years. The applicant has sought to establish that the uses of the buildings have become lawful through their use in excess of 10 years. Evidence has been submitted in support of applications for lawful development certificates that seeks to demonstrate the use over this period. For buildings B and S certificates have been issued, however, for buildings A and C-Q they have been refused. In addition a certificate has been issued for the parking and overnight storage of commercial vehicles on land to the west of building B. No application has been submitted in respect of the caravan storage, however, aerial photographic evidence shows this to have existed for well in excess of 10 years. The use is, therefore, likely to be lawful.
- 6.3 An earlier application for similar development was refused on the grounds of impact on the openness of the Green Belt, impact on the setting of the listed building and the impact on neighbouring residents. This application seeks to reduce these impacts to an acceptable level.

Principle of the development

- 6.4 The main considerations in this case are the principle of the development in the Green Belt and on the setting of the listed building. In addition there is the potential for an adverse impact on adjoining residential occupiers. The planning history is also relevant in terms of the lawful use of the outbuildings and open areas of the site.

- 6.5 The site lies within the Green Belt where there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings, including dwellings is normally inappropriate in the Green Belt. However, paragraphs 89 and 90 of the NPPF set out circumstances where new buildings or the re-use of existing buildings would not be inappropriate development. Of particular relevance to this case are: i) 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; ii) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, and iii) the re-use of existing buildings provided they are of permanent and substantial construction.
- 6.6 LDF Policy DC45 is based on the earlier advice in PPG2 (Green Belts), but is broadly consistent with the updated guidance in the NPPF. DC45 seeks to restrict inappropriate development in line with national guidance. The redevelopment of authorised commercial/industrial sites would be acceptable under the policy where there is a substantial reduction in the amount of building on site and there are improvements to the local Green Belt environment. However, only parts of the site are in lawful commercial use.
- 6.7 Paragraph 55 of the NPPF also refers to new dwellings in the countryside generally. Isolated new dwellings should be avoided unless there are special circumstances. The paragraph provides examples of such special circumstances. This includes where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. This is general guidance which does not relate specifically to Green Belt sites.
- 6.8 The proposed development would lie within the curtilage of a Grade II listed building. Given the proximity of the listed building there is the potential for any new built development to have an adverse impact on its setting. The guidance in the NPPF at paragraph 132 is that great weight should be given to the significance of a designated heritage asset. Any harm needs to be clearly justified. In determining applications it is desirable that new development in proximity of a listed building makes a positive contribution to local character and distinctiveness. LDF Policy DC67 and London Plan Policy 7.8 also seek to protect the setting of listed buildings. In this case the demolition of two existing buildings and the construction of new buildings could have the potential to adversely affect the setting of Sullens Farm, even though they would have a reduced volume. Harm to the significance of the asset could amount to a material objection to the application.
- 6.9 Some of the former agricultural buildings within the curtilage of the listed farmhouse are considered to be covered by the listing as they were erected prior to the relevant date (01-07-1948). The range C-Q is considered to be covered by the listing as it relates to the farmhouse and was erected prior to

1948. The Nissen style building is also within the curtilage and was erected post WWII for agricultural use but the date of erection is unclear. However, the aerial photographic evidence is that it was probably erected before 1948 and should be regarded as curtilage listed. The List Entry Details do not include reference to any groupings of buildings within the curtilage; however, it was not the practice to refer to curtilage buildings when Sullens Farm was listed in 1979.

Green Belt issues

- 6.10 In terms of Green Belt policy the conversion of the range of buildings C-Q is considered acceptable as it involves the re-use of existing buildings mainly within the existing footprint. There would also be no alterations to the height of the buildings. The conversion is considered to be appropriate development in accordance with the Green Belt policy of the NPPF and LDF Policy DC45.
- 6.11 In terms of the demolition of building B this would improve the openness of the Green Belt. The building was originally part of the farm, but is now lawfully used for commercial purposes. The definition of previously developed land excludes land occupied by agricultural buildings, however, as the building has a new lawful use this is no longer considered to apply. Therefore, the land occupied by the building can be considered a previously developed site where some infilling could be acceptable in accordance with the NPPF. The previous proposal was, however, considered to be inappropriate development as it would have had a greater impact on openness. The revised proposals are for the same footprint, but for a lower eaves and ridge height. The eave height would be the same as for the range C-Q and the ridge only 0.3 metres higher compared with the previous 2 metres. On this basis staff now judge that the proposed building would not have a greater impact on openness.
- 6.12 The demolition of building A (Nissen building) would also improve openness. However, in this case an application for a lawful development certificate for commercial uses has been refused. The evidence submitted does indicate that the building has probably not been used for agriculture for at least 15 years and the last lawful use of the building may well have been for agriculture. Whilst the lawful use may be unclear the building is substantial in volume and its demolition would materially improve the openness of the site. The proposal to replace building A with three new dwellings of significantly less volume and footprint needs to be considered in this context. The single 'L-shaped' terrace now proposed has been reduced in size from the previous proposal. As a result of the reduced bulk and footprint the proposed replacements is judged to have less impact on openness. The style of the buildings would be similar to the other replacement terrace.
- 6.13 The conversion and new build to the north of the site would also result in some encroachment into an additional part of the Green Belt which is currently open and unused. The formation of garden areas and the introduction of domestic paraphernalia could have an adverse impact on the character and appearance of this part of the Green Belt and on the countryside generally due to its

urbanising effect. The proposed garden areas to the south would have less impact as they would be in the place of the large Nissen building.

- 6.14 In assessing the impact of the development in terms of impact on openness it is necessary to apply judgement in relation to the development as a whole. Account also needs to be taken to the other improvements that would arise through the removal of the caravan storage and the area of commercial vehicle storage/parking with the associated hardsurfacing. These would help to improve the overall openness of the site and reduce the overall developed area. There would also be material visual improvements through the removal of the commercial buildings. These are material considerations. Whilst it has not been formally determined that the open storage of caravans is lawful the aerial photographic evidence is that the land has been used for this purpose since at least 1994.
- 6.15 Taking all these matters into account staff consider that the overall development proposed would not have a greater impact on the openness of the Green Belt or on the purpose of including land within it than the existing development. Therefore, the proposed development can be considered appropriate in the Green Belt.

Heritage Issues

- 6.16 Sullens Farmhouse is Grade II listed and the buildings subject to the application fall within its curtilage. Of the buildings the range C-Q and building A are considered to be covered by the listing as curtilage buildings. A separate listed building consent application has been made for works to C-Q and the demolition of buildings A and B. The new development has the potential to adversely impact on the setting of the listed building. These buildings are now proposed to be more modest in scale such that they would not compete with the listed farmhouse. Staff consider, therefore, that the proposed development would not lead to substantial harm to or loss of the significance of the listed building or to its setting.
- 6.17 The Nissen building appears as one of the group of former agricultural buildings around the main farmhouse and does have some value within the overall setting of the listed building. As a result there would be some limited harm to the setting through the demolition of the building. In accordance with the NPPF this harm should be weighed against the public benefits of the proposal. Staff consider that, on balance, the overall benefits through the reduction in scale of the later buildings within the curtilage, including the greater separation between the farmhouse and buildings to the south, the removal of open commercial uses and improved landscaping, and improvements in Green Belt terms, that the proposals would accord with the guidance in the NPPF and the NPPPG, LDF Policy DC67 and London Plan Policy 7.8. However, should members on the other hand consider that, notwithstanding the reduction in the overall footprint and volume of buildings, the height and bulk of the replacements would be harmful to openness then this could amount to a material objection to the proposals.

- 6.18 The Corbets Tey Conservation Area is referred to by some of the objectors. However, the conservation area lies to the north west of the site and the nearest parts are open land associated with High House Farm. The conservation area abuts the edge of the wider Sullens Farm site; however, staff consider that the proposals would not affect its character or appearance.

Design/Impact on the streetscene

- 6.19 The existing arrangement of buildings does not have any particularly adverse impact on the wider streetscene. Although no longer in agricultural use appear as part of a farm complex and do not distract from the wider rural scene. However, the commercial use of the site does have some negative visual impact. The proposed new dwellings would change the character of the area as the buildings would no longer appear as part of a group of agricultural buildings. However, given the overall reduction in the scale of built development are not considered to be harmful to the character and appearance of this Green Belt locality. There are a number of isolated dwellings in the locality and the design of the new buildings is judged to be in character with local architecture and materials. In these circumstances the proposals are considered to be in accordance with LDF Policy DC61 and the guidance in the NPPF.

Impact on residential amenity

- 6.20 The proposed conversion of the building range C-Q and the erection of new dwelling on the site of building B could have a materially adverse impact on existing residential occupiers, in particular the property adjoining to the north. The area proposed for four of the gardens areas is currently an unused grassed area. One of the reasons for refusing the earlier application was that new garden areas abutting the side boundary of no. 118 Sunnings Lane would be likely to have a materially harmful impact on the occupants of that property by reason of noise arising from activities of future residents. This application proposes a 5 metre landscaped buffer zone between the boundaries and the erection of a 2.1 metre high acoustic fence. Whilst this would reduce the rear garden space, staff consider that this provides an acceptable balance and would adequately protect the amenities of the nearest occupiers. In addition conditions are proposed that would restrict any future development in the rear gardens. All the first floor accommodation would be within the roof space and this would be lit through rooflights so there would be no direct overlooking of rear garden areas. However, should members judge that there would still be an unacceptably adverse impact then this could amount to a material objection to the application.

Parking and highways Issues

- 6.21 The development would utilise an existing access and the change to a residential use is unlikely to significantly increase the amount of traffic using Sunnings Lane. The nature of the traffic would be predominantly cars which would replace the existing and past commercial traffic. Adequate parking is proposed in accordance with adopted standards.

Archaeology

- 6.22 The site lies within an Archaeological Priority Zone. Under LDF Policy DC50 the archaeological significance of a site needs to be taken into account when making decisions and permission should only be granted where satisfactory provision is made for recording and preserving archaeological remains. APZs are wider areas than Archaeological Priority Areas where the archaeological landscape would have the potential to yield specific areas of interest. There is the potential that the site could contain some archaeological interest. English Heritage has advised that further studies should be undertaken to help inform the planning decision. Concerns have also been raised in relation to the conversion of the farm buildings. However, the proposed development relates mainly to either the conversion of existing buildings or new buildings on the footprint of buildings to be demolished. The works to the former barns (buildings C-Q) and the demolition of building A are also covered by a Listed Building Consent application that would address recording during conversion. In these circumstances it is considered that an appropriately worded condition would provide protection for any archaeological assets in the areas affected by the development.

Secured by design

- 6.23 LDF Policy DC 63 seeks to ensure that new developments are designed to discourage crime and adopt the principles and practices of the 'Secured by Design' award scheme. The Secured by Design Advisor has raised issues relating to the visibility of proposed car parking areas in terms of surveillance from the new dwellings. Normally changes would be recommended to address this; however, in this case the relocation of the car parking could have adverse impacts on the setting of the listed building. Having been advised of these concerns the agent has not sought to revise the proposals or considered alternatives. However, on balance it is considered that this matter would not amount to a material objection.

Other issues

- 6.24 The application details include proposals in relation to land outside of the application site, but with the area enclosed by the blue line. These relate to the removal of the caravan storage and the remainder of the commercial vehicle storage/parking area. These areas would be landscaped. These improvements to the Green Belt are a material consideration. In the event that planning permission is granted staff consider that these should be addressed through a legal agreement, rather than a negatively worded condition, that prevents occupancy of the new dwellings until the land has been cleared and landscaped.

S106 Contributions

- 6.25 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".

6.26 The proposal is liable to a contribution of £54,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that this guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.

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 upon the net increase in internal floor area; however, in assessing the liability account can only be taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The relevant existing floorspace amounts to 1340sqm, however, only buildings B and S are being lawfully used, which have a combined floor area of 259sqm. The proposed new floorspace is 1192 square metres. This gives a net increase of 933 square metres for CIL purposes. At £20 per square metre the CIL liability would be £18,660.

8 Conclusions

8.1 This application seeks to address the reasons for refusal of an earlier application. Staff consider, as a matter of judgement that as a result of the reduction in the scale of the replacement buildings and the removal of other open uses of the site that overall the development would bring about significant improvement to the appearance and openness of the Green Belt. The replacement of existing buildings with new development would reduce the overall impact on openness. The re-use of the former barns would not be inappropriate development as the buildings are of permanent and substantial construction. Therefore the development is considered acceptable in Green

Belt terms and would accord with the guidance in paragraphs 89 and 90 of the NPPF and development plan policies.

- 8.2 The scale of the proposed new build development means that it would not have a material adverse impact on the setting of the listed farmhouse by reason of its scale, design and location. The demolition of buildings within its curtilage would lead to less than substantial harm to the significance of the listed building. Staff consider that, on balance, the overall benefits through the reduction in scale of the later buildings within the curtilage, including the greater separation between the farmhouse and buildings to the south, the removal of open commercial uses and improved landscaping, and improvements in Green Belt terms, that the proposals would accord with the guidance in paragraph 134 of the NPPF and the NPPPG, LDF Policy DC67 and London Plan Policy 7.8
- 8.3 Given the close proximity of proposed garden areas to existing residential properties there is the potential of an adverse impact on the amenities of existing occupiers due to the combined impact of their use by future residents. Staff consider that the provision of a landscaped buffer strip and acoustic fence between the gardens, which results in shorter gardens, and restrictions on garden development would mean that the impacts would be acceptable. However, should members judge that the impact would still be unacceptable then this could amount to a material objection to the proposals.
- 8.4 There would also be a contribution to meet infrastructure costs associated with the development in accordance with the Planning Obligations SPD. There would also be a need to secure the proposed restoration of land outside of the application site, but within the same ownership. Both these matters 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.

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. Planning application form and plans received 02-12-2014

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REGULATORY SERVICES COMMITTEE

12 March 2015

REPORT

Subject Heading:

P0101.15 – Land to the rear of Tesco Express, Oaklands Avenue, Romford – Variation to Condition 2 of P0813.14 (appeal reference APP/B5480/A/14/2223922) to cater for alterations to external openings, including changes to dormer windows and insertion of an additional flank window (received 28/01/15)

Ward:

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

Report Author and contact details:

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

SUMMARY

The scheme under P0813.14 was for the erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage. This application was allowed under appeal, reference APP/B5480/A/14/2223822, dated 11/12/2014.

The subject application is to vary some of the external openings of the approved scheme, including insertion of new openings and changes to dormer sizes.

Staff consider the proposal to be acceptable as it would be within the scope of the approved scheme under P0813.14.

The subject application is brought to committee as a variation to the Section 106 Agreement dated 16 September 2014 under P0813.14 is required.

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 is based on an internal gross floor area of 677.19m² and amounts to £13,540.

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 16 September 2014 in respect of planning permission P0813.14 to change the definition of Proposed Development to include either planning permission P0813.14 or planning permission P0101.15.

The Developer and/or Owner to bear the Council legal costs in respect of the preparation of the legal agreement Deed of Variation irrespective of whether or not the matter is completed.

Save for the variation to the definition of Proposed Development set out above and any necessary consequential amendments to the legal agreement dated 16 September 2014 all recitals, terms, covenants and obligations in the said agreement shall remain unchanged.

2. 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. The development hereby permitted shall begin not later than three years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans on Drawing Nos:14/01/01, 14/01/02 Revision C and 14/01/03 Revision C.

Reason: To accord with the submitted details and LDF Development Control Policies Development Plan Document Policy DC61.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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. Prior to the first occupation of the development hereby permitted, provision shall be made for nine No. off-street car parking spaces within the site as show on Drawing No. 14/01/02 Revision C. Thereafter this provision shall be retained and shall not be used for any other purpose.

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

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, re-enacting or modifying that Order), no window or other opening (other than those expressly authorised by this permission), shall be formed in the flank walls of the building hereby permitted.

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.

7. Prior to completion of the development hereby permitted, details of cycle storage shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and 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 and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. No construction works or deliveries to the site related to the construction of the development hereby permitted shall take place other than between 0800 hours and 1800 hours Monday to Friday, and between 0800 hours and 1300 hours on Saturdays.

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

9. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures to control the impact of noise and vibration;
- e) siting and design of temporary buildings;
- f) a scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and

g) a scheme for the disposal of waste arising from the construction programme.

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

10. Prior to the commencement of the development hereby permitted a full and detailed application for the Secured by Design award scheme setting out how the principles and practices of the Secured by Design Scheme are to be incorporated shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

11. 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 Development Control Policies Development Plan Document Policy DC61.

12. 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.

13. Prior to the first occupation of the development hereby permitted, a scheme for lighting within the development shall be submitted to and approved in writing by the local planning authority. The lighting shall be provided prior to the first occupation of the development and shall be carried out in accordance with the approved details and permanently retained thereafter.

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

14. Prior to the first occupation of the development hereby permitted, the proposed flank windows in the north-western flank elevation at first floor level serving a bathroom and en-suite shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut.

Reason: 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.

15. No development shall take place until details showing that the flats hereby permitted will be compliant with Lifetime Homes Standards have been submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details and be retained 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.

16. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology, which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

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. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

INFORMATIVES

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

2. Planning Obligations

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

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

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £13,543.80 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

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

5. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

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

7. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
8. In aiming to satisfy condition 10 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).
9. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of land adjoining the Esso service station and Tesco Express on the corner of the junction between Oaklands Avenue and Main Road. The site is L-shaped with an area of 0.104ha and is located to the north east of the Romford Town Centre boundaries. The site is currently vacant and has previously been in commercial use.
- 1.2 Oaklands Avenue is characterised by large two storey detached dwellings set within spacious gardens. The locality to the north and west is characterised by predominantly residential properties, a mix of commercial, public and community uses to the south, including a Police Station and Magistrates Court with the County Court on the opposite corner to the east.
- 1.3 The site falls within the Romford Area Action Plan and does not form part of any other pertinent policy designated areas as identified in the Local Development Framework Proposals Map.

2. Description of Proposal

- 2.1 The application seeks permission to vary Condition 2 of planning application P0813.14 which states –

'2) The development hereby permitted shall be carried out in accordance with the approved plans on Drawing Nos:14/01/01, 14/01/02 Revision B and 14/01/03 Revision B.'

To –

'2) The development hereby permitted shall be carried out in accordance with the approved plans on Drawing Nos:14/01/01, 14/01/02 Revision C and 14/01/03 Revision C.'

- 2.2 The purpose of the proposed variation is to cater for changes to the external openings from the previously approved scheme. The changes are clearly depicted on Drawing No.14/01/03, Revision C. The changes are summarised below:

*Front Elevation – Enlargement of four windows, and addition of one roof light.

*North-Western Elevation – Addition of two roof lights, reposition of two doors, removal of one window, and reduction in size of two windows.

*South-Eastern Elevation – Addition of one roof light, realignment of three windows, addition of one window, and enlargement of roof dormers.

*Rear Elevation – Enlargement of four windows, reduction in size of one window, and enlargement of one roof dormer.

- 2.3 There are no changes to the footprint, height, layout, density, or massing of the building (with exception to the enlarged dormers). There are also no proposed changes to the car parking and landscaping layouts.

- 2.4 It is noted that the applicant has not applied to vary Condition 4 of P0813.14, which also need amending as it specified the drawing number of one of the plans to be replaced by the subject proposal. This has been changed and is reflected under 'Recommendations' above.

3. History

- 3.1. P0277.09 - Erection of 2 no. 4 bed dwellings and 9 no. self-contained flats - Refused and appeal dismissed.
- 3.2 P0179.10 - Erection of two No. four bed dwellings and six No. two bed self-contained flats – Refused and granted on Appeal

- 3.3 N0042.12 – Minor amendment to P0179.10 – Approved
- 3.4 P0813.14 – Erection of 9 no. 2 bedroom flats with associated amenity space, car park, landscaping, cycle parking and refuse storage – Refused. Appeal allowed 11/12/14
- 3.5 P1534.14 – Erection of 9 No. 2 bedroom flats with associated amenity space, car parking, landscaping, cycle parking and refuse storage – Refused (Committee turnaround, Officers originally recommended approval).

4. Consultation/Representations

- 4.1 Notification letters were sent to 54 neighbouring properties and no representations were received as part of the public consultation process.
- 4.2 The Highway Authority has raised no objections to the proposal.
- 4.3 Thames Water has no comments.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP17 (Design), DC3 (Housing Design and Layout), DC33 (Car parking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design), DC63 (Crime) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are considered to be relevant. Policies ROM14 (Housing Supply), ROM15 (Family Accommodation) and ROM20 (Urban Design) of the Romford Area Action Plan and the Residential Extensions and Alterations Supplementary Planning Document (SPD), Planning Obligations SPD and the Residential Design SPD are also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011).
- 5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff comments

- 6.1 The main issues to be considered by Members in this case are the principle of development, design/street scene issues, and amenity implications.

6.2 *Background*

6.2.1 The previous application under P0813.14 was refused planning permission for the following reasons:

- The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
- The proposed development, in particular the flatted section closest to 1 Oaklands Avenue, would be out of keeping with and harmful to the predominant single residential dwelling character of this part of Oaklands Avenue, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.
- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

6.2.2 Members will however note that the development refused under application reference P0813.14 was allowed on appeal.

6.2.3 The approved scheme under P0813.14 required an infrastructure contribution of £54,000, and the applicant has agreed to this payment by signing a S106 agreement on 16 September 2014. This contribution has not been paid. On this basis, if the subject variation is approved, this agreement would need to be amended to incorporate the details of the subject application.

6.3 *Principle of Development*

6.3.1 The subject proposal is a variation to the external openings of the proposed scheme only, and does not affect the density, layout, or massing of the scheme (with exception to the enlargement of dormers). On this basis, only the effects associated with the proposed changes would be assessed as the basis of the underlying scheme is already considered to be acceptable through appeal decision APP/B5480/A/14/2223922.

6.4 *Impact on Local Character and Street Scene*

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments

should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

- 6.4.2 The proposed changes to the building are considered to be acceptable as they are minor changes in the greater scheme and would remain consistent with the cosmetic appearance of the building.
- 6.4.3 The proposed changes on the front elevation are acceptable as all fenestration would still be vertically and horizontally aligned, and present proportional increases to those previously approved, and would retain the character of the building.
- 6.4.4 The proposed changes to the north-western elevation are also acceptable as the openings are located in a similar location as the previously approved scheme, with a comparable layout. The openings are largely aligned both vertically and horizontally to give the building a methodical appearance.
- 6.4.5 The proposed changes to the south-eastern elevation are acceptable as they are well laid out, by being vertically and horizontally aligned. The additional window at first floor level is acceptable as it is identical in appearance to other windows on the same elevation. The proposed increase in dormer size is acceptable as it is minor in scale and would leave sufficient roof verges to avoid giving the building a top heavy appearance. The roof of the dormer aligns with the roof of the lobby to give the building a balanced appearance.
- 6.4.6 The proposed changes to the rear elevation are acceptable as the increase in window sizes is proportional to those on the previously approved scheme. The enlarged dormer is also acceptable as it would be of an acceptable size, and would align with the top of the lobby without giving the building a top heavy appearance. The relocation of the ground floor lobby door is logical as it would have a better vertical alignment with the glazing on the upper levels.
- 6.4.7 Overall, the proposal is considered to be acceptable in terms of its design, scale, character and visual impact within this part of the street scene and therefore consistent with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

6.5 *Impact on Amenity*

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

- 6.5.2 The proposed development is only bordered by residential properties to the northwest with the nearest residential property situated approximately 5.5m away. The subject proposal would remove one window at ground floor level compared to the previously approved scheme, with the windows reduced in size. This is acceptable as it would improve the relationship between the subject development and the neighbouring property in terms of opportunities for overlooking. The proposed roof lights would not have a material impact in terms of overlooking as they are high level. A condition is recommended to be imposed to have the first floor windows on this elevation to be obscure glazed and fixed shut with the exception of the top hung fanlight. This is sufficient to prevent material overlooking.
- 6.5.3 The proposed variation would otherwise have no material impact on the residential amenity of neighbouring occupiers in terms of sunlight/daylight access, and overlooking. The front, south-eastern, and rear elevations do not face any residential properties and the proposed changes to openings would be no closer to their respective boundaries than those on the previously approved scheme. The proposed changes to the dormers would not have an additional shadowing or dominating impact on neighbouring properties as they are well-contained within the host building's roofscape.
- 6.5.4 It is therefore considered that the proposed variation would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Planning Obligations*

- 6.6.1 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.
- 6.6.2 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"*.

- 6.6.3 The proposal is liable to a contribution of £54,000 in accordance with adopted Policy DC72 of the Development Plan and the adopted Planning Obligations SPD. These policies are up to date and accord with Paragraph 12 of the NPPF and the proposal should therefore be determined in accordance with these policies unless material considerations indicate otherwise. Staff have had regard to the Planning Policy Guidance (PPG) relating to the application of a residential unit threshold for infrastructure tariff which advises that no contribution be sought for developments of 10 residential units or less and which is a material consideration however officers consider that greater weight should be accorded to up to date Development Plan Policy and the supporting Planning Obligations SPD. Staff consider that this guidance in the PPG does not immediately supersede current adopted policy as set out in the existing development plan and adopted supplementary planning guidance and that greater weight should be given to adopted policy within the development plan.
- 6.6.4 It is noted that the applicant has already signed a S106 Agreement for this amount under the previously approved scheme (P0813.14). However, this is required to be amended if the subject variation (P0101.15) is approved, to incorporate the subject variation into the existing S106 Agreement.

7. Conclusion

- 7.1 It is considered that the proposed variation is acceptable as it would be within the scope of the previously approved scheme P0813.14. The proposed changes would result in an acceptable development within the street scene, and it is not considered that the proposal would give rise to any overlooking or invasion of privacy and would further, due to its orientation in relation to other neighbouring properties, not result in any overshadowing.
- 7.2 Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial Implications and risks:

Financial contributions are required through a legal agreement through a variation to the original S106 Agreement under P0813.14, dated 16 September 2014.

Legal Implications and risks:

Legal resources will be required to prepare and complete the legal agreement. There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 28/01/2015.

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REGULATORY SERVICES COMMITTEE

12 March 2015

REPORT

Subject Heading:

P0972.14 – 16 & 18 Prospect Road and land rear of, Hornchurch

Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings (outline application) (received 19/08/14)

Ward

Emerson Park

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

SUMMARY

This report concerns an outline planning application to demolish 16 and 18 Prospect Road for the creation of a new access road to provide nine new detached dwellings and two replacement dwellings. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

This application was previously considered by Committee on 2 October 2014, where it was deferred to enable staff to seek to obtain details of the construction methodology in advance, to control the construction hours and to agree the phasing of the development. The report is now brought back to Members, updated to reflect the outcome of these negotiations with the applicant.

The application is recommended for approval subject to prior completion of a S106 Legal Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of (1,410.4 sq.m. – 179.5 sq.m.) 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

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

- A financial contribution of £54,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document and Policy DC72.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement, prior to completion of the agreement, irrespective of whether the agreement is completed;

- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Approval of details – The development hereby permitted may only be carried out in accordance with detailed plans and particulars which shall previously have been submitted to and approved by the Local Planning Authority, showing the appearance of the buildings and landscaping, including all matters defined as "landscaping" in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (herein after called "the reserved matters").

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

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

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

3. Time limit for commencement - The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

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

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

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

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

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

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

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

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

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

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

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

9. Hours of construction – All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 9.00am and 5.00pm Monday to Friday, and between 9.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

10. Construction methodology - Before development is commenced, a demolition method statement and a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
 - j) delivery locations.
 - k) advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works.
 - l) lighting.
 - m) A programme and timetable detailing the various stages of the proposed works for the demolition of No.'s 16 and 18 Prospect Road and the construction of the replacement dwellings.

And the development shall be carried out in accordance with the approved demolition method statement and construction management plan.

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

11. Waste materials – No waste materials shall be burnt on site of the development hereby approved.

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

12. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted Development) (Amendment)(no. 2)(England) Order 2008 Classes A - E, (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or alterations shall take

place to the dwellinghouses and no outbuildings shall be erected in the rear garden area of the dwellings, with the exception of ancillary structures up to 10 cubic metres in volume, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

13. Boundary fencing - Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority and the approved boundary screening measures shall be implemented prior to first occupation of the development for residential purposes and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

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

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

15. Surfacing materials - Before any of the development hereby permitted is commenced, surfacing materials for the access road shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in the interests of highway safety.

16. Vehicle Access - The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development.

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

17. Parking Management Scheme - Prior to first occupation of the dwellings hereby permitted, a parking management scheme showing how the car parking spaces for the dwellings (in accordance with the proposed site plan on Drawing No. L01 Revision A) will be provided and secured for use solely by residents of the proposed dwellings, shall be submitted to and approved by the Local Planning Authority. The parking management scheme shall thereafter be operated strictly in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC36.

18. Pedestrian Visibility Splay - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

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

Reason: To prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control policies Development Plan Document Policies DC61 and DC32.

20. Site levels - Prior to the commencement of the development, a drawing showing the existing and proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect neighbouring amenity.

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

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

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

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

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

23. Archaeology - A) No demolition or development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.
B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programmed set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the result and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the Borough and in PPS5/NPPF.

24. Use of garages – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

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

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

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

26. Biodiversity/Protected Species: The applicant shall submit with the application for reserved matters – Landscaping - further survey information as indicated in the Summary of their submitted report “Update Extended Phase 1 Habitat Survey” dated 2/9/13. Any mitigation measures identified shall be put in place prior to the commencement of the development.

Reason: To ensure that appropriate mitigation measures are included in respect of flora and fauna.

27. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

development accords with Development Control Policies Development Plan Document Policy DC61.

28. Obscure/fixed glazing - The proposed windows at first floor in the flank elevations of the proposed dwellings (Type A and B) shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

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

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

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

30. Lifetime Homes - No development shall take place until the developer has submitted, for the approval in writing of the local planning authority, details to ensure that the proposed dwellings would be compliant with Lifetime Homes standards. The development shall thereafter be undertaken in accordance with the approved details and be retained as such.

Reason: To ensure the proposal is in accordance with Policy DC7 of the Core Strategy and Development Control Policies DPD.

31. Road Noise Assessment - Prior to the commencement of any development, an assessment shall be undertaken of the impact of road noise emanating from Southend Arterial Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh Office memorandum "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relation to community noise and PS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: To protect future residents against the impact of road noise in accordance with the NPPF and the Noise Policy Statement for England (NPSE).

32. Replacement dwellings - The replacement dwellings at No.'s 16 and 18 Prospect Road shall be constructed prior to the construction of the new dwellings to the rear of the application site.

Reason: To protect neighbouring amenity.

INFORMATIVES

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

2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £24,618. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

3. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose details can be found by visiting <http://www.securedbydesign.com/professionals/details.aspx?forcecode=met>. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

4. The development of this site is likely to damage heritage assets of archaeological and historical interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

5. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

6. Highway legislation - The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

7. Temporary use of the public highway - The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

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

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

Planning Obligations

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

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

REPORT DETAIL

1. Call in

- 1.1 Councillor Ramsey requested this application be called in to committee, on the grounds of its impact on neighbours and the streetscene.
- 1.2 Councillor Wise requested this application be called in to committee, as the previous proposal had issues regarding overcrowding and insufficient pedestrian access to the site via the access road and this requires a more detailed review.
- 1.3 Councillor Ower requested this application to be called in to committee, due to the previous planning history for the site, the closeness to the Green Belt and possible traffic problems.

2. Background

- 2.1 This application was previously considered by Committee on 2 October 2014, where it was deferred to enable staff to seek to negotiate the following:
 - Provision of details of full methodology for demolition and reconstruction of the 2 frontage bungalows and for suitable planning conditions to be identified.
 - Reduce construction hours to 9am – 5pm maximum to provide some respite for the elderly attached neighbours.
 - That the 2 new frontage bungalows be completely built before any of the rest of the development and that a programme for this be secured.
- 2.2 The report is brought back before the committee as the agent has confirmed in writing that they are unable to provide the additional information regarding the construction methodology. The letter has been summarised as follows:
 - The additional information can only be provided once a suitable client to take the project to the construction phase, with input from their main contractor, and the structure of the proposed dwellings has been determined and resolved to a detailed design level.
 - The application is for outline permission and condition 10 already covers construction methodology, so the agent does not consider that the requested information will protect neighbours any further between the approval of the outline planning application and the final construction period and there is no need to submit it at approval stage.
 - Producing this information at outline application stage puts the economic viability of the project in jeopardy for the client. Depending on the outcome of the reserved matters required, the determination of the conditions and a building regulations application, the construction methodology is likely to change before the full construction drawings are completed.
 - With reference to point m of condition 10, it is impossible to put a timetable on the reconstruction of the replacement dwellings without knowing the ground conditions and proposed foundation types in the first instance. It is unreasonable to expect a construction package of drawings to be prepared in order to provide a timetable, which either the client or any future

developer, would be forced to adhere to without having any form of planning permission in place at this stage.

- For an outline application, the client has kept the amount of reserved matters to a minimum by submitting a substantially designed scheme to address any concerns of the Local Authority or neighbours.
- The protection of neighbouring amenity during the construction period is already safeguarded by the proposed conditions and other legislation such as the Party Wall Act.

3. Site Description:

- 3.1 Prospect Road is a residential cul-de-sac located to the north of the A127. The application site comprises the dwellings at No. 16 and No.18 Prospect Road, their rear gardens and land to the rear of Prospect Road formerly comprising of residential properties entitled “The Bowery” and “Sunset”. The south western side of the application site fronts onto the Southend Arterial Road (A127). Ground levels fall from the highway of Prospect Road towards the south/south-east of the site. Just beyond the site boundary to the A127 there is a sharp drop in ground levels covered by some tree/shrub planting. The application site has an area of 0.43 hectares. To the rear part of the site, the eastern boundary adjoins an area of Metropolitan Green Belt, which consists of an open playing field.

4. Description of development:

- 4.1 The application is to demolish 16 and 18 Prospect Road and replace them with narrower, one storey properties for the creation of a new access road through to the rear land for the creation of nine, two storey detached properties. The application is for outline permission seeking approval for access, layout and scale. Appearance and landscaping are reserved matters.
- 4.2 The site would be laid out with the replacement bungalows fronting onto Prospect Road frontage and the new houses located to the south/south-west of, and fronting onto, the new 5.2m wide access road which would extend from Prospect Road to the south/south-east. The access road is a combined carriageway and footpath.
- 4.3 The two replacement bungalows would, as currently, be attached to the remaining part of their respective semi-detached pairs, i.e., No.’s 14 and 20 Prospect Road. They would be narrower (at 4.2m wide) and deeper (14.85m deep) than the existing semi-detached bungalows, nonetheless they would have the same matching roof form (the highest ridge height would remain at 6.1m above ground level), eaves levels and materials as the remaining semi-detached properties. Two parking spaces would be provided for each replacement bungalow - one to the front garden area and one at the end of each rear garden area.
- 4.4 Each of the nine new houses would be detached with its own rear amenity area and parking provision for two vehicles, either in an integral garage or on hardstanding adjacent to the property. There would be 4-bedroom properties of two types A and B; the main difference being that A would be provided with

an integral garage and B with an attached garage (with the exception of two dwellings which would each have two off street parking spaces). All the properties would have a similar appearance.

4.5 There would be 3, Type A houses. They would be a maximum of 7.7m wide, 13.1m deep and have gabled pitched roofs with a ridge height of 8m above ground level.

4.6 There would be 6, Type B houses. They would each be a maximum 10.4m wide (including the attached garage), 10.6m deep and have gabled pitched roofs with a ridge height of 8m above ground level.

5. **Relevant History:**

P1119.13 – Demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and 2 replacement dwellings – outline – Refused. Dismissed on appeal.

P0087.11 – Outline application for demolition of No.'s 16 & 18 Prospect Road together with "Sunset" and "The Bowery" and the erection of 11 dwellings with associated access and parking - Refused. Dismissed on appeal.

P1627.09 - Outline application for demolition of No.18 Prospect Road and the erection of 14 dwellings with associated access and parking –Refused. Dismissed on appeal.

P1829.07 – Proposed development to provide 16 dwellings -Refused.

6. **Consultations/Representations:**

6.1 The occupiers of 58 neighbouring properties were notified of this proposal. A letter of objection was received from Councillor Glanville with detailed comments that have been summarised as follows: Detrimental impact on the character and appearance of the streetscene, the effect of the proposed alterations on the amenity of the occupiers of No.'s 14 and 20 Prospect Road and the visual impact of replacement bungalows.

Twenty seven letters of objection were (including one from the Emerson Park & Ardleigh Green Residents' Association) with detailed comments that have been summarised as follows:

- Proximity of the new dwellings to neighbouring properties.
- Overlooking and loss of privacy.
- Vehicular and pedestrian access.
- There is not a hospital within 1 kilometre of the application site.
- The proposed development would appear out of character in the surrounding area.
- The site is unsuitable for the proposed development of this size.
- The proximity of the access road to the replacement dwellings.
- Impact on wildlife.
- The proposal will appear dominant and visually intrusive.
- Noise, dust, disruption and pollution.

- Impact on local services.
- The safe removal of asbestos roofs of the two semi-derelict properties on the site (entitled the Bowery & Sunset).
- Objects to the demolition of the existing bungalows and the proposed development due to the impact on the occupiers of the adjoining dwellings (including No.'s 14 and 20 Prospect Road), neighbouring occupiers and the appearance of the streetscene.
- Highway and pedestrian safety.
- It was suggested that the applicant should approach the Motel owners to see if they would grant him permission to have a road built across his land into the Motel's access to the A127 road, so the existing bungalows would not need to be demolished.
- The visual impact of the access road.
- Would prefer bungalows to be built instead of houses.
- Parking, traffic and congestion.
- The removal of two oak trees on the site, which have Tree Preservation Orders.
- Disruption.
- Access for emergency vehicles.
- The area is already overpopulated with new buildings and people.
- The proposed development would overshadow the existing mostly low level residences in Prospect Road.
- Transport links are poor.
- There are no shops nearby.
- Party wall agreements and works/conditions to protect No.'s 14 and 20 Prospect Road during construction.
- Impact on amenity and human rights.
- The proposal is contrary to Policy DC61 of the LDF.
- Reference was made to the previous planning and appeal decisions.
- Loss of light.
- This application is very similar to the previously refused application, P1119.13

6.2 In response to the above, each planning application is determined on its individual planning merits. Comments regarding party wall agreements and asbestos are not planning considerations and are building control matters. A section 106 agreement would be entered into in the event that planning permission is granted, which would secure a financial contribution towards local infrastructure. There are no trees with Tree Preservation Orders on the application site. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. The remaining issues are addressed in the following sections of this report.

6.3 The London Fire Brigade Water Team – consideration has been given to the provision of fire hydrants and it will be necessary for one new private fire hydrant to be installed in the position marked by the red x on the enclosed plan. The hydrant should be numbered P106284.

6.4 London Fire and Emergency Planning Authority – The access road should be a minimum of 3.7m in width between kerbs and capable of supporting a pump

appliance with a minimum carrying capacity of 14 tonnes. The turning facility should be of a sufficient size to allow a pump appliance to manoeuvre.

- 6.5 The Highways Authority has no objection to the proposals. Request conditions regarding pedestrian visibility splays, vehicle access, wheel washing and various informatives.
- 6.6 Environmental Health – Recommend conditions regarding soil contamination, a full air quality assessment, a demolition method statement/construction management plan, waste materials and a road noise assessment if minded to grant planning permission.
- 6.7 English Heritage – Recommend a condition regarding archaeology if minded to grant planning permission.
- 6.8 Designing Out Crime Officer – Recommends a condition and an informative if minded to grant planning permission.
- 6.9 Transport for London – No objection. Details of cycle storage should be secured by condition. Recommends a condition regarding parking facilities being equipped with Electrical Vehicle Charging points. Given the size of the scheme and the planning history for the site, Staff consider that it is not reasonable to condition electrical charging points, as this condition was not placed on the previous application P1119.13.

7. **Relevant policies:**

- 7.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable housing), DC11 (Non-designated sites), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in new developments), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document.
- 7.2 Policies 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 3.13 (Affordable housing thresholds), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are relevant.

8. **Staff comments:**

8.1 This proposal follows a previous application P1119.13 to demolish 16 and 18 Prospect Road for the creation of a new access road to provide 9 new detached dwellings and two replacement dwellings (outline application), which was brought to the 19th December 2013 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

- 1) The proposed development would result in the unbalancing of the semi-detached dwellings at nos. 14 and 20 Prospect Road with two long, narrow properties in the place of the properties to be demolished, resulting in a form of residential development which is out of character in the street scene and harmful to local character contrary to Policy DC61 of the LDF Core Strategy and LDF Development Control Policies DPD.
- 2) The need for such an excessively narrow and contrived bungalow design in order to enable access to the site demonstrates that the proposal represents an unacceptably cramped overdevelopment of the site, detrimental to the character and amenity of the locality and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 3) In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

8.2 Although this application was subsequently dismissed on appeal, this was solely in respect of the absence of a completed legal agreement. The Inspector did not agree with the first and second reasons for refusal and concluded the proposal would have an acceptable local impact. The appeal decision for application P1119.13 is a material consideration for this application. This proposal is the same as the previously refused scheme.

8.3 The main issues in this case are the principle of development, density and site layout, design/impact on streetscene, impact on amenity, highway/parking issues and other issues.

8.4 **Principle of Development**

8.4.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application site is on land which is not designated land in the LDF, such as its use for housing would be acceptable and in accordance with Policy CP1 and Policy 3.3 of the London Plan and National Planning Policy Framework which seeks to increase London's housing supply. In addition, the principle of development was deemed to be acceptable for the previous application, P1119.13.

8.5 Density and site layout

- 8.5.1 Policy DC2 sets out ranges of residential densities. In this location a density of 30-50 units per hectare would be expected. The site area is 0.43 hectares and the proposal is for 11 dwellings (including the replacement properties). The proposed density is therefore 25.6 units per hectare which falls below the guidance range. However, the provision of the access road reduces the area available for development such that the density of the land specifically developed is likely to be somewhat higher. Nonetheless density is only one indicator and the main consideration is whether the proposal provides a high quality of design and layout.
- 8.5.2 The London Plan indicates at Policy 3.5 that for four bed houses for six people should have a minimum gross internal floor area of 107 square metres. The proposed four bed houses would have a gross internal floor area of 146 square metres (type A) and 145 square metres (type B). A one bed unit for two people should be a minimum of 50 square metres. All units would be in excess of the minimum internal space standards.
- 8.5.3 In respect of the site layout, the new driveway access would extend from the existing southern edge of Prospect Road and extend southwards between the replacement bungalows and then south-east parallel to the rear boundaries of No.'s 20, 22 and 24 Prospect Road. The proposed detached houses would be located to the south/south-western side of the proposed driveway and it is considered that this would provide an acceptable arrangement with parking to the front and integral garages and amenity space provided to the rear of each property.
- 8.5.4 Six of the properties would front directly onto the access drive with two fronting onto the spur section at the south-eastern corner. The south-eastern corner has a less formal arrangement which is often the case at the end of cul-de-sacs where arrangements reflect the shape of the land available. Staff consider that the properties are reasonably well spaced and that they do not appear cramped. In any event, this would be a "buyer beware" situation where prospective purchasers would be aware of the layout/outlook before making their decision.
- 8.5.5 The Supplementary Planning Document on Residential Design states that every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces. The proposed separate amenity spaces for each property at a minimum of 59 square metres for the bungalows and well over 100 square metres for the new houses are considered to provide an acceptable level of amenity space.

8.6 Design/impact on street/Garden scene

- 8.6.1 The application would comprise the demolition of No.'s 16 and 18 Prospect Road. While the dwellings appear to be in a structurally sound condition, they are not of any particular architectural or historic merit and no in principle

objection is therefore raised to their demolition. There is no objection in principle to the demolition of The Bowery and Sunset properties.

8.6.2 Members will be aware that the decision to refuse the previous application turned primarily on the removal of the pair of dwellings and the acceptability of the resulting bungalows on the character of the streetscene and the locality.

8.6.3 The Inspector (for P1119.13) noted that the character of Prospect Road is not limited to one particular type of dwelling. Although the rhythm of this group of bungalows would be altered, the symmetry retained within the immediate group of No.'s 14 to 20 would not cause the dwellings to appear out of place when considered as part of the wider street scene. The Inspector further considered that, the adherence within the proposed design to the existing bungalows' roof ridge heights, and the incorporation of features similar to those on surrounding dwellings, such as window and roof gable design, would result in dwellings that would appear similar to those of their immediate neighbours. The Inspector concluded that despite their narrower width, the proposed bungalows would not stand out as being inappropriate or out of place in a row of otherwise heterogeneous dwellings, as a result of their appearance.

8.6.4 The appeal decision (for P1119.13) stated that the front building lines of the bungalows would be the same as others in the area, and the creation of the access road would result in a more spacious area between No.'s 16 and 18, compared with the relatively narrow spacing between the existing bungalows surrounding the site. Therefore, despite the narrower width of the plots compared with their neighbours, the Inspector considered that the impression of spaciousness currently enjoyed from the street would not be harmed. In any case, the arrangement of the two proposed bungalows and the access road would not represent such a departure from the established pattern of development that significant harm to local character would result.

8.6.5 Having regard to the views expressed by the Inspector, which constitutes a material planning consideration, Staff consider that this is no material justification for refusal of the development based on the demolition of the existing bungalows and the impact of the replacement bungalows on the street scene and local character. The layout, siting and scale of the proposed two storey dwellings were deemed to be acceptable for the previous application and no issues were raised in these respects in the appeal decision for application P1119.13. As these aspects are not materially changed from the previous application and there has been no material change in policy or site circumstances, these are again considered to be acceptable.

8.6.6 Landscaping is a reserved matter. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout.

8.6.7 Appearance is a reserved matter. The agent has provided scaled elevations of the dwellings. It is deemed possible to construct dwellings that would be appropriate.

8.7 **Impact on amenity**

- 8.7.1 The nearest affected properties are No.'s 12 and 18 Prospect Road and beyond them, those to the southern side of Prospect Road from No.'s 2 to 28 (evens). Staff consider that, while the new two storey properties would be visible to the occupiers of the existing frontage properties, at a minimum distance of approximately 19 metres away there would not be any significant loss of light or privacy or overlooking between the new and existing properties. Windows to the side elevations at first floor level can be fitted with obscure glass and fixed shut (or restricted) to prevent any loss of privacy.
- 8.7.2 Staff further consider that the proposed development would also not suffer from a reduced level of residential amenity due to the orientation and relative positioning in relation to existing residential development and each other. Staff therefore consider that the proposed development would result in an acceptable level of amenity for the new occupiers whilst not affecting existing residential amenity to an unacceptable degree. It is noted that no issues were raised regarding the impact of the proposal on neighbouring amenity for the previous application, P1119.13 or in the appeal decision.
- 8.7.3 It is noted that Members deferred this application from an earlier committee in order to obtain information in advance about the proposed construction methodology; to reduce permitted construction times and to control the phasing of construction. The applicant has declined to provide a construction methodology in advance for reasons set out in paragraph 2.2 of this report. The applicant also advises, for reasons set out in paragraph 2.2, that the timing of the construction of the two houses cannot be established at this stage.
- 8.7.4 Staff note the concerns raised with regard to the impact of the development on neighbouring amenity through the construction works. It is not judged that the impacts are of such magnitude in this case that they would amount to material grounds for refusal of this application. It is considered that the impact of construction can be acceptably mitigated through the submission of a construction method statement, which can be required through planning condition in advance of any of the works commencing. It is not common practice to receive the details of construction methodology prior to issuing consent in this case, notwithstanding the nature of the development and its particular relationship to the neighbouring properties, which involves demolition of 16 and 18 Prospect Road, it is judged to be a reasonable to require construction methodology to be submitted and agreed prior to commencement and that construction to be carried out in accordance with the agreed requirements. The hours of working planning condition has also been amended by Staff to reflect the reduced hours previously requested by Members. Such condition is considered reasonable in light of the nature of the development proposed and relationship with neighbouring houses. The local planning authority is required to consider planning conditions that could mitigate adverse impacts before refusing planning permission. In this case a number of conditions are recommended in order to mitigate adverse impacts including a construction methodology condition to mitigate the adverse impact of noise and disturbance through the construction phase. There are few examples of a sole or principal reason for refusal based on the impact of

noise and disturbance during construction. It was contemplated in relation to the proposed expansion of City Airport but in that case construction noise would be continued into the night and last for several years. Construction noise as a principal basis for refusing planning permission is wholly exceptional and in this is not exceptional in that the construction phase is unlikely to go on for years and conditions control the times when construction is permitted (there is no night-time construction) and the method of construction is agreed prior to commencement to minimise adverse impact of construction noise.

8.7.5 The affects of the development in particular in terms of adverse noise and disturbance during construction on the residents of the dwellings adjoining the proposed bungalows at the frontage of the site on Prospect Road have been raised in the context of protections provided under the Human Rights Act 1998 (the 1998 Act). The 1998 Act incorporated in UK law protocols under the European Convention of Human Rights (the Convention). The relevant Articles of the Convention referred to members are Articles 1 and 8. Article 1 recognises the right to peaceful enjoyment of property and possessions and article 8 recognises and article 8 recognises the right to respect for private and family life. Articles 1 and 8 are qualified rights rather than absolute rights which means that interference with these rights is permissible subject to various qualifications. These qualifications include requirements that any interference must be in accordance with the law, be necessary in a democratic society that is, it meets a social need and is proportionate. Further it must be related to one or more of the permissible aims set out in the relevant Articles. Protection under these Articles may extend to corporate bodies as well as to individuals. It has to be borne in mind that the rights under the Articles of the European Convention of Human Rights are not just the rights of an individual but they recognise that everyone's rights should be properly protected. This means that one individual's right need to be balanced against the rights of another. In this case the applicant's property rights need to be balance against the rights of neighbouring residents affected by noise and disturbance during the construction phase of the development.

8.7.6 Article 1 recognises the right to peaceful enjoyment of property and possessions. Article 8 recognises that everyone has the right to respect for his private and family life. These rights are qualified (or limited) and interference with such a right may be justified where it can be shown that it is in the public or general interest and it is a proportionate interference given the intended aim. Peaceful enjoyment of land is protected in common law in an action in nuisance and may also be protected under public law for example section 60 of the Control of Pollution Act 1974, under which the local authority can serve a notice imposing requirements as to amongst other things the way works are to be carried out. The local planning authority may also impose planning conditions and planning conditions have been proposed to address and mitigate the effects of noise and disturbance during the construction phase. There is no interference by a public authority in relation to the exercise of Article 8 rights when it is in accordance with laws necessary in a democratic society, in the interest of national security, in the interests of public safety or economic well being, for the protection of health and morals, prevention of crime and disorder or for the protection of the rights and freedoms of others.

In this case the impact of the construction noise on the immediate residents needs to be balanced against the right and freedom of the applicant's property rights and freedom to seek to develop his land. The Local Planning Authority are required to consider any mitigation of adverse impacts from noise and disturbance during the construction phase by the imposition of planning conditions to control those impacts before considering development proposals. There is a broad range of controls on the adverse impact of noise outside the Planning Acts including under the Control of Pollution Act 1974 and the requirements under Building Regulations and Party Wall legislation which would further control adverse impacts.

- 8.7.6 It is considered reasonable to place a condition requiring that the replacement dwellings at No.'s 16 and 18 Prospect Road shall be constructed prior to the construction of the new dwellings to the rear of the application site to protect the amenity of neighbouring houses.

8.8 Highway/parking issues

- 8.8.1 The car parking requirements for developments in this location is 1.5-2 parking spaces per dwelling. Two parking spaces are proposed to each of the nine new houses and the replacement one-bedroom bungalows. This would be acceptable.

- 8.8.2 In respect of access, the proposed development would take access from Prospect Road. The Fire Brigade are satisfied with the proposed access.

- 8.8.3 In line with Annex 6, suitable provision would need to be made for both cycle parking and refuse/recycling awaiting collection on site and would be subject to suitable planning conditions for its implementation and retention.

- 8.8.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

8.9 Other Issues

- 8.9.1 A Noise Exposure Assessment has been submitted with the planning application. A full assessment is requested to devise a suitable scheme for sound insulation against traffic noise through a suitably-worded condition.

- 8.9.2 The application site lies within an Archaeological Priority Area. It is unclear from the submitted material whether there have been modern impacts on buried potential. In view of the scale of the proposals, there may be an impact on hitherto undiscovered archaeological remains. A suitable condition would be attached to any grant of planning permission in relation to the need for further archaeological investigation.

- 8.9.3 The agent has submitted a Phase 1 Habitat Survey with the application. It is considered that there are further requirements in terms of further surveys with regard to trees (retention or removal) and mitigation measures for protected species together with other landscaping requirements which could usefully be submitted with the reserved matters application which relates solely to

Landscaping. A suitable condition will be attached to any grant of outline planning permission requiring further information/details to be submitted in line with the summary contained in the Phase 1 Survey.

- 8.9.4 While the site lies adjacent to an area of Metropolitan Green Belt, it forms part of the existing urban area and, in line with previous Planning Inspector's decisions (including application P1119.13), it is concluded that this development would not adversely impact on the openness of the adjoining Metropolitan Green Belt as it would be viewed in the context of the urban area.

9. The Mayor's Community Infrastructure Levy

- 9.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. A CIL form was submitted with the application. The applicable fee is based on an internal gross floor area of (1,410.4 sq.m. – 179.5 sq.m.) 1,230.9m² which equates to a Mayoral CIL payment of £24,618 (subject to indexation).

10. Planning Obligations

- 10.1 A Section 106 Legal Agreement is required to secure a financial contribution of £54,000 to be used towards infrastructure costs in accordance with Policy DC72 and the Planning Obligations Supplementary Planning Document.
- 10.2 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".
- 10.3 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.

11. Affordable Housing

- 11.1 The proposed density is below the range for the area which results in nine additional units being just below the trigger point for affordable housing (ten or more units). Staff consider that if smaller units or semi-detached pairs were provided, that this would increase the density and number of units, nonetheless this is not the scheme for consideration. Staff consider that the proposed form of development and the size of the units are not unacceptable of themselves and that, as such, it would not be possible to add further similar-sized units without the development appearing cramped. No issues were previously raised in respect of affordable housing for the previous application, P1119.13.
- 11.2 An area of land has been excluded from the application site. Staff consider that this could support either one or possibly two additional detached properties of the same scale to those proposed. If this site comes forward for development as a second phase, the number of additional properties would in total meet the trigger point for the provision of affordable housing and any application for this adjoining site would therefore be subject to an affordable housing contribution.

12. Conclusion

- 12.1 Staff consider the site to be acceptable in principle for residential development. It is considered that the layout and access of the dwellings proposed is compatible with the prevailing character of development within the locality. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. It is considered that the proposal would not create any parking or highway issues. There would be a financial contribution of £54,000 towards infrastructure improvements. Staff do not consider that there are material grounds for refusal based on the impact of construction works on neighbouring residential amenity.
- 12.2 The proposal is the same as that previously refused under application P1119.13. Although dismissed on appeal this decision was solely on the grounds of the lack of a S106 Agreement, with the Inspector raising no objection to any other aspect of the development. This is a material consideration. Accordingly, subject to the completion of a legal agreement, the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Legal resources will be required for the drafting of a legal agreement. There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 19/08/2014.



**REGULATORY
SERVICES
COMMITTEE**

REPORT

12 March 2015

Subject Heading:	Application for the Stopping Up of Highway Land at Delderfield house, Portnol Close, Collier Row RM1 4DH (OS 550,764.1E 190,426.3N; 550,758.8E 190,429.2N; 550,763.6E 190,438.7N; 550,769.0E 190,436.0N) (Application received 13 th January 2015)
Report Author and contact details:	Alexander O'Dwyer, 01708 432468 Alexander.odwyer@havering.gov.uk
Policy context:	Local development Framework
Financial summary:	None

SUMMARY

1. This report relates to an application received on 13th January 2015 for the stopping up of highway to enable the development of land pursuant to a planning permission (planning reference P1552.14) for 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 ("the Planning Permission").

- 1.1 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 reference sps1585 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 to enable the Planning Permission to be carried out.

RECOMMENDATIONS

2. 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 DETAIL

- 3.1 On 19 February 2015 the Council resolved to grant the Planning Permission, for 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.

- 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 measures approximately 63 square meters and is a parking court, surrounded by a hard strip. The boundary points of this section of land are: (a) OS grid reference point 550,764.1E 190,426.3N (southeast corner); (b) OS grid reference point 550,758.8E 190,429.2N (southwest corner); (c) OS grid reference point 550,763.6E 190,438.7N (northwest corner); (d) OS grid reference point 550,769.0E 190,436.0N (northeast corner).
- 3.3 The development involves building on land which includes areas of adopted 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 implications and risks:

None directly attributable to the proposal.

BACKGROUND PAPERS

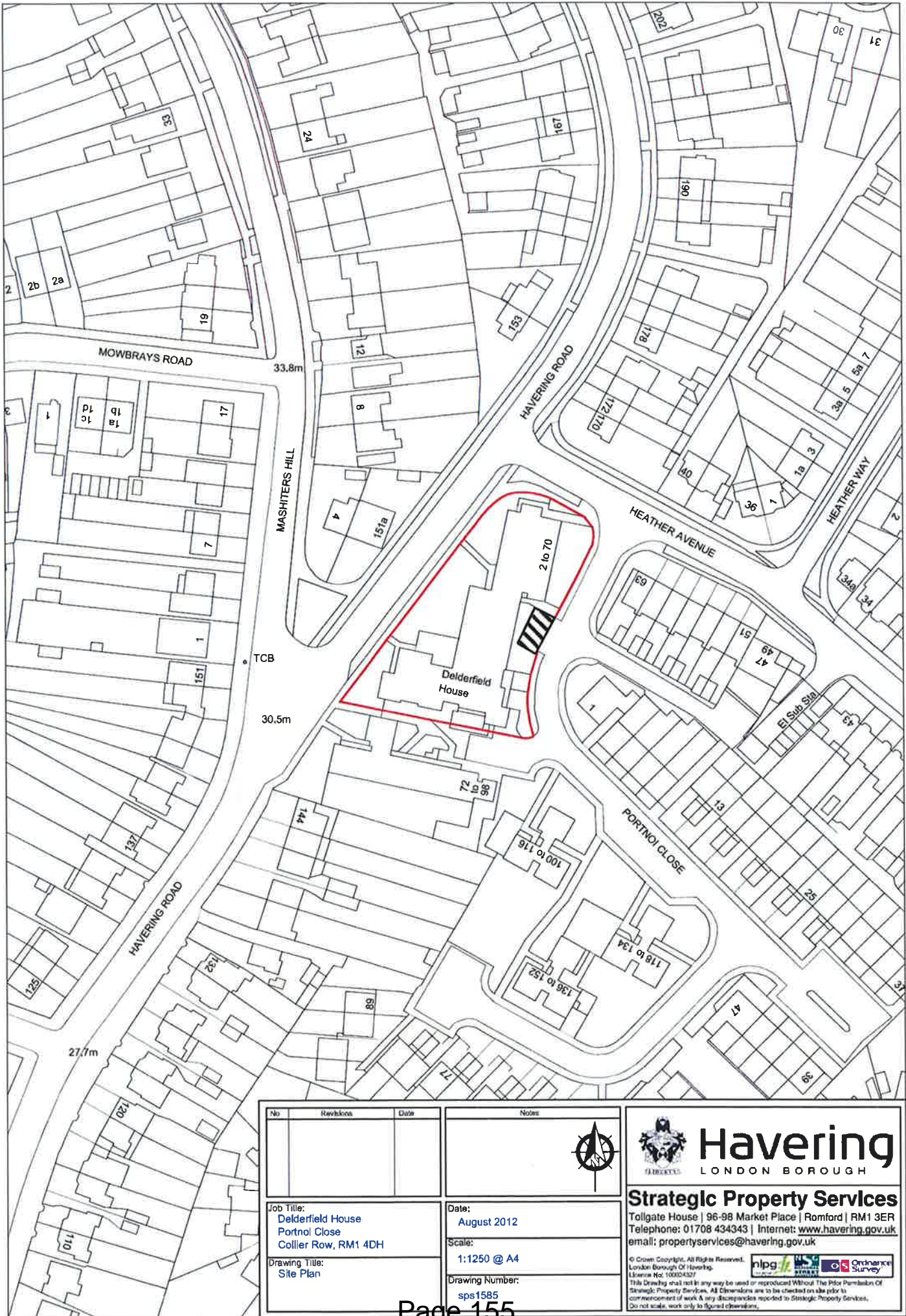
The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate the development to construct a new a new four bedroom detached dwelling unit to the Planning Permission (reference P1552.14). It is therefore recommended that the necessary Order is made and confirmed.

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CHERYL COPPELL
Chief Executive

Background Papers List

1. Report of Regulatory Services Committee dated 19 February 2015 which granted planning permission under planning reference P1552.14 [Item No. 14]
2. Plan Reference sps1585 showing the area to be stopped up



No	Revisions	Date	Notes

Job Title: Delderfield House Portno Close Collier Row, RM1 4DH	Date: August 2012
Drawing Title: Site Plan	Scale: 1:1250 @ A4
	Drawing Number: sps1585



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