



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
17 September 2015**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace (Vice-Chair)
Ray Best
Philippa Crowder
Steven Kelly

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
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Protocol for members of the public wishing to report on meetings of the London Borough of Havering

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

Reporting means:-

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

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

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

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

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

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

4 MINUTES (Pages 1 - 14)

To approve as a correct record the minutes of the meetings of the Committee held on 20 August and 3 September 2015 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 15 - 34)

6 P1116.15 - UNITS 4A AND 4B MARKET PLACE, ROMFORD (Pages 35 - 46)

7 P1136.12 - 1A HILLVIEW AVENUE, HORNCHURCH (Pages 47 - 62)

8 URGENT BUSINESS

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

**Andrew Beesley
Committee Administration
Manager**

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
20 August 2015 (7.30 - 9.35 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Alex Donald and Linda Hawthorn

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

An apology for absence was received from Councillor Robby Misir.

+Substitute members: Councillor Roger Westwood (for Robby Misir).

Councillors David Durant and Jeffrey Tucker were also present for parts of the meeting.

95 members of the public were present.

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

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

313 **MINUTES**

The minutes of the meetings held on 16 July and 30 July 2015 were agreed as a correct record and signed by the Chairman.

314 **P0542.15 - 91 WATERLOO ROAD (HAVERING ISLAMIC CULTURAL CENTRE), ROMFORD**

The application before Members sought planning permission to vary condition 4 of planning permission P1285.06 in order to change the opening hours of the centre to the following:

Winter: November to February from 06:00 to 22:00

Summer: March to October: 1 1/2 hours before sunrise to 2 1/2 hours after sunset.

Ramadan: 1 1/2 hours before sunrise to 3 1/2 hours after sunset.

The sunrise and sunset times would be linked to the deferred sunrise/sunset timetable for the UK which formed part of the application.

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

The objector commented that the centre had grown hugely over the last couple of years and this had led to a strain being placed on parking provision and access issues for residents of neighbouring properties. Visitors to the centre also congregated outside following attendance which sometimes caused noise nuisance.

In reply the applicant commented that the centre had been open for nine years and in that time only one neighbour had made a complaint regarding the centre's use. The applicant confirmed that mediation had taken place with the complainant and the matter resolved. The applicant also commented that extra prayer times had been granted in 2012 for obligatory prayers. The centre had a car park which held approximately fifty cars and vehicles exiting the car park used the side gate as opposed to exiting via Bridge Close to help alleviate neighbour disturbance. The applicant also confirmed that he was open to discussions with officers to achieve a satisfactory outcome for all parties.

The Committee considered the report and without debate **RESOLVED** that planning permission be refused for the reasons as set out in the report.

The vote for the resolution to refuse planning permission was carried by 9 votes to 0 with 2 abstentions.

Councillors Wallace and Donald abstained from voting.

315 **P0788.15 - SOUTH HALL FARM, WENNINGTON ROAD, RAINHAM**

The proposal before Members involved the demolition of existing buildings on the site and the erection of two detached two-storey four bedroom houses, a double garage, an outbuilding and associated parking for six vehicles.

Members noted that the application had been called in by Councillor Jeffrey Tucker on the grounds that having listened to the applicant's views he considered that the two houses proposed were more suitable than the already approved development of six commercial unit workshops which appeared to be too big for the applicant to handle and finance, so the smaller proposal appeared to be a more suitable option.

With its agreement Councillors David Durant and Jeffrey Tucker addressed the Committee.

Councillor Durant commented that the new proposal was more suitable for the site than the previously agreed planning permission for commercial workshops. Councillor Durant also commented that conditions could be place on the planning permission to satisfy Highways officer's objections and that the consideration of the proposal should be deferred to allow negotiations to take place between the applicant and officers.

Councillor Tucker commented that the applicant had compiled a presentation for members to view outlining his proposals for the site but unfortunately due to time issues this had not yet been received by members for their consideration. Councillor Tucker also commented that the applicant had no objections with the issue of possible overlooking of the two properties as both would be occupied by members of the same family. Councillor Tucker concluded by confirming that the applicant was willing to enter into negotiations with officers to secure a satisfactory outcome for all parties involved.

During a brief debate members discussed the reasons for supporting a development in the Green Belt but felt that there were no special circumstances shown in the application to support this.

Following the debate it was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

The vote for the resolution to refuse planning permission was carried by 9 votes to 2.

Councillors Williamson and Martin voted against the resolution to refuse the granting of planning permission.

316 **P0852.15 - 67 CORBETS TEY ROAD, UPMINSTER**

The application before Members sought planning permission for the erection of a building which would provide five residential flats (four one-bedroom and one two-bedroom). The building proposed would be three storeys high, mirroring the design of the recently approved and built adjacent development.

The application had previously been considered by the Committee on 5 March 2015 and had been refused planning permission on the grounds that the proposal was an over-development of the site, detrimental to local character and amenity, inadequate provision of amenity space, inadequate parking provision and the absence of a mechanism to secure a planning obligation towards the infrastructure costs of the new development.

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

The objector commented that he had recently purchased a property on the adjacent development and was concerned that the proposal would lead to the area becoming a building site for a considerable period of time.

In response the applicant's agent commented that following the previous refusal of planning permission the applicant had re-designed the proposal by reducing the length and height of the building and had increased the balcony sizes and increased parking provision.

During a brief debate Members again questioned the size of the proposed development and provision of parking for residents.

Members commented that the applicant had made efforts to reduce the size of the proposal but it was still a gross over-development of the site and failed to provide sufficient parking provision for residents.

Following the debate it was **RESOLVED** that planning permission be refused for the reasons as set out in the report.

317 **P0439.15 - MORETON BAY INDUSTRIAL ESTATE, SOUTHEND
ARTERIAL ROAD**

The proposal before Members was for the demolition of the existing industrial units and a residential dwelling and change of use of the industrial area to residential. The proposal would consist of the construction of two blocks comprising a total of forty two flats, including the creation of a new access road with associated car parking, cycle and refuse storage.

Members were advised that item 2.4 in the report should have read 1.6metres and not 0.6metres as was shown.

Members were also advised that a late letter of representation had been received outlining an objection on the grounds of environmental dangers and possible compensation payments to residents of neighbouring properties who would be inconvenienced by the creation of the proposed access road.

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

The objector commented that the proposed access road was already overused and that additional vehicles would cause further congestion and disruption. The objector also commented that Ferguson Avenue and Belgrave Avenue were already used as a cut through and that additional vehicles would make the situation worse by adding to the existing congestion at the junction of Belgrave Avenue with the A127.

In response the applicant's agent commented that positive feedback had been received from some local residents who were pleased to see the removal of the existing commercial activities on the site. The agent also commented that neighbouring properties had been carefully considered during the design phase and that the proposal met all planning criteria, included fifteen percent affordable housing and provided local employment opportunities.

During the debate Members discussed the height of the proposed building and the effect additional traffic would have on the existing access road.

The Committee, in its discussions also considered the proposed design of the building and its appearance in the streetscene.

Members commented that the existing access road was extremely narrow and that by closing the three existing vehicular and pedestrian access points off of the A127 that more traffic would be forced to use the access road and this in turn would affect the amenity of existing residents of the adjacent properties.

During the debate Members received guidance from the Legal Adviser as to the exact nature of the Section 278 Agreement that was sought by TfL for the re-instatement of the footways after the completion of works.

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

- (Even if widened) use by traffic of the access road between the site and Belgrave Avenue would materially harm residents' amenity.
- The building was too tall (4 storey), bulky (block-like) and discordant design that would not integrate satisfactorily with the existing streetscene.
- The failure to provide infrastructure contribution (Section 106).
- The failure to provide affordable housing (Section 106).

318 **P0041.15 - INGREBOURNE LINKS GOLF COURSE, NEW ROAD, RAINHAM**

The application before Members proposed the construction of a clubhouse, outdoor bowling green and associated car parking with landscaping and the

demolition of an agricultural building. An outline planning permission had previously been agreed by the Committee under planning application P0319.09.

During a brief debate members discussed the temporary car park for the driving range and the clubhouse car parking provision.

Members considered the report noting that the proposed application qualified for a Mayoral CIL contribution of £21,460 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition requiring the temporary car park for the driving range to be entirely removed once the approved clubhouse car park was complete.

319 **P0739.15 - 39 COLLIER ROW ROAD, COLLIER ROW, ROMFORD - CHANGE OF USE FROM A1 (RETAIL) TO D2 (LEISURE USE)**

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

320 **P0692.15 - THE BROXHILL CENTRE, BROXHILL ROAD - ALTERATIONS, ADAPTATIONS AND EXTENSION TO EXISTING SPORTS HALLS AND CHANGING ROOMS TO PROVIDE NEW CHANGING FACILITIES, CAFE AREA, COMMUNITY SPACE ETC. TOGETHER WITH THE PROVISION OF NEW 3G FOOTBALL PITCH, MULTI USE GAMES AREA, EXTERNAL PLAY AND EXERCISE AREAS, ASSOCIATED BOUNDARY TREATMENT AND GENERAL LANDSCAPING WORKS.**

The Committee considered the report noting that the proposed application qualified for a Mayoral CIL contribution of £3,890 and without debate **RESOLVED** to delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions as set out in the report following the expiry of the press notice (28 August 2015). In the event that objections were received which raised material planning considerations which had not been addressed by the report, then the proposal would be reported back to the Committee for determination.

321 **P0827.15 - VICKERS HOUSE, 365 SOUTH STREET, ROMFORD - VARIATION OF CONDITIONS 3, 4, 6, 9, 14, 17, 19, 21, 22 AND 23 OF P1918.11 IN ORDER TO ALLOW FOR PHASING OF DEVELOPMENT.**

The Committee noted that the application had been called in by Councillor Robert Benham on the grounds of the high number of planning applications received for the subject site over the years. Concerns had also been raised

regarding the process being slowed down and continuing highway complaints being received.

Councillor Benham was not in attendance at the meeting and therefore gave no further explanation of the call-in.

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 30 March 2012 in respect of planning permission P1918.11 by varying the definition of Planning Permission which should mean either planning permission P1918.11 as originally granted or planning permission P0827.15.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 30 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 30 March 2012 would remain unchanged.

The applicant would also be required to pay the Council's reasonable legal costs in association with the preparation of a Deed of Variation, prior to completion of the deed, irrespective of whether the deed is completed.

That the Head of Regulatory Services be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the conditions as set out in the report.

322 **P0384.15 - CREEK WAY, RAINHAM - CONSTRUCTION OF A NEW DATA CENTRE**

The Committee considered the report noting that the proposed development was liable for a Mayoral CIL contribution of £150,000 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A public right of way along the riverside path through the east part of the site and which was shown on drawing 2477/23.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- Payment of the appropriate planning obligations/ monitoring fee prior to completion of the agreement.

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

Chairman

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
3 September 2015 (7.30 - 8.20 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Alex Donald and Linda Hawthorn

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

An apology for absence was received from Councillor Ray Best.

+Substitute members: Councillor John Crowder (for Ray Best).

Councillors Joshua Chapman and Michael Deon Burton were also present for parts of the meeting.

8 members of the public were present.

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

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

323 P0576.15 - 14 VICTORIA ROAD, ROMFORD

The application before Members sought planning permission for a front seating area and permanent fixed canopy structure to serve an existing restaurant use in the ground floor unit.

Since the application had been submitted a fixed canopy structure had been erected to the front of the premises and planter boxes had been installed, albeit not in accordance with the plans that were originally submitted with the application. As a result a revised set of plans had been submitted for the

unauthorised structure and seating area. Consequently the applicant was now seeking planning permission retrospectively for the canopy structure which had been erected without planning permission.

Members noted that the application had been called in by Councillor Joshua Chapman on the grounds that a seating area at the front of the restaurant would greatly enhance the street scene – Councillor Chapman had commented that only cars and rubbish bags were seen scattered along the newly refurbished Victoria Road – the area needed aesthetically pleasing businesses, that utilised their assets to grow, providing more growth to the local economy. The vision for Romford town saw local businesses thriving (especially in Victoria Road, the business sector). Councillor Chapman wished for Councillors to play a leading role, at the Committee meeting, in deciding how that vision was shaped.

With its agreement Councillor Joshua Chapman addressed the Committee.

Councillor Chapman commented that the Victoria Road/Battis area had recently undergone a £1.8million transformation that had sought to deal with previous issues of littering and illegal parking in the area. Councillor Chapman also commented that the town centre area needed thriving businesses as it was good for the local economy and wished for the Committee to discuss the merits of the submitted application.

During the debate Members discussed the ownership of the land and the advantages/disadvantages of the proposed seating area and its effect on the local amenity.

Members noted that Environmental health had proposed a condition regarding the hours of use in that the seating area was not to be used after 21.00 hours.

The report recommended that planning permission be refused however, following a motion to approve the granting of planning permission which was carried by 6 votes to 3 with 1 abstention, it was **RESOLVED** that planning permission be granted subject to the inclusion of a condition restricting use of the outdoor area to the hours of 12 noon to 21.00 hours on any day.

The vote for the resolution to approve the granting of planning permission was carried by 9 votes to 2.

Councillors Misr, J Crowder, P Crowder, Wallace, Donald, Nunn, Whitney, Martin and Williamson voted for the resolution to approve the granting of planning permission.

Councillors Kelly and Hawthorn voted against the resolution to approve the granting of planning permission.

324 P0694.15 - HAVERING SIXTH FORM COLLEGE, WINGLETYE LANE, HORNCHURCH - ERECTION OF A TWO/THREE STOREY CLASSROOM EXTENSION ADJACENT TO THE EXISTING DRURY FALLS BUILDING

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

325 P0920.15 - 158 BALGORES LANE, GIDEA PARK, ROMFORD - CHANGE OF USE OF SHOP FROM A LETTING AGENCY (CLASS A2) TO A CHIROPRACTIC CLINIC (CLASS D1)

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

326 P1763.14 - 131 SOUTH STREET, ROMFORD

The application before Members was for the conversion and extension of a vacant nightclub to an aparthotel (C1 use), including extension of the existing mezzanine floor, the erection of a new second floor and a roof extension to create a total of fifty four bedrooms.

The Committee had deferred consideration of the application at its meeting on 30 July 2015 to allow staff to invite the applicant to:

- a) Revise the scheme to reduce the bulk and impact of the extensions, their effect on the setting and appearance of the building thereby its contribution to the town centre, including its prominence as a heritage asset.
- b) To seek more information on the nature of the proposed "aparthotel" use.

In response to the deferment the applicant had revised the proposals to reduce the bulk of the extensions and to provide internal refuse storage space. The additional storey was no longer proposed and the rooms would now be spread across four floors - ground floor, extended mezzanine, first floor and roof conversion. The roof would be extended on the northern side to provide the additional rooms as previously proposed, but this would not be readily visible from the highway and would not materially affect the overall character and appearance of the building. The number of rooms would be reduced from 54 to 42 and the overall floorspace reduced by 486 square metres.

The deferral had also been to enable staff to seek more information on the nature of the proposed 'apart-hotel' use. Apart-hotel was not currently defined in planning legislation but an earlier circular placed it in C1 use class (hotels) which also included boarding and guest houses, but excluded

hostels. The London Plan defined apart-hotels as 'self-contained hotel accommodation for short-term occupancy at a nightly rate' It would normally include concierge and room service, and there would also be formal procedures for checking in and out. The London Plan also suggested that the length of stay may have needed to be limited by condition. In this case conditions were recommended to ensure that the length of stay was limited to ninety days and that details of occupation were recorded. These conditions were based on some used in appeal decisions.

Members noted that the application had previously been called in by Councillor Frederick Thompson due to the impact of the increased building height on the design of the building and its historic interest. There was also concern that the proposals were deficient in terms of the collection of waste and laundry facilities. Following revisions to the application that had addressed his original concerns Councillor Thompson had not made any further objections to the application.

During a brief debate Members discussed the possible enforcement of the condition that restricted use to no more than a ninety continuous day period.

Officers advised that the Council's enforcement officers would need grounds to investigate before a planning contravention could be issued for non-compliance with the condition.

Members also discussed the possible benefits to the community of filling a vacant building and possible increased use the proposal could achieve once Crossrail was operating.

Members noted that the amended proposed development qualified for a Mayoral CIL contribution of £11,120 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

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

Councillor Whitney abstained from voting.

327 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

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

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2015.

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 30 May 2015 and 31 July 2015.

The report detailed that 29 new appeals had been received since the last meeting of the Monitoring Committee in June 2015.

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

329 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in June 2015.

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

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

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

330 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

331 **EXCLUSION OF THE PUBLIC**

Following the completion of normal business, the committee decided to exclude the public for the remainder of the meeting on the grounds that it was likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public were present during those items there would be disclosure to them of exempt information within the meaning of paragraph 9 of Schedule 12A to the Local Government Act 1972. It was decided to exclude the public on those grounds, the Committee **RESOLVED** accordingly on the motion of the Chairman.

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

The report before the Committee compiled a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 30 May 2015 and 14 August 2015.

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

333 **URGENT BUSINESS**

With the Chairman's agreement Members raised an item of urgent business to be considered at the meeting.

Following a brief discussion Members indicated that they wished to receive more concise versions of the monitoring reports in the future.

It was **agreed** that the matter would be discussed at the forthcoming Member's training session to be held on 15 September 2015.

Chairman

Regulatory Services Committee

17 September 2015

Application No.	Ward	Address
P0986.15	Hacton	Suttons Primary School, Suttons Lane, Hornchurch
P0994.15	Harold Wood	93 Shepherds Hill, Harold Wood

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 17th September 2015

APPLICATION NO. P0986.15

WARD: Hacton

Date Received: 6th July 2015

Expiry Date: 5th October 2015

ADDRESS: Suttons Junior and Mixed Infants School
Suttons Lane
Hornchurch

PROPOSAL: Redevelopment of existing Sutton Primary School to allow construction of new school buildings (Use Class D1) of approximately 2,197sqm GIA, with associated facilities and works including vehicular and pedestrian access and landscaping, and the phased demolition of existing school buildings at the site.

DRAWING NO(S): TP(00)002 Rev 1
TP(00)003 Rev 1
TP(00)004 Rev 1
TP(00)005 Rev 1
TP(12)001 Rev 1
TP(10)002 Rev 1
TP(10)003
TP(11)01 Rev 1
TP(11)02 Rev 1
TP(10)001 Rev 1

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

SITE DESCRIPTION

The site, of approximately 2.5 hectares is located to the west of Suttons Lane and the north of Chevington Way, approximately 1.3km to the south of the centre of Hornchurch. The site is currently occupied by Suttons Primary School. The school grounds are irregular in shape, with maximum dimensions of about 200m (north to south) by 125m (east to west). The site and surrounding area are generally flat in nature.

High metal fencing surrounds the school, with the main buildings occupying the north east corner of the site. The existing structures are generally of single storey in height with pitched roofs, there is a modular classroom building to the west of the main buildings. To the west and south grassed playing fields exist, whilst closer to the school are areas of hard play, with associated play equipment. Within the northern section a landscaped area is present that contains an ornamental pond and a number of areas of concrete hard-standing.

Beyond the northern, eastern and southern boundaries the surrounding area consists of, residential properties and their associated gardens, whilst to the west another school, the Sanders Draper Secondary School, exists. The two schools share an access from Suttons Lane, opposite Hacton Lane.

DESCRIPTION OF PROPOSAL

It is proposed to redevelop the site to provide a replacement school. This would include the demolition of the existing primary school and the construction of a new 2 storey school to the West of the site (between the Sanders Draper School and the existing school). The existing entrance would remain unchanged for

both schools.

The existing school buildings will be demolished in a phased fashion once the existing school buildings and facilities have been decanted into the new school.

The proposed school buildings would be in two main blocks linked by a hall building and corridor link. The northern classroom block will include a nursery facility with separate entrance.

Alterations are proposed to the existing access with a new parking area for 20 cars.

The school is currently one form of entry (with a single year bulge class) with approximately 224 pupils, plus from this September there would be 30 nursery pupils. The proposal would be to provide a two form of entry school plus nursery (30 pupils) with a total of up to 450 pupils.

RELEVANT HISTORY

- P0965.13 - Installation of new demountable building to serve as temporary classroom
Apprv with cons 25-10-2013
- P1623.10 - Erection of single storey childrens day care nursery and ancilliary works.
Apprv with cons 17-01-2011
- P0764.10 - Erection of single storey children's day nursery and ancillary works
Refuse 06-08-2010

CONSULTATIONS / REPRESENTATIONS

The application was advertised by way of site and press notice as well as notification to occupiers of surrounding properties. Three representations have been received, raising objections to the proposal on the following grounds:

- congestion/obstruction of roads during construction period and by coaches/service vehicles
- pressure on parking spaces
- increase in congestion and parking difficulties due to increased numbers of pupils
- St Georges site is more suitable
- inappropriate increase in building mass on the site

The following consultation responses have been received:

Environment Agency - no comments

Historic England (Greater London Archaeological Advisory Service) - recommend condition to undertake archaeological evaluation and investigation if necessary

Thames Water - no objections

Sport England - originally raised objections based on the loss of open space and quality of replacement playing fields, but having received further information, now raise no objection

LFEPA - requested further information regarding access for fire appliances

Metropolitan Police - no objection subject to recommended conditions

Streetcare Engineering Services - no objection subject to construction method statement and vehicle washing conditions

Public Protection - recommend conditions relating to noise from plant/machinery, contaminated land and air quality

Energy Strategy Officer - recommend condition to require Energy Performance Certificate

RELEVANT POLICIES

LDF

CP07 -	Recreation and Leisure
CP08 -	Community Facilities
DC18 -	Protection of Public Open Space, Recreation, Sports and Leis
DC29 -	Educational Premises
DC32 -	The Road Network
DC33 -	Car Parking
DC55 -	Noise
DC61 -	Urban Design
DC62 -	Access
DC63 -	Delivering Safer Places
DC70 -	Archaeology and Ancient Monuments

OTHER

LONDON PLAN - 3.18 -	Education facilities
LONDON PLAN - 3.19 -	Sport facilities
NPPF -	National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is for educational facilities and so is specifically exempt from CIL as outlined in the Mayor of London CIL Charging Schedule.

STAFF COMMENTS

PRINCIPLE OF DEVELOPMENT

The site is an existing educational establishment with improved and expanded facilities proposed. Within Havering there is an identified need for additional school places, evidenced by the schools commissioning report produced by the Council which shows an existing and proposed shortfall in school places across the Borough. Paragraph 72 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter schools. Policy 3.18 of the London Plan states that development proposals which enhance education and skills provision, including new build, will be supported. The policy goes on to state that proposals that address the current and projected shortage of primary school places will be

particularly encouraged. Policy DC29 of the LDF states that the Council will ensure that the provision of primary and secondary education facilities is sufficient in quantity and quality to meet the needs of residents by taking account of future demand and normally seeking to meet the need for increased school places within existing sites.

There is therefore strong planning policy support in favour of the proposal.

The proposal involves the loss of the current playing fields containing playing pitches and their replacement with similar pitches once the existing buildings are demolished. Paragraph 74 of the NPPF states that existing playing fields should not be built on unless the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. In this case the amount of playing fields would reduce by 977 square metres. However, the two playing pitches would be replaced, meeting FA standards. Sport England originally objected to the loss of available playing fields as being contrary to the NPPF and their own policies. Further details in response to Sport England have been provided and Sport England have confirmed that they no longer object as the quality and quantity of playing pitches is improved, even though there is some loss of green space. In considering the application, whilst there may be some loss in the amount of playing fields on the site, the playing pitch provision is improved in terms of the quality including some community use (to be ensured by condition). There are large areas of open space, including playgrounds proposed, as well as general landscape improvements around the site. Balanced against the strong policy presumption supporting educational development where there is a need for school places, it is considered that the proposal in respect of playing field and open space provision is acceptable in this case.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposed two storey building would be set well within the boundaries of the site, away from the street and would not be readily visible from public vantage points. The scale of the proposed buildings is considered to be consistent with the surroundings, including the nearby secondary school building and surrounding houses. The building would not appear overdominant in views from neighbouring land.

In terms of design, the building would appear modern and of simple design with the classroom blocks finished in render and the hall block clad in coloured panels. Use of full height windows to the classroom blocks would provide articulation to the elevations. The final details of materials would be reserved by condition. Overall, the design is considered to be acceptable.

IMPACT ON AMENITY

At its nearest point, the proposed building would be approximately 57 metres from boundaries with residential properties in Suttons Lane and 90 metres from the houses themselves. At such distance there would be no impact from the proposed buildings in terms of loss of light or outlook. The site is an existing school and so would have the usual activity associated with arrival/departure and outside play. Although the proposal would result in additional pupil numbers, the impact in terms of any increase in noise and disturbance is not considered to be so significant to be a justifiable reason to refuse planning permission in this case.

The new playing pitches would be closer to the rear of properties in Suttons Lane than existing, but no floodlighting is proposed and a condition is recommended restricting the hours of use.

HIGHWAY / PARKING

The proposal would result in an increase in total pupil numbers from 224 to 450. The number of staff is expected to increase from 41 to 51 in total. The application has been accompanied by a detailed Transport Assessment which assesses the current position in regard to trips to the school and parking in the vicinity and the likely impact of the proposal on both road safety and parking capacity.

The Transport Statement identifies that currently 37% of pupils travel by car to/from resulting in a parking demand for 69 spaces in the vicinity of the site. Surveys indicate that the majority of these park in surrounding streets and complete the journey on foot. The proposal would create a demand for an additional 60 parking spaces in the vicinity of the site. It should be noted that the demand for spaces would be spread over the arrival and departure times, which are extended due to the breakfast and after school clubs that operate from the school. The Transport Statement outlines that consideration has been given to providing drop off facilities on site, however concludes that this cannot be achieved as the access is not practical, would lead to pedestrian conflict and would encourage journeys by car and additional traffic. The Transport Statement considers that the increased car trips would not result in any highway safety issues. Competition for spaces nearest the school would increase but there would be sufficient parking capacity in streets surrounding the school to accommodate the increased demand. The Transport Statement recommends a mitigation strategy mainly based around a school travel plan to set a target for reducing car journeys for pupils and staff as well as expanding times in the morning and afternoon when pupils can be dropped off/picked up.

The Council's Highways Engineer has raised no objection to the proposal.

It would be the case that any expansion of a school would likely result in increased congestion and inconvenience during the drop off and pick up period. The Transport Statement in this case acknowledges that this would happen, although not to the extent that raises any highway safety issues and suggesting that the degree of additional impact could be mitigated to an extent by parents changing travelling preferences through a robust School Travel Plan. On this basis, given the very strong policy in regard to addressing the shortfall in school places in the borough, it is considered that the impact on parking in surrounding streets and associated inconvenience does not outweigh the policy presumption in favour of the development.

The proposal includes the straightening of the current access road which would improve pedestrian safety within the site, particularly for those accessing the Sanders Drapers School.

The proposal includes 20 staff parking spaces which is considered to be acceptable.

OTHER ISSUES

Access - the proposed buildings have been designed to be accessible with level access and lift to the first floor.

Ecology - the application has included an ecological assessment which confirms that there are no protected species or habitats on the existing site.

SUSTAINABILITY / ENERGY EFFICIENCY

The application has been accompanied by an energy statement that demonstrates that the development will be designed in accordance with LDF and London Plan energy and sustainability planning policies. A condition is recommended requiring certification that energy performance is achieved.

FLOOD RISK

Details of Sustainable Urban Drainage System (SUDs) have been submitted and would be secured by condition in accordance with national planning policy guidance.

ARCHAEOLOGY

The site is within an Archaeological Priority Zone. Historic England have recommended a condition requiring evaluation and if necessary investigation to take place before the development commences.

SECURED BY DESIGN

A condition is recommended in relation to secure by design as recommended by the Designing Out Crime Officer.

KEY ISSUES / CONCLUSIONS

The proposal for a replacement school with greater pupil numbers would improve educational facilities in the Borough and contributes to the need for school places. As such there is a very strong policy presumption in favour of the development. As outlined in the highway/parking section of the report, there will be some increased parking in surrounding streets and although not a highway safety concern, will increase inconvenience for surrounding residents. However, weighed against the policy in favour of school places, any traffic impact is considered to be within acceptable limits.

The proposal is considered to be acceptable in all other respects. Therefore it is recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC09 (Materials) (Pre Commencement Condition)

No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. Non Standard Condition 35

Within 6 months of the first occupation of the building hereby approved, the existing school buildings (except for the existing demountable erected under planning permission P0965.13) shall be demolished and the site completed, including provision of playing pitches, in accordance with Plan No. TP(00)003 Rev 1.

Reason:-

To ensure removal of the existing building and adequate provision of sports pitches in accordance with NPPF.

4. 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.

5. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Community Use of Facilities

The development hereby approved shall be occupied until full details of the community use of the playing pitches including a Community Use Scheme has been submitted to and approved in writing by the Local Planning Authority. 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 provision of the pitches in accordance with this approval.

Reason: In order to ensure adequate mitigation for the loss of playing fields, in accordance with NPPF.

7. Cycle Provision

The development hereby approved shall not be occupied until a minimum of 34 cycle parking spaces are provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. 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.

8. Parking

No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been provided, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety.

9. Loading

No building shall be occupied or use commenced until the space/facilities for loading, unloading, circulation and manoeuvring have been provided in accordance with the approved plans. Thereafter,

these areas shall be kept free of obstruction and available for these purposes.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

10. Travel Plan

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

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

11. Boundary Details

The development hereby approved shall not commence until details of the boundary treatment are submitted to and approved in writing by the local planning authority. The development site shall not be occupied until boundary treatment has been provided in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, ensure adequate security and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

12. External Lighting

The development hereby approved shall not be occupied until details of external lighting are submitted to and approved in writing by the Local Planning Authority. External lighting shall be provided in accordance with the approved details.

Reason: Insufficient information has been submitted with the application to judge the impact of external lighting. Submission of this detail prior to occupation will protect residential and visual amenity and biodiversity and ensure adequate security.

13. Plant & Machinery

Prior to the occupation of the development hereby approved, details shall be submitted of all external plant and machinery to be installed, including details of external appearance and noise information demonstrating that noise levels (expressed as the equivalent continuous sound level LAeq (1 hour)) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 - 10dB. 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.

14. Extraction Equipment

No cooking of food shall take place, 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.

15. Hours of Outdoor Use

The playing fields hereby approved shall not be used 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.

16. SC62 (Hours of construction)

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

Reason:-

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

17. SC57 Wheel washing (Pre Commencement)

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

18. SC63 (Construction Methodology) (Pre Commencement)

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- 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:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of

construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

19. Contamination

(a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

Reason:-

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

20. Secure by Design

Prior to the commencement of the development hereby permitted, 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 shall be submitted to and approved in writing by the Local Planning Authority. 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: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

21. Archaeology

A) No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.

B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development, other than demolition to existing ground level, commences the applicant (or their heirs and successors in title) shall secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

C) No development or demolition shall take place other that 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 in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF.

22. SUDs

Sustainable Urban Drainage System (SUDs) shall be provided and thereafter maintained in accordance with details submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: Insufficient information has been supplied with the application to judge whether the proposed SUDs would be satisfactory. Submission of this detail prior to new building works will ensure that the development accords with the policy to ensure adequate provision for attenuating surface water in accordance with NPPF.

23. Sustainability

Sustainability and energy efficiency measures shall be installed in accordance with the details outlined in the Energy Assessment submitted as part of the application. Within 3 months of the completion of the development hereby approved, final copies of the Energy Performance Certificate (EPC) and Microgeneration Certification Scheme (MCS) should be submitted to the Local Planning Authority.

Reason: To ensure compliance with LDF and London Plan policies on sustainability and energy efficiency.

INFORMATIVES

1. Fee Informative

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

2. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3. Archaeology

(Archaeology) - Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs.

It is recommended that the archaeological fieldwork should comprise of the following:

Geophysical Survey

Archaeological geophysical survey uses non-destructive techniques to detect the likely presence of archaeological features. It is usually used as part of a field evaluation to inform a planning decision. Geophysical survey is largely restricted to undisturbed greenfield sites and certain types of archaeological remains.

Excavation

Archaeological excavation is a structured investigation with defined research objectives which normally takes place as a condition of planning permission. It will involve the investigation and recording of an area of archaeological interest including the recovery of artefacts and environmental evidence. Once on-site works have been completed a 'post-excavation assessment' will be prepared followed by an appropriate level of further analysis, publication and archiving.

4. Secure by Design

(Secured by Design) - In aiming to satisfy condition 20 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).

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 17th September 2015

APPLICATION NO.	P0994.15	
WARD:	Harold Wood	Date Received: 6th July 2015 Expiry Date: 29th October 2015
ADDRESS:	93 Shepherds Hill Harold Wood	
PROPOSAL:	Erection of two-storey rear extension and new bay windows to front	
DRAWING NO(S):	Red Edged Site Location Plan (scale 1:1250) SH/15/S2/3 SH/15/1 Proposed Block Plan (scale 1:500)	
RECOMMENDATION	It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report	

SITE DESCRIPTION

The application relates to the property at 93 Shepherds Hill, Romford. This is a two-storey detached house with a spacious rectangular garden to the rear and a drive and parking area to the front. The site is located with the Shepherd and Dog public house to the west and a row of detached houses to the east. The site is located within land designated as Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for a two storey side and rear extension with 2no. new front bay windows.

This proposal follows the refusal of planning application P1659.10 in April 2011 for a two storey rear extension. The refusal reasons related to inappropriate development in the Green Belt, with the bulk and size of the proposed extensions resulting in disproportionate additions over and above the size of the original building, as well as harm to the amenity of the neighbouring house. The subsequent appeal was dismissed with the Inspector noting that the proposed development would result in a disproportionate increase over and above the size of the original building amounting to inappropriate development that would be harmful to the Green Belt.

A second application (P1176.11) was then approved in November 2011, which sought to address the previous refusal reasons by reducing the overall scale, mass and bulk of the proposed extension. Consequently planning permission was granted for a two storey extension across the full width of the rear elevation.

A third application (P0455.15) was refused in June 2015 which sought to increase the two storey extension to wrap around the side elevation, with an increase to the roof ridge height on the two storey rear section. Effectively this proposal was similar in size, scale and bulk to the first application refused in 2011 and was again judged to be inappropriate development in the Green Belt.

The current proposal has reverted back to a similar scheme to the two storey rear extension previously

approved under planning permission P1176.11.

The two storey extension would project 3 metres from the main rear elevation along the full 8.7 metre width of the house. The extension would be positioned some 3.8 metres from the garden boundary with No.95 Shepherds Hill and 2.7 metres from the boundary with the car park of the Shepherd and Dog public house. The extension would incorporate dual hipped pitch roof sections set slightly below the main roof ridge height.

To the front the proposal would involve the extension of the existing ground floor front windows to create two symmetrical bay windows.

RELEVANT HISTORY

- P0455.15 - Two storey side & rear extension, new front bays
Refuse 03-06-2015
- P0968.14 - Retrospective change of Use of rear portion of garden at 93 Shepherds Hill to hardstanding car park (permeable surface) - Annexed to the public house as an 'Overspill Car Park'
Apprv with cons 17-04-2015
- P1176.11 - Demolish single storey rear extension and garage. Two storey rear extension , bay windows, external alterations & garage
Apprv with cons 04-11-2011
- P1659.10 - Demolish single storey rear extension and garage. Two storey rear extension, Juliet balcony, bay windows, external alterations, conservatory, garage and car port.
Refuse 04-04-2011

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 10 properties and 2 representations have been received. The comments can be summarised as follows:

- Loss of daylight and sunlight due to the positioning of the extension.
- The proposed plans are lacking information and do not give annotated measurements for the width and depth of the full plot.
- A large proportion of the site is being used as a car park, which was approved under application P0968.14, and this exceeds more than 50% of the plot but has not been indicated in the current application.

In response to the above; issues in relation to a loss of daylight and sunlight are discussed the 'Impact on Amenity' section of this report. The submitted plans are considered to be of an acceptable technical standard and have been drawn to an accurate scale. Sufficient information has been provided to assess the application.

Local Highway Authority - no objection.

Environmental Health - no objection, recommended a standard condition relating to contaminated land issues.

RELEVANT POLICIES

LDF

CP14 - Green Belt
CP17 - Design
DC45 - Appropriate Development in the Green Belt
DC61 - Urban Design
SPD4 - Residential Extensions & Alterations SPD

OTHER

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

MAYORAL CIL IMPLICATIONS

There are no Mayoral CIL implications relating to the application.

STAFF COMMENTS

The material considerations for this application include the principle of new development within the Green Belt and whether the proposal is proportionate and appropriate so as to not cause any undue harm to the character and openness of the Green Belt as well as the impact on the streetscene, the impact on the residential amenity of the neighbouring occupiers and the implications for parking and highway safety.

GREEN BELT IMPLICATIONS

The National Planning Policy Framework (NPPF) attaches great weight to Green Belts in preventing urban sprawl by keeping land permanently open. As such it sets out five purposes of the Green Belt, including to check the unrestricted sprawl of large built up areas and to safeguard the countryside from encroachment. As with previous Green Belt policy, the NPPF advises that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF also sets out forms of development that are deemed to be appropriate within the Green Belt and states that construction of new buildings should be regarded as inappropriate development. A given exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy DC45 accepts the principle of extensions and alterations to dwellings within the Green Belt, and advises that the cubic capacity of the resultant building should not be more than 50% greater than that of the original dwelling.

In this instance it is judged that the proposed extensions would create an approximate cubic capacity increase of 60% in comparison to the volume of the original dwelling. Although the volume of the proposed extension is in principle contrary to policy, given its positioning and sympathetic design, and subordinate scale, bulk and appearance it is not considered in this instance to result in a disproportionate addition to the original dwelling. As such the proposal constitutes a departure to policy DC45, but is considered to adhere to the Green Belt requirements of the NPPF.

It is also acknowledged that the revised scheme has sought to address the previous refusal reasons by substantially reducing the scale and bulk of the extension in order to minimise the material harm to the character and openness of the Green Belt.

Effectively the current proposal is similar in terms of volume, scale, bulk and massing to that of the previously approved scheme under application P1176.11, which sought around a 59% increase in volume.

On balance it is considered that the proposed extension would be in accordance with the provisions of the NPPF.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.

As with the previously approved scheme, the proposed extension would be positioned to the rear of the property and would not be unduly prominent in terms of its appearance in the Shepherds Hill streetscene.

The western garden boundary of the application site abuts the open car park area of the Shepherd and Dog public house. The ascending gradient of the ground level serves to create a step up from the adjacent car park to the application property. Given the open nature of the adjacent car park and the limited screening along the extensive western boundary line of the application site, the proposed side elevation of the two storey extension would be visible within this area. However, given the subordinate nature and sympathetic design of the proposed addition it would not be unduly prominent or harmful to visual amenity in this setting.

In comparison to the previous scheme refused under application P0455.15, issues in relation to the the scale, bulk and undue prominence of the extension have been suitably addressed, with the obtrusive two storey wrap around side extension element removed from the current proposal.

The proposed bay window extensions to the front elevation would form a relatively minor alteration to the appearance of the house and as such are considered to maintain the character of the dwelling.

Overall, it is considered that the proposed extension would serve to maintain the character and appearance of the Shepherds Hill streetscene in accordance with policy DC61.

IMPACT ON AMENITY

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

The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook of the occupants of No.95 Shepherds Hill, located to the east of the application site.

The proposed two storey rear extension would project 3 metres from the main rear elevation of the house, some 3.8 metres from the boundary with No.95. This distance would be in accordance with the Residential Extensions and Alterations SPD which states that a rear extension with a projection of up to 3 metres would be generally acceptable on a detached house. Given the projection and the distance from the boundary it is not considered that the proposed extension would result in any undue impact on the occupants of No.95 by way of overshadowing, loss of sunlight/ daylight.

On balance the proposal is considered to be in accordance with the provisions of Policy DC61 and the Residential Extensions and Alterations SPD in terms of the impact on the residential amenity of the

neighbouring properties.

HIGHWAY / PARKING

The proposal would not result in any loss of off-street car parking spaces in the drive and parking area to the front of the dwelling.

KEY ISSUES / CONCLUSIONS

On balance the proposed extension would not result in a disproportionate increase over and above the size of the original house and as such is not regarded as inappropriate development that would be harmful to the Green Belt. In addition it is considered that the proposed two storey rear extension and front bays would be subordinate and sympathetic to the existing dwelling and would serve to maintain the character and appearance of the Shepherds Hill streetscene.

Whilst the development is regarded as a departure from Policy DC45 it is considered to be in accordance with the provisions of LDF Policy DC61 and the NPPF. Therefore it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. SC10 (Matching materials)

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

Reason:-

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

4. SC65 (Contaminated land condition No. 2) (Pre Commencement)

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

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

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

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:-

Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

5. SC34 (Obscure glazing) ENTER DETAILS

The proposed en-suite window in the western flank elevation of the dwelling as indicated on drawing no.SH/15/S2/3 shall be permanently glazed with obscure glass.

Reason:-

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

6. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank walls of the extension 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.

1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. Fee Informative

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

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REGULATORY SERVICES COMMITTEE

17 September 2015

REPORT

Subject Heading:

P1116.15 Units 4A and 4B Market Place,
Romford

Change of use of Units 4A and 4B (first floor level) from Use Class D1/B1 to residential units (Class C3), insertion of mezzanine floors and external alterations at first floor level and ground floor entrance. Amendments to plans approved under P0370.14 condition 2

Ward:

Romford Town

Report Author and contact details:

Helen Oakerbee
Planning Manager
helen.oakerbee@havering.gov.uk
01708 432800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework
National Planning Policy Practice
Guidance

Financial summary:

Not relevant

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This is an application made under S73 of the Town and Country Planning Act 1990 for a new planning permission for the development granted under P0370.14. It proposes to make minor material amendments to the approved drawings. Under S73 only the question of the conditions subject to which planning permission should be granted, can be considered as the principle of the development has already been accepted. The variations concern changes to the internal layout in respect of the mezzanine floors and external changes. The proposed changes to the approved drawings are considered to be minor and are judged to be acceptable.

The 2014 permission is subject to a planning obligation to secure an infrastructure contribution of £48,000. However, following legislation changes the basis for financial contributions has now changed, therefore a new obligation is required. Subject to the prior completion of a new S106 planning obligation to secure an education contribution for the same amount it is recommended that a new planning permission is granted with revised plans and the same planning conditions with some updating.

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 £5,660 subject to indexation. This is based on the creation of 283m² of new gross internal floor space.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
 - A financial contribution of £48,000 to be used for educational purposes.
 - 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 planning obligation prior to the completion of the obligation irrespective of whether it is completed.
 - Payment of the appropriate planning obligations monitoring fee.
 - That the Head of Regulatory Services be authorised to enter into the planning obligation to secure the above contribution and upon

completion of that obligation, 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 the grant of planning permission P0370.14.

Reason: - In accordance with Section 91 (1) (b) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) the local planning authority considers that in order to bring forward the redevelopment of this town centre site commencement should be within the original timescale.

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. *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 (DOCOs), the development shall be carried out in accordance with the agreed details.

Reason: - Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

4. *Refuse & Recycling* - Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection in the location shown on the approved plans shall be provided and permanently retained thereafter.

Reason: - Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers

of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policies DC40 and DC61.

5. *Cycle Storage* - Prior to the first occupation of the development hereby permitted secure cycle storage in the location shown on the approved plans shall be provided and permanently retained thereafter.

Reason: - Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

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

Reason: - Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will 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.

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

Reason: - Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the building or use. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect residential amenity and security and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

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

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

Reason: - Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

9. *Permitted Development* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order), no microwave antenna or any structure intended to support a microwave antenna or any domestic microgeneration equipment shall be erected on the frontage of the new residential units hereby permitted, without the express permission in writing of the Local Planning Authority.

Reason: - In the interests of amenity and to protect the character and appearance of the Romford Conservation Area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC68.

10. *Balconies* - The balconies for Units 01-06 inclusive shall remain open and no glazing shall be inserted in the openings without the express permission in writing of the Local planning Authority.

Reason: - In the interests of amenity and to protect the character and appearance of the Romford Conservation Area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC68.

Informatives

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: 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. *Planning Obligations* - The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. *Designing out crime* - In aiming to satisfy condition 3 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).
4. *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 £5,660 (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 comprises two units within the first floor of the north side of the market development in Romford. One is an unfurnished/undecorated office (Class B1 use) and the other is currently occupied by contractors redeveloping other parts of the building, including works within the Market Place. This unit was used until 2012 as a children's indoor activity centre (Class D2 use). Access to the units is via a stairway and lift from the Market Place between the ground floor retail units occupied by Aldi and Iceland.
- 1.2 Unit 4A (above Aldi) amounts to 420m² and has all its windows overlooking the Market Place. Unit 4B (above Iceland) amounts to 554m² with windows that

overlook both the Market Place and St. Edwards Way. There is no dedicated parking for the units.

2. **Description of Proposal**

2.1 The development granted under P0370.14 comprises a change of use from offices and children's indoor activity centre to residential in the form of eight flats. This application is made under S73 of the Town and Country Planning Act 1990 and seeks a new planning permission for the development with amendments to the approved plans as a minor material amendment.

2.2 The minor alterations proposed comprise:

- New grills and panels on the north east elevation;
- Increase in residential floor space and changes in internal layout;
- Including new mezzanine floor to unit 5;
- Reconfiguration of balconies overlooking Market Place.

3.0 **Relevant History**

3.1 P0370.14 - Change of use of Units 4A and 4B (first floor level) from Use Class D1/B1 to Residential Units (Class C3), insertion of mezzanine floors and external alterations at first floor level and ground floor entrance - approved.

3.2 P0517.13 - Use of 33, 37 and 41 (part ground floor and first floor), Market Place, Romford for Class D2 (Gymnasium) - approved

3.3 P1389.11 - Change of use to Gym (Assembly and Leisure) use class D2 – approved.

3.4 P1325.11 - Amendments of condition 44 of P0166.03 to refer to the final construction drawings - approved.

3.5 N0074.11 - Minor Amendment to P0166.03 - to impose a condition on to that permission to require that the development should not be carried out otherwise than in complete accordance with the listed approved plans, particulars and specifications - approved.

3.6 P1628.07 - Retail shop front and entrance screen - approved.

3.7 P1438.07 - Change of use from retail (class A1) to children's indoor activity centre (Class D2) of part first floor accommodation of unit 4A - approved.

3.8 P0166.03 - Variation of condition No.39 of planning permission P0849.00 approved 15/3/02 to enable the provision of 25 x 1-bed units and 20 x 2-bed units within Phase 1 of the scheme in lieu of the 42 x 1-bed units and 3 x 3-bed units shown on Drawings 5610/TP/007/F, 5610/TP009/F, 5610/TP/015A/4, 5610/TP020/C1 and 5610/TP/021B of the approved scheme – approved.

3.9 P0849.00 - Demolition of existing buildings and erection of 5 retail units, medical premises, indoor shopping hall, retail kiosk, restaurant/public house, 60 bedroom (5 storey) hotel, offices, 91 residential units, public conveniences, multi-storey (4 levels) and surface parking for vehicles, access and service areas, and landscaping - approved.

4. **Consultations/Representations**

4.1 The application was advertised by way of site notices and no representations have been received.

4.2 London Fire Brigade Water Team - no objections.

4.3 Thames Water - no objections

4.4 The Metropolitan Police Designing Out Crime Officer - no objections

5. **Relevant Polices**

5.1 LDF Core Strategy and Development Control Policies Development Plan Document:- CP1 (Housing Supply); CP2 (Sustainable Communities); CP3 (Places to Work); CP10 (Sustainable Transport); CP4 (Town Centres); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC63 (Crime); DC68 (Conservation Areas); DC72 (Planning Obligations)

5.3 Romford Area Action Plan:- ROM6 (Respecting the Historic Environment); ROM7 (Market Place); ROM10 (Retail Core); ROM13 (Romford Office Quarter); ROM 14 (Housing supply); ROM20 (Urban Design).

5.4 London Plan:- 2.15 (Town Centres); 3.3 (Increasing housing supply); 3.4 (Optimising housing potential); 3.8 (Housing choice); 4.7 (Retail and town centre development); 6.5 (Funding Crossrail and other strategically important transport); 7.3 (Designing out crime); 7.8 (Heritage assets and archaeology); 8.3 (Community infrastructure Levy).

5.5 Government Guidance:- National Planning Policy Framework and National Planning Practice Guidance

6. **Staff Comments**

Principle of the development

6.1 The principle of a change of use from commercial to residential has already been considered acceptable through the grant of planning permission P0370.14. The issues for consideration are whether the proposed changes to the approved plans would be acceptable.

Impact of the proposed changes

- 6.2 The proposed changes would be minor and relate mainly to the internal layout of the development. The external changes are also minor and would not materially affect the appearance of the building in the streetscene or have an adverse impact on the Romford Conservation Area. There would also be no adverse impact on adjoining residential occupiers as a result of these changes.

Other conditions

- 6.3 Condition 1 of P0370.14 sets a three year period for the commencement of the development from 9th May 2014 which is the default period for all planning permissions. However, under S91 (1) (b) of the Town and Country Planning Act 1990 the local planning authority is able to consider a different period where there are planning reasons for doing so. The amendments proposed are minor and staff consider that it is important to bring forward the redevelopment proposals within the original timescales to complete the overall development on the north side of the Market Place which provides for additional housing. Condition 1 has been revised accordingly.
- 6.4 Some of the other conditions will need to be updated in accordance with recent legislation.

Planning obligations and Mayoral CIL implications

- 6.5 The proposal involves a change of use of existing floorspace and the creation of new floorspace at mezzanine level. The existing floorspace has been lawfully occupied for at least six months within the last three years so is exempt from any CIL contribution. CIL is only payable on the new floorspace being created a rate of £20 per square metre. The proposal is to create an additional 283 square metres of floor space giving a CIL liability of £5,660. The site is also within the charging area for the Mayor's Crossrail Planning Obligation, however, this is only charged on office and retail development.
- 6.6 As the development proposes new residential accommodation it would have an impact on the demand for school spaces within Havering and that a contribution towards education facilities is considered necessary to make the development acceptable. The existing planning obligation relates to the payment of an infrastructure contribution, however, circumstances have now changed.
- 6.7 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:-
- (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.
- 6.8 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the

Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 6.9 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.10 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.11 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.12 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.13 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.14 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate. This would be secured through a planning obligation under S106.

7. **Conclusions**

- 7.1 The principle of the change of use of the first floor of the building to residential, including the insertion of mezzanine floors has already been judged to be acceptable. This application is for substantially the same development, but with some minor, but material changes to the approved drawings.
- 7.2 The proposed changes would not result in any additional significant impact on the streetscene, the Romford Conservation Area or on the amenities of adjoining residential occupiers.
- 7.3 The proposed changes would, therefore, be in accordance with the relevant development plan policies and subject to the prior completion of a planning obligation to secure an education contribution as set out in the recommendation, the proposals are considered acceptable and the grant of a revised planning permission 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 planning obligation. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Application form and plans received on 29-07- 2015

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REGULATORY SERVICES COMMITTEE

17 September 2015

REPORT

Subject Heading:

P1136.12 – 1A Hillview Avenue,
Hornchurch

Single storey house - Outline
(Application received 24 June 2012,
Transport Statement submitted on 24
April 2015)

Report Author and contact details:

Helen Oakerbee
Planning Manager (Applications)
helen.oakerbee@havering.gov.uk
01708 432 800

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

The application was originally reported to Committee on 3 October 2013, where it was resolved to grant permission subject to the completion of legal agreement.

The application was subsequently re-reported to committee in order to alter the obligation wording in connection with the provision of visibility splays in January 2014. The committee resolved to approve the application subject to the completion of a satisfactory Section 106 Agreement inclusive of the revised wording.

The revised wording of the S106 Agreement required the adjoining land owners to be party to the agreement and consent to retain appropriate visibility splays on their land in perpetuity. Subsequent to the resolution of the committee in January 2014, the applicant has been engaged in discussions with the adjoining land owners and has not been able to secure their agreement to the relevant clause of the S106 Agreement. The applicant therefore commissioned a further Transport Statement which has been submitted to the LPA in order to try to justify a removal of the need for visibility splays in their entirety.

Thus, the current application is being re-reported to committee in order to request a new resolution to refuse the application in the absence of a satisfactory Section 106 Agreement securing visibility splays in perpetuity. As with the previous applications reported to committee, the application seeks outline permission for a single storey 2 bedroom dwelling for details regarding access, layout and scale. Landscaping and appearance would be subject to reserved matters.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable charge would be calculated at the submission of reserved matters application.

That the proposal is unacceptable due to the absence of a satisfactory Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure visibility splays adjacent to the vehicular access to the site in perpetuity and in respect of a £6000 planning obligation to mitigate the impact of development on local school places.

That Staff be authorised to refuse the application for the following reasons:

- 1) The proposed development would, by reason of the unacceptable layout of the existing vehicular access point and the lack of a legal agreement to secure pedestrian visibility splays in perpetuity, result in highway and

pedestrian safety being compromised, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

- 2) In the absence of a mechanism to secure a planning obligation towards the costs of local school places, the new development the proposal is contrary to Policy DC72 of the LDF Core Strategy and Development Control Policies DPD

INFORMATIVES

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

REPORT DETAIL

1. Background

- 1.1 The application was originally reported to Committee on 3 October 2013, where it was resolved to grant permission subject to the completion of legal agreement.
- 1.2 The application was re-reported to Committee in January 2014 to seek authority to alter the obligation wording to state that the applicant would enter into a legal agreement together with the adjoining land owners to ensure clear unobstructed visibility splays were retained in perpetuity. The original wording of the obligation from the October 2013 resolution required the applicant to purchase land to provide the visibility splays.
- 1.3 The application has been awaiting the completion of the legal Agreement since the resolution to grant planning permission in January 2014. The applicant has failed to secure the agreement of the adjoining land owners for the visibility splays included in the revised obligation and thus is seeking to gain planning permission for the development without such an obligation attached. To support this new approach, a new Transport Statement produced by Rocke Associates has been submitted for assessment.
- 1.4 The original obligation wording stated the following:

Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10

September 2013, to be acquired by the applicant. This is to ensure clear and unobstructed pedestrian visibility splays.

- 1.5 The revised obligation wording stated the following:

Prior to the first occupation of the proposed dwelling in question, the land to the south-east corner of the adjoining church and the south-west corner of No.1 Hillview Avenue as indicated in the submitted 'Private Access and pedestrian visibility splay plan' and plan number 910/03A, both dated 10 September 2013, shall remain as clear and unobstructed pedestrian visibility splays for the lifetime of the development. No obstruction above 0.6 meters in height shall be placed within these visibility splays.

- 1.6 It has not been possible for the applicant to satisfy either of these obligations due to the lack of agreement from the adjoining land owners. The current application to Committee therefore proposes that the obligation is removed from the S106 Agreement entirely.

2. Description of Proposal

- 2.1 This outline planning application requests assessment of access, layout and scale and proposes the demolition of the existing workshop and garages on site and the erection of a replacement 2 bedroom bungalow.
- 2.2 The bungalow would measure at its maximum 8.7m deep by 11m wide, set 5.3m from the common boundary with no. 1 Hillview Avenue and 500mm away from the common boundary with the church. The bungalow is proposed approximately 700mm from the rear boundary and railway embankment. Amenity space towards the rear is approximately 80 square metres.
- 2.3 Access to the site is proposed via the existing 25m long driveway adjoining no. 1 Hillview Avenue. The scheme will make provision for 2 No. parking spaces with one space allowing vehicles to manoeuvre and turn around on site.

3. Relevant History

- 3.1 P1159.11 - Demolition of existing buildings and construction of single storey bungalow (Outline) - Refused

Reason for refusal:

- 1) The proposed development would, by reason of the lack of pedestrian visibility splays, result in highway and pedestrian safety being compromised, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.
- 3.2 This application was subsequently appealed and the appeal was dismissed on issues regarding the visibility splay adjacent to the vehicular access

point. The Inspector commented that the proposal would be beneficial to the appearance of the site following the removal of two larger outbuildings being the garages and the workshop. The current proposal has the same design and layout as this most recently refused application.

3.3 P1602.09 - Single storey house - Refused - Appeal dismissed

Reason for refusal:

- 1) The proposed development would, by reason of the inadequate turning area and lack of pedestrian visibility splays, result in vehicles leaving the site in reverse gear to the detriment of highway and pedestrian safety, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.

3.4 P1286.08 - Single storey house (Outline) - Refused - Appeal dismissed

Reasons for refusal:

- 1) The proposed development would, by reason of its backland location, layout and scale, result in a cramped form of over-development, appear out of keeping with the prevailing pattern of development of the surrounding area and be detrimental to the visual character of the area in general, as well as creating a poor quality living environment for future occupiers, contrary to Policies CP17 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Submission Development Plan Document respectively, as well as contrary to the provisions of PPG3.
- 2) The proposed development would, by reason of the inadequate access and parking arrangements on site, result in unacceptable overspill onto the adjoining roads and potential highway hazards to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the Local Development Framework Development Control Document.

4. Consultations/Representations

4.1 25 neighbouring occupiers were notified of the proposal by individual letter when the planning application was originally submitted in November 2012.

4.2 One letter of representation was received from an adjoining resident, objecting to the proposal on the following grounds: parking and highway issues, this is addressed below in paragraph 10. They also commented on a nearby Tesco planning application, this is noted, however it is considered it would not form part of a material consideration in determining this particular outline application.

4.3 The adjoining Church commented that they are not against this application but would like to point out that access to the site over church land will not be accepted by them and that the dwelling and the construction of the dwelling

should not impinge on the church or restrict the church and its work. In response to the above comments, the proposed development would not be within their land.

- 4.4 Highway Authority - Comments received that a legal agreement is required to ensure that visibility splays are retained in perpetuity. In the absence of such a legal agreement the application would be unacceptable. Notwithstanding the new transport statement submitted by the applicant, there is no justification for the development to proceed without the visibility splays.
- 4.5 Crime Prevention Design Advisor - No objections subject to a condition that a plan be submitted to comply with a secure by design condition.
- 4.6 London Fire and Emergency Planning Authority - The brigade is satisfied with the proposals.
- 4.7 Environmental Health (Pollution) - raise no objection subject to the imposition of a condition requiring the submission of a Phase II (Site Investigation) and Phase III (Risk Management Strategy) Report.

5 Relevant Policies

- 5.1 Policies CP1 (Housing supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-Designated sites), DC32 (The Road Network), DC33 (Car parking), DC61 (Urban Design), DC63 (Delivering Safer Places), DC69 (Other areas of Special Townscape or Special Character) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. SPD - Designing Safer Places SPD, SPD - Landscaping SPD, SPD - Residential Design SPD and SPD – Planning Obligations. In addition, Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 The application is presented to members on the basis that a satisfactory S106 Agreement has not been entered into since the earlier resolution and the applicant now seeks permission for the development without an obligation requiring the retention of visibility splays adjacent to the vehicular access point in perpetuity. The application otherwise remains the same as that reported to committee in October 2013 and January 2014 with the key issues addressed in the subsequent sections of this report.

7. Principle of Development

- 7.1 Policy DC61 of the LDF Core Strategy states that development shall harness the topographical and ecological character of the site, respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context, complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.
- 7.2 The proposal is to demolish two outbuildings being an existing garage and workshop and erection of a new dwelling. The application site is located within an existing residential area and, in land use terms, residential development on the site is acceptable in principle and compliant with Policy CP1 of the LDF. The detailed impacts of this planning application are considered further below.

8. Design, Scale and Impact on Street/Garden scene

- 8.1 The application would comprise the demolition of the existing outbuildings on the site. It is considered that the removal of the existing workshop and garage to be replaced by a single dwelling would be beneficial in appearance of the backland area and no in principle objection is therefore raised to its demolition. The floor area of the two buildings to be demolished in total would be 130 square metres (measured externally), and would be replaced by a dwelling of 79.5 square metres external floor area which is significantly less.
- 8.2 Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area.
- 8.3 In density terms Policy DC2 states that residential densities of this type of development in this part of the borough should be in the range of 30-65 units per hectare. The proposed development would total 29 units per hectare on this 0.034 hectare site.
- 8.4 The character of the surrounding area and more specifically houses along Hillview Avenue is typified by semi-detached houses set in average sized gardens with extensive tree planting to the rear.
- 8.5 From a layout perspective, the existing open frontage of the plot would be retained and the existing workshop and garages demolished in order to accommodate the proposed bungalow.
- 8.6 Although the indicative layout is for a bungalow which would be relatively close in relation to the site boundaries (700mm from the southern boundary and 500mm from the northern boundary with the church), Staff are of the opinion that the single storey nature of the bungalow would prevent the

scheme from appearing cramped and over developed on the site. The southern boundary is defined by an embankment and the railway line which has mature trees and shrub planting and would aid in maintaining an open and spacious character towards the south of the site. The proposal would be located at a sufficient distance from its western and eastern boundaries whilst the majority of the northern boundary is defined by the church's parking area.

- 8.7 Furthermore, the proposed bungalow would be set back from the edge of the highway by approximately 25 metres. For the reasons mentioned above, Staff are of the opinion that in terms of the site density and layout, the proposed bungalow would not detract from the existing character and appearance of this part of Hillview Avenue.
- 8.8 The proposed single storey nature of the bungalow in conjunction with its set back from the edge of the highway would contribute to a level of subservience and in Staff's opinion would not be more harmful to the character and appearance of the street scene compared to the existing two blocks of garages. It is considered that the indicative layout and location of the bungalow on the site is of such that it would not detract from the character of the local area and would therefore be acceptable in this instance.
- 8.9 London Plan standards require that a 2 bedroom dwelling of the form proposed have a minimum internal floor area of 61 square metres. In this case the proposed dwelling would have an internal floorspace of 79.6 square metres, well in excess of the minimum standard.
- 8.10 In terms of the proposed amenity space, the Havering LDF does not prescribe a minimum space standard that should be achieved with the emphasis on quality. In this case it is considered that the proposed private amenity area would be appropriately located and would be of an adequate quality for future occupiers.

9. Impact on Amenity

- 9.1 Policy DC61 of the LDF requires new development not to harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 9.2 The indicative position of the bungalow would be some 12m from the rear main wall of the house at No. 1 Hillview Avenue. The bungalow would however not be directly to the rear of No. 1 and as such, no back-to-back relationship exists. Given the single storey height of the bungalow, Staff are of the opinion that no adverse overlooking is expected to the bedroom window in the rear elevation of this neighbour.
- 9.3 There are no residential properties towards the south or north and the bungalow would be sited some 20 metres from the properties facing Butts Green Road to the east. The first floors of no's 1 - 7 however are non-

residential and used as storage areas serving the ground floor shops. It is therefore not considered that any potential for invasion of privacy or overlooking would occur as a result of the proposed bungalow. In relation to loss of light, the indicative position of the bungalow would be approximately 5.3 metres from the western boundary with No. 1 Hillview Avenue and this separation distance from the boundary in conjunction with the limited height of the bungalow is considered to have no impact on No. 1 in terms of overshadowing.

- 9.4 No overshadowing would occur to any other neighbouring properties and it is therefore not considered that an objection could be substantiated on amenity grounds.

10. Access, Highways/Parking Issues

- 10.1 In respect of car parking, the density matrix contained in Policy DC2 of the LDF advises that 1.5-2 car parking spaces should be provided where new detached houses are proposed within Hornchurch suburban areas.

- 10.2 Despite removing the existing garages, the scheme makes provision for 2 car parking spaces immediately east of the proposed bungalow. Previously, concerns were raised in respect of an insufficient turning area which would not allow for vehicles to be able to manoeuvre on the site without difficulty and vehicles would therefore not be likely to exit the site in forward gear.

- 10.3 In dismissing the appeal for both planning applications P1286.08 and P1602.09, the inspectors placed emphasis on the need (in accordance with the Manual for Streets) for visibility splays along the edge of the private drive. The Council's guidance is that a 2.1 metre by 2.1 metre visibility splay should be provided on each side of the access in the interest of pedestrian safety. It should be noted that there is currently visibility available at the site access however, as per the Inspector's observation in the conclusion:

"...visibility splays would be needed so as to allow emerging drivers to take proper account of people on the footway. None is provided and so the access would be unsafe. This would be contrary to Planning Policy Guidance 13 Transport. The arrangements for parking and access would be unsatisfactory."

- 10.4 The current visibility splays rely on the absence of obstruction on land belonging to the neighbouring properties on either side of the vehicular access. It is therefore necessary for the adjoining land owners to be party to any legal agreement given that the visibility splays would be located on their land.

- 10.5 The applicant previously indicated willingness to enter into a S106 Agreement to secure the requisite visibility splays in perpetuity. Two variations of the wording for such an obligation have been reported to committee with a resolution to approve however both variations have proved to be unacceptable to the adjoining land owners. The applicant does not see

any reasonable prospect of the adjoining land owners acquiescing to any planning obligation which would restrict the use of their land and as such are seeking planning permission without such an obligation attached. The applicant has attempted to support this through the submission of a Transport Statement from IMA Transport Planning. Additional comment on the highways aspects of the scheme has been provided by separate consultants, Rocke Associates.

10.6 The main points of the Transport Statement are summarised as follows:

- i) The site has a resolution to grant planning permission for a single dwelling, subject to a section 106 agreement to secure the pedestrian visibility splays on the existing driveway
- ii) Pedestrian splays exist, but fall over adjacent land in third party ownership and it has not been possible to progress the legal agreement. The extent to which the development might change traffic relative to the potential from the existing buildings has therefore been explored.
- iii) The site is within 400m of the Major District Centre of Hornchurch, just 50m from bus stops and 150m from Emerson Park railway station
- iv) Census data shows about half of residents commute without a car and 15% do not own a car, while about half the local households own one car
- v) The existing workshop building has an area of about 88sq.m and could attract a minimum of 6 vehicles movements a day in low-level commercial use. The garages could be leased to local residents or business and are likely to attract at least one 2-way car trip per day
- vi) A single dwelling in this location might be expected to attract 5-7 vehicle movements a day, although some local households are car-free
- vii) A range of scenarios have been examined, with decreasing levels of activity associated with the existing uses. In all cases, it has been shown that the change of use is likely to bring about a reduction in use of the access over the course of a week.

10.7 The overarching rationale underpinning the new Transport Statement is that the lawful use of the existing workshop would generate more vehicle movements than would be expected with the proposed dwelling and thus there should be no planning justification to require the visibility splays and planning permission should be granted. This position is based upon the use of the existing workshop and garages if they were brought back into lawful use and fully occupied.

10.8 It is acknowledged that there is a lawful use and that if the workshop/garages were to be occupied again there would be a degree of traffic movement and the Council could not exercise any control over the access arrangements. Nevertheless, the proposed development is introducing a new residential use and is seeking to formalise the vehicular access and the proposal is subject to the planning requirements for new vehicular access points.

10.9 Officers take the position that it would be remiss to formalise and thereby help to perpetuate an existing situation which may be unsafe. It is considered that whether the use of the site for its lawful purpose would generate more or less traffic movements than the proposed use is not the key issue and that the fundamental point is that the proposed vehicular access could create an unsafe environment for pedestrians and motorists in the future if splays are not secured in perpetuity. In his 2009 appeal decision the Inspector mentions the presence of the single storey workshop building and 4 lock up garages and with respect to the proposed use acknowledges that the frequency of vehicles using the access would not be high. Despite this the Inspector goes on to say:

“I saw that there was significant pedestrian activity on the footway associated with the station, the shops, the church and the large residential area. Parked cars restrict views to the left, over which there is no control. In this case I consider that visibility splays would be needed to take proper account of people on the footway. The appropriate pedestrian visibility cannot be provided. This would be contrary to Policy DC32 of the LDF and to PPG13. On the main issue I conclude that the appeal must fail”.

Whilst PPG13 has now been superseded by the NPPF, the established principle remains the same and it is considered that the applicant has not provided any new information which refutes the Inspector’s view nor overcomes the key outstanding issue of the need to provide visibility splays.

10.10 The agent acting for the applicant has pointed out guidance contained in Manual for Streets 2 (a Department for Transport publication which provides advice on the planning and approval of residential streets) relating to visibility along the street edge. In a letter to officers he refers to advice in the guidance stating that vehicle exits at the back of the footway with poor visibility splays will encourage drivers to emerge more carefully. However he has omitted to consider the subsequent advice in the Manual which goes on to say that:

“Consideration should be given to whether this will be appropriate, taking into account the following:

- *The frequency of vehicular movements;*
- *The amount of pedestrian activity; and*
- *The width of the footway”.*

10.11 The agent was subsequently requested to carry out a short survey of pedestrian activity at the entrance of the site at peak times on weekdays

over a period of a week and to provide a short analysis of the results to cover these issues and to demonstrate whether the proposal would be safe for pedestrians. The agent responded to this request by providing figures suggesting a pedestrian footfall on the pavement of 0 pedestrians between the hours of 0800 and 0900 on Wednesday 12 August and 1 pedestrian between the hours of 1700 and 1800 on Wednesday 12 August. It was pointed out to the agent that this is not a statistically meaningful survey as it was carried out for a limited period on a single day and out of school term time. However the agent has declined to carry out a more robust survey over a reasonable period of time stating that the advice of the applicant's Transport Consultant was that the additional information was neither relevant nor necessary.

- 10.12 The Council's Highways Engineer subsequently carried out a similar survey between the hours of 0800 and 0900 on Wednesday 19 August. He counted 19 people passing the entrance to the site during this time with 2/3 of these pedestrian movements in the first half hour. He concluded that it is likely that the peak period for pedestrian movement past the site is between 0730 and 0830 and that the number of movements is likely to be greater in term time. Again these findings are not statistically significant but when compared to the agent's results the disparity between the two sets of data gives an indication as to the reliability of a survey over such a limited period.
- 10.13 The agent has questioned the difference between the access to the site and other residential accesses on Hillview Avenue. It is staff's view that where the Council has control over a proposed access, that access must be considered on its own merits and not in comparison to other situations over which the Council has no control. It would be remiss if such an approach was taken.
- 10.14 Furthermore, a fundamental difference between an access road such as that under consideration and a parking space to the front or side of a house is that in the latter situation drivers have an opportunity to assess the situation on the street from an elevated position before they get into their cars. In addition, in the latter situation the proximity of the parked car to the highway means that the velocity of the car is likely to be low when it crosses the footway compared to that of a car joining the street from a longer driveway.
- 10.15 For the reasons outlined above, it is considered that the applicant has failed to demonstrate that the proposed development, without secured visibility splays, would result in a safe environment for pedestrians and motorists. This is because the applicant has not assessed the frequency of vehicle movements to and from the site as advised by Department of Transport guidance and requested by Council officers. Consequently adequate pedestrian visibility splays are considered to be a necessity and in the absence of an appropriate Section 106 Agreement to secure the visibility splays in perpetuity, the application would be contrary to Policy DC32 of the LDF and refusal of the application is recommended.

11. Mayoral CIL and Section 106 implications

- 11.1 The proposal would be liable for a Mayoral CIL contribution if there was an increase in the existing Gross Internal Area. Officers have calculated that there would be a net decrease in floor area and as such the development would not attract a CIL payment.
- 11.2 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (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.
- 11.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 11.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 11.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 11.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 11.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is

£8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

- 11.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 11.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.
- 11.9 Nevertheless, the application is recommended for refusal and as such no legal agreement has been secured to this secure this contribution. The failure to secure such a contribution is therefore recommended as a reason for refusal.

12. Conclusion

- 12.1 The current application is in outline form only, with approval sought for access, layout and scale.
- 12.2 The principle of residential development is acceptable on the site and it is considered by Staff that the access, layout and scale of the proposed bungalow in relation to the plot size is acceptable and would not be detrimental to the character and appearance of the street scene nor would it result in an overdevelopment of the site. It is considered that the development would not have any harmful impact on the amenities of neighbouring dwellings.
- 12.3 The current application has been reported to committee twice previously with resolutions to approve subject to the completion of a Section 106 Agreement securing visibility splays adjacent to the vehicular access point. The wording of the relevant obligation has proved to be unacceptable to the adjoining land owners who are required to be party to the S106. The applicant seeks planning permission for the proposed development without such an obligation however staff consider that the absence of an appropriate legal agreement to secure the visibility splays in perpetuity would render the application unacceptable due to the contravention of Policy DC32 of the LDF. It is therefore recommended that the application is refused.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None directly arising from this application.

Legal Implications and risks:

None

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

None directly arising from this application.

BACKGROUND PAPERS

The plan, application form and supporting documents were received on 7th November 2012. Additional information in the form of a Transport Statement was received on 24th April 2015.

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