



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
17 December 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  
richard.cursons@onesource.co.uk**

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

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

Reporting means:-

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

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

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

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

## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

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

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

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

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

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

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

### **2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS**

(if any) - receive.

### **3 DISCLOSURE OF PECUNIARY INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 10)**

To approve as a correct record the minutes of the meeting of the Committee held on 3 December 2015 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 11 - 46)**

- 6      **P0778.15 - LOMBARD COURT, 16 POPLAR STREET** (Pages 47 - 60)
  
- 7      **P1454.15 - LODGE FARM PARK, GIDEA PARK** (Pages 61 - 72)
  
- 8      **P0421.15 - 7 HIGHVIEW GARDENS (LAND ADJACENT TO ), UPMINSTER** (Pages 73 - 92)
  
- 9      **P1274.15 - BLOCK 8, FORMER OLDCHURCH HOSPITAL, ROMFORD** (Pages 93 - 118)
  
- 10     **P1364.15 - BOLBERRY ROAD, COLLIER ROW** (Pages 119 - 134)
  
- 11     **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  
3 December 2015 (7.30 - 8.40 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Melvin Wallace (Vice-Chair),  
Ray Best, Steven Kelly and +Jason Frost

**Residents' Group** Reg Whitney and +Barry Mugglestone

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

**UKIP Group** Phil Martin

**Independent Residents  
Group** Graham Williamson

Apologies were received for the absence of Councillors Philippa Crowder and Stephanie Nunn.

+Substitute members: Councillor Jason Frost (for Philippa Crowder) and Councillor Barry Mugglestone (for Stephanie Nunn).

Councillors Julie Wilkes, Joshua Chapman and John Mylod were also present for parts of the meeting.

20 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.

## 364 **MINUTES**

The minutes of the meeting held on 12 November 2015 were agreed as a correct record and signed by the Chairman.

365 **P1295.15 - GIDEA PARK PRIMARY SCHOOL, LODGE AVENUE**

Councillor Wallace declared a dis-closable non-pecuniary interest in that his grandchildren attended the school referred to in the application.

The application before Members was for the construction of a demountable classroom. The building measured 155m<sup>2</sup> in Gross Internal Area and contained a classroom, offices and amenities. The proposed classroom was to accommodate a planned bulge expansion of up to 30 pupils from either Reception Year or Year 1 children. The proposed building would have a flat roof matching the height and design of the other buildings on the site.

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

The objector commented that neighbour notification letters had been sent to 105 neighbouring occupiers and that the Council had received 97 objections to the proposals. The objector commented that whilst not unsympathetic to the proposal it appeared to be a rushed decision that failed to take into account the existing constraints that the school had to operate within particularly with regard to health and safety and pupil wellbeing.

In response the applicant's representative commented that forecasts had shown that there was a future need for extra school places borough-wide which needed to be addressed. The extra building would be required for a bulge class that would pass through the school for the next five years when planning permission would expire and the demountable classroom would be removed from the site.

With its agreement Councillor Joshua Chapman addressed the Committee.

Councillor Chapman commented that the Council had a statutory obligation to provide education within the borough and extra school places were needed. Councillor Chapman also commented that 97 letters or representation had been received which highlighted local resident's concerns regarding the expansion of the school which would affect the local amenity and place a strain on road safety in the area. Councillor Chapman concluded by commenting that the proposal would not be suitable in the long term but as a temporary measure for a five year period it would be acceptable if robust plans were introduced to deal with road safety.

During a brief debate Members discussed the proposed expansion of schools across the borough with Members raising a concern that none of the proposals for school expansions sought to enlarge the school kitchens or catering provision to cope with extra pupils.

Members also discussed the school's ability to cope with an additional classroom and generally Members felt that this particular site could manage quite well with what was quite a modest expansion. Members agreed that

there was an increasing need for extra school places throughout the borough.

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

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

Councillor Martin abstained from voting.

366 **P1316.15 - 24 MUNGO PARK ROAD, RAINHAM**

The application before Members was for retrospective planning permission for a single storey rear extension with a depth of 2.87m (in line with the existing rear extension, a width of 6.25m and a height of 3.35m. This would create a single storey rear extension spanning the width of the building. Planning permission was required for the extension owing to its width, which was beyond that for which permitted development rights applied.

Members noted that the application had been called in by Councillor Julie Wilkes on the grounds of:

- a lack of car parking spaces
- insufficient space for additional cars in the cul-de-sac
- loss of privacy and light

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

The objector commented that the proposal was of a bad design that casted a shadow over a neighbouring property and would also put an extra strain on the drainage of surrounding properties. The objector also commented that the application property was a house in multiple occupation (HMO) and that there had been incidents of noise nuisance and anti-social behaviour. The objector concluded by commenting that the proposal would also impact on parking provision in a small cul-de-sac.

The applicant's representative responded by commenting that the proposed extension was situated away from the objector's property and that there had been no breaches of planning control.

With its agreement Councillor Julie Wilkes addressed the Committee.

Councillor Wilkes commented that as the proposal was retrospective there had already been a loss of privacy on the neighbouring property. Councillor Wilkes also commented that the developer had not complied with building regulations and that the proposal was an overdevelopment of a garden

area, out of character with the streetscene and would lead to a loss of light on a neighbouring property.

During the debate Members received clarification on the permitted development rights of the application site and what parts of the development were original and what had been previously extended.

Members also considered the impact of the re-development on the parking provision in the cul-de-sac and whether there was scope for introducing additional parking provision to the front of the property.

Although some Members agreed that the proposal would be an overdevelopment of the site it was felt that the application would probably win on appeal if the applicant decided to take the decision to refuse the application to the Planning Inspectorate.

The report recommended that planning permission be approved, however following a motion to defer the consideration of the proposal it was **RESOLVED** that consideration of the report be deferred to allow staff to negotiate with the applicant to demonstrate how a minimum of two parking spaces both with proper access could be accommodated on the site, including what impact this had on existing on-street parking spaces.

367 **P1015.15 - UNITS 1-2 & 10, MUDLANDS INDUSTRIAL ESTATE, MANOR WAY, RAINHAM**

The application before Members sought temporary planning permission to utilise units 1, 2 and 10 as a waste material recovery facility (sui generis use class). The proposal, in addition to the aforementioned proposed change of use, included:

- The erection of two external ventilation ducts/flues to unit 1
- The erection of external high-level ductwork/pipework between units 1 and 10
- The installation of an electricity substation and associated pipework and connections to the National Grid substation to the immediate west of the site.

Members had been previously advised that the facility would be dealing with the processing and disposing of pre-shredded tyres.

The application had been heard at the last Committee meeting on the 12 November 2015. Members had resolved to defer the decision to allow additional information to be presented. In this regard Members had requested further detailed information on the potential risk of fire; the submission of a fire risk management plan; clarification on any potential air quality and odour; and confirmation that the proposal would not be incompatible with the longer term objectives of the City in the East masterplan.



During a brief debate Members discussed the previous concerns and felt that they had been addressed by the submission of the Fire Safety and Emergency Plan.

Following a question regarding the training requirement of staff working at the premises, at the Chairman's discretion, the applicant was invited to address Member's concerns in person.

It was **RESOLVED** to delegate to the Head of Regulatory Services to grant planning permission subject to the conditions set out in the report and to impose an additional condition requiring training to be operated in accordance with the Fire Plan and subject to satisfaction that the issue would also be covered by the granting of an Environmental Permit.

368 **P1377.15 - 110 SUNNINGS LANE, UPMINSTER- TWO STOREY SIDE EXTENSION AND DEMOLITION OF SINGLE STOREY REAR EXTENSIONS**

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

369 **P0911.15 - BEEHIVE COURT, GUBBINS LANE, HAROLD WOOD - INTERNAL ALTERATIONS TO CONVERT 14 BEDSITS AND 3 FLATS INTO 10 ONE-BEDROOM FLATS AND 1 TWO-BEDROOM FLAT. ALTERATIONS INCLUDE INFILLING, PARTIALLY EXTERNAL LOBBY ENTRANCE AREA AND REPLACEMENT DOOR**

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

370 **P1368.15 - 1 ALBYNS CLOSE, RAINHAM - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 19 DWELLING HOUSES WITH ASSOCIATED AMENITY, PARKING AND LANDSCAPING. AMENDED BUILDING POSITIONS OF PLOT 1-4, 7-9 & 12-14. INCLUSIVE FROM PREVIOUSLY APPROVED PLANNING APPLICATION NUMBER P1034.14**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to:

- The provision on site of a minimum of 50% of the units as affordable housing in accordance with the requirements of Policy DC6 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- The Council's legal fees for preparation of the agreement should be paid on or prior to completion and the Council's planning obligation monitoring fees should be paid as required by the agreement

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

371 **P0821.15 - CROWNFIELD JUNIOR SCHOOL, WHITE HART LANE, ROMFORD - SINGLE STOREY EXTENSION TO ENLARGE EXISTING ADMINISTRATION OFFICE AND PROVIDE ADDITIONAL TEACHING SPACE ASSOCIATED INTERNAL ALTERATIONS**

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

372 **P0954.15 - TRAINING GROUND & SPORTS STADIUM, RUSH GREEN ROAD, ROMFORD- ALTERATIONS AND EXTENSIONS TO THE EXISTING BUILDINGS ON THE SITE INCLUDING REMODELLING OF THE CLUB BUILDING AND EXTENSION OF CANOPY OVER STANDS; ERECTION OF NEW OFFICES, GROUNDSMAN'S BUILDING, GATEKEEPER LODGE AND IRRIGATION TANK; EXTENSION TO HARDSTANDING**

The Committee considered the report, noting that the proposal qualified for a Mayoral CIL contribution of £2,369, and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

373 **P1429.15 - ONGAR WAY, RAINHAM - DEMOLITION OF GARAGES AND RE-DEVELOPMENT OF THE SITE TO PROVIDE NINE DWELLINGS (REVISED SCHEME TO PREVIOUS PERMISSION P1644.11)**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £13,500 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement to secure the following:

- A financial contribution of £54,000 (such contribution having already been paid to the Local Authority under the previous scheme) to be used towards educational infrastructure costs
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from

the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

374 **P1566.12 - RAINHAM LANDFILL - PLANNING APPLICATION FOR THE CONTINUATION OF WASTE INPUTS AND OPERATION OF OTHER WASTE MANAGEMENT FACILITIES (MATERIALS RECYCLING FACILITY, WASTE TRANSFER STATION, OPEN AIR COMPOSTING SITE, GAS ENGINES, LEACHATE TREATMENT PLANT, AND INCINERATOR BOTTOM ASH PROCESSING) UNTIL 2024 AND RE-PROFILING OF FINAL CONTOURS**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted, subject to the conditions and S106 legal agreement heads of terms set out in the report to Committee dated 18 December 2014 and added to at that meeting.

375 **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.

376 **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 1 August 2015 and 12 November 2015.

The report detailed that 43 new appeals had been received since the last meeting of the Monitoring Committee in September 2015.

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

**377 SCHEDULE OF ENFORCEMENT NOTICES**

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

**378 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.

**379 SCHEDULE OF COMPLAINTS**

Members had previously been emailed a schedule which listed the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 15 August 2015 to 13 November 2015.

The Committee **NOTED** the report and **AGREED** the actions of the Service.

---

**Chairman**



This page is intentionally left blank

## Regulatory Services Committee

17 December 2015

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P0711.15	Rainham & Wennington	Freightmaster Estate, Coldharbour Lane, Rainham
P1072.15	Gooshays	Dycorts School, Settle Road, Harold Hill, Romford
P1332.15	Cranham	151 Avon Road, Upminster

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 17th December 2015

**APPLICATION NO.** P0711.15  
**WARD:** Rainham & Wennington **Date Received:** 18th June 2015  
**Expiry Date:** 23rd December 2015

**ADDRESS:** Freightmaster Estate  
Coldharbour Lane  
Rainham

**PROPOSAL:** Construction and operation of a plant for processing of road sweepings and gully waste to recover material suitable for use in landfill restoration and associated development

**DRAWING NO(S):** Site Location Plan - Drawing No. VES\_TD\_RAINECO\_700\_010  
Proposed Site Location Plan - Drawing No. VES\_TD\_RAINECO\_700\_004  
Proposed Site General Arrangement - Drawing No. VES\_TD\_RAINECO\_700\_001  
Proposed Site Drainage - Drawing No. VES\_TD\_RAINECO\_700\_009  
Vehicle Movement Plan - LGV 17.5m - Drawing No. VES\_TD\_RAINECO\_700\_006  
Proposed Site Elevations - Drawing No. VES\_TD\_RAINECO\_700\_005  
Proposed Site Welfare Elevations - Drawing No. VES\_TD\_RAINECO\_700\_011  
Proposed Site Tool Kiosk and Transfort Elevation - Drawing No. VES\_TD\_RAINECO\_700\_002

**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 site occupies approximately 0.7ha of land and forms part of the wider Rainham landfill complex, operated by the applicant, which extends to some 177ha. The 'complex' forms a rough triangular parcel of land, on the northern bank of the River Thames, and is the subject of a site specific allocation within the LDF (policy SSA17). This seeks to ensure that this area, in the future, becomes a riverside conservation park and a 'wildspace for a world city'.

With regard to this, the supporting text to the policy states that the conservation park includes the Inner Thames Marshes SSSI (Rainham, Wennington and Aveley Marshes) which is north of Coldharbour Lane with the waste and employment uses, including the landfill, to the south. It is stated that the Coldharbour Lane area was de-designed, having previously been designated as a commercial area, for this reason.

The specific application site forms part of the Freightmaster Estate which is located directed adjacent to the banks of the River Thames. The area to which this application relates is to the north of the Estate, to the west of the existing gas compound and the leachate plant, which are operated by the applicant. The applicant's main material recovery (and composting) facility is located to the south, beyond the application site on the opposite side of Coldharbour Lane.



The nearest residential property to the application site is on the opposite bank of the River Thames at Erith, approximately 1km from the site as the crow flies.

## DESCRIPTION OF PROPOSAL

This is an application for the construction and operation of a plant for the processing of road sweepings and gully waste to recover material suitable for use in the restoration of Rainham landfill. The plant is proposed to be operational until 2024, when the importation of waste is scheduled to cease at the adjacent landfill. The plant is designed to process up to 50,000 tonnes of material per annum.

Presently material collected from road sweepings and the cleaning of the associated drainage infrastructure is deposited to landfill. This collected material contains minor amounts of contaminants consisting of litter, metals and petroleum hydrocarbons. Due to the contamination of this waste, this waste stream is not currently able to be disposed of within Rainham landfill as restoration material. The proposed facility would recover (uncontaminated) materials from the waste by removing the contaminants and as such allow for the soils and aggregate to be used as restoration material.

The restoration of Rainham landfill is reliant on the importation of suitable restoration materials, as there is no indigenous materials on-site. The applicant has suggested that this facility would supply additional suitable restoration materials to complement other clean soils, and soils going through the existing soil screening plant that are imported for restoration.

In order to operate the facility, a concrete hardstanding would need to be laid over the entire surface of the site. In terms of the proposed site layout, an input material bay would be located to the south-western part of the site and a number of output bays would be located to the east. The proposed input bay would accommodate all the material proposed to be imported, and processed through the facility, with the output bays, as inferred by the name, being where the processed material would be stockpiled.

Looking at the proposed operation of the facility, on receipt of the material within the input bay, the material would be fed into a trommel. Oversize material would be screened out and undergo ferrous extraction as part of this process. The undersize material, that exits the trommel, would then enter a washing unit where rotating paddles generate friction and attrition and facilitate the separation of water fractions from the solid material. The outputs - the organic residue; the aggregate; the sand; and the silt would then all be stockpiled separately for re-use or onward distribution.

In terms of the process in percentages, the outputs of the facility would be as follows:

- Sand <5mm 39% (to be used in the landfill restoration)
- Aggregate 5-50mm 19% (to be used in the landfill restoration)
- Oversize >50mm 2.5% (residue to landfill)
- Ferrous 0.5% (exported to third party recycler)
- Silt <75 microns 19% (percentage to be used for landfill restoration, percentage to landfill)
- Organic Residue 20% (percentage to be used for landfill restoration, percentage to landfill)

Given that the material proposed to be imported and processed is classed as contaminated, the

primary input bay, particularly, has the potential to produce leachate. In order to capture this, and any run-off from other stockpiles, two silt pumps are proposed to be installed. Water collected within these pumps would be cleaned and re-circulated/re-used in the recycling process. To furthermore support the operation of the facility, a tool shed and small portacabin are proposed to be installed on site for storage and to be used as welfare/office accommodation.

## RELEVANT HISTORY

- P0136.14 - Construction of an extended area for bales storage, water storage tank, pump house and electrical sub-station  
Apprv with cons 25-04-2014
- P1566.12 - Planning application for the continuation of waste inputs and operation of other waste management facilities (materials recycling facility, waste transfer station, open air composting site and associated soil plant, gas engines, leachate treatment plant, and incinerator bottom ash processing) until 2024 and re-profiling of final contours.  
Awaiting Decision
- U0002.05 - Autoclave processing facility for municiple solid waste  
Apprv with cons 27-10-2006
- P1275.96 - Deposit of refuse materials through controlled landfill provision of material recovery facilities and creation of contoured landform and restoration scheme  
Apprv with cons 06-02-1998

## CONSULTATIONS / REPRESENTATIONS

12 properties were directly notified of this application. The application was also advertised in the local press and by site notice. No letters of representation have been received.

Anglian Water - No comments received.

Environment Agency - Having reviewed the details submitted and the activities proposed for processing road sweepings it is clear that the applicant would be required to amend their Environmental Permit which we regulate. The applicant has been in discussions with us on this matter and we have no objections to the granting of planning permission.

Essex Wildlife Trust - No comments received.

Greater London Authority - The Mayor considers that the application complies with the London Plan as the proposed development for processing of waste is an appropriate use on a strategically preferred industrial location and there are no strategic transport concerns in respect of the proposal.

Highway Authority - No objection.

London Borough of Havering Environmental Health - No objection subject to the submission of a construction management plan; the submission of a full air quality impact assessment; noise impact assessment; and Phase I (desktop study) report, prior to any development occurring,

documenting the history of the site, the surrounding area and the likelihood of contamination. Subject to the conclusions of the Phase I, a Phase II (site investigation) and Phase III (remediation strategy) may also be required.

London Borough of Havering Waste & Recycling - No comments received.

London Fire Brigade (Access) - No objection.

London Fire Brigade (Water Availability) - No objection.

Natural England - No objection. The application is in close proximity to the Inner Thames Marshes SSSI. However, Natural England are satisfied that the proposed development would not damage or destroy the interest features for which the site has been notified. It is therefore advised that the SSSI should not represent a constraint in the determination of this application.

Rainham Conservation & Improvement Society - No comments received.

RSPB - No comments received.

Transport for London - No objection although it is recommended that provision should be made for on-site cycle parking facilities. Furthermore it is recommended that a delivery and servicing plan should be secured by condition and this should seek to ensure, where possible, that vehicle trips are made outside peak hours and provides the opportunity to ensure vehicles accessing the site are registered with a best practice scheme such as the Freight Operator Recognition Scheme.

## **RELEVANT POLICIES**

### **LDF**

CP07 - Recreation and Leisure

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

DC11 - Non-Designated Sites

DC18 - Protection of Public Open Space, Recreation, Sports and Leisure Facilities

DC20 - Access to Recreation and Leisure including Open Space

DC22 - Countryside Recreation

DC32 - The Road Network

DC33 - Car Parking

DC35 - Cycling

DC48 - Flood Risk

DC51 - Water Supply, Drainage and Quality

DC52 - Air Quality

DC53 - Contaminated Land

DC54 - Hazardous Substances

DC55 - Noise

DC56 - Light  
DC58 - Biodiversity and Geodiversity  
DC61 - Urban Design  
SSA17 - London Riverside Conservation Park  
W1 - Sustainable Waste Management  
W2 - Waste Management Capacity, Apportionment & Site Allocation  
W4 - Disposal of inert waste by landfilling  
W5 - General Considerations with regard to Waste Proposals

## OTHER

LONDON PLAN - 2.6 - Outer London: Vision and strategy  
LONDON PLAN - 2.16 - Strategic outer London development centres  
LONDON PLAN - 4.4 - Managing industrial land and premises  
LONDON PLAN - 5.12 - Flood risk management  
LONDON PLAN - 5.14 - Water quality and wastewater infrastructure  
LONDON PLAN - 5.15 - Water use and supplies  
LONDON PLAN - 5.16 - Waste net self-sufficiency  
LONDON PLAN - 5.17 - Waste capacity  
LONDON PLAN - 5.19 - Hazardous waste  
LONDON PLAN - 5.20 - Aggregates  
LONDON PLAN - 5.21 - Contaminated land  
LONDON PLAN - 6.9 - Cycling  
LONDON PLAN - 6.12 - Road network capacity  
LONDON PLAN - 6.13 - Parking  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 7.13 - Safety, security and resilience to emergency  
LONDON PLAN - 7.14 - Improving air quality  
LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes  
LONDON PLAN - 7.19 - Biodiversity and access to nature  
NPPF - National Planning Policy Framework  
NPPW - National Planning Policy for Waste  
PPG - Planning Practice Guidance

## **MAYORAL CIL IMPLICATIONS**

Minor development, with a gross internal area of less than 100m<sup>2</sup>, is generally exempt from CIL. The only internal floorspace which would be created by this development would be that of the office welfare building. This is smaller than 100m<sup>2</sup> and it is therefore considered that the proposal, overall, is exempt from CIL contribution. Associated internal floorspace in the form of the water run-off tank; tool shed; and transformer housing are considered to be exempt having regard that these provisions would not be buildings or areas which people would normally go and would only go to perform maintenance or inspection.

## **STAFF COMMENTS**

It is considered that the key issues for consideration in the determination of this application are the

suitability of the site for the proposed use and any potential implications for the long term aspirations for the area; the potential impacts on amenity; and any potential implication to the highway network.

## **PRINCIPLE OF DEVELOPMENT**

Although this site forms part of a site specific allocation that seeks the creation of a conservation park, it is noted that the policy concerning this infers that development towards this will likely be intrinsically linked to the completion of the landfill.

Rainham landfill is currently being operated under planning permission reference: P1275.96. Under this permission landfill operations, including restoration, are required to be completed by 31st December 2018. A planning application to extend the life of the landfill to 31st December 2024, with site restoration by 31st December 2026, (planning application reference: P1566.12) has however been submitted to the London Borough of Havering and Members of the Council's Regulatory Services Committee resolved to approve this application, subject to completion of a Section 106 Agreement, in December 2014. Negotiations are still on-going in respect of the Section 106 and to date no decision has therefore been issued. However, it is considered that the Council have, with the resolution to approve, accepted the principle that the landfill will unlikely be completed by 2018.

The use proposed is considered intrinsically linked to the landfill operations and seeking to utilise an additional waste stream to produce restoration material. The application would not be introducing a new, unconnected or unassociated use to the Coldharbour Lane area and in context that the use would cease in line with the completion of the landfill it is not considered that the use would prejudice the long term objectives or aspirations for the conservation park.

The NPPW details that local planning authorities should consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together with complementary activities, when considering waste related applications. Expanding on this, it is detailed that priority should be given to the re-use of previously developed land, sites identified for employment uses and redundant agricultural and forestry buildings and their curtilages and this policy steer is broadly replicated in policy W2 of the Joint Waste Development Plan for sites not identified in Schedule 1 or Schedule 2 (preferred sites for waste management). In this case, although this area has been de-designated, it is a historic commercial area and as such, for a temporary period, it is considered is potentially suitable for a waste use, associated to the landfill. Policy W1 seeks to drive waste management up the waste hierarchy and as this facility would, in essence, allow for the recycling of a waste stream that would otherwise be landfilled, the development is considered compliant with the principles of policies W1 and W4. A more detailed assessment in respect of relevant planning policy and local criteria can nevertheless be found in the following sections of this report.

## **DESIGN / IMPACT ON STREET / GARDEN SCENE**

Policy W5 of the Joint Waste Development Plan, in-part, details that planning permission for waste related development will only be granted where it can be demonstrated that any impacts of the development can be suitably controlled and that the development would not adversely affect people, land, infrastructure and/or resources. One of the criteria detailed in respect of this is the visual and landscape impact of the development and demonstration of high quality design and

sustainable construction and drainage techniques.

The area to which this application relates is currently a vacant piece of land located in between a number of waste related and generally untidy industry. The area is characterised by such uses and the profile of the landfill when looking north. The use proposed would bring this area into an active use and in this respect, to some degree, improve its neglected appearance. That being said, the use and development proposed in itself would have visual impacts in their own right.

Looking at the development elements proposed individually, the surface water run-off tank would be the tallest structure on site. This would be approximately 6m high and would be located to the north-eastern corner of the site. The tool shed and transformer are proposed adjacent to this and these would be 3.12m and 2.2m high respectively. The proposed site welfare office would measure 6.57m by 9.1m and would be 2.67m high. The site would be bounded by an earth bund along the northern boundary, measuring 4m in height, with the material input bay and output stockpiling area walling proposed at 4.6m in height.

In context of the site location, and the adjacent uses, no principle objection is raised to the development proposed as part of this application. The provisions proposed are considered acceptable and it is not considered that the development would be of a scale or nature to over-dominate the area and result in a character change. The site, if it is accepted will have a working feel to it and the provision of open machinery likely to be the striking characteristic of the site/facility. However, in context of that lack of public interface and that the use would be linked to life of the landfill the development is considered acceptable in this location. Due consideration of drainage and potential flood risk can be found later in this report, in the 'Other Issues' section.

## **IMPACT ON AMENITY**

Policy DC61 of the Council's LDF, in-part, details that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments; or prejudices the satisfactory development of adjoining land and/or the development of the surrounding area as a whole. Expanding, and to some degree replicating this, policy W5 of the Joint Waste DPD details that planning permission for a waste related development will only be granted where it can be demonstrated that any impacts of the development can be controlled to achieve levels that will not significantly adversely affect people, land, infrastructure and resources. In respect of this application, it is considered the main areas of consideration are noise and air quality (odour and dust).

Noise: Policy DC55 of the LDF together with policy 7.15 of the London Plan, states that planning permission will not be granted if development would result in exposure to noise or vibrations above acceptable levels affecting a noise sensitive development. As detailed within the 'Site Description' section of this report, the nearest residential development is circa 1km from the development site. The NPPF with respect to licensed activities or sites, which this site would be (by the Environment Agency), states that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.

The Council's Environmental Health department have recommended that, should planning permission be granted, a condition requiring the submission of a noise impact assessment and a maximum noise level for the site should be imposed. In consideration of that suggested within the NPPF and that it is considered that the noise generated from the facility would be relatively minor in comparison to the adjacent uses and landfill it is however not considered that such a condition is necessary in this instance. This area supports a number of similar uses and in context that the use is only proposed for the life of the landfill it not considered that the development would result in noise levels to warrant refusal and/or prejudice the long term aspirations for the area.

Air quality: Policy DC52 of the LDF, supported by policy 7.14 of the London Plan, states that planning permission will only be granted where new development, both singularly and cumulatively, does not cause significant harm to air quality, and does not cause a breach of the targets set in Havering's Air Quality Management Area Action Plan. Similar to the opinion formed in respect of potential noise impact, it is not considered that the development would result in significant air quality impacts. The material proposed to be handled, in the majority, would be odourless and dust controls are proposed, as part of the proposed operation, to limit dust drift.

### **HIGHWAY / PARKING**

Policy CP10 of the LDF seeks to ensure that new development does not overload the capacity of public transport and/or strategic road networks, including motorways. Expanding on this, policy DC32 details new development which has an adverse impact on the functioning road hierarchy will not be allowed. The Highway Authority has not raised any objection to the application and as such it is not considered that the application would adversely impact on highway safety or efficiency.

Transport for London note that the site/area has a PTAL of 0. However, it is considered that the development would have a negligible traffic impact given that the facility would generate a maximum of 10 HGV trips per day (20 movements) and be manned by three staff. Six car parking spaces are proposed and this is considered an appropriate level to accommodate both staff and visitor requires. Whilst the site is remote, it is nevertheless considered that in context of National Cycle Network 13 that provision for cycle parking facilities should be provided on-site. A condition seeking such facilities is therefore suggested by TfL. Further to this, although trip generation to and from the site would be relatively minor, it is recommended that a delivery and servicing plan is secured by condition to ensure, where possible, vehicle trips are made outside peak hours.

### **OTHER ISSUES**

Ecological Impact: Natural England has advised that it is not considered that the Inner Thames SSSI should represent a constraint in the determination of this application. In consideration of this, the locality and that the use would cease in line with the projected completion date of the landfill it is not considered that the development would result in any ecological impacts significant enough to warrant further assessment and/or potential refusal.

Flood Risk, Drainage and Contamination: This site is not located within a designated flood zone area and therefore is not considered at specific risk from flooding. The proposed application area would be covered, in its entirety, in concrete hardstanding which it is considered would furthermore limit the potential for ground contamination.

With regard to drainage, a silt sump located to the north-western corner of the site would capture

any potential water-run from the processed stockpiles. The sump would be designed to capture the run-off water and recover solids, as well as absorbing hydrocarbons. The water from this run-off would be stored in the water tank proposed to the north-eastern corner of the site and re-used as part of the processing of the material. Another silt sump would be located in the south-western corner of the site and this would be designed to capture potential leachate that may travel from the input bay. The sump would ensure that any potential containment from this is contained and safely disposed. The discharge from this sump, for reference, would be to the existing leachate pipe within the landfill.

The hardstanding, silt pump and water storage tank in combination have a capacity to retain liquid run-off based on a 100 year plus 30% storm event and as the Environment Agency have, in principle, raised no objection to this, it is considered that the development is compliant with relevant planning policy.

Given that this site is noted as a former landfill and area of contaminated land, request has been made by the Council's Environmental Health department that a land contamination assessment be produced and submitted prior to the development occurring. Further information has been provided by the applicant in this regard, in the form of some borehole trials that were undertaken in respect of application reference: P0136.14. The conclusions of this related study are accepted and it is not considered the imposition of such a condition is therefore necessary. A condition along the lines of if any contamination not previously known is identified then a remediation strategy shall be produced and submitted to the local planning authority for approval would nevertheless ensure that the potential issues with regard to contamination are adequately safeguarded, should planning permission be granted.

#### Environmental Impact Assessment:

The development is not representative of a Schedule 1 project as detailed within the Town and Country Planning (EIA) Regulations 2011 (as amended). However, the development does fall within Schedule 2 under paragraph 11 (Other projects), Class b (Installations for the disposal of waste). The screening threshold for such projects is the area of development exceeds 0.5ha; the disposal is by incineration; and/or the site is within 100m of any controlled waters. Given the above, the development was screened and it was deemed that the development did not require EIA and/or Habitat Regulation Assessment as it was considered that the development would not result in any impacts of more than local significance.

#### **KEY ISSUES / CONCLUSIONS**

It is considered that this proposal would facilitate the use of an additional waste stream within the restoration of Rainham landfill. The long term aspirations for this area are ultimately tied to the completion of the landfill and therefore developments which seek to support this and individually do not result in significant impacts on the environment, nearby amenity and/or the local highway are generally likely to be supported. The proposed location, in the short to medium term, is considered to comply with relevant national and local waste policy and for the aforementioned reasons it is therefore 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 accord 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 and Joint Waste Development Plan policy W5.

**3. SC17 (Temporary use) INSERT DATE**

The permission hereby granted shall be for a limited period only, expiring on the 31st December 2024 or on cessation of importation of material to Rainham landfill, whichever is earlier. After this date the use shall be discontinued and the site reinstated to its former condition and use, to the satisfaction of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control of the site use in context of policy SSA17 of the Site Specific Allocations Development Plan Document.

**4. Non Standard Condition 31**

The throughput of materials imported to the site shall not exceed 50,000 tonnes per annum.

Reason:-

To minimise the harm to the environment, to ensure the development does not adversely impact on local infrastructure and to comply with the Development Control Policies Development Plan Document policies DC32, DC52, DC55 and DC61 and Joint Waste Development Plan policies W4 and W5.

**5. SC26 (Storage height) ENTER DETAILS**

No materials shall be stockpiled or stored at a height greater than 4 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing titled 'Proposed Site General Arrangement', drawing no. VES\_TD\_RAINECO\_700\_001, dated 06/05/15.

Reason:-

In the interest of visual amenity and that the development accords with Development Control Policies Development Plan Document policy DC61 and Joint Waste Development Plan policy W5.

**6. Non Standard Condition 33**

No material imported, processed and suitable to used within the restoration of Rainham landfill shall be exported from the site for any other reason, unless otherwise agreed in

writing by the local planning authority.

Reason:-

The intrinsic link between the proposed facility and the restoration of Rainham landfill is considered key in the acceptance of this development. A facility of a different nature would likely have implications that have not been assessed by the local planning authority. Also, in order that the development accords with Development Control Policies Development Plan Document policies CP10, CP15, DC32, DC52, DC55 and DC61 and Joint Waste Development Plan policy W5.

#### **7. SC59 (Cycle Storage)**

No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, appropriate for the site use and number of employees, have been submitted to and approved in writing by the local planning authority. The details shall include the design, location and number of spaces for cycle parking to be provided. The development shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

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, sustainability and to comply with Control Policies Development Plan Document policies DC33 and DC35.

#### **8. Non Standard Condition 2 (Pre Commencement Condition)**

No beneficial occupation of the development hereby permitted shall take place until a Delivery and Servicing Plan detailing the proposed hours of deliveries to the site, together with the suggested routeing of vehicles and procedures to ensure vehicles accessing the site are registered with a best practice scheme such as the Freight Operator Recognition Scheme has been submitted to and approved in writing by the local planning authority. The plan shall furthermore identify the arrangements for:

- a) monitoring of the approved arrangements;
- b) ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements, and;
- c) the disciplinary steps that will be exercised in the event of default.

The approved plan shall be implemented for the duration of the development hereby permitted.

Reason:-

Insufficient information has been supplied with the application to enable the local planning authority to pro-actively ensure that the vehicle movements associated with the use do not unduly impact on highway efficiency and safety. 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 ensuring compliance with Development Control Policies Development Plan Document policies CP10 and DC32.

#### **9. Non Standard Condition 32**

If during development works any contamination should be encountered which was not previously identified and/or known then no further development, unless otherwise agreed in writing with the local planning authority, shall be carried out until a remediation strategy detailing how this 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.

Following completion of any required remediation works, a verification report shall furthermore be submitted to the local planning authority demonstrating that the works have

been carried out and the remediation targets achieved.

Reason:-

To ensure that any unknown contamination found at the site is investigated and satisfactory addressed, in order to protect those engaged in construction and occupation of the development from potential contamination and to comply with Development Control Policies Development Plan Document policies DC54 and DC61.

---

## INFORMATIVES

### 1. **Fee Informative**

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

### 2. **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.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 17th December 2015

**APPLICATION NO.** P1072.15  
**WARD:** Gooshays **Date Received:** 23rd July 2015  
**Expiry Date:** 17th September 2015

**ADDRESS:** Dycorts School  
Settle Road  
Harold Hill

**PROPOSAL:** Removal of two demountable units. Proposed single storey extension to school building.

**DRAWING NO(S):** 02/DS/15  
01/DS/15 REV A

**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 site is Dycorts School, which is situated on the western side of Settle Road within the Metropolitan Green Belt. There have been a number of planning applications in previous years for development within the school grounds.

The application site is set well away from the highway and as such is far removed from neighbouring residential properties. The site is also screened by mature trees and vegetation.

The site is adjacent to the Scheduled Ancient Monument of Dagnam Park Farm moated site which lies to the west of the site. Also beyond the boundaries of the site is an area identified as a Site of Importance for Nature Conservation, owing, in part, to the great crested newt breeding ponds and associated ecology.

### **DESCRIPTION OF PROPOSAL**

The Local Authority are in receipt of an application which proposes a single storey extension to the existing school building for the purpose of providing 2 additional classrooms and toilet facilities.

The extension is located on the western elevation of the northern block of the existing school building and would measure approximately 19.0m in width, with a depth of 9.7m and would feature a pitched roof with an overall height of 4.30m and eaves line of 2.90m.

A flat roofed section is proposed to link the building with the host premises, therefore the actual projection from the western elevation of the school building totals 12.65m.

### **RELEVANT HISTORY**

- P0886.11 - Demolition of existing mini-bus garage and erection of new mini bus garage  
Apprv with cons 04-08-2011
- P1551.09 - Single storey metal storage container

## **CONSULTATIONS / REPRESENTATIONS**

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

Notification letters were sent to 24 neighbouring properties. Two letters of objection were received which will be summarised below -

- Development has already commenced
- Demountable units had no prior consent
- Harm to the Green Belt
- Harm to an area of special scientific interest
- Detrimental impact on wildlife, including newts

Councillor Rumble enquired about the legality of the two demountable units on the site.

It is considered that the removal of the demountable units on site, as negotiated by staff, addresses the concerns raised by objectors sufficiently.

Environmental Health - No Objection

Highway Authority - No Objection

Historic England - No Objection

Historic England (GLAAS) has commented there is potential for harm to archaeological interest and recommends an appropriate planning condition.

## **RELEVANT POLICIES**

### LDF

- CP17 - Design
- DC26 - Location of Community Facilities
- DC27 - Provision of Community Facilities
- DC28 - Dual Use of School Facilities
- DC29 - Educational Premises
- DC32 - The Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC48 - Flood Risk
- DC59 - Biodiversity in New Developments
- DC60 - Trees and Woodlands
- DC61 - Urban Design
- DC63 - Delivering Safer Places
- DC70 - Archaeology and Ancient Monuments

## OTHER

LONDON PLAN - 3.18 Education facilities

-

LONDON PLAN - 7.16 Green Belt

-

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

Educational facilities are not liable for Mayoral CIL.

## **STAFF COMMENTS**

The issues in this case are the principle of the development, the impact on the open character of the Green Belt, the impact of the development on the street scene, effect on the amenities of nearby residential occupiers, implications for the adjacent Scheduled Ancient Monument (SAM), nature conservation impact and highways/parking issues. These issues will be addressed below.

The subject application is brought to the Regulatory Services Committee as it is for a school related development located within the Green Belt.

The application has been revised since originally submitted to propose removal of the two demountable buildings that were originally proposed to be located adjacent to the western boundary of the site. These units had no prior consent and were unauthorised.

## **PRINCIPLE OF DEVELOPMENT**

The application site lies in the Metropolitan Green Belt. Schools are not within the list of appropriate uses within the Green Belt. Nonetheless the National Planning Policy Framework (NPPF) indicates that where extensions are proposed to existing buildings/uses, providing they are not disproportionate additions, they are acceptable as an exception to national policy.

Policy DC45, in line with the previous National Guidance contained in PPG2, indicates that the extension of buildings other than dwellings or buildings that are associated with acceptable Green Belt uses, is inappropriate development. Nonetheless the NPPF adopted by Central Government in March 2012, in this respect supersedes the Council's LDF dating from 2008 as it is more up to date and is a material planning consideration. As such, and as above, the NPPF accepts extensions to any existing building in the Green Belt which are not disproportionate to the original.

Furthermore, LDF Policy DC29 states that educational premises should be of a suitable quality to meet the needs of residents. It is noted that this school provides for children with special educational needs and there is a demand for additional school places. Staff are of the view that the proposed classroom extension would enhance the facilities offered by the school currently, therefore can be judged to be in accordance with Policy DC29.

## **GREEN BELT IMPLICATIONS**

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

over and above the size of the original building.

To this end, staff consider that the addition of a single storey extension of the scale proposed, would be proportionate in scale to the host building. Its design draws parallels with the original school building and it is considered that the extension proposed would complement the existing building form. It is therefore not considered to detract from the openness of the Green Belt due to a combination of its acceptable scale and siting.

The proposal is therefore judged to have an acceptable impact within the Green Belt and to constitute appropriate development.

### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The proposed addition would be located on the western elevation of the northern block of the existing school building. Due to its siting, the extension proposed would not be easily visible from the street scene, as it is some 70m from Settle Road, well away from the highway/neighbouring properties and obscured from view by the original school building. Staff therefore consider that there would be no adverse impact on visual amenity.

It is the view of staff that the proposed extension would not represent an incongruous or unusual feature within this context.

### **IMPACT ON AMENITY**

There are no implications related to neighbouring amenity due to the siting and scale of the proposed addition and the distance of the neighbouring properties from the school. Impacts are not expected to be over and above that normally expected from an educational establishment.

### **HIGHWAY / PARKING**

The proposal is for two additional classrooms within the site, which has potential to increase vehicular movement to and from the site. The application indicates that there would be 6 additional full time staff members bringing the total on site to 85.

It is the view of staff that there exists on site, a sufficient level of parking to accommodate the increase in staff and pupils. The school is served by a relatively large parking area to the south and staff consider that the increase could be absorbed without material harm to the functioning of the highway. Highways have raised no objection to the proposal although it is recommended that a condition be imposed requiring a travel plan be submitted to and approved in writing by, the Local Planning Authority prior to the commencement of any works on site.

### **OTHER ISSUES**

The application site adjoins the site of a Scheduled Ancient Monument - Dagnam Park Farm moated site. The Local Planning Authority consulted with Historic England with regards to the potential impact that the proposed development may have on the setting of the scheduled ancient monument. No objections were raised owing to the proposed extension being of comparable height to the existing school building and of clear benefit to the school itself. Historic England however recommend a condition relating to the archaeological interests of the site/wider locality, along with an informative.

The site is also within immediate proximity of a Site of Importance for Nature Conservation (SINC) and comments were received from residents which noted the potential impact on the great crested newt population in the breeding ponds beyond the boundaries of the site. The site has been visited to assess the potential impact on the breeding habitat of the great crested newts arising from the development proposed. Whilst the site is within 20m of the Dagnam Park Moat, which is known to provide breeding habitat for great crested newts, the development site itself presents no suitable terrestrial habitat for newt population. The application site primarily comprises of existing hard standing and short mown grassland and consequently there would be no negative impact on the local great crested newt populations from the development proposed, particularly with the removal of the demountable units from the scheme. On the basis that the proposed extension would be a sufficient distance from the boundaries of the site, no negative impact would result on the Site of Importance for Nature Conservation.

## **KEY ISSUES / CONCLUSIONS**

Having regard to all relevant factors and material planning considerations staff are of the view that this proposal for a single storey extension would be acceptable, subject to appropriate safeguarding conditions.

Staff consider that the proposal would accord with Policy DC29 in relation to enhancing existing educational facilities and would accord with the general principles for the development in the Green Belt laid out in the NPPF. The proposed extension is modestly sized, which would therefore not detract from the openness of the Green Belt. Furthermore staff are satisfied that the scale and design of the proposed addition would integrate acceptably with the host building and present no harmful impact upon the setting of the Scheduled Ancient Monument and ecology beyond the boundaries of the site relating to the SINC.

It is therefore 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. SC32 (Accordance with plans)**

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out



differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**3. 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.

**4. Non Standard Condition 2 (Pre Commencement Condition)**

Prior to the first occupation of the classroom extension hereby approved, a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include measures to encourage staff and visitors to travel to the site by means other than by private car. The plan as approved shall be monitored and reviewed on an annual basis for three years and a copy of that review and action plan arising shall be submitted to the Local Planning Authority. The measures described in the action plan shall be implemented in the time period identified within it.

Reason: In the interests of reducing car-borne travel and maintaining the free flow of the highway, and to accord with Policy DC32 of the Core Strategy and Development Control Policies Development Plan Document.

**5. Non Standard Condition 1 (Pre Commencement Condition)**

No demolition or development shall take place until a written scheme of investigation(WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives and,

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: In order that the development does not have an adverse impact on the archaeological interest of the site and in order to comply with Policy DC70 of the Core Strategy and Development Control Policies Development Plan Document.

---

**INFORMATIVES**

**1. Approval following revision ENTER DETAILS**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent by email/telephone. The revisions involved the removal of the demountable units from the scheme. The amendments were subsequently submitted on 09-09-2015.

## **2. Non Standard Informative 1**

The written scheme of investigation will need to be prepared and implemented by a suitable qualified professionally accredited archaeological practice in accordance with the Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 17th December 2015

**APPLICATION NO.** P1332.15  
**WARD:** Cranham **Date Received:** 22nd September 2015  
**Expiry Date:** 17th November 2015  
**ADDRESS:** 151 Avon Road  
Upminster  
**PROPOSAL:** New Class A1 shop kiosk style unit on vacant land adjoining 151 Avon Road  
**DRAWING NO(S):** 3561/100 Rev. P2  
3561/101 Rev. PL4  
3561/500 Rev. PL2  
**RECOMMENDATION** It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

---

### **CALL-IN**

The application has been called to committee by Councillor Gillian Ford on the following grounds:

- The application is totally out of keeping with the street scene.
- There is no requirement for such a venue in the area.
- Impact on a busy junction
- An area of amenity space would be lost
- There are alternative opportunities with two retail units becoming available at this shopping centre.

### **SITE DESCRIPTION**

The application site comprises a rectangular parcel of land situated at the eastern end of a parade of shops with flats above within a Major Local Centre. The parade is located at the junction of Avon Road and Front Lane. There is presently a parking lay-by at the front of the parade and a service road at the rear. The existing parade is of a straightforward design, three storeys high and has a pitched roof with gable ends. The flats on the upper floors of the parade are accessed from the rear service road and an external staircases attached to the flank wall of No. 151 Avon Road and at the other end of the parade. The rear service road also serves some garages.

The site itself is open with paving and there is some street furniture which is located within the application site boundaries. It is understood that while the items have been placed on the land by the Council this was with the permission of the owner.

The surrounding area is predominantly residential in character with mainly two-storey detached and semi detached houses, although there are two- and three-storey flats on the opposite side of Avon Road to the south of the junction with, and further north along Front Lane. To the east on the opposite side of the highways are open grassed areas, mainly located between Front Lane and Moultrie Way. Ground levels fall to the East.

### **DESCRIPTION OF PROPOSAL**

This application follows the refusal of planning application reference P0106.15 for a single storey kiosk building on the site. The current application is the same as the previous submission, however the applicant has provided additional supporting information, which is discussed later in this report.

The application seeks full planning permission for a new A1 single storey shop kiosk style unit on vacant land adjoining 151 Avon Road.

The proposal would measure 5m in width and have a maximum depth of 12.4m. The proposal will be finished with a flat roof, 2.9m in height.

The proposed building would be finished in facing brickwork to match the existing parade.

## **RELEVANT HISTORY**

P0106.15 - New Class A1 shop kiosk style unit on vacant land adjoining 151 Avon Road  
Refuse 15-05-2015

P1160.12 - Proposed ground floor shop(A1/A2) with 2 bedroom maisonette over.  
Refuse 15-05-2013

P0175.11 - Proposed ground floor shop(A1/A2) with 3 bedroom maisonette over  
Refuse 18-05-2011

P1537.09 - Retail unit A1/A2 to ground floor, three bedroom maisonette at first floor, side dormer, amenity space and external staircase.  
Refuse 05-01-2010

## **CONSULTATIONS / REPRESENTATIONS**

Neighbour notification letters have been sent to 98 adjoining occupiers and previous objectors. There have been 6 responses making objections on the following grounds:

- hazardous corner that would be made worse by the development
- pavement not big enough to build extension
- this playing space for children would be unsafe if reduced
- will add to the rubbish being dropped
- single storey building will look out of keeping
- increased rubbish and noise nuisance
- not needed as there are various open shops in the area

Highways has raised no objection to the proposal.

## **RELEVANT POLICIES**

### LDF

- CP17 - Design
- CP4 - Town Centres
- DC15 - Retail and Service Development
- DC33 - Car Parking
- DC61 - Urban Design

## OTHER

LONDON PLAN - 2.15 Town Centres

-

LONDON PLAN - 4.7 - Retail and town centre development

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

LONDON PLAN - 4.9 - Small shops

LONDON PLAN - 6.13 Parking

-

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

## **STAFF COMMENTS**

The issues raised by this application are the principle of development, the design/impact on the street scene, impact on amenity and highways and parking issues.

## **BACKGROUND**

The application site has a long planning history. There have been three planning applications refused and subsequently dismissed on appeal for development on this site: P1537.09 at appeal in July 2010; P0175.11 at appeal in November 2011 and P1160.12 at Appeal in November 2013.

The most recent application, P0106.15, was recommend for approval but refused by the Regulatory Services Committee on 14/05/15, for the following reasons:

1. The proposed single storey addition by reason of its scale and design is a weak visual addition to the main building, the discordant relationship of which would harm visual amenity and the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.
2. The proposal, would result in the loss of an existing open area which, by reason of its setting for the adjacent three storey parade, would result in a cramped visual impact, harmful to the spacing of the junction and the character of the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

The current submission is the same as the previous refusal under P0106.15. However, this application is re-presented together with further background information, relating to a Purchase Notice report, which was presented to the Regulatory Services Committee meeting of 19 June 2014.

The report came about in response to a Purchase Notice that had been served on the Council by the land owners, on the basis that the repeated refusal of previous planning applications rendered the land incapable of reasonably beneficial use and therefore that, in accordance with law, the Council should purchase the land. In considering this report, the Committee resolved that:

1. The Purchase Notice be contested at any forthcoming public inquiry;
2. The site, in its existing state is capable of a beneficial use as general open amenity land;

3. As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use part of the site within Classes A1 for the stationing of a kiosk or other similar structure:

- No buildings other than a kiosk or kiosk like structure to be erected
- Site not to be used and no deliveries to the site shall take place outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2200 Saturdays
- Maximum height of any structure stationed on the site not to exceed 2.5 metres above ground level
- No Structure to be stationed within 2 metres of the existing rear-access external flight of steps serving as access to the adjacent residential block or blocking access to the use of the external flight of steps serving as access to the adjacent residential block
- Use not to commence until details of parking layout submitted and approved by Local Planning Authority
- Use not to commence until details of layout of open storage areas to be submitted and approved by Local Planning Authority
- Use not to commence until details of method of waste storage and disposal submitted to and approved in writing by the Local Planning Authority
- Space to be laid out within the site and any structures stationed on the site, in accordance with details submitted and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and to ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
- Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
- Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
- Noise levels, expressed as the equivalent continuous sound level LAeq (1 hour), calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB.

Staff are recommending this application for refusal as it is the same as a previously refused application and Staff are not satisfied that the applicant has met all of the resolutions in respect of the Purchase Notice report. This is explained further below.

However, Members are invited to consider the application in the light of the Purchase Notice decision and judge whether this is sufficient to overcome the previous grounds for refusal.

### **PRINCIPLE OF DEVELOPMENT**

The application site is designated as being within a Major Local Centre. Policy DC15 encourages proposals that will increase retail floor space. Policy DC16 states that planning permission for retail uses (Class A1) and other uses, appropriate to a shopping area (Classes A2, A3, A4, A5) in the Borough's Major Local Centres, will be granted at ground floor level. As such, the principle of an additional commercial unit of either A1 (shop) or A2 (financial and professional services) uses in this location is considered to be acceptable in principle, subject to meeting the stated criteria.

Since the proposal would be in addition to the existing shopping provision, it is considered that it would not have any adverse impact on the existing frontage's retail use provision. The proposal would provide an additional A1 unit which would increase both the percentage and length of units in retail use in this parade.

It is considered that the proposed use of the ground floor unit would be acceptable in principle.

### **DESIGN / IMPACT ON STREET / GARDEN SCENE**

The previous application under P0106.15 was refused by the Regulatory Services Committee on the ground that the single storey addition would by reason of its scale and design be a weak addition to the main building. This would result in a discordant relationship which would harm the visual amenity and result in an unacceptable impact on the streetscene.

The proposal is also considered to result in the loss of an existing open area which would by reason of its setting for the adjacent 3-storey parade, would result in a cramped visual impact, harmful to the spacing of the junction and the character of the streetscene.

The current proposal is exactly the same as the previous refusal and Members may therefore judge that the previous grounds for refusal relating to visual impact and harm to the streetscene are still relevant.

Members will however also wish to consider that, in considering the report for the Purchase Notice, it was accepted that a kiosk structure would be acceptable on this site. Therefore, it is considered that there has already been an acceptance that there would have to be a resultant loss of the existing open character of this area. However, in this case, due to the dimensions of the building (as assessed below), it is considered that a refusal based on the loss of openness can still be sustained.

There is a greater degree of judgement for Members regarding the scale and design of the building and its resultant visual impact. It is noted that the Purchase Notice report provided for a building not more than 2.5m high and 2m minimum from the rear access flight of steps. The kiosk building, as proposed, does not accord with these limitations and Members will wish to make a judgement as to whether this results in such material harm to local character and streetscene as to still constitute material grounds on which to refuse the application.

### **IMPACT ON AMENITY**

The building would be located directly to the east of No. 151 Avon Road. Given that the proposal is single storey and the front and rear building lines would be the same as that of No. 151 Avon Road, Staff do not consider the proposal to result in an adverse impact on neighbouring amenity. The new single storey structure would be situated approximately 8m from the nearest property to the north at No. 251 Front Lane.

### **HIGHWAY / PARKING**

The LDF seeks 1 parking space to be provided for the retail unit for the retail unit. No on site parking is provided.

The Planning Inspector did not consider this to be an issue in considering the previously refused applications. The NPPF places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible with parking standards. Although there is some residents parking in garages, many of the retail units and upper floor flats within the parade do not benefit from their own allocated parking. Lay-by car parking in Avon Road and wheel-up parking in

Front Lane provides parking for shop users on a short-term basis. The application site is located on a bus route. It is therefore considered that a shortfall in car parking would be acceptable in this instance. Members will note that lack of car parking did not form grounds for refusal of the previous planning application.

## **KEY ISSUES / CONCLUSIONS**

This application is the same as previously refused under application reference P0106.15 but is accompanied by further supporting information. Staff do not consider, as a matter of judgement, that the previous reasons for refusal have been addressed, although this is a matter which Members will wish to consider having regard to the Purchase Notice report of June 2014. It is therefore considered that the proposed development would be harmful in the streetscene. The proposal is recommended for refusal.

## **RECOMMENDATION**

It is recommended that **planning permission be REFUSED** for the following reason(s):

### **1. Reason for refusal - Streetscene**

The proposed single storey addition by reason of its scale and design is a weak visual addition to the main building, the discordant relationship of which would harm visual amenity and the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

### **2. Refusal non standard Condition**

The proposal, would result in the loss of an existing open area which, by reason of its setting for the adjacent three storey parade, would result in a cramped visual impact, harmful to the spacing of the junction and the character of the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

---

## **INFORMATIVES**

### **1. Refusal - Amendments requested not made ENTER DETAILS**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were suggested to the agent via letter on 23 July 2015, in advance of the this submission being lodged. The revisions involved a reduction in the scale of the building. The applicant declined to make the suggested revisions.





# REGULATORY SERVICES COMMITTEE

# REPORT

19 June 2014

**Subject Heading:**

Section 137 Town and Country  
Planning Act 1990 - Purchase Notice in  
relation to Land adjacent to 151 Avon  
Road, Upminster RM14 1RQ  
Helen Oakerbee Planning Control  
Manager 01708 432800  
helen.oakerbee@havering.gov.uk

**Report Author and contact details:**

**Policy context:**

Local Development Framework  
London Plan, Planning Policy  
Statements/Guidance Notes

**Financial summary:**

Were a Purchase Notice to be upheld at  
appeal in respect of the above land the  
Council would be required to purchase  
the land.

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

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

## SUMMARY

This report concerns the service of a Purchase Notice on the Council dated 24<sup>th</sup> March 2014 by the owners of land adjacent to 151 Avon Road, Upminster RM14 1RQ, shown hatched on the attached plan, following the refusal of planning permissions to develop the site. The owners claim that the land has become incapable of beneficial use in its existing state and cannot be rendered capable of a reasonably beneficial use and therefore, in accordance with Section 137 of the Town and Country Planning Act, the Council should purchase the land. The Council contested the Notice and the Secretary of State will issue a preliminary decision on the Purchase Notice should the Secretary of state in their preliminary decision reject the Purchase Notice, if the claimant so chooses, the claimant can request that their claim be heard by way of public inquiry.

The land in question has been subject of a number of planning applications. The most recent planning application on the land adjacent to 151 Avon Road, was made under planning reference P1160.12 and proposed a ground floor retail use within Use Classes A1 and A2 with a 2 bedroom maisonette at first and second floor levels. The application was refused under the Head of Regulatory Services delegated powers and was subsequently subject to appeal to the Secretary of State. The Secretary of State dismissed the appeal (Reference: APP/B5480/A/13/2199255) primarily because the proposal would be harmful to the character and appearance of the site and the surrounding area contrary to Policy DC61 of the Council's Core Strategy and Development Control Policies Development Plan document (DPD) 2008. There were three previous applications on the site which were refused; P0175.11 proposed a ground floor retail use within Use Classes A1 and A2 with a 3 bedroom maisonette; P1537.09 proposed a ground floor retail use within Use Classes A1 and A2 with a 3 bedroom maisonette, side dormer, external staircase and amenity space and P1278.09 proposed a ground floor retail use within Use Classes A1 and A2 with a 3 bedroom maisonette, external staircase and amenity space. P0175.11 was dismissed at appeal in November 2011 and P1537.09 was dismissed on appeal in July 2010.

It is considered that the land or part of the land is capable of beneficial use in its existing state either for parking of vehicles, use for the stationing of structures/kiosk pursuant to uses class A1, stationing of tables and chairs ancillary to the use of the ground floor of 151 Avon Road as a takeaway (use class A5) or general amenity land. It is further considered that the site could be rendered capable of a reasonably beneficial use for the time being for a number of uses, including parking of vehicles, stationing of a structure/kiosk within use class A1 stationing of tables and chairs ancillary to the use of the ground floor of 151 Avon Road as a takeaway (use class A5) or general amenity land. As part of any future Purchase Notice Inquiry staff consider following legal advice that an undertaking should be given that planning permission would be granted for these uses, subject to conditions. It is therefore recommended that the Council contest the Purchase Notice and undertake to grant planning permission for the uses outlined in this report.

## RECOMMENDATIONS

That members resolve that:

- (1) The Purchase Notice be contested at any forthcoming public inquiry;
- (2) The site, in its existing state is capable of a beneficial use as general open amenity land;
- (3) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use part of the site within Classes A1 for the stationing of a kiosk or other similar structure:
  - No buildings other than a kiosk or kiosk like structure to be erected
  - Site not to be used and no deliveries to the site shall take place outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2200 Saturdays
  - Maximum height of any structure stationed on the site not to exceed 2.5 metres above ground level
  - No Structure to be stationed within 2 metres of the existing rear-access external flight of steps serving as access to the adjacent residential block or blocking access to the use of the external flight of steps serving as access to the adjacent residential block
  - Use not to commence until details of parking layout submitted and approved by Local Planning Authority
  - Use not to commence until details of layout of open storage areas to be submitted and approved by Local Planning Authority
  - Use not to commence until details of method of waste storage and disposal submitted to and approved in writing by the Local Planning Authority
  - Space to be laid out within the site and any structures stationed on the site, in accordance with details submitted and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and to ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
  - Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
  - Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
  - Noise levels, expressed as the equivalent continuous sound level LAeq (1 hour), calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB.
- (4) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use the site for the parking of vehicles subject to the following conditions:

- Maximum of 2 vehicles no greater in size than a transit van to be kept on the site at any time
  - No buildings to be erected on the site including temporary buildings and demountable buildings.
  - Space to be laid out within the site, in accordance with details submitted to and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
  - Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
  - Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
- (5) As part of any Purchase Notice Inquiry, an undertaking to grant planning permission be given to use part of the site within Classes A5 for the stationing of tables and chairs ancillary to the use of the ground floor of 151 Avon Road as a takeaway (use class A5):
- No buildings including temporary or demountable buildings to be erected
  - Site not to be used and no deliveries to the site shall take place outside the hours of 0800 to 2200 Monday to Friday and 0800 to 2200 Saturdays
  - No tables and chairs to be stationed within 2 metres of the existing rear-access external flight of steps serving as access to the adjacent residential block or blocking access to the use of the external flight of steps serving as access to the adjacent residential block
  - Use not to commence until details of parking layout submitted and approved by Local Planning Authority
  - Use not to commence until details of layout of the area/s for tables and chairs to be submitted and approved by Local Planning Authority
  - Use not to commence until details of method of waste storage and disposal submitted to and approved in writing by the Local Planning Authority
  - Parking space to be laid out within the site and tables and chairs to be stationed on site, in accordance with details submitted and approved in writing by the Local Planning Authority, to enable vehicles to enter from Front Lane and exit onto Front Lane in forward gear and to ensure that the use of the rear-access flight of steps serving the residence at first floor of the adjacent block is not obstructed.
  - Use not to commence until details of external lighting submitted to and approved in writing by the Local Planning Authority
  - Use not to commence until details of boundary treatment submitted to and approved in writing by the Local Planning Authority
  - Noise levels, expressed as the equivalent continuous sound level LAeq (1 hour), calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -5dB.

## REPORT DETAIL

### 1. Site Description

- 1.1 The subject site of this report is an area of land about 0.008 hectares (80 square metres) in size adjacent to 151 Avon Road, Upminster RM14 1QR at the corner of Front Lane and Avon Road. There are 2 small trees located on the site. There is no physical boundary between the adopted footway and the site which is hard-surfaced and includes the approach to and the external flight of steps that serves as pedestrian access to the first floor maisonettes above the commercial units in the adjacent block of which 151 Avon Road forms the part. The adjacent block fronts onto Avon Road and to the rear of the land adjacent to 151 Avon Road (subject of the Purchase Notice) there is a service road. Currently part of the land is used for the parking of vehicles.
- 1.2 The site is immediately adjacent to a Major Local Centre designated in the LDF. Policy DC15 encourages the increase in retail floor space. Other uses within Classes A2, A5, A4, A5 would in principle be acceptable within this Major Local Centre at ground floor level.
- 1.3 The site has been subject to four planning applications all of which were refused with the three most recent refusals being appeal and all three appeals being dismissed by the Secretary of State. The details are set out in the summary to this report.
- 1.4 On 24<sup>th</sup> March 2014, agents acting for the owner of the site served upon the Council a Purchase Notice under Section 137 of the Town and Country Planning Act 1990, on the basis that (i) the land had become incapable of reasonable beneficial use in its existing state; and (ii) the land could not be rendered capable of reasonable beneficial use by the carrying out of any other development for which permission had been granted, or is deemed to be granted, or for which the Local Planning Authority or the Secretary of State had undertaken to grant planning permission.
- 1.5 The consequence of accepting the Purchase Notice or it being confirmed by the Secretary of State would be that the Council would have to purchase the land.

### 2. Description of Proposal

- 2.1 Following legal advice, the Council informed the Planning Inspectorate (who adjudicate in Purchase Notice matters) that it was not willing to accept the Purchase Notice for the following reasons:

1. Although planning permission has been refused for the whole of the land for Class A1/A2 at ground floor and residential development above, the land nevertheless has a reasonable beneficial use in whole or in part. Where an owner of land claims that his land has become incapable of reasonably beneficial use, he is regarded as making the claim in respect of the whole land in question. Therefore, if part of the land is found to be capable of reasonable beneficial use, it follows that the owner of the land has not substantiated his claim;

2. In particular, the site adjacent to 151 Avon Road, is capable of accommodating the parking of vehicles. Consequently, the Secretary of State cannot be satisfied that the condition specified in s.137 of the Act has been fulfilled in respect of the whole land;

3. (It should be noted that the land was subject to a planning application under planning reference P1071.08 for use of the premises at 151 Avon Road, Upminster for hot food takeaway and included within the red-line application site plan the land subject to the Purchase Notice. That application appears to have been implemented and 151 Avon Road is currently being used as a takeaway. Therefore either the land subject to the Purchase Notice has the benefit of an implemented planning permission or the Council has granted planning permission that would if implemented benefit the land subject of the Purchase Notice.) Part of the land would also be capable of stationing of tables and chairs ancillary to the use of the ground floor of 151 Avon Road as a takeaway (use class A5 subject to layout and appropriate planning conditions to safeguard residents amenity;

4 Part of the land would be capable of containing a kiosk or a kiosk like structure/s pursuant to Class A1 (shop) subject to layout and appropriate planning conditions to safeguard residents amenity;

5. There has been no evidence put forward by the owner that there is no reasonable prospect of selling or letting the land for any purpose, were its availability to be made known locally. There should be some evidence to show attempts have been made to dispose of the owner's interest in the land before being satisfied that the land has become incapable of reasonably beneficial use.

6. The local authority would further say that they have not found any other local authority or statutory undertaker who would agree to comply with the Notice in the place of the Council.

2.2 The Council has served a counter notice in response to the Purchase Notice and the Secretary of State will consider the counter-notice and make a preliminary assessment. Notwithstanding the preliminary assessment under Section 140(3) of the Act the owner is entitled to require the Secretary of State afford him an opportunity of being heard before any final determination was made.

### **3. Beneficial Use of the Site in its Existing State**

- 3.1 Save for Planning Permission Reference P1071.08, referred to above, the site does not have the benefit of any planning permission and so currently could only be put to uses that are either not defined as development, fall within planning permission P1071.08 or are permitted development.
- 3.2 In this regard it is considered that the site could be used as private informal open space (private amenity space), without the need to obtain planning permission.
- 3.3 Staff therefore recommend that the Purchase Notice be resisted on the ground that the land could have an existing beneficial use for the time being as private informal open space or a use ancillary to the takeaway use under planning permission reference P1071.08.

### **4. Can the Land be Rendered Capable of Beneficial Use**

- 4.1 Notwithstanding Staff's view that the land is capable of beneficial use in its existing state, it is considered that further weight to resisting the Notice would be given by considering what uses of the land may be granted planning permission, should an application be forthcoming.
- 4.2 The procedures in Purchase Notices are a little unusual in that in suggesting uses that may be acceptable the Council is actually undertaking to grant planning permission, should an application be made. The Council could not refuse permission - it is therefore with caution that any uses are put forward, on the basis that neighbour notification and other usual processes have not been undertaken. A full consideration of the planning merits of the uses suggested is provided. Members should be aware that accepting any of the uses suggested below amounts to the granting of planning permission.
- 4.3 The site in question is vacant and located at the junction of Front Lane and Avon Road. A parade of shops immediately adjacent to the site fall within a Major Local Centre. Were Policies DC15 and DC16 of the Core strategy and Development Control Policies Development Plan Document applied by extension to this site, in principle A1 (shop) or A2 (financial and professional services) would be acceptable, subject to meeting the detailed criteria in policies DC15 and DC16. An A1 use would meet the detailed criteria of policy DC16 and potentially increase the percentage of retail uses in an extended parade of shops within the Major Local Centre. In this case an A2 use would be acceptable if the grouping of non-retail A2-A5 which resulted did not exceed a grouping of 3 or more non-retail uses and the percentage of non-retail uses did not exceed 33% of the frontage. Even with these constraints, it is considered that a beneficial use of the land could be made (and planning permission granted) for each of these uses subject to the appropriate planning conditions.

## 5. **Use for the Parking of Vehicles**

- 5.1 Principle – There are no site specific policies that affect the site that would preclude the parking of vehicles, subject to appropriate planning conditions.
- 5.2 Visual Impact - subject to appropriate conditions requiring details of layout and restricting the numbers and types of vehicles with appropriate boundary treatment, etc., parking would not be detrimental to visual amenity, in accordance with Policy DC61 of the LDF.
- 5.3 Residential Amenity – Condition would restrict the layout of any parking arrangements so that the access to the maisonettes at the first floor level in the adjacent block was not impeded. Use for parking of vehicles may result in some increased noise and disturbance from vehicle movements. However, in this case, the site is already subject to some noise due to the proximity of the adjacent highway as it is situated at the corner of Avon Road and Front Lane which are both busy thoroughfares. Use for vehicle parking is considered to be in accordance with Policies DC55 of the LDF.
- 5.4 Highways and Access – There is a Service Road to the rear of the site and the adjacent block which is currently being used to access the site and park vehicles. Subject to a condition that vehicles enter from and exit onto Front Lane in forward gear and the conditions referred to in the recommendation it is considered that the use for parking vehicles would not result in any highway concerns, in accordance with Policy DC32 of the LDF.
- 5.5 It is therefore recommended that, in relation to the resisting of Purchase Notice, an undertaking be given to grant planning permission for use of the land for parking of vehicles, subject to conditions.

## 6. **Independent Use of part of the land for the stationing of a kiosk falling within use class A1**

- 6.1 Principle - The site immediately adjoins the parade of shops which fall within a Major Local Centre where Policies DC15 and DC16 of the Core strategy and Development Control Policies Development Plan Document apply. If those policies are applied by extension to this site, in principle A1 (shop) would be acceptable, subject to meeting the detailed criteria in policies DC15 and DC16. An A1 use would meet the detailed criteria of policy DC16 and potentially increase the percentage of retail uses of an extended Major Local Centre. In this case an A1 use would be acceptable subject to the appropriate planning conditions protecting residential amenity.
- 6.2 Visual Impact - There are no concerns over the visual impact of using the site for limited A1 subject to the appropriate planning conditions this would be in accordance with Policy DC61 of the LDF
- 6.3 Residential Amenity – Subject to the necessary planning condition there are no issues with regard to impact on residential amenity.



- 6.4 Highways and Access - No new vehicular access would be required.
- 6.5 It is therefore recommended that, in relation to the resisting of Purchase Notice, an undertaking be given to grant planning permission for use of the land (or part thereof) subject to the appropriate planning condition referred to in the report and the Recommendation for A1 use.

**7. Use of part of the land for the stationing of tables and chairs ancillary to the ground floor use of 151 Avon Road as a takeaway (Class A5)**

7.1 Principle - The site immediately adjoins the parade of shops which fall within a Major Local Centre where Policies DC15 and DC16 of the Core strategy and Development Control Policies Development Plan Document apply. If those policies are applied by extension to this site, in principle a use ancillary to the neighbouring use of the ground floor of 151 Avon Road as A5 (takeaway) would be acceptable as it would extend rather than increase the number of A5 uses, subject to meeting the detailed criteria in policies DC15 and DC16. An ancillary A5 use would in the circumstances meet the detailed criteria of policy DC16 in an extended Major Local Centre. In this case an A5 use would be acceptable subject to the appropriate planning conditions protecting residential amenity.

7.2 Visual Impact - There are no concerns over the visual impact of using the site for limited A5 subject to the appropriate planning conditions this would be in accordance with Policy DC61 of the LDF

7.3 Residential Amenity – Subject to the necessary planning condition there are no issues with regard to impact on residential amenity.

7.4 Highways and Access - No new vehicular access would be required.

7.5 It is therefore recommended that, in relation to the resisting of Purchase Notice, an undertaking be given to grant planning permission for use of the land (or part thereof) subject to the appropriate planning condition referred to in the report and the Recommendation for ancillary A5 use.

**11. Conclusion**

Having regard to all relevant factors and material planning considerations Staff are of the view that these proposals would be acceptable. Staff are of the view that due to the siting, scale and location the proposals subject to the imposition of appropriate planning conditions would not be disproportionate or have a harmful impact on the character of the street scene or result in a loss of amenity to neighbouring occupiers. The proposals are considered to be acceptable in all other respects and it is therefore recommended that members undertake to grant planning permission as detailed in the report and Recommendation subject to conditions.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Further legal resources will be required should the matter proceed to inquiry and in any event in dealing with the response to the Purchase Notice.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

#### **(a) Equalities Implications and risks:**

Section 149 of the Equalities Act 2010(EA) consists of a general equality duty, for the public sector and specifies duties which came into law on 10 September 2011, in England and 6 April, in Wales and consolidates and incorporates “positive equalities duties” found in Section 71 of the Race Relations Act 1976. (RRA) The general duty of Section 149(EA) came into force on 5 April 2011.

Section 49 of the Disability Discrimination Act 1995 (DDA) and Section 76(A) of the Sexual Discrimination Act 1975(SDA) so that due regard must be had by the decision maker to specified equalities issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998. Article 8 – Right to respect for private and family life is not an absolute but a qualified right. Having considered the above Equalities Act duty there are no direct equality issues raised. The individual on whose behalf the Purchase Notice has been served is professionally represented in this matter.

## BACKGROUND PAPERS

None

# REGULATORY SERVICES COMMITTEE

17 December 2015

# REPORT

**Subject Heading:**

**P0778.15 - Lombard Court, Romford**

**Demolition of existing two storey sheltered accommodation block and erection of 9 terraced houses (Received 21/07/15)**

**Ward:**

**Brooklands**

**Report Author and contact details:**

**Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800**

**Policy context:**

**Local Development Framework  
The London Plan  
National Planning Policy Framework**

**Financial summary:**

**None**

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

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

## SUMMARY

The proposal is for the demolition of an existing two storey sheltered accommodation block and the erection of 9 terraced houses

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

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

## RECOMMENDATIONS

That the Committee notes that the development proposed is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as the proposed floor area is less than the existing floor area.

That planning permission be granted subject to the conditions set out below

### 1. Time Limit

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

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

### 2. In Accordance with Plans

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

**Reason:** The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

### 3. Parking Provision

Before any of the flats hereby permitted are first occupied, 14 no. car parking spaces shall be laid out to the full satisfaction of the Local Planning Authority.

Thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials, which shall match those of the existing 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 external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

#### 5. Landscaping

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

**Reason:** 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. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be 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 Policy DC61.

#### 7. Cycle Storage

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

**Reason:** 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.

#### 8. Hours of Construction

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

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

#### 9. Construction Methodology

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

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

- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

**Reason:** 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.

#### 10. Wheel washing

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.

11. Contaminated Land (1)

(1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority);

a) A Phase II (Site Investigation) Report is required. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions identified in the Desktop Study. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

**Reason:** 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.

12. Contaminated Land (2)

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



detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

**Reason:** 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.

### 13. Pedestrian visibility splay

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

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

### 16. Vehicle access

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

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

### 14. Boundary treatment

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

**Reason:** 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, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## 15. Accessibility

All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

**Reason:** In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

## 16. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extensions, roof extensions, roof alterations or outbuildings, aside from outbuildings less than 10 cubic metres, shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

## INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..
2. Statement Required by Article 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. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
4. Please note that by virtue of Condition(s) 15, you are required to notify the relevant Building Control body of these conditions as part of any application.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises a two storey building which is situated to the north western of Poplar Street, Romford approximately 50m from the junction with Mawney Road. The premises currently contain 19 retirement flats which are utilised as sheltered housing. The bulk of the existing building on site is well set back from Poplar Street with a large open area and parking situated to the front.
- 1.2 The surrounding area is characterised by a mixture of residential properties ranging from 2-storey semi-detached and terraced dwellings to detached bungalows.

### 2. Description of Proposal

- 2.1. The proposal is for a terrace of 9 two storey residential dwellings. The dwellings will maintain the existing building line along Poplar Street and will have a brick finish.
- 2.2 Parking will be provided to the front of the dwellings and would consist of 1 no. space for the 2-bedroom units and 2 no. spaces for the 3-bed units.
- 2.3 Private amenity space would be provided to the rear of the dwellings of approximately 90m<sup>2</sup>.
- 2.4 The internal layout and in particular the hallway has been designed in such a way that it will have sufficient space to hang 2 cycles, one above the other. Bin storage would be integral to the front elevation for the 3-bed units and a brick refuse store adjacent to the parking spaces for the 2-bed units.

### 3. Relevant History

- 3.1 No recently recorded relevant history

### 4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 58 properties and 4 letters of objection were received. The comments can be summarised as follows:
- design is out of keeping with the properties in the street
  - noise and disturbance as a result of construction
  - insufficient parking provision
  - hardstanding will cause flooding and drainage problems

- property too close to neighbours on the south-western boundary
- potential damage to trees bushes and fencing at rear of neighbouring garden

4.2 The following consultation responses have been received:

- The London Fire Brigade - no objection
- Thames Water - no objection request an informative
- Environmental Health - no objection
- Highways - no objection in principle, requested a condition for visibility splays, vehicle access and vehicle cleansing.

## 5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Other relevant documents include the Residential Design SPD, and Planning Obligation SPD (Technical Appendices)

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.16 (waste self-sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.

5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## 6. Staff Comments

6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

## 6.2 *Principle of Development*

- 6.2.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 6.2.2 The proposal is for the redevelopment of the existing residential site. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan.
- 6.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its ongoing use for residential purposes is therefore regarded as being acceptable in principle.

## 6.3 *Density/ Layout*

- 6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.3.2 The proposal would provide 9 no. residential dwellings at a density equivalent to approximately 47 dwellings per hectare. This complies with the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.
- 6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 6.3.4 For 2-bedroom 4-person dwellings the minimum internal space requirement is set at 79 square metres. For 3-bedroom 6 person dwellings the minimum standard is set at 102 square metres.
- 6.3.5 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.3.6 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 6.3.7 Staff are of the view that the proposed rear garden areas for the proposed terraced dwellings are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

#### 6.4 *Design/Impact on Streetscene*

- 6.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.4.2 The proposal would result in the removal of an existing two storey building which is set back in the site and its replacement with a terrace of 9 new homes which will be set forward in line with the prevailing building line of Poplar Street. The proposed row of dwellings would result in a reduction in floor area compared to the existing building on site and would be similar in height to that of the terraced properties opposite
- 6.4.3 In terms of design and visual appearance, Staff are of the opinion that the development would have an acceptable appearance with no harmful impact to the character of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring dwellings, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework and the Residential Design SPD.

#### 6.5 *Impact on Amenity*

- 6.5.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.
- 6.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the residential dwellings to the northeast along Poplar Street and southwest along Mawney Road. To the northwest the application is bordered by a retail premises and to the southeast by Poplar Street.
- 6.5.3 Officers do not consider the proposal to have a harmful impact on the neighbouring occupiers to the northeast as there is a separation distance of approximately 6m between the proposed building and this neighbouring bungalow. No flank windows are proposed and no overlooking would therefore result.
- 6.5.4 Although the proposal will be constructed close the rear boundary of the properties at No. 144 and 142 Mawney Road it is not considered to result in an unacceptable impact in terms of outlook as there would be a separation distance of approximately 27m between the new building and these residential dwellings. Any potential impact would be further mitigated by large single storey outbuilding situated on the rear boundaries of these neighbouring properties. It should be noted that the proposed terrace is only slightly closer to the south-western boundary than the existing building,

although it is recognised that the siting of the terrace of the plot differs significantly from existing building. No flank windows are proposed.

6.5.5 It is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

## 6.6 *Environmental Issues*

6.6.1 Environmental Health has raised no objection to the proposal provided that a contamination condition is added in the event of an approval as the subject site is located within a 50m buffer zone of a factory or works site as well as a 250m buffer zone of a waste and landfill site with medium and low risk.

## 6.7 *Parking and Highway Issues*

6.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) for the site is set at 1-2 meaning that the site is classified as having relatively low access to public transport. Residential development in this location is required to provide car parking provision of 1.5-2 spaces per unit.

6.7.2 The proposal can demonstrate a total of 14 no. off-street car parking spaces within the site to cater for the proposed 9 no. residential dwellings. The car parking provision would be situated to the front of the dwellings. The parking provision would result in a ratio of 1.5 parking spaces per unit which is considered acceptable and in accordance with Policy DC2.

6.7.4 It is therefore considered that the proposed car parking arrangements are acceptable and would not result in highway safety or parking issues.

## 6.8 *Mayoral Community Infrastructure Levy*

6.8.1 The development proposed is not liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 as the proposed floor area is less than the existing floor area.

## 6.9 *Infrastructure Impact of Development*

6.9.1 The proposal would not be liable for an educational contribution as the amount of units proposed (9) is less than the existing number of units on site (19). The proposal would therefore result in a reduction in the amount of existing units. Although the current use of the premises is for sheltered accommodation and would be different than the proposed units which would be more family orientated there is no condition limiting the nature of their occupation and they could therefore be occupied by smaller families.

6.10 *Other*

6.10.1 The internal layout and in particular the hallway has been designed in such a way that it will have sufficient space to hang 2 cycles, one above the other. Bin storage would be integral to the front elevation for the 3-bed units and a brick refuse store adjacent to the parking spaces for the 2-bed units

**7. Conclusion**

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

7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. The proposal is considered to be acceptable in all material respects.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

The application relates to a land which is within the Council's ownership. This does not affect the planning considerations relating to this development.

**Legal implications and risks:**

None.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 21 July.



**REGULATORY  
SERVICES  
COMMITTEE**

17 December 2015

**REPORT**

**Subject Heading:**

**P1454.15: Lodge Farm Park, Main Road/Carlton Road, Romford**

**Proposal to build a 7 1/4" gauge railway in Lodge Farm Park with a 2.4m x 12.2m railway store building (Application received 4 October 2015).**

**Ward**

**Romford Town**

**Report Author and contact details:**

**Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800**

**Policy context:**

**Local Development Framework  
The London Plan  
National Planning Policy Framework**

**Financial summary:**

**None**

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

Havering will be clean and its environment will be cared for	<input type="checkbox"/>
People will be safe, in their homes and in the community	<input type="checkbox"/>
Residents will be proud to live in Havering	<input checked="" type="checkbox"/>

**SUMMARY**

The proposal is for the construction of a miniature railway within Lodge Farm Park, Gidea Park. The railway will be run by a railway club and operated for both

private and public use. The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted.

**RECOMMENDATIONS**

That planning permission be granted subject to the following conditions:

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

Reason:-

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

2. Accordance with Plans

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

Reason:-

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

3. Hours of Operation

The miniature railway hereby approved shall not be operated, nor any routine maintenance undertaken, outside the hours of 09:00-17:00 hours Monday to Sunday with the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. Contaminated Land

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

b) Following completion of the remediation works as referred to 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.

#### 5. Removal and Remediation

Upon final cessation of the operation of railway, the track, storage container and all associated structures and paraphernalia shall be entirely removed from the site and the land reinstated to its former condition in accordance with details to be agreed by the Local Planning Authority, in conjunction with the LB Havering Parks Service.

Reason:-

To ensure that the condition and appearance of Lodge Farm Park is maintained, in the interests of amenity and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### 6. Use of Locomotives

Before any locomotive is allowed to operate on the railway it must achieve the following standard: Noise levels expressed as the equivalent continuous sound level LAeq (5 minutes) when measured at a distance of five metres from the locomotive shall not exceed 85dB. Any assessment undertaken shall include both the locomotive idling and pulling away.

Reason:-

To prevent noise nuisance to nearby residents and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### 7. Fuels

All fuels to be used in the operation of the steam trains shall be smokeless fuels that are suitable for use within a smokeless zone.

Reason:-

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

INFORMATIVES:

1. The applicant is advised that the construction and operation of the railway will be required to comply with the guidance set out in the Britains Great Little Railways (BGLR) Miniature, Narrow Gauge Railway Safety Policy and Standards, as set out in Health and Safety Guidance HSG216 (Passenger-carrying miniature railways – Guidance on Safe Practice) at all times.
2. 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.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The application site is sited within Lodge Farm Park, which is located to the south side of Main Road and runs in a linear fashion in a southerly direction towards Carlton Road. There is vehicular access to the park, leading to car parking areas, at both the Main Road and Carlton Road entrances.
- 1.2 This is a well-established park, which includes children's play area and outdoor fitness area, tennis courts, a pavilion and bowling green. There are residential dwellings which back on to both the eastern and western site boundaries.

### 2. **Description of Proposal**

- 2.1 The proposal is to build a 7 ¼" gauge miniature railway within Lodge Farm Park. This comprises the laying of a track that runs through the park in a north/south direction, with a loop at either end. The southerly end of the track would start within the bowls green complex, adjacent to the bowls club house and a former, un-used bowling green. It would exit the bowling green compound in its north-westerly corner and extend northwards towards the outdoor gym equipment in the centre of the park, before

looping back round and down again. The track laying would require minimal excavation, approximately 185mm, to lay a crushed stone and ballast base, which is capable of removal when the tracks are no longer required.

- 2.2 The proposal includes the provision of a storage container, which would be sited within the existing bowling green complex. The building measures 12m long and 2.4m deep and would be used to store equipment, primarily the locomotives. The building will have a pitched roof and be clad in corrugated tin and painted in historically accurate colours to reflect traditional railway buildings. There are two 'station' areas, demarcated by paving, where some low level picket fencing will be erected.
- 2.3 The railway will be run as a ride-on facility for the public and for private running. It is intended initially that it will primarily be available on Sunday afternoons during the summer, although other sessions may be available depending on demand and sufficient volunteers to operate the railway.

### 3. **History**

- 3.1 None relevant to this application.

### 4. **Consultation/Representations**

- 4.1 Neighbour notification letters were sent to over 200 local addresses and site notices were also erected within the park. 26 letters of representation have been received objecting to the proposal on the following grounds:

- Layout will take up too much of the park
- Spoils the existing character of the park
- Storage building will be an eyesore and seems unnecessarily large
- Noise levels
- Need to ensure footpath/cycle path remains safe
- Security considerations/potential for vandalism
- Will attract more anti-social behaviour
- Parking issues
- Health and safety concerns
- Impact on trees and shrubs
- Funding for maintenance
- Overlooking and loss of privacy
- Impact on nature conservation and wildlife
- Insufficient time to comment on application
- Increased litter
- Park has insufficient amenities to support this proposal
- Who will restore the park afterwards
- Pre-application consultation with residents doesn't reflect current proposals
- Smoke pollution
- Impedes access to the outdoor gym and prevents outdoor sporting activity

In addition 12 letters of support have been received commenting as follows:

- will increase visitor numbers to the park
- cheap attraction for visiting families
- adds to park amenities
- encourages more people to enjoy the outdoors
- will encourage school children in science, technology and maths

The Friends of Raphael & Lodge Farm Parks also support the application on the grounds that it would be a good new amenity for families and children, as well as facilities for special needs users and education opportunities for local schools. They comment that work has been done pre-application, including running temporary railway rides earlier in the year for feedback.

4.2 Highways raise no objection to the proposals but wish to ensure the treatment of the footway/cyclepath is suitable.

4.3 Environmental Health raise no objections but suggest a precautionary approach to potential for land contamination.

## 5. **Relevant Policy**

5.1 The National Planning Policy Framework is a material planning consideration.

5.2 Policies 3.16 (protection and enhancement of social infrastructure), 3.19 (sports facilities), 6.9 (cycling), 6.10 (walking) 6.13 (parking), 7.4 (local character), 7.5 (public realm), 7.18 (protecting open space and addressing deficiency), 7.19 (bio-diversity and access to nature), 7.21 (trees and woodland) of the London Plan are relevant.

5.3 Policies C7, CP9, CP16, CP17, DC18, DC20, DC32, DC33, DC60, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document are a material consideration.

## .6. **Staff Comments**

6.1 The issues arising from this application are the acceptability of the development in principle, the impact on the character, amenity and quality of Lodge Farm Park, the impact on residential amenity and parking and highway issues.

## 6.2 **Principle of Development**

6.2.1 The application will provide an additional recreational facility within Lodge Farm Park. Policy CP7 generally supports access to informal and formal recreation and a range of leisure opportunities and it is considered the addition of the miniature railway is likely to encourage greater use of the park.

6.2.2 Policy DC18 seeks the retention and enhancement of public open space and recreation, sport and leisure facilities. The proposal will not result in the loss of any existing park facilities but it is judged will enhance the range of attractions on offer. The Council's Parks Service are supportive in principle of the proposals and have liaised with the applicant to agree on a route for the railway that is considered to have an acceptable impact on the park and other park users. The Council will retain responsibility for all landscaping maintenance, including any cutting back of trees, hedges, within the park and it is not therefore considered that the proposal will lead to any adverse impact on existing landscape features within the park. It is therefore considered that there is no, in principle, objection to the proposal in terms of its siting within a park.

### **6.3 Impact on Character and Amenity of the Park**

6.3.1 As noted above, the route of the proposed railway track has been agreed in consultation with the Parks Service. The route has been considered taking into account the location of other facilities within the park, such as the play area and outdoor gym, the relationship with existing landscaping, the proximity of neighbouring residential property and safety considerations. The main 'station' end of the railway will be located within the compound around the former bowling green and seen against the backdrop of the bowls clubhouse. As such, it will be well screened against wider views by existing trees and bushes which surround the compound. The proposed storage container will be located within this compound, which mitigates its visual impact within the wider park area. The storage container will also be externally dressed to add pitched roof detailing and a corrugated tin cladding that will be painted in historically accurate colours relating to railway heritage. The visual impact of the storage container is therefore judged to be acceptable.

6.3.2 The track itself is laid on the ground with relatively minor excavation to create a sub-base. Given its low profile and the route followed by the track Staff consider that the track has an acceptable visual impact and is not materially harmful to the open character and pleasant landscaped aspect of the park. Any cutting back or maintenance of trees and bushes would be undertaken by the Parks Service, as at present, so would be undertaken in a controlled manner with due regard to maintaining the visual amenity of the park.

6.3.3 A second 'platform' will be created adjacent to the outdoor gym equipment. This would comprise only some low level paving and some sections of picket fencing to the station areas, with a knee rail, where required. The fencing proposed is low level and not extensively used and it is not judged this would detract from the open aspect of the wider park environment. The proposal is not considered to adversely affect the functioning or use of other facilities within the park, including the use of the children's play area or the outdoor fitness gym.

## **6.4 Impact on Amenity**

- 6.4.1 The purpose of the railway is primarily to act as an attraction to users of the park, expected mainly to be families with young children, although there would also be some private use by miniature railway enthusiasts. The park is a public amenity and, as such, it is judged that residents living adjacent to the park may expect levels of noise and activity commensurate with a public area. The proposed railway is not expected to result in levels of general activity that would be beyond that reasonably expected within a public park.
- 6.4.2 The railway operating hours would be largely seasonal and would mainly be limited to the weekend. At present, operation on Sunday afternoon during summer is anticipated, although it is considered this could increase if the venture were successful. Operating hours largely depend on the popularity of the attraction, weather conditions and the availability of volunteers. Staff consider that it would be reasonable to limit the hours of operation to daytime use to ensure a reasonable balance between use of the facility and the amenity of adjoining occupiers. There will also be maintenance requirements, which it is considered could be accommodated within stipulated operating times. Staff have considered noise levels arising from the operation of the railway. The use of electric and steam locomotives will result in limited additional noise impacts within the park, although there is potential for greater disturbance if petrol locomotives are used. A condition could be imposed requiring all locomotives to be used to meet acceptable noise standards, in accordance with advice given by Environmental Health. Consideration has also been given to the likely impacts of associated noise, primarily through the blowing of whistles. Staff consider it would not be reasonable to prevent their use altogether as it is beneficial to the safe operation of the railway and is used to signal when the ride is starting and ending and to warn other park users if need be. It is also noted that the applicant intends to use reasonable endeavours to use them only for purposes of safety and avoid excessive use. Staff do not consider there would be unreasonable noise from the use of whistles. It is noted that the Council, as landowner, would maintain overall control of the site and would be able to curtail the operation of the railway if it was resulting in undue harm to neighbouring amenity. Steam trains that are running from the site will only use fuels that are appropriate for use in smokeless zones.
- 6.4.3 The start/end point of the route is within the compound of the former bowling green, located towards the southern end of the park. The track exits the compound, which is enclosed by metal railings, in its north-western corner and the track crosses the existing footway/cycle path and runs along the western side of the footpath before looping round the outdoor gym and running back. In terms of the relationship with neighbouring properties that back on to the park, the track will be around 7m from the western boundary of the park at its closest point. The railway will also be separated from the nearest properties in Kingston Road by Blacks Brook, which creates a further buffer from the track, as does



landscaping and boundary treatments. It is judged therefore that the proposal would not result in a material loss of privacy or amenity to residents in Kingston Road.

6.4.4 There are a number of residential properties in Lodge Avenue that back on to the eastern boundary of the site, including the area of the former bowling green. The storage building will be in the region of 7m from the eastern site boundary, track distance will vary between around 2m at the closest point, increasing to a distance of around 10m away. Staff do not consider, as a matter of judgement, that the operation of the railway would give rise to material levels of noise and disturbance or impact on privacy that is beyond what could be reasonably be expected from a public recreational area. The Lodge Avenue houses back on to a park and it is reasonable to expect some levels of noise and activity from such a relationship. The railway will be controlled and operated by the railway club and its use can be restricted to reasonable hours so that impact on amenity is not unduly harmful. Environmental Health have not raised any objection to the proposal on noise grounds. The compound will remain secure and lockable when the railway is not in use, thereby preventing any material harm to security.

6.4.5 Consideration has been given to the need for security within the site. In part, this is the reason for providing a secure storage container for locomotives and associated equipment. This is also partly the reason for siting this within the bowling green compound as the gates to the compound are lockable and will be secured, as they are now, when the facility is not in use. Staff are satisfied that the proposal will not result in any increased security risk within the park.

## **6.5 Parking and Highways**

6.5.1 Lodge Farm Park is served by two car parks, one at the northern and one at the southern end of the site. The proposed miniature railway will enhance the attractions available at the park and so could result in increased visitors to the park when the railway is in operation. The park does provide parking facilities and not all visitors to the park are expected to visit by car.

6.5.2 Highways have raised no objection to the proposals in terms of car parking and it is considered there are no material grounds to refuse the proposal on the grounds of increased parking demand as there is no evidence this would result in harm to the functioning of the highway.

6.5.3 The route of the proposed track will traverse the existing footpath/cycle way. Parks have advised that they would risk assess the installation to ensure that the track is laid in a safe manner and does not present a hazard to cyclists or pedestrians.

## **6.6 Other Issues**

- 6.6.1 The proposed railway will need to be constructed and operated in accordance with accepted industry standards. To this end, it is required by Parks that the miniature railway complies with the Britains Great Little Railways (BGLR) Narrow Gauge Railway Safety Policy and Standards and relevant Health and Safety Guidance. Staff consider that this would be a matter for the Parks Service to ensure that the construction and operation is compliant with these standards but it is considered that an informative could be included to make the operator aware of these requirements.
- 6.6.2 The proposal is not considered to have any material contaminated land implications owing to the low level of excavation required but a condition will be imposed to require a precautionary approach to excavation works.
- 6.6.3 In terms of future maintenance, the operators will be responsible for day to day maintenance of the facility, which will need to accord with the relevant safety standards. The Parks Service however retain overall control of the park and it can be ensured that the track is removed and the park returned to its former condition if the railway ceases to operate in the future.

## **7. Conclusion**

- 7.1 The proposed miniature railway will add to the range of facilities available in Lodge Farm Park and further encourage use of the park, as such it is judged to be acceptable in principle. Staff consider the proposal would not materially harm the character, appearance or function of the park and that it would have an acceptable relationship with neighbouring residential amenity. Controls can be imposed through condition to prevent undue harm to amenity and overall control of the management of the park and the manner of operation of the railway will remain with the Council's Parks Service. Having regard to these factors, the proposal is considered to be acceptable and it is recommended that planning permission is granted.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

None arising from this application.

### **Legal Implications and risks:**

The application relates to a site that is owned and managed by the London Borough of Havering. This is not however a material factor in the consideration of this application and does not affect the assessment of the proposals.

**Human Resource Implications:**

None.

**Equalities and Social Inclusion Implications:**

The proposed facility will provide a facility for all members of the community and is intended to be operated in a manner that complies with relevant equal opportunities legislation.

**BACKGROUND PAPERS**

1. Planning Application P1454.15, received 4 October 2015.

This page is intentionally left blank

# REGULATORY SERVICES COMMITTEE

17 December 2015

# REPORT

**Subject Heading:**

**P0421.15: 7 Highview Gardens (Land Adj), Upminster**

**Erection of 1no. detached house.  
(Application received 16 April 2015)**

**Ward:**

**Upminster**

**Report Author and contact details:**

**Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800**

**Policy context:**

**Local Development Framework  
The London Plan  
National Planning Policy Framework**

**Financial summary:**

**None**

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

- 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 proposal is for the erection of 1no. two-storey detached house to the side of the existing bungalow No. 7 Highview Gardens.

It raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 132 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £2640.00 Mayoral CIL payment (subject to indexation).

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

- A financial contribution of £6,000 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 Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the 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. External Materials

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.

4. Landscaping

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

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

**Reason:** 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.

#### 5. Parking Provision

Before any part of the dwelling hereby permitted is first occupied the car parking provision as indicated in drawing '2014/05/06 E' shall be laid out and implemented to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 6. Alterations to Public Highway

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

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

#### 7. Construction Methodology

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;



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

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

Reason: 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.

#### 8. Hours of Construction

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

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

#### 9. Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden area unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

## 10. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no window or other opening (other than those shown on the submitted and approved plans), shall be formed in the flank wall of the building 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.

## 11. Obscure Glazing

The proposed first floor window in the east facing side elevation, namely the shower room window, 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.

## 12. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be 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 Policy DC61.

## 13. Cycle Storage

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

**Reason:** 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.

#### 14. Boundary Fencing

The proposed new dwelling shall not be occupied until details of all proposed walls, fences and boundary treatment have been submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: 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, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61

#### 15. Garage

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the attached garage hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and not for any trade or business nor as living accommodation.

Reason: To restrict the use to one compatible with a residential area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### 16. Unforeseen Contamination

- a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.
- b) Following completion of the remediation works as mentioned in (a) above, a 'Verification Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

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

## 17. Accessible and Adaptable Dwellings

All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations – Accessible and Adaptable Dwellings.

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.

### **INFORMATIVES**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent Brian Bye. The revisions involved alterations to the roof design and positioning of the garage.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £2640.00 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the

receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

5. 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.

## REPORT DETAIL

### **1. Call-in**

- 1.1 The application has been called-in to committee by Councillor Linda Van den Hende on the grounds of overdevelopment, impact on the amenity of neighbours and proximity of the Grade II listed Upminster Windmill.

### **2. Site Description**

- 2.1 The application relates to land adjacent to the property 7 Highview Gardens, Upminster. This is a rectangular strip of garden land located to the side and rear of the existing semi-detached bungalow. The site is relatively flat but is positioned towards the brow of the rising gradient along Highview Gardens which increases from west to east.
- 2.2 The garden land is enclosed by a wall and mature hedgerow along the road frontage and boundary with No.9 Highview Gardens to the west. A small copse of trees including an Oak Tree and Yew Tree which are protected by a Tree Preservation Order is located to the south. Beyond the trees is the Grade II\* listed Upminster Windmill.
- 2.3 The site is located within a predominantly residential area and Highview Gardens is characterised by semi-detached and detached two storey houses, and bungalows.

### **3. Description of Proposal**

- 3.1 The application is seeking planning permission for the erection of 1no. two-storey detached house to the side of the existing bungalow No. 7 Highview Gardens.
- 3.2 This application follows the refusal of planning application P1128.14 in March 2015. The previous application sought the demolition of 7 Highview Gardens and the erection of 2no. semi-detached houses and 1no. detached house but was refused by the Regulatory Services Committee in March 2015. The refusal grounds cited that the proposal would result in the unbalancing of a former pair of bungalows, giving rise to an incongruous appearance in the streetscene and that the height, scale and setting of the development would be overly obtrusive in the prevailing streetscene.
- 3.3 In comparison to the previously refused scheme the current application is essentially seeking to retain the existing bungalow and erect a new detached two-storey dwelling on the side garden land.
- 3.4 The existing plot would be subdivided creating a rectangular shaped site with the proposed dwelling following the building line of No.s 7 & 9 Highview Gardens. The house would be positioned within the northern section of the site approximately 1.2 metres from the western boundary with No.9 at the closest point and 1.2 metres from the eastern boundary with the donor property at No.7.
- 3.5 The proposed house would incorporate a hipped pitched roof design with a ridge height of 8.6 metres - a reduction of approximately 0.5 metres from the previous scheme. The house would be 6.3 metres in width and 10.3 metres in depth including a single storey section to the rear and an attached single storey garage to the side adjacent to the boundary with No.7.
- 3.6 Internally the house would include a living room/ dining room, kitchen, hall and WC at ground floor level and three bedrooms, a study bathroom and en-suite at first floor level over approximately 107 square metres of internal floorspace.
- 3.7 Off street car parking provision for 2no. vehicles would be provided with the creation of a new driveway and attached garage. The existing attached garage and driveway for the donor bungalow would be retained for the existing property.

### **4. Relevant History**

- 4.1 P1128.14 - Demolition of 7 Highview Gardens and erection of 2No semi-detached houses and 1No detached house - Refused 23 March 2015

## **5. Consultations/Representations**

5.1 Notification letters were sent to 23 properties and 2 representations have been received. The comments can be summarised as follows:

- The proposed house would be very close to the existing properties and would affect the symmetry of the nearby houses and the openness of the vista.
- The proposal will result in an increase in on street car parking due to limited parking provision and the congestion already experienced due to the proximity to the town centre and station.
- The dwelling will be harmful to the setting of the Upminster Windmill and the adjacent bungalows

5.2 In response to the matters raised above; issues in relation to the impact on the character and appearance of the streetscene, the setting of the Upminster Windmill and the impact on parking are discussed in the following sections of the report.

5.3 The following consultation responses have been received:

- Essex & Suffolk Water - no objection.
- Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Historic England – no objection, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- Environmental Health - no objection, recommended conditions relating to a restriction on the hours of construction and contaminated land precautions.
- Local Highway Authority - no objection.

## **6. Relevant Policies**

6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

- 6.2 Other relevant documents include the Residential Design SPD, Landscaping SPD, Heritage SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 6.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

## **7. Staff Comments**

- 7.1 The main considerations relate to the impact on the character and appearance of the streetscene as well as the impact on the adjacent Grade II\* listed Upminster Windmill, the implications for the residential amenity of occupants of nearby houses and the suitability of the proposed parking and access arrangements.

### ***Principle of Development***

- 7.2 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 7.3 Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.
- 7.4 On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

### ***Density/ Layout***

- 7.5 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning



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

- 7.6 The 'Technical housing standards - nationally described space standard' document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 7.7 For two storey three-bedroom houses with bed spaces for five persons the standard is set at 93 square metres. The proposed dwelling would provide in excess of this standard with approximately 107 square metres of internal floor space. Given this factor it is considered that the proposed dwelling would be of an acceptable size for day to day living.
- 7.8 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 7.9 An area of approximately 144 square metres of private garden amenity space would be set out to the side and rear of the new house. It is considered that the amount of private amenity space proposed in the development is adequate for the requirements of a three-bedroom house. The southern garden boundary wall for the existing bungalow would be removed and the rear garden extended south to formally include a section of the wooded copse area under the applicant's ownership. A new 2 metre high boundary fence line would be erected. As such the donor bungalow would retain a generous rear garden area of some 390 square metres.

### ***Design/Impact on Streetscene***

- 7.10 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.
- 7.11 A key characteristic of this section of Highview Gardens is the steep gradient which rises from west to east. The site lies close to the brow of the hill where the gradient plateaus and as such it is acknowledged that the new dwelling would form a relatively prominent feature in this context. However the new dwelling would be set back from the front building line at No.7 and would be contained alongside the front building line of No.9, reducing the overall prominence of the development.
- 7.12 The surrounding properties are drawn from a variety of single and two storey detached and semi-detached dwellings of differing styles with both hipped and gabled roofs. As such there is no prevailing design type in this

locality. Nevertheless, the design and style of the proposed house is considered to adhere to the architectural character of the adjacent properties. Although the donor property is a bungalow, the height, bulk and massing of the new dwelling would match that of the neighbouring two storey house at No.9 Highview Gardens to the west, albeit with a more contemporary appearance.

- 7.13 The previously refused application sought the demolition of 7 Highview Gardens and the erection of 2no. semi-detached houses and 1no. detached house. Members were concerned that the proposal would result in the unbalancing of a former pair of bungalows, giving rise to an incongruous appearance in the streetscene. Members also raised concerns in relation to the height, scale and setting of the development, which was considered to be overly obtrusive in the prevailing streetscene and harmful to the open local character.
- 7.14 In order to address these issues the scheme has been amended considerably. Under the current proposal the original donor bungalow property at No.7 would not be demolished and the pair of bungalows would be retained as existing. It is considered that this measure would preserve the open character and appearance of the streetscene, particularly in relation to the symmetrical form of the existing semi-detached bungalows.
- 7.15 The design of the proposed detached dwelling has also been revised which has involved changing the roof form from a more bulky flank elevation gable design, to a less intrusive hipped pitched design. The roof ridge height has also been reduced by approximately 0.5 metres and the attic level accommodation removed from the scheme.
- 7.16 It is considered that these measures have served to reduce the overall scale, bulk and massing of the development and would allow the new detached house to sit more comfortably within this setting without undue harm to the open character and appearance of the streetscene. Officers are of the view that the revisions to the scheme and the reduced scale of the proposed house have suitably addressed the previous refusal reasons.
- 7.17 On balance it is considered that the proposed development would contribute positively to the streetscene along this section of Highview Gardens and would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

### ***Listed Building Implications***

- 7.18 Policy DC67 advises that an application for planning permission will only be allowed where it does not adversely affect a listed building or its setting. The National Planning Policy Framework (NPPF) advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be (paragraph 132).

The Council's Heritage Officer commented on the previous scheme and advised that the proposed development would have little impact on the Grade II\* listed Upminster Windmill or its setting, particularly as the wooded area with trees and planting to the rear of the application site would be retained.

- 7.19 Given that the current proposal has been significantly reduced in terms of the overall scale, height, bulk and massing in comparison to the earlier proposal, it is not considered that the revised scheme presents any additional concerns in relation to the setting of the Grade II\* listed Upminster Windmill.
- 7.20 Having regard to these factors it is not considered that the proposed development would harm the setting of the adjacent listed building in accordance with Policy DC67 and the NPPF.

### ***Impact on Amenity***

- 7.21 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 7.22 The main consideration in terms of residential amenity relates to the impact on privacy, overshadowing and outlook for the donor bungalow at No. 7 and the adjacent two storey house at No.9, located to the east and west of the application site respectively.
- 7.23 The attached garage element of proposed dwelling would project approximately 1.4 metres beyond the rear building line of No.7, some 1.2 metres from the boundary. The footprint of the proposed dwelling would then step-in so that the two storey and single sections of the main house would lie approximately 3.8 metres from the boundary and some 8 metres from the rear windows of No.7 at an oblique angle. Given the distances and spacing between the application site and the donor dwelling it is not considered that the proposed development would present any undue impact on the residential amenity of No.7 Highview Gardens.
- 7.24 The single storey rear section of the proposed dwelling would project approximately 1 metre beyond the rear building line at No.9, some 2.2 metres from the boundary. Given the tapering boundary arrangement and the unusual off-set positioning of both the existing and proposed dwellings, it is not considered that the proposed development would present any undue impact on the amenity of the residents of No. 9 Highview Gardens.

- 7.25 The windows in the proposed dwelling would be orientated to face out onto the public street frontage and over the garden to the rear. However, the eastern flank elevation would include a central first floor window serving an en-suite shower room. As such this window would be obscure glazed to protect the privacy of the occupants and to prevent outlook over the rear garden of No.7. This will also be secured via a condition.
- 7.26 On balance it is not considered that the proposed development would present any issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

### ***Environmental Issues***

- 7.27 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have advised the inclusion of a precautionary condition relating to the discovery of any previously unknown contaminants.
- 7.28 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.29 The proposal is not considered to give rise to any significant noise issues.

### ***Parking and Highway Issues***

- 7.30 The proposed development can demonstrate off street car parking provision for 2no. vehicles. The existing vehicle cross over onto Highview Gardens would be widened and the parking spaces laid out in a linear arrangement along the driveway and attached garage parallel to the eastern site boundary with No.7.
- 7.31 Essentially the existing off-street car parking arrangements of 1no. off street space for the donor property would be retained and a new door installed on the attached garage.
- 7.32 The Local Highway Authority has raised no objection to the proposal.
- 7.33 The submitted drawing indicates the anticipated positioning of a wheelie bin store but no further details of this have been provided. There are also no details included in the proposal indicating the location for the secure storage of bicycles, although it is noted that full details of these arrangements can be reasonably obtained through the inclusion of a conditions.

### ***Mayoral Community Infrastructure Levy***

- 7.34 The proposed development will create 1.no new residential unit with 132 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £2640.00 subject to indexation based on the calculation of £20.00 per square metre.

### ***Infrastructure Impact of Development***

- 7.35 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.
- 7.36 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.
- 7.37 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.
- 7.38 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.
- 7.39 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.

- 7.40 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.
- 7.41 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.
- 7.42 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.

## **8. Conclusion**

- 8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

Financial contributions will be sought through the legal agreement.

### **Legal implications and risks:**

None.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

None

## BACKGROUND PAPERS

Application form, drawings and supporting statements received on 16 April 2015.

This page is intentionally left blank



# REGULATORY SERVICES COMMITTEE

17 December 2015

# REPORT

**Subject Heading:**

**Ward**

P1274.15 – Block 8, Former Oldchurch Hospital, Union Road, Romford - Application for full planning permission for the demolition of the existing former residential institution building (Use Class C2) and erection of a non-residential institution (Use Class D1) for use as a 630 place primary school for pupils aged 4-11 years, incorporating building and erection of a four storey academic building including sports hall, outdoor play space, car/cycle parking areas and landscaping.

**Report Author and contact details:**

Brooklands  
Martin Knowles  
Planning Control Team Leader  
[martin.knowles@havering.gov.uk](mailto:martin.knowles@havering.gov.uk)  
01708 432802

**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 proposal is for the demolition of the existing building and the construction of a new primary school for 630 pupils aged 4-11. The existing building is the original Nurses and Doctors accommodation for the former Oldchurch Hospital and is identified as a Locally Listed Building and is therefore a heritage asset.

The report considers the principle of the proposed demolition including the heritage impact and educational need. Other key issues arising are the impact of the development in terms of design and layout, highways matters including parking, the impact upon residential amenity and environmental implications.

Staff consider the proposal to be acceptable, subject to no contrary direction from the Mayor for London, the completion of a Section 106 legal agreement and conditions.

**RECOMMENDATIONS**

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

A: No direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008); and

B: The Head of Regulatory Services being authorised to negotiate and agree a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- To adopt, implement measures within and keep under review a School Travel Plan for the lifetime of the development.
- Each year during Spring Term for a period of six years following first occupation of the development, the owner/operator to appoint a transport consultant (to be approved by the Council) to undertake an independent survey to assess the degree to which parents arrive at the site at the start

and end of the school day by car and park/stop on Union Road or other nearby adjacent roads and if necessary to recommend actions to prevent parents driving to the site.

- The owner/occupier to submit, before the end of the spring term, a copy of the consultants report and recommendations and their response including measures to be implemented. The owner/occupier to use best endeavours to implement the reasonable recommendations of the transport consultant during the summer term following the completion of the report.
- If the year 5 spring term survey report still identifies parking by parents, the owner/occupier to submit to the Council for approval a revised Travel Plan including specific measures and targets to reduce driving to the site and the measures included to be implemented.
- The Developer/Owner shall pay the Council's reasonable legal costs in association with the preparation of the legal agreement, prior to the completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner shall pay the appropriate planning obligations monitoring fee prior to completion of the agreement.

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

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

### **Mayoral CIL**

That the Committee notes that as a planning application for a new school the development proposed would not be liable for the Mayor's Community Infrastructure Levy (CIL).

Subject to recommendations A) and B) above that planning permission be granted subject to the following conditions,

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

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

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

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

3. *Landscaping:* No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall be based on the details included in the approved plans and submitted design and access statement. 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.

4. *Materials:* 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), to be in general compliance with the details included in drawing number 10012-04-P110 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.

5. *Community Use of Facilities:* The development hereby approved shall not be occupied until full details of the community use of the school facilities 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 that the facility provides benefit to the wider community.

6. *Cycle Provision:* The development hereby approved shall not be occupied until a minimum of 84 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 and Policy 6.9 of the London Plan.

7. *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 parking facilities to serve the development in the interests of highway safety.

8. *Electric Vehicle Charging Points:* No building shall be occupied or use commenced until provision has been made for 20% of the parking spaces within the development to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20%.

Reason: Insufficient information has been supplied with the application to demonstrate what level of provision is to be made for electric vehicle charging points. Provision prior to occupation will ensure that the development adequately incorporates measures to allow the use of electric vehicles by future occupiers in accordance with policy 6.13 of the London Plan.

9. *Boundary Treatment:* The development hereby approved shall not commence until details of the boundary treatment, to include brick/railings and retained archway to rear and side boundaries, 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.

10. *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.

11. *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.

12. *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.

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

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

14. *Wheel Washing:* 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.

15. *Pedestrian Visibility Splay:* A 2.1m by 2.1m pedestrian visibility splay should be provided on either side of the proposed access from Union Road, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

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

Reason: In the interests of ensuring good design and public safety and to ensure that the development accords with Development Control Policies Development Plan Document Policy CP10, CP17 and DC61.

17. *Construction Methodology*: 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.

18. *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.



19. *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.

20. *Contamination Assessment (1)*: 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 II (Site Investigation) Report as the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

b) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Following completion of measures identified in the approved remediation scheme mentioned in (a) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of the above assessments 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.

21. *Contamination Assessment (2):\_a*) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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

Reason: 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.

22. *Landfill Gas Investigation:* No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until:

- a) A Site Investigation has been undertaken to assess the level and extent of any landfill gas present, together with an assessment of associated risks. The investigation shall be in accordance with a scheme which shall previously have been submitted and approved in writing by the Local Planning Authority.
- b) If during development works, any contamination should be encountered which was not previously identified in the Site Investigation then works should halt immediately and the Local Planning Authority consulted to agree appropriate further action.

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.

23. *Biodiversity Enhancement:* Within three months of the commencement of development a scheme for the biodiversity enhancement measures to be incorporated into development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed scheme and retained thereafter.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of biodiversity measures. Submission of a scheme for the development will ensure that opportunities for biodiversity enhancement are incorporated into the development in accordance with Development Control Policies Development Plan Document policies. DC58 and DC59.

24. *Piling*: Piling or any other foundations using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To ensure protection of groundwater.

25. *Salvage and Re-use*: The existing entrance archway shall be retained and re-used to provide an entrance to the site from the adjacent park.

Reason: To ensure a satisfactory external appearance and recognising the historic value of the existing building.

26. *Sustainability and Energy*: A scheme for the installation and incorporation of sustainability and energy efficiency measures in line with the details outlined in the Energy and Sustainability Assessment submitted as part of the application together with additional measures as detailed in e-mail dated 4/12/15 from GLA officer Martin Jones shall be submitted to and approved in writing prior to the commencement of development. 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.

27. *Provision of Lifts*: Lifts provided within the building hereby approved shall be full passenger lifts. Platform lifts would not be acceptable.

Reason: To ensure inclusive design.

## 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. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
3. (Secured by Design) - In aiming to satisfy condition 16 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. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
5. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
6. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
7. Thames Water Advice - With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public

sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

## REPORT DETAIL

### 1. **Site Description**

- 1.1 The site of the former Oldchurch Hospital is located at the junction of Oldchurch Road and Waterloo Road and is bounded by Oldchurch Road to the south, Waterloo Road to the east, the main Liverpool Street railway line to the north and Nursery Walk and Romford gas holder station to the west. The whole site is roughly rectangular and has a total area of 7.76 hectares.
- 1.2 The application site has an area of some 0.3 hectares and is located on the southern side of Union Road, north of the new local park (Jubilee Park) west of the predominantly six storey development that is nearing completion by Taylor Wimpey pursuant to planning permission P1638.09 and east of the three to six storey development that is currently being developed by Swan Housing (now NU Living) pursuant to Planning Permission P1417.11. The site is currently occupied by the original 3 storey main entrance building to the former Nurses and Doctors home, from hereafter referred to as Block 8. The building is identified as a locally listed building.

### 2. **Background Information**

- 2.1 In December 2005 outline planning permission was granted for residential development on the Oldchurch Hospital site (application reference P1635.04). The application comprised three key elements – general market housing, key worker housing and public open space. The S106 legal agreement that accompanied the approval identified the nurses and doctors home as a retained building which was not to be demolished unless a specific permission requiring it had been granted.
- 2.2 Detailed designs for the key worker housing were submitted as part of the outline application and were subsequently constructed along the northern edge of the former hospital site. In respect of the market housing only, access was considered at outline stage, with matters relating to siting, design, external appearance of the buildings and landscaping reserved for later consideration. The outline application adopted a master plan approach to the overall site and the resulting reserved matters applications had to comply with parameters that had been established at Outline stage. The reference to the former nurses and doctors home as Block 8 stems from this permission which allocated block numbers to all retained buildings and the new blocks identified in the master plan.

2.3 The original reserved matters approval for implementation of the new build housing proved to be financially unviable following the slump in property prices and land values. A further reserved matters application P1638.09 was subsequently approved and is currently nearing completion at the eastern end of the site. Reserved matters approval was also granted for the conversion of Block 8 to residential flats as permitted by the original outline permission, but was not implemented.

2.4 Redevelopment of the western end of the former hospital site for residential purposes was approved after the local mental health authority shelved plans for the development of a new mental health facility on the site.

### 3. **Description of Proposal**

3.1 It is proposed to redevelop the site to provide a new 630 place 3 Form of Entry (FE) primary school for pupils 4-11 years. The school would be co-educational and non-selective with opening anticipated in September 2016 with an initial intake of 90 reception children building up to full capacity in 2022.

3.2 The existing building would be demolished and replaced in a central position on the site, by a broadly L-shaped 2/4 storey building with a maximum height of 32.2m, providing 2,934 sqm Gross Internal Floorspace. The building would include the following:

- Basic teaching and specialist activity room,
- Small group rooms (including Special Educational Needs),
- Learning resource centre,
- Halls and studio,
- Staff and administration,
- Kitchen,
- Toilets, personal care and storage, and
- Plant.

3.3. Vehicular access to a small (8 space) car park would be taken direct from Union Road adjacent to the eastern boundary of the site. The main pedestrian access to the school would be from Union Road with a secondary access at the western end of the building adjacent to a gated pedestrian entrance and path and a row of cycle storage racks. A separate pedestrian entrance would be provided from Jubilee Park for pupils and staff arriving from the south.

3.4 The remainder of the site area is identified to be hard surfaced and soft landscape play areas.

3.5 The application is accompanied by a suite of documents which include:

- Planning Statement
- Design and Access Statement

- Heritage Statement
- Building Condition Survey
- Preliminary Ecological Assessment
- Bat Survey
- Transport Assessment
- Outline Travel Plan
- Flood Risk Assessment incorporating drainage
- Noise Assessment
- Energy Statement
- Sustainability Strategy
- Phase 1 Desk Study and Preliminary Geoenvironmental Assessment
- BREEAM Pre-assessment
- Air Quality Assessment
- Explosive Ordnance Threat Assessment
- Construction Phase Plan
- Dust and Mitigation Management Plan
- Building Condition Survey

#### 4. **History**

- 4.1 There is extensive history relating to the former use of the site as a hospital. The most relevant history relates to the subsequent redevelopment of the site:

P1635.04 Outline planning application for residential development (key workers and general housing) – Approved

P1634.04 Outline planning application for demolition of existing buildings on site and redevelopment to provide a mental health facility – Refused

P0634.06 As above - Withdrawn

##### *Eastern end of site*

P2485.07 Reserved matters application 1 – blocks 9, 10, 11, 12, 13 & 14. 502 new build residential units and car parking pursuant to outline planning permission P1635.04 – Approved

P0159.08 - Reserved matters application 2 – Blocks 8 and 17 - Approved

P1638.09 - Redevelopment of the former Oldchurch Hospital to provide 493 residential units, an energy centre, a local park, car parking, access and internal roads and hard and soft landscaping. – Approved

##### *Western end of site*

P0975.10 – Revised scheme comprising 366 dwellings with height varying from 2 to 6 storeys (338 flats maisonettes and 28 houses) \_ Approved

P1417.11 –Non-compliance with condition 2 of P0975.10 to enable alterations to approved scheme - Approved

## 5. **Consultation/Representations**

5.1 The proposals have been advertised as a major development by the display of site notices and by press notice. A total of 1128 individual properties were notified directly of the proposals.

5.2 9 representations of objection have been received. Objections are raised on the following grounds:

- Increase in traffic with resultant additional noise and pollution and queuing at busy times;
- Nowhere for parents to park or drop off children, parking restrictions everywhere, will result in illegal parking on yellow lines and abuse of residents parking bays.
- Access to the site is not practical and it would be located close to some of the busiest roads and junctions in Romford which would be dangerous;
- No room for any larger vehicles that may need to access the site, e.g coaches;
- Noise from school will cause disturbance to residents which include many nurses on shifts; Noise could extend into evenings and weekends because of proposed community use;
- Site is already too built up and overcrowded, overdevelopment of a small site, site should be used to provide more parking for residents;
- School use of Jubilee Park will be a deterrent to public use;
- Overlooking and loss of privacy for adjacent flats and vice versa;
- Publicity and public consultation was inadequate;
- Building should be retained and restored/re-used.

The representations are addressed within the body of the report at paras 7.10, 7.14, 7.15, 7.18 - 7.20 and 7.24 – 7.27.

5.3 One representation supporting the proposal has been received.

## 5.4 **Consultee Responses**

***Environment Agency*** – No Comments..

***Historic England GLAAS*** - Advise that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No condition required.

***Greater London Authority*** – Strongly supports additional school provision in modern educational facilities with a degree of community use. The loss of potential housing arising from the previous unimplemented permission



does not raise strategic concern. The proposed demolition of the existing building, although regrettable is justified and accepted.

The proposals offer the potential for a high quality building subject to detailed design and control over materials. Full passenger lifts should be incorporated rather than platform lifts.

Details of the measures to avoid overheating and minimise cooling demand should be addressed through an overheating assessment. Potential for future connection to a district heating network should be built in. The carbon offset fund should only be considered if the GLA is satisfied that the CO2 reduction target cannot feasibly be met onsite. Viability claims should be supported by cost analysis. Further information on the potential for installing additional PV panels to meet the 35% carbon emission target should be provided.

The overall provision of long term cycle parking space should be increased and secured by condition. A delivery and servicing plan and a construction logistics plan should be secured by condition. The final travel plan should be secured, monitored and enforced through a S106 agreement.

**LBH Environmental Health** – Recommend conditions related to contamination assessment, landfill gas, plant and machinery.

**LBH Highways/Streetcare** – Object to the proposal on the grounds that whatever measures are put in place by way of Travel Plans, yellow lines and other parking restrictions, a proportion of parents/carers will always ignore them. Although it is not possible to predict what level of problem will result, Union Road is only 5 metres wide and there is no provision made for drop off and pick-up and on this basis the proposal fails to meet the requirements of LDF Policy DC33.

The wider need for school places is recognised as is the fact that any decision would need to be balanced against this. In the event that planning permission is granted a number of conditions and informatives are suggested, including provision for a School Travel Plan to be provided and maintained.

**LFEP A** – Advice given that the development needs to comply with the relevant sections of Approved Document B of the Building Regulations

**Lead Local Flood Authority** – Proposals are acceptable

**Met Police SBD** – Recommends that a condition and informative be attached to any permission.

**Romford Civic Society** – Object to the application on the basis that the building provides an attractive context for other retained locally listed buildings on the site. The building could be restored and adapted to new uses, which for a school would provide a tangible link to the social history

of Romford. Demolition would be contrary to policy and the quality of the local environment.

**Thames Water** - No objections subject to imposition of conditions and informatives

**Transport for London** – No adverse highway impacts on the Transport for London Road Network are anticipated. The intention to stagger the school starting and finishing time as a means of spreading the intensity of use is noted. The proposed level of cycle and scooter parking is identified as being below London Plan standards and should be expanded and secured by condition.

## 6. Relevant Policy

6.1 Policies CP8 (Community Facilities); CP10 (Sustainable Transport); CP15 (Environmental Management); CP17 (Design); CP18 (Heritage); DC26 (Location of Community Facilities); DC27 (Provision of Community Facilities); DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise); DC59 (Biodiversity in New Developments); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC67 (Buildings of Heritage Interest); and DC72 (Planning Obligations) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations. In addition, the Planning Obligations SPD, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD and Sustainable Design and Construction SPD are also material considerations.

6.2 Policies 3.16 (Protection and enhancement of social infrastructure); 3.18 (Education facilities); 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.6 (Decentralised energy in development proposals); 5.7 (Renewable energy); 5.10 (Urban greening); 5.11 (Green roofs and development site environs); 5.12 (Flood risk management); 5.13 (sustainable drainage), 5.21 (Contaminated land); 6.3 (Assessing effects of development on transport capacity); 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.1 (Lifetime neighbourhoods); 7.2 (An inclusive environment); 7.3 (designing out crime), 7.4 (local character),; 7.6 (architecture), 7.8 (Heritage assets and archaeology); and 8.2 (planning obligations) of the London Plan (LP) and the provisions of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations.

## 7. Staff Comments

Principle of the Development

- 7.1 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. This demonstrates that there is a need to accommodate 3,000 additional primary school pupils over the next 5 years.
- 7.2 The NPPF gives the highest level of national policy support for school provision, stating at para 72 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. Policy DC28 encourages the wider community use schools and their facilities where this will not give rise to adverse environmental or amenity problems.
- 7.3 The application demonstrates that the proposal seeks to respond to the critical shortage of school places in Romford. An assessment has been undertaken of potential alternative sites which concluded that the proposed site is the only one that is realistically available, deliverable and suitable. Furthermore, there is no reasonable prospect of the need for school places being solely be met by the expansion of existing schools in the near future.
- 7.4 Accordingly, all levels of planning policy relating to educational provision offer strong support in favour of the proposal.
- 7.5 The proposal does, however, require the demolition of one of the few remaining buildings from Oldchurch Hospital and in considering the principle of the development this loss needs to be balanced against the support offered by educational facility planning policy.
- 7.6 Policy DC67 provides guidance on dealing with applications which impact upon Listed Buildings and other buildings of heritage interest and states that account will be taken of their contribution to heritage.
- 7.7 Policy 7.8 of the London Plan recognises the importance of heritage assets and requires that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- 7.8 The NPPF reinforces these messages confirming at para 135 that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. NPPG adds to this at

para 041 by suggesting, in the case of buildings, that their significance should be judged against published criteria, which may be generated as part of the process of producing a local list.

- 7.9 The building is the original Nurses' and Doctors' Home dating from 1924, is locally listed and is therefore classified as a heritage asset. In the Council's Buildings of Local Heritage Interest Heritage Asset Register it is described as handsome and interesting and a recognisable landmark in Romford. Its role in creating a sense of place and reminder of the past use of the site and social history is also highlighted. Despite its currently dilapidated condition the Asset Register therefore places some weight upon the significance of Block 8 as a heritage asset.
- 7.10 The planning application includes documentation which demonstrates that proper consideration has been given to the potential of the existing building for re-use and conversion to provide usable accommodation for a new school. This shows that the nature of the remodelling that would be required to achieve this would be extensive including internal modifications and structural alterations. The existing floor voids are not sufficient to incorporate the required servicing, window openings would not meet approved daylighting criteria, the building fabric does not comply with energy efficient standards and new external circulation cores would be required to ensure adequate means of escape. Not only would the structural and physical alterations and additions potentially compromise the buildings stability and alter its character and appearance, but such works would also be financially prohibitive and exceed the level of funding available.
- 7.11 Staff consider that a case has been made for the demolition of the existing building on the basis that retention and re-use would be financially unviable, and even that were not the case, that the delivery of educational facilities in the existing building would offer a lower quality teaching facilities and would compromise the significance of the building as a heritage asset. However, the demolition should only be considered if it can be concluded that the proposed replacement is of sufficiently high quality design, taking account of the contribution that the building makes to the character of the site and the siting of the open space in front of it. This is considered further below.
- 7.12 On the basis that the principle of the development and the necessary loss of the existing building is acceptable, the acceptability of the proposal therefore depends upon consideration of other planning matters the subject of the rest of the report.

#### Design, Layout and Massing

- 7.13 The site has important frontages to both Union Road and to Jubilee Park and the proposed building responds to this with the four storey teaching block being aligned with Union Road where the main entrance would be located. Both elevations are structured around a series of brick and

rendered three window bays, which reflect the internal arrangement of the classrooms and establish a structure and rhythm to the facades. The recesses between the bays would incorporate full height glazing bringing light into the central corridor.

- 7.14 The surrounding area contains a mix of architectural styles which the proposed development would contribute to positively, creating a high quality contemporary building, but one that still provides architectural links to the existing building. This is reflected by the use of red brick, the setback rendered treatment of the upper storey which echoes the current mansard roof and the extension of red brick down to ground floor in the central bay facing Jubilee Park, reflecting the location of the existing entrance to the Nurses Home. It is also proposed that the main entrance portico to the Nurses Home would be salvaged and re-used as the pedestrian entrance to the site from Jubilee Park. The use of quality brick/railing walls and landscaping to the side and rear would integrate the site into the adjacent open space. A condition is suggested to ensure that these take place.
- 7.15 The height at up to four storeys is slightly greater than the existing three storey building which relates well to the recently constructed surrounding residential blocks, without dominating the northern end of the park.
- 7.16 Overall staff are satisfied that the scheme has the potential to provide a building of suitable high quality, interest and articulation to replace the existing. The final details of materials would be reserved by condition.

#### Impact on Amenity

- 7.17 The building would be located a minimum of 17m from Wave Court to the east, 30m from Sheldon Court to the north and 20m from the as yet unbuilt Block 4 of the Swan/NU Living development to the west. The proposed building would occupy a similar footprint to the existing. The sunlight and daylight assessment demonstrates that whilst there would be some marginal adverse effects on sunlight and daylight to these neighbouring blocks as a result of the increased height, there would equally be some improvements as a result of the lower two storey profile of the eastern "halls" wing, and the more open relationship on the western side where the new building will not extend as far to the south as the existing. No objections are therefore raised on these grounds.
- 7.18 Visually, residents of the recent neighbouring development have only experienced the existing building as the dilapidated structure which currently exists. The proposed replacement with a new quality building can therefore be reasonably viewed as an improvement in visual and outlook terms. Staff are satisfied that the degree of publicity and public consultation about the proposals both prior to and following submission of the application were sufficient.

- 7.19 The classroom windows all face north or south and to the north are sufficiently separated (30m) from Sheldon Court for there to be no harm by way of overlooking or loss of privacy. The only windows facing east and west at upper floor levels either serve the staff room or stairwell and are again sufficiently separated for there to be no material harm caused to neighbouring residential amenity. As regards the potential for overlooking of the school and playground itself from neighbouring development, this is not an unusual situation for schools which by their nature are generally located in predominantly residential areas, but furthermore the distances involved, site layout and proposed screen planting and boundary treatment are considered sufficient to mitigate any perceived issue.
- 7.20 The use of the site as a 3 FE school will result in a notable increase in activity both as a result of arrival/departure, outside play and evening and weekend community use. However, the majority of such activity would be during daytime school hours when any increase in noise and disturbance would be unlikely to upheld as a reason for refusal. As will be covered in the next section, the intention is that pupils at the school will arrive on foot and that dropping off by car will be expressly and positively discouraged.

#### Highways and Parking

- 7.21 When fully occupied the school is designed to provide for 630 pupils aged 4-11 with a total of 41 members of staff, including non-teaching staff. The number of pupils would build up over 6 years with an intake of 90 per year, opening in September 2016 with an intake of 90 reception children, reaching full capacity in 2022.
- 7.22 Policy DC33 requires that car parking should not exceed the maxima set out in Annex 5 which in the case of primary schools should be at a rate of 1 space per teaching staff. The car park would provide only 5 spaces for staff and 3 short stay parent spaces which are not intended for dropping off other than in special circumstances such as a child with special needs or when a meeting with staff is required.
- 7.23 The school policy would be not to permit parents to drop off or pick up their children from the school / Union Road between the hours of 0830 and 1600. Parents and guardians would be proactively encouraged through the Travel Plan process to use alternative transport modes for journeys to and from the site, and “park and stride” locations would be highlighted. Parents of prospective pupils would be advised of the policy when enrolling children.
- 7.24 Union Road is accessed directly from the northbound lane of Waterloo Road and egress can be made the same way or to Oldchurch Road through the Swan/NU Living development. The site is located in a highly accessible location with a PTAL of 5 with bus stop facilities in Oldchurch Road, Rom Valley Way and Waterloo Road within easy walking distance of the site and a new surface level crossing of Waterloo Road is planned to be provided close to the junction of Union Road with Waterloo Road.

Furthermore there are double yellow line parking restrictions on Union Road, which mean that any parents that chose to ignore the policy would be liable for a parking fine. Such parking restrictions are likely to be extended into the Swan / NU Living site when the roads become adopted. Access into the Reflections Wimpey development is to be gated when the development is complete.

- 7.25 The application is subject to objection from the Council's Highways Engineer. However, Members will note that the objection is tempered by an acknowledgement of the balance that needs to be drawn with the wider pressing need for school places. They will also note that no concern is raised about highway capacity or the safe operation of the highway network. The site is located over 100m from Waterloo Road so any issues arising are unlikely to impact upon the wider network.
- 7.26 For problems of parking and congestion to be avoided staff are of the opinion that a rigorous and legally binding, regularly reviewed and updated Travel Plan, which sets a target of zero for parents dropping off at the site will be needed. It is suggested that provision for a Travel Plan should be subject to S106. The Travel Plan will need to require the school to respond to any unauthorised parking in a proactive and timely manner and the applicants are agreeable to this. Furthermore, it has been agreed that each year until full capacity is reached, that the school would appoint an independent transport consultant (to be approved by the Council) to undertake surveys and assess the degree to which parents arrive at the school at the start and end of the school day by car and park/stop on Union Road or other roads within the adjacent residential development, together with recommendations that the school would need to implement by means of reasonable measures. This measure would also be incorporated into the S106 agreement.
- 7.27 Staff are satisfied that the school can operate without causing undue highway or parking problems and that if problems do occur that the school would be under an obligation to respond as expeditiously and comprehensively as possible. On this basis no objection is raised.
- 7.28 The provision of 46 long term secure covered cycle parking spaces is proposed. The Council's standard for cycle parking is that provision should be at a rate of 1 /10 pupils or staff giving a total requirement of 69 spaces when the school is at full capacity. The Mayor's standard is even higher at 1 / 8 giving a total requirement of 84 spaces. Whilst the level of cycle parking proposed would be sufficient to meet the standards necessary when the school first opens, if the required level is not provided from the outset it may be difficult to retrofit. A condition is therefore suggested to require that that Mayors standard is met.

#### Environmental Issues

- 7.29 Flood Risk and Drainage – The application has been accompanied by a flood risk assessment which concludes that the site is of low risk of

flooding. It is proposed that surface water be attenuated on site to control flows to existing drains. This is considered to be acceptable.

- 7.30 Sustainability and Energy – A detailed sustainability statement and energy statement have been submitted with the application, proposing a range of measures in order to achieve a 35% reduction in CO<sub>2</sub> emissions above Building Regulations requirements as required by London Plan Policy 5.2. There remain a couple of outstanding issues raised by the GLA in this regard. It is therefore recommended that the final wording of any condition(s) requiring measures as outlined to be included in the development be delegated to the Head of Regulatory Services.

## 8. Conclusion

- 8.1 The need for school places is a factor that weighs significantly in favour of the proposed new school building. The loss of the existing building, which is a heritage asset, has been shown to be necessary and can in this particular case be justified not only by the need for school places but the high quality of the proposed design. A successful travel plan would be necessary to minimise the likelihood of illegal parking taking place close to the site. Whilst the school is growing over the first 5 years, it is considered necessary to have measures in place to monitor parking around the site and revise the travel plan if necessary. It is therefore recommended that planning permission be granted, subject to S106 legal agreement.
- 8.2 Stage 2 referral of the application is required to the Mayor of London, who has the power to either direct refusal of the proposal should it be considered contrary to strategic policies for London or take on the application for his own determination..

## IMPLICATIONS AND RISKS

### **Financial Implications and risks:**

A Section 106 planning obligation is required to make the application acceptable. The agreement will include the payment of the Council's legal expenses involved in drafting the S106 agreement.

### **Legal Implications and risks:**

Legal resources will be required for the completion of a legal agreement

### **Human Resource Implications:**

None

### **Equalities and Social Inclusion Implications:**

The Council's planning policies are implemented with regard to equality and diversity. The development would offer non selective educational facilities and



would incorporate all necessary facilities to ensure equality of access and is well located to serve all of the local community.

## **BACKGROUND PAPERS**

1. Application form and supporting statements.

This page is intentionally left blank

# REGULATORY SERVICES COMMITTEE

17 December 2015

# REPORT

**Subject Heading:**

**P1364.15: Open Space / Play Area,  
Bolberry Road, Romford**

**Erection of a single storey community  
centre building. (Application received  
28 September 2015)**

**Ward:**

**Havering Park**

**Report Author and contact details:**

**Helen Oakerbee  
Planning Manager  
[helen.oakerbee@havering.gov.uk](mailto:helen.oakerbee@havering.gov.uk)  
01708 432800**

**Policy context:**

**Local Development Framework  
The London Plan  
National Planning Policy Framework**

**Financial summary:**

**None**

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

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 proposal is for the erection of a new single storey detached community centre building on an outdoor play area to the rear of Highfield Towers.

The application raises considerations in relation to the principle of the development, the impact on the character and appearance of the surrounding area, the impact on the residential amenity of the neighbouring residents and the suitability of the proposed parking and access arrangements.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions.

## RECOMMENDATIONS

That the Committee notes that proposed development will be liable for a payment of £3422.52 (subject to indexation) under the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

That the Head of Regulatory Services be authorised to grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the 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. External Materials

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.

### 4. Landscaping

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

**Reason:** 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.

### 5. Wheel Washing

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.

## 6. Construction Methodology

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

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

- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

**Reason:** 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.

#### 7. 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.

#### 8. Cycle Storage

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

**Reason:** Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to commencement is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

#### 9. External Lighting

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

**Reason:** 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 ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 10. Refuse and Recycling

The development shall not be commenced until details of refuse and recycling storage are submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be 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 commencement 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 Policy DC61.

#### 11. Parking

The development shall not be commenced until detailed drawings showing the layout of parking to be provided in the new parking areas shown in the area marked blue on drawing no. SP-EDU27-1 Revision E have been submitted to and approved in writing by the Local Planning Authority. The parking areas shall then be provided on site in accordance with the approved details and shall be retained thereafter in accordance with the approved details and retained thereafter solely for use by users of the community centre.

**Reason:** In order to ensure the development has adequate car parking in the interests of the functioning of the highway and to accord with Policies DC32 and DC33 of the Core Strategy and Development Control Policies Development Plan Document.

#### 12: Hours of Use

The community centre hereby approved shall not be in use outside the hours of 08:00 to 22:00 hours Mondays to Fridays, 08:00 hours to midnight on Saturdays and 09:00 to 21:00 hours on Sundays without the prior consent in writing of the Local Planning Authority.

**Reason:** In the interests of amenity and to accord with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.



### 13: Play Equipment

The community centre hereby approved shall not be brought into use until the adjacent play area shown on drawing number SP-EDU27-1 Revision E has been landscaped and new play equipment installed, in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. The play area shall be retained thereafter.

**Reason:** In order to maintain open space to the benefit of the local area and amenity and to accord with the provisions of Policies DC18 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

### 14: Restricted Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be as a community centre only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

### 15: Noise Levels

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

Reason:-

To prevent noise nuisance to nearby residents and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## **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. 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 £3422.52 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. 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.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application relates to an open space play area adjacent to Bolberry Road, Romford. This is a relatively flat 1000 square metre (0.1 hectares) 'L'-shaped plot comprising a playground with a variety of outdoor play equipment. The site is located to the rear of the Highfield Towers residential block car park and is accessed from Hillrise Road.
- 1.2 The site is surrounded by residential accommodation to the north, west and south of the site at Bolberry Road, Highfield Towers, and Hillrise Road respectively. To the east the site abuts a wooded area which is designated as Metropolitan Green Belt. There is an existing single storey community centre building situated to the west of the site.
- 1.3 The site is designated in the LDF as a leisure and recreation facility.

### **2. Description of Proposal**

- 2.1 The application is seeking planning permission for erection of a single storey detached community centre building.
- 2.2 The proposed building would be positioned towards the wider northern section of the site with the entrance facing out onto the Highfield Towers car park. The building would occupy a footprint of 185 square metres and measure 19.5 metres in width and 9.5 metres in depth. The new community centre would also incorporate a pitched roof design with a ridge height of 4.4

metres. The building would feature a lean-to style canopy above the main entrance and along the southern gable elevation and floor to ceiling glazing sections along the front elevation.

- 2.3 Internally the building would comprise two separate main halls with a retractable screen wall allowing the spaces to be combined. In addition a partitioned off section of the building adjacent to the main entrance would include an office/ reception area, kitchen, toilets, store rooms and a plant room.
- 2.4 It is intended that the new building would serve the immediate community from within Highfield Towers and the surrounding Hillrise estate as well as being used for a variety of events and functions; from sports activities to social events.
- 2.5 Hardstanding would be installed to the site frontage and around the sides of the new community centre. The remaining southern section of the site would be laid out as a grassed area. Additional car parking would be provided on an existing drying area at the front of the site.
- 2.6 A cycle rack would be positioned adjacent to the pedestrian entrance from the Highfield Tower servicing road and car park.

### **3. Relevant History**

- 3.1 No recent planning history

### **4. Consultations/Representations**

- 4.1 Notification letters were sent to 299 properties and 1 representation has been received. The comments can be summarised as follows:
  - There is an adequate community centre at the side of Highfield Towers, which would be cheaper to refurbish or rebuild, rather than taking away the only children's play area in this estate.
  - The new community centre is not necessary and a waste of money.
  - The existing play area should be made bigger and better for children.
- 4.2 In response to the above: a justification for the proposed new community centre is detailed in the following sections of this report.
- 4.3 The following consultation responses have been received:
  - London Fire Brigade Water Team - no objection.
  - Historic England – no archaeological requirements.
  - Environmental Health - no objection.

- Local Highway Authority – initially raised objections on parking grounds but are satisfied that revised proposals are capable of providing additional parking to meet policy requirements and to have an acceptable impact on the public highway.

## **5. Relevant Policies**

- 5.1 CP8 (Community Needs), CP17 (Design), DC18 (Protection of Public Open Space, Sports and Leisure Facilities), DC20 (Access to Recreation and Leisure including Open Space), DC26 (Location of Community Facilities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC58 (Biodiversity), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Landscaping SPD, Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.19 (sport facilities), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 7.15 (reducing noise and enhancing soundscapes) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 7 (Requiring good design), 8 (Promoting healthy communities) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The application raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

### **6.2 Principle of Development**

- 6.2.1 Policy DC26 of the LDF states that the preferred location for community facilities is within Romford, District and Local centres and London Riverside. This proposal should however be considered in the context of the wider proposals for the regeneration of the Highfields Estate. There is an intention to undertake a series of regeneration initiatives across the estate, for which feasibility work and wider public consultation with residents of the estate is on-going. The proposed new community centre is part of this project.

- 6.2.2 Whilst the estate has an existing community centre, this is a relatively small and dated facility, which is in need of substantial refurbishment. This application would enable the removal of the existing community centre, with opportunity to provide parking in its place, and replacement with a modern, fit for purpose community facility that would lend itself for a range of community activities and events. The estate is relatively dense and it is considered that it would draw a wide range of users from the local area, such that it is appropriate in this case for the new community centre to be located within the heart of the Highfield Estate. The location of the centre is therefore considered to be justified in this context.
- 6.2.3 Policy DC26 states that new community facilities will only be approved where they are accessible by a range of transport modes. Although the site is not well served by public transport, in view of the location within a housing estate, it is considered that a number of users would be local and would walk or cycle to the centre. Parking issues will be addressed later in this report, as will considerations relating to residential character and amenity.
- 6.2.4 Policy DC18 states that the Council will seek the retention and enhancement of all public open space and recreation, sports and leisure facilities that are in private and public ownership. Policy DC20 expands on this aspiration by stating that the Council will seek to ensure that there is adequate provision of a varied range of accessible leisure and recreation facilities throughout the borough.
- 6.2.5 The application site is currently used as a formal children's playground comprising several pieces of outdoor play equipment arranged across the site. In its current use the site is regarded as valuable community facility. Policy DC18 discusses the requirements for providing replacement facilities for the loss of any open space to a non-recreation/ leisure use.
- 6.2.6 As part of the wider regeneration proposals, consideration is being given to the opportunity for outdoor recreation across the estate and the quality of the facilities being offered. As the application stands, there would be a loss of outdoor recreational space, although it is intended that the area of outdoor play space to be retained would be enhanced by the installation of new play equipment to provide facilities that are broadly comparable with that currently available. The regeneration feasibility studies that are ongoing are exploring the scope for undertaking enhancements to adjacent open space. This could, for example, include the introduction of way marked pathways, or the introduction of trim trails.
- 6.2.7 The proposed community centre itself will provide opportunities for indoor play and recreation that would complement the outdoor play facilities. It is intended that the space outside the community centre would be developed with appropriate play equipment, outdoor seating and planting to complement the activities taking place inside the centre.
- 6.2.8 Staff acknowledge that, as it currently stands, the application will result in the loss of existing outdoor play space. The regeneration proposals for the

estate are not sufficiently advanced that definitive proposals for future outdoor recreational facilities can be determined at this stage. However, considered in the context of the regeneration aspirations, and taking into account the planned improvements to the outdoor play space that will remain, together with the complementary indoor recreational facilities and wider benefits proposed by the community centre, Staff consider that the application can be accepted in principle without compromising the aims of Policy DC18. On balance it is considered that the new building would offer a broader range of benefits to the wider community. In this regard the new community centre would offer an enhanced multi-functional facility that can absorb the loss of the current outdoor play provision with an improved variety of events and functions serving a larger proportion of the local community.

### **6.3. Design/Impact on Streetscene**

- 6.3.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. Planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.3.2 The site is located in a relatively secluded position adjacent to a walled drying area for residents' washing, and the car park to the rear of the Highfield Towers. The backdrop to the site is formed by a strip of semi-mature woodland. As such the site is afforded a degree of separation from the surrounding buildings and residential accommodation.
- 6.3.3 In terms of prominence the proposed pitched roof building would be single storey with a ridge height of just 4.4 metres resulting in a relatively low profile and unobtrusive structure within this setting.
- 6.3.4 The adjacent 15 storey Highfield Towers block forms a landmark for this area of Havering and as such dominates the surrounding streetscene at Bolberry Road and Hillrise Road. In addition the residential accommodation to the north of the site on Bolberry Road is formed of three-storey blocks with considerable height and bulk.
- 6.3.5 In comparison, the scale and massing of the proposed community centre building would be far less significant and as a result would not form a visually intrusive feature within this setting of much larger buildings. The proposed materials and colour scheme would be different to the concrete cladding on the upper levels of Highfield Towers, but would harmonise well with the brickwork at the lower sections of the building and adjacent blocks at Bolberry Road. The tree coverage to the east of the site would offer a good degree of natural screening from the Immanuel School playing fields which are located within the Green Belt.

- 6.3.6 Consideration has been given to the security of the proposed building and it has been designed with regard to Secure by Design principles. This will include the use of windows and doors to PAS24 standards.
- 6.3.7 On balance it is considered that the proposed community centre building would sit comfortably within its surroundings and would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

#### **6.4 *Impact on Amenity***

- 6.4.1 Policy DC26 states that planning permission for new community facilities will only be granted where they, amongst other things, do not have a significant adverse effect on residential character and amenity. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of privacy to existing properties or unreasonable adverse effects on the environment by reason of noise.
- 6.4.2 The application site is largely removed from surrounding residential properties and would be located some 25 metres from Highfield Towers, the rear of the building would lie over 14 metres from the flats in Bolberry Road and some 60 metres from the rear of houses at Hillrise Road.
- 6.4.3 It should be noted that there is already an existing community centre building located between Hillrise and Bolberry Road in much closer proximity to the surrounding residential accommodation. Given that the site also has an established use as a public playground, it is not considered that the proposed community centre would represent a significant change to the character of this local area.
- 6.4.4 The proposed building will be available for a wide range of community uses and functions and therefore has the potential to be used late into the evening for parties, receptions etc. The community centre is operated and managed by the Council and will be run by the LBH Housing Community Engagement Team, who have experience of managing other community centres within the Borough, such as the Betty Whiting Centre on the Briar Road estate and the Hacton Lane Community Hall in Hornchurch. It is understood that there would be a Hall Keeper on the premises at all times. In addition consideration has been given to the use of CCTV, patrol by community wardens and use of security companies depending on the type of event. It is considered that, given the Council's experience in operating such centres, there would be adequate control to prevent adverse impacts on neighbouring residential amenity. Staff are however recommending a condition in respect of opening hours of the centre to provide an additional level of control to maintain residential amenity.
- 6.4.5 Taking into consideration the separation distances from the surrounding residential accommodation, the existing community uses within this locality,

and the management arrangements, it is not considered that the proposed development would be unduly harmful to the amenity of the neighbouring occupiers.

## **6.5 *Environmental Issues***

- 6.5.1 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site.
- 6.5.2 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.5.3 The proposal is not considered to give rise to any significant or persistent noise issues. As noted above, there would be a management team controlling the operation of the community centre.

## **6.6 *Parking and Highway Issues***

- 6.6.1 Policy DC33 seeks to ensure that all new developments make adequate provision for car parking. Policy DC3 sets out that car parking in new development should not exceed the maxima set out in Annex 5 of the LDF. Annex 5 standards set out a parking requirement of 1 space per 4 square metres of floor area. The proposed building has a floorspace in the region of 185 square metres but it is noted that this replaces an existing community centre of some 110 square metres, for which no off-street parking is provided. Based on the net increase in floor area of 75 square metres, the parking requirement would be in the region of 18 spaces.
- 6.6.2 In response to concerns raised by Highways, and having regard to the relatively low PTAL values of the site, the applicant has indicated that additional parking provision would be made in the vicinity of the site. This would comprise new parking on an existing area of hardstanding in front of the site and parking on the site of the community hall to be demolished. Staff are satisfied that the space available would make provision for at least the 18 spaces required as a maximum by the LDF and potentially more and that the proposal makes acceptable provision for additional car parking. A condition is recommended so that the detailed layout of the parking area can be worked up and submitted for approval. Separately the applicant is undertaking feasibility work with regard to parking across the wider estate and separate measures to tackle general parking issues across the estate as a whole.
- 6.6.3 There are considered to be no material adverse issues with regard to servicing of the development. However, a condition is recommended with regard to refuse storage requirements. The proposal makes provision for cycle parking within the site. Further details of this are required by condition.



## **6.7 *Mayoral Community Infrastructure Levy***

6.7.1 The proposed development would create 171.126 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £3422.52 (subject to indexation) based on the calculation of £20.00 per square metre.

## **7. Conclusion**

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

7.2 It is considered that a case has reasonably been made for the location of the proposed facility and the loss of part of the existing play area. Staff are of the view that due to the siting, scale and location the proposal would not be disproportionate or have a harmful impact on the character of the street scene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

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

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

The application is submitted on behalf of London Borough of Havering and comprises land in its ownership. This application is however considered solely on the planning merits of the proposals.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The proposed new community centre will replace the existing facility with a modern, fit for purpose building that will better cater for the needs of the wider community.

**BACKGROUND PAPERS**

Application P1364.15 received 28 September 2015.