



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
31 March 2016**

**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 - 8)

To approve as a correct record the minutes of the meeting of the Committee held on 18 February 2016 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 9 - 40)

- 6 **P1848.15 - SOUTH HORNCHURCH MODULAR BUILDING, RAINHAM ROAD, RAINHAM** (Pages 41 - 50)
- 7 **P1670.15 - 67 BUTTS GREEN ROAD, HORNCHURCH** (Pages 51 - 64)
- 8 **P1652.15 - 2 BROOKLANDS ROAD, ROMFORD** (Pages 65 - 82)
- 9 **P1210.15 - 1 KILMARTIN WAY, HORNCHURCH** (Pages 83 - 106)
- 10 **P1734.15 - 30 UPMINSTER ROAD SOUTH, RAINHAM** (Pages 107 - 124)
- 11 **P0118.16 - 67 CORBETS TEY ROAD, (LAND ADJ) UPMINSTER** (Pages 125 - 142)
- 12 **P1453.15 - 20 FARM ROAD, RAINHAM** (Pages 143 - 164)
- 13 **P0011.16 - UNIT 7 BEAM REACH BUSINESS PARK 5, CONSUL AVENUE, RAINHAM** (Pages 165 - 174)
- 14 **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

Public Document Pack Agenda Item 4

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
18 February 2016 (7.30 - 8.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Melvin Wallace (Vice-Chair), Steven Kelly, +Joshua Chapman and +Carol Smith

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Linda Hawthorn and +Ron Ower

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillors Philippa Crowder, Ray Best and Alex Donald.

+Substitute members: Councillor Joshua Chapman (for Philippa Crowder), Councillor Carol Smith (for Ray Best) and Councillor Ron Ower (for Alex Donald).

Councillors Linda Van den Hende, June Alexander and Philip Hyde were also present for parts of the meeting.

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

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

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

402 P1274.15 - BLOCK 8 FORMER OLDCHURCH HOSPITAL, UNION ROAD, ROMFORD

The proposal before Members was for the demolition of an existing building and the construction of a new primary school for 630 pupils aged 4-11. The existing building was the original nurses and doctors accommodation for the former Oldchurch Hospital and was identified as a Locally Listed Building and was therefore a heritage asset.

This application had been previously considered by the Committee on 17 December 2015 where it had been deferred to enable staff to seek amendments to increase the amount of on-site parking for staff, to introduce a drop off facility on Union Road and to clarify the arrangements for sports facilities for future pupils. The report was now brought back to Members, updated to reflect the outcome of these negotiations with the applicant.

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

The objector advised that he was speaking on behalf of the Romford Civic Society. The objector commented that the drop off point proposed was not sufficient enough and the increase in staff parking was not enough to cope with demand. The objector concluded by re-iterating his previous comment that the proposal was for the demolition of a locally listed building.

In response the applicant's agent again commented that that the existing building was suitable for conversion. The agent also commented that the Committee's previous concerns had been addressed in the re-submitted report and that there was a great need of the school places in the borough.

During the debate Members discussed the provision of the drop off zone and slightly increased parking.

The consensus of Members appeared to be that although some additions had been made the scheme still fell some way short of being ideal however, this had to be offset against the greater need for school places within the borough and that a new school was preferable to an expansion of an existing one.

It was **RESOLVED** that the proposal was unacceptable as it stood 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 consultant's 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 identified 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 was completed.
- The Developer/Owner shall pay the appropriate planning obligations monitoring fee prior to completion of the agreement.

Subject to recommendations A) and B) above that planning permission be granted subject to the conditions as set out in the report.

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

Councillor Hawthorn voted against the resolution to grant planning permission.

403 P1554.15 - 144 CORBETS TEY ROAD, UPMINSTER

The proposal before Members was for conversion and part demolition of the existing dwelling to allow room for the construction of a 3-bedroom detached dwelling.

Members noted that the application had been called in by Councillor Linda Van den Hende on grounds that:

- The proposal would have a serious impact on the streetscene and would cause an unbalanced environment.
- Both the neighbour in Little Gaynes Lane and that of 142 Corbets Tey Road would be significantly inconvenienced with the overlooking from the new build and loss of amenity.

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

The objector commented that the proposal was an overdevelopment of the site and would lead to a loss of light that would affect his property.

With its agreement Councillor Linda Van den Hende addressed the Committee.

Councillor Van den Hende commented that the proposal was a balanced case and a judgement call was needed. Councillor Van den Hende also commented that a previous application had been refused on the grounds of density and layout and that the new proposal appeared to pay attention to the amenity of the new property but not to that of the existing neighbours. Councillor Van den Hende concluded that the proposal would lead to a loss of light on the existing neighbours and would have a detrimental impact on the streetscene.

During the debate Members discussed the impact the proposal would have on the streetscene and whether it was an overdevelopment of the site.

Following a motion to refuse the granting of planning permission which was lost by 6 votes to 3 with 2 abstentions the Committee noted that the proposal qualified for a Mayoral CIL contribution of £5,796 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £6,000 to be paid prior to commencement of development and to be used towards 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

The vote for the resolution to grant planning permission was carried by 6 votes to 3 with 2 abstentions.

Councillors Misir, Kelly, Wallace, Chapman, Smith and Whitney voted for the resolution to grant planning permission.

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

Councillors Martin and Williamson abstained from voting.

404 **P0405.15 - PLOTS 1-6 GRAVEL PIT COPPICE, CARAVAN PARK, BENSKINS LANE - CHANGE OF USE OF LAND TO A PRIVATE GYPSY AND TRAVELLER CARAVAN SITE COMPRISING OF SIX PITCHES**

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

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

Councillor Whitney voted against the resolution to grant planning permission.

405 **P1420.15 - 14 BEVERLEY GARDENS, HORNCHURCH - DEMOLITION OF 14 BEVERLEY GARDENS, THE FORMATION OF A NEW ACCESS ROAD AND FOOTPATH AND THE ERECTION OF A THREE BEDROOM BUNGALOW WITH TWO ASSOCIATED CAR PARKING SPACES**

The Committee considered the report noting that the proposal qualified for a Mayoral CIL contribution of £1,968 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution was carried by 7 votes to 2 with 2 abstentions.

Councillors Misir, Kelly, Chapman, Wallace, Smith, Martin and Williamson voted for the resolution to grant planning permission.

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

Councillors Hawthorn and Ower abstained from voting.

406 **P1705.15 - CORBETS TEY SCHOOL, HARWOOD HALL LANE, UPMINSTER - PROPOSED TWO STOREY FLAT ROOF EXTENSION TO MAIN SCHOOL BUILDING WITH AN EXTERNAL CANOPY STRUCTURE**

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

407 **P1419.15 - LEXINGTON WAY GARAGE BLOCK, LEXINGTON WAY, CRANHAM**

The application before Members was for the re-development of a former garage court which included an area of open space to provide ten new dwelling houses and two flats.

During a brief debate Members discussed the current/future access arrangements for existing residents particularly during the construction period.

The Committee noted that the proposal qualified for a Mayoral CIL contribution of £25,432 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £72,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- 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 provision on site of a minimum of 50% of the units as affordable housing with the two social rented units to remain as affordable in perpetuity.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation was completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

That the Head of Regulatory Services be authorised to grant planning permission upon the completion of the unilateral undertaking subject to the conditions as set out in the report and to include the following amendments to the following conditions:

Condition 12 (Construction Methodology). Add a new paragraph (i) requiring details of vehicular access for existing residents during the construction period.

Condition 17 (Accessibility). Delegate detailed working to Head of Regulatory Services to reflect new legislation on disabled access – one house to be wheelchair adaptable, all other units (including ground floor flat), except first floor flat, to meet building regulations.

Condition 22 (Car Parking Area). Amend condition to include provision of parking spaces for disabled people.

408 **P1773.15 - ENGAYNE PRIMARY SCHOOL, SEVERN DRIVE, CRANHAM - INFILL OF THE EXISTING EXTERNAL COURTYARD TO THE STAFFROOM/SCHOOL RECEPTION BUILDING TO PROVIDE TWO FLEXIBLE WORKSPACES AND ALTERING WINDOWS AND DOORS ON THE EASTERN FLANK WALL**

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

409 **P1609.15 - 1 SPILSBY ROAD, HAROLD HILL, ROMFORD - PROPOSED CHANGE OF USE OF A VACANT INDUSTRIAL BUILDING TO AN INDOOR TRAMPOLINE PARK (D2) WITH ANCILLARY CAFETERIA (A3)**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- Provision of a training and recruitment scheme for local people to be employed during the construction period and operation of the facility
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

Chairman

Regulatory Services Committee

31 March 2016

Application No.	Ward	Address
P1656.15	Mawneys	4 Hamlet Road, Romford
P1744.15	Mawneys	2 Hamlet Road , Romford
P1787.15	Pettits	St Peters RC Primary School, Dorset Avenue, Romford

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OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 31st March 2016

APPLICATION NO. P1656.15
WARD: Mawneys **Date Received:** 10th November 2015
Expiry Date: 5th January 2016
ADDRESS: 4 Hamlet Road
Romford
PROPOSAL: Conversion of bungalow to two storey property including loft conversion and demolition of existing conservatory, and internal reconfiguration.
DRAWING NO(S): PL-5421_02
PL-5421_03
PL-5421_07
PL-5421_05A
PL-5421_06A
PL-5421_04B
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

The application has been called-in by Councillor Dilip Patel and Councillor Jason Frost on the following grounds:

1. That a six-bedroom house is considered to be unsuitable for Hamlet Road as the rest of the dwellings are three/four bedrooms and bungalows.
2. That the potential parking demand for roughly four to five cars is considered to be a big issue for the road as its very narrow and residents have complained about parking on that corner of the Hamlet Road.
3. There are already two cottages that are being built at the rear of this property.
4. A number of residents have already complained to Councillor Patel and Councillor Frost at the size of the building.

SITE DESCRIPTION

The application relates to the property at 4 Hamlet Road, Romford. This is a detached bungalow occupying a rectangular plot. The site is located towards the end of a row of detached two-storey houses and bungalows. The plot immediately to the south was formerly occupied by a two storey dwelling that has since been demolished. The surrounding area is predominantly residential in character.

The site is not located within a conservation area nor is it subject to any land classification in the LDF.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the conversion of the bungalow to a two-storey house including a loft conversion and the demolition of an existing conservatory.

The proposal would involve raising the height of the dwelling by approximately 2.8 metres, incorporating a new mansard roof design with a ridge height of 7.5 metres. The extended dwelling would measure 11.8 metres in depth and 7.3 metres in width. Internally the property would be reconfigured to include a living room, kitchen/ dining room, play room, study, utility room and WC at ground floor level. At first floor level the house would provide 4no. bedrooms (one with en-suite) and a bathroom. In the attic space an additional 2no. bedrooms would be provided.

Off-street car parking provision for in excessive 2no. cars would be provided to the front of the house accessed from the existing driveway from Hamlet Road.

RELEVANT HISTORY

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 9 properties and 9 representations have been received from 6 neighbouring properties. The comments can be summarised as follows:

- A six bedroom property is out of keeping with the other properties in Hamlet Road.
- Overlooking and loss of privacy.
- Noise, disruption and disturbance during the construction period.
- Overdevelopment of the site/ unsuitable location.
- Lack of car parking provision for a six-bedroom house.
- Too much new development within the immediate vicinity, including two new bungalows to the rear of the site at 4 Hamlet Road.
- Increase in on-street parking and traffic congestion.
- Loss of outlook from neighbouring houses.

In response to the above: Issues in relation to design, scale, bulk and massing are discussed further in the Streetscene and Amenity sections of the report respectively. Issues concerning privacy, overlooking and daylight are considered in the residential amenity section.

Andrew Rosindell MP - the plans for the development seem to be an overdevelopment in such an area and would detract from local amenity space for existing residents as well as the future residents in the building being proposed.

RELEVANT POLICIES

LDF

- CP1 - Housing Supply
- CP17 - Design
- DC2 - Housing Mix and Density
- DC3 - Housing Design and Layout
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC36 - Servicing
- DC61 - Urban Design
- DC72 - Planning Obligations

SPD11 - Planning Obligation SPD
SPD4 - Residential Extensions & Alterations SPD
SPD9 - Residential Design SPD

OTHER

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

STAFF COMMENTS

The main considerations relate to the impact on the character and appearance of the streetscene and the implications for the residential amenity of neighbouring houses.

Members may also wish to consider planning application P1744.15 at the adjacent vacant site, no. 2 Hamlet Road, for the erection of a new two-storey house of a similar height, design and appearance to the development being considered in this application. There is also the matter of an earlier appeal decision which was upheld at 2 Hamlet Road for extensions to a dwelling which are similar in terms of scale, height and design to those proposed in this current application.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. New development should maintain, enhance or improve the character and appearance of the local area and should respond to distinctive building forms and complement the character of the area through its appearance, layout and integration with surrounding land and buildings.

As mentioned, the proposal would involve raising the height of the bungalow by approximately 2.8 metres, incorporating a new mansard roof design with a ridge height of 7.5 metres. The proposed extensions would significantly increase the scale, bulk and massing of the property creating a much more prominent feature within the streetscene.

Prior to the demolition of the house that formerly occupied the site at 2 Hamlet Road planning permission was upheld at appeal for two storey side and rear extensions to the former dwelling. Although this is an extant permission, the house at no. 2 was demolished, and so the extensions were not built out. A new application has been submitted under application P1744.15, which is reported separately on this agenda, to build a new dwelling which would effectively be based on the design and general scale, bulk and massing of the extensions to dwelling that were approved by the Inspector.

The extensions proposed in this application would effectively replicate the scale, height and appearance of the proposals for the site at 2 Hamlet Road, although it should be noted that it would be lower than the height of the development proposed at no.2. Staff consider that the Inspectors favourable decision sets a strong precedent for development at the site.

Staff maintained the view that the proposed mansard roof design would not be an approach that is widely encouraged in new developments and would not necessarily present a favourable design option on other sites. Nevertheless, the Inspector made the following comments specifically with regard to the design approach:

"The Council's main design concerns relate to the proposed mansard roof and its proportions in relation to the extended dwelling. It appears that the mansard style has been principally chosen with a view to maintaining a roof height consistent with that of the existing dwelling's ridge. I do not share the Council's view of the design merits of the roof, and consider that the mansard and extensions would harmonise in terms of their respective proportions. Although the mansard roof would be unusual since no other such roofs are evident in the immediate area, the wide range of roof types on display locally is such that consistency is not a material issue. Although the host property's appearance would be significantly altered, I conclude that the extended dwelling would sit acceptably in its visual context."

Given the Inspectors previous findings with regard to the design and appearance of the dwelling and in particular the height and mansard roof features, Members are invited to make a balanced judgement in respect of the design and the impact on the character and appearance of the surrounding streetscene.

In terms of the impact on the wider streetscene at Hamlet Close, Members may also wish to consider the current proposal (P1744.15) at the adjacent site 2 Hamlet Road for the erection of a new two-storey house. This adjacent development would also result in a two storey dwelling incorporating a similar mansard roof design of a similar height and design to the extensions proposed at the application site.

IMPACT ON AMENITY

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

The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook to the occupants of the two-storey house at No.6 Hamlet Road located to the north of the development site.

The application property lies approximately 0.8 metres from the side boundary with No.6 and the flank elevations of the two properties sit approximately 1.9 metres apart.

Following concerns raised in relation to a loss of light/ overshadowing and loss of outlook to first floor rear windows at No.6, the scheme has been amended to reduce the first floor rear element of the extension by 1 metre. As a result the first floor section of the proposed building would project 2.1 metres beyond the first floor rear elevation of no.6. On balance it is considered that this measure would provide sufficient spacing so as not to result in an unacceptable degree of overshadowing and would also serve to mitigate any undue loss of outlook from the first floor rear window at no.6. Staff note there is a first floor flank window to no.6 but this does not appear to

serve a habitable room and consequently the impact on amenity is judged to be within acceptable limits.

The ground floor section of the extension would not project beyond an existing single storey rear extension at no.6.

It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement is however recommended to be secured through condition.

HIGHWAY / PARKING

The proposed extensions to the property would not result in a reduction in the existing off-street car parking provision at the site. The area to the front of the dwelling has been paved with hard standing and can comfortably accommodate off-street car parking provision for in excess of two vehicles.

The level of parking provided is in accordance with policy requirements and would not therefore constitute material grounds for refusal of the application.

KEY ISSUES / CONCLUSIONS

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.

In light of the previous appeal decision at the adjacent site 2 Hamlet Road and the comments raised by the Inspector, Members are invited to make a balanced judgement in terms of the impact on the character and appearance of the streetscene and the amenity of the neighbouring occupiers. In forming their decision members are also invited to consider the implications of the current planning application for a new dwelling at the adjacent site 2 Hamlet Road.

Staff are of the view however that considering the Inspectors previous findings, which is a material consideration given the similarities between the sites, the proposal is considered acceptable and recommend that planning permission is 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. SC10 (Matching materials)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC46 (Standard flank window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank walls of the extensions hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

INFORMATIVES

1. 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 agent Daniel Brandon via phone and email. The revisions involved reducing the rear projection of the extension. The amendments were subsequently submitted on 18/3/16.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 31st March 2016

APPLICATION NO. P1744.15
WARD: Mawneys **Date Received:** 10th December 2015
Expiry Date: 4th February 2016
ADDRESS: 2 Hamlet Road
Romford
PROPOSAL: Erection of a new house
DRAWING NO(S): A102-4
A102-SLP
A102-5
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

The application has been called-in by Councillor Dilip Patel on the following grounds:

1. That a six-bedroom house is considered to be unsuitable for Hamlet Road as the rest of the dwellings are three/four bedrooms and bungalows.
2. That the potential parking for roughly four to five cars is considered to be a big issue for the road as its very narrow and residents have complained about parking on that corner of the Hamlet Road.
3. There are already two cottages that are being built at the rear of this property.
4. A number of residents have complained to Councillor Patel and also Councillor Frost about the size of the building.

SITE DESCRIPTION

The application relates to the site at 2 Hamlet Road, Romford. This is a vacant rectangular plot, which was formerly occupied by a two-storey detached house, which was demolished in October 2015. The site is located at the end of a row of detached two-storey houses and bungalows. The surrounding area is predominantly residential in character.

The site is not located within a conservation area nor is it subject to any land classification in the LDF.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the erection of a new house.

The proposed detached house would measure approximately 12.2 metres in depth and 8.2 metres in width. The dwelling would incorporate a mansard roof design with a ridge height of 8.4 metres.

The house would be laid out in a traditional arrangement with the front elevation orientated to face out onto Hamlet Road, with a garden and car parking spaces to the front and garden to the rear. Internally, the dwelling would include a living room, kitchen/ dining room, three lounge rooms and

WC at ground floor level. At first floor level the house would provide 4no. bedrooms (two with en-suite) and a bathroom. In the attic space an additional 2no. bedrooms and a gym/ games room would be provided.

A private garden amenity area of approximately 150 square metres would be provided to the rear of the dwelling.

Off-street car parking provision for 3no. cars would be provided to the front of the house accessed from the existing driveway from Hamlet Road.

RELEVANT HISTORY

P1464.12 - Two storey rear and side extension
Refuse 25-04-2013

P0517.12 - Raising of roof, two storey rear and side extension and two storey front extension
Withdrawn 01-08-2012

P2283.06 - Single storey side/rear extension
Apprv with cons 24-01-2007

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 27 properties and 6 representations have been received from 5 neighbouring properties. The comments can be summarised as follows:

- Overdevelopment of the site/ unsuitable location.
- Lack of car parking provision for a six-bedroom house.
- Noise, disruption and disturbance during the construction period.
- Too much new development within the immediate vicinity, including two new bungalows to the rear of the site at 4 Hamlet Road.
- Increase in on-street parking and traffic congestion.
- Loss of outlook from neighbouring houses.

In response to the above: Issues in relation to design, scale, bulk and massing are discussed further in the Density/Layout and Streetscene sections of the report respectively. Issues concerning privacy, overlooking and daylight are considered in the residential amenity section. Car parking, traffic congestion and pedestrian visibility are discussed in 'Highway/Parking' section which is set out below.

Andrew Rosindell MP - the plans for the development seem to be an overdevelopment in such an area and would detract from local amenity space for existing residents as well as the future residents in the building being proposed.

Thames Water - no objection.

London Fire Brigade - no objection.

London Fire and Emergency Planning Authority - no comments.

Environmental Health - no objection.

Local Highway Authority - no objection, recommend a condition in relation to vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works.

RELEVANT POLICIES

LDF

CP1 -	Housing Supply
CP17 -	Design
DC2 -	Housing Mix and Density
DC3 -	Housing Design and Layout
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC36 -	Servicing
DC61 -	Urban Design
DC72 -	Planning Obligations
SPD11 -	Planning Obligation SPD
SPD4 -	Residential Extensions & Alterations SPD
SPD9 -	Residential Design SPD

OTHER

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

MAYORAL CIL IMPLICATIONS

The proposed development will create 1 no. residential unit with 16.5 square metres of new gross internal floorspace (floorspace of the new dwelling less the floorspace of the demolished dwelling). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £330.00 (subject to indexation) based on the calculation of £20.00 per square metre.

STAFF COMMENTS

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

Prior to the demolition of the house that formerly occupied the site planning permission (P1464.12) was granted at appeal (Appeal Ref: APP/B5480/D/13/2199881) for two storey side and rear extensions to the dwelling. The extensions were never built out, however the current proposal to build a new dwelling would effectively be based on the design and general scale, bulk and massing of the extended dwelling that was approved by the Inspector.

Members may also wish to consider planning application P1656.15 at the adjacent site 4 Hamlet Road, which is reported separately on this agenda, for the conversion of a bungalow to a two storey property including loft conversion. The extensions to this existing bungalow would also result in a two storey dwelling incorporating a similar mansard roof design of a similar height and design to the new dwelling proposed at the application site.

PRINCIPLE OF DEVELOPMENT

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

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

The proposed development will result in the erection of a replacement dwelling. The site has an established residential land use and the proposal will seek to retain this use. The proposed development raises no material concerns with regard to the continued land use and is therefore considered to be acceptable in principle, subject to the suitability of the detailed design proposals.

DENSITY / SITE LAYOUT

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

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.

For three-storey six-bedroom dwellings the standard is set out at 138 square metres of internal floor space. The proposed dwelling would provide up to 226 square metres of internal floorspace. The bedrooms would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the house would provide an acceptable amount of space for day to day living.

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.

A private garden amenity area of approximately 150 square metres would be provided to the rear of the dwelling. It is considered that the amount of private amenity space proposed in the development is adequate for the requirements of a large family house.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. New development should maintain, enhance or improve the character and appearance of the local area and should respond to distinctive building forms and complement the character of the area through its appearance, layout and integration with surrounding land and buildings.

In terms of background, planning permission was allowed on appeal in July 2013 for various extensions to the dwelling that previously existed on the site. This was for side and rear extensions and included alterations to the form of the roof. Whilst this is an extant permission, the permission was for extensions to the existing house, yet the house was subsequently demolished. Consequently a new application is required for the proposed replacement dwelling on the site. The dwelling that is now proposed is of similar visual appearance to the extensions that were previously allowed on appeal and Staff therefore consider that the appeal decision is a material consideration.

In upholding the appeal the Inspector made the following comments in respect of the impact on character and appearance of the local area:

"A variety of residential properties are displayed locally including detached & semi-detached dwellings, bungalows and dormer bungalows. There is no overriding style; indeed, an eclectic range of designs is evident. The appeal property is a relatively small detached dwelling, and the extensions front and rear would considerably increase its floor space and scale. However, I concur with the Council that there would be sufficient space around the dwelling, including the access strip alongside, to ensure that the plot would not appear overdeveloped were the development to proceed."

In comparison to the approved scheme the roof ridge height of the new dwelling would be increased by approximately 0.6 metres and rear dormer windows have been introduced. However, Staff acknowledge that there is little material difference between the previously approved scheme and the current proposal for the erection of a new dwelling in terms of the design and appearance and scale and bulk. Staff consider that the Inspectors favourable decision sets a strong precedent for development at the site.

Staff remain of the view that the proposed mansard roof design would not be an approach that is widely encouraged in new developments and would not necessarily present a favourable design option on other sites. Nevertheless, the Inspector also made the following comments specifically with regard to the design approach:

"The Council's main design concerns relate to the proposed mansard roof and its proportions in relation to the extended dwelling. It appears that the mansard style has been principally chosen with a view to maintaining a roof height consistent with that of the existing dwelling's ridge. I do not share the Council's view of the design merits of the roof, and consider that the mansard and extensions would harmonise in terms of their respective proportions. Although the mansard roof would be unusual since no other such roofs are evident in the immediate area, the wide range of roof types on display locally is such that consistency is not a material issue. Although the host

property's appearance would be significantly altered, I conclude that the extended dwelling would sit acceptably in its visual context."

Given the Inspectors previous findings with regard to the design and appearance of the dwelling and in particular the height and mansard roof features, Members are invited to make a balanced judgement in respect of the design and the impact on the character and appearance of the surrounding streetscene.

In terms of the impact on the wider streetscene at Hamlet Close, Members may also wish to consider the current proposal (P1656.15) at the adjacent site 4 Hamlet Road for the conversion of bungalow to a two storey property including a loft conversion. The extensions to this existing bungalow would also result in a two storey dwelling incorporating a similar mansard roof design of a similar height and design to the new dwelling at the application site.

IMPACT ON AMENITY

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

The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook to the occupants of the bungalow at No. 4 Hamlet Road located to the north of the development site, and the houses at 44 to 50 Hogs Hill Road located to the south, respectively.

In upholding the appeal for the proposed extensions the Inspector made the following comments in respect of the impact on residential amenity of the adjacent bungalow at No.4 Hamlet Road:

"The adjacent property, 4 Hamlet Road, is an extended bungalow and I share the Council's view, for the same reasons, that its residents would not unacceptably lose daylight or sunlight as a consequence of the development."

"The extended house would be seen from No 4's rear garden but its bulk would be no greater than that of the pair of semi-detached dwellings on the other side of No 4. That relationship appeared perfectly acceptable to me. There is no good reason to conclude that the completed development would appear overly bulky, as suggested by the Council."

Given the similarity of the current proposal and the proposal upheld at appeal, Staff are of the view that the Inspectors assessment is still relevant to the current site circumstances and the proposed new dwelling would not unduly harm the amenity of the occupants of No.4. It is noted that the two storey element of the proposed dwelling remains the same as that of the previously propped scheme, although the ground floor element extends further than previously. Given the extensions to the rear of the adjacent bungalow this is judged acceptable.

With regard to the amenity of the houses at Hog Hill Road, the Inspector made the following comments:

"I consider the degree of separation between the dwellings in Hog Hill Road and the appeal property to be sufficient to ensure that their residents would not suffer any adverse effects. Moreover, a row of leylandii at the rear of the properties provides effective screening at low level, even though some of the trees have been truncated."

"I conclude that the living conditions of neighbouring residents would not be harmed by reason of visual impact, or for any other reason."

Again, Staff are of the view that the Inspectors assessment is still relevant to the current site circumstances and the proposed new dwelling would not unduly harm the amenity of the occupants of the Hogs Hill Road houses.

On balance it is not considered that the proposed development would present any undue 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.

It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement is however recommended to be secured through condition.

HIGHWAY / PARKING

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 1b. This means that the site offers a poor degree of access to surrounding public transport increasing the requirement for off street car parking provision at the site. As such it invokes a high standard of 2-1.5 parking spaces per dwelling.

The scheme can demonstrate off street car parking provision for 3no. vehicles located to the front of the site, which exceeds the maximum standards set out in the policy. The Local Highway Authority has raised no objection to the proposal, but have requested that a condition is included in relation to vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works.

It is noted that concerns have been raised with regard to parking. However, this is a replacement of a previously existing dwelling and there is no net increase in residential units. Parking standards are set with regard to the accessibility of the site rather than the size of the dwelling and the provision of three off-street parking spaces exceeds policy requirements in this case.

There are no details included in the application of secure cycle storage of refuse storage, although it is noted that details can be reasonably obtained via condition.

SECTION 106

The proposal would not result in a net increase in residential units and would not therefore give rise to any payments under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs).

KEY ISSUES / CONCLUSIONS

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.

In light of the previous appeal decisions and the comments raised by the Inspector, Members are invited to make a balanced judgement in terms of the impact on the character and appearance of the streetscene and the amenity of the neighbouring occupiers. In forming their decision members are also invited to consider the implications of the current planning application at the adjacent site, 4 Hamlet Road.

Staff are however of the view that considering the Inspectors previous findings the proposal is considered acceptable and recommend that planning permission is granted subject to conditions.

RECOMMENDATION

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

1. **SC4 (Time limit) 3yrs**

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

Reason:-

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

2. **SC32 (Accordance with plans)**

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

Reason:-

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

3. **SC10A (Matching materials & samples) (Pre Commencement)**

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.

4. **SC11 (Landscaping) (Pre Commencement Condition)**

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and

soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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

5. SC13B (Boundary treatment) (Pre Commencement)

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

Reason:

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.

6. 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.

7. SC06 (Parking provision)

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as detailed on drawing no.A102-5 shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

8. SC63 (Construction Methodology) (Pre Commencement)

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

Local Planning Authority. The Construction Method statement shall include details of:

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

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

Reason:-

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

9. Vehicle Cleansing (Pre Commencement Condition)

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

The submission will provide;

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

Reason:-

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

10. SC58 (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.

11. SC59 (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.

12. SC46 (Standard flank window condition)

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

13. SC45A (Removal of permitted development rights) EDIT DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

Reason:-

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

14. SC86 Minor Space Standards

The dwelling 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.

15. SC87 Water Efficiency

The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan.

INFORMATIVES

1. Approval - No negotiation required

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

2. Approval and CIL (enter amount)

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £330.00 (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. Highways

Temporary use of the public highway

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

Please note that unauthorised use of the highway for construction works is an offence.

4. Thames Water informative

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

5. 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.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 31st March 2016

APPLICATION NO. P1787.15
WARD: Pettits **Date Received:** 7th December 2015
Expiry Date: 8th April 2016

ADDRESS: St Peters RC Primary School
Dorset Avenue
Romford

PROPOSAL: Extensions to enlarge school to 2FE capacity and to provide the following: 6no new 30 pupil place classrooms, group teaching rooms, stores and toilets; and a studio learning space

DRAWING NO(S): Location Plan - Drawing No. M630/P1
Site Levels - Drawing No. M630
Plan As Existing - Drawing No. M630/P7
Elevations As Existing - Drawing No. M630/P10
Whole School Plan As Proposed - Drawing No. M630/P8
Site Layout - Drawing No. M630/P4
Single Storey Extension - Drawing No. M630/P2
Extension To Junior Block - Drawing No. M630/P3
Roof Plan - Drawing No. M630/P11
Elevations As Proposed 1 of 2 - Drawing No. M630/P6
Elevations As Proposed 2 of 2 - Drawing No. M630/P9

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

SITE DESCRIPTION

St Peters Roman Catholic Primary School is located on the eastern side of Dorset Avenue in Romford. The school has been extended on numerous occasions, in recent years, but is predominately focussed in the centre of the site with a car parking area to the front and the school hard and soft playing areas to the north and south. The school building itself is brick built with a high proportion of glazing. The building is of a flat roof construction but does comprises a number of different roof heights, ranging between one and two storey.

In terms of the locality, to the south of the main school building is a pond to which there are a number of protected trees surrounding, and to the east of the school site is St Edwards Church of England Primary School. The area surrounding the two school sites is nevertheless residential, with residential properties lining the streets around the school boundaries.

The site is not located within a conservation area, is not listed and is not subject to any other statutory land designation.

DESCRIPTION OF PROPOSAL

The London Borough of Havering has a need for additional school places and this school has been identified as a potential site which could be expanded to meet the projected need/shortfall.

The extensions, as described below, would facilitate the school becoming a two form entry capacity school (i.e. two class admissions per year). In terms of seven year groups (reception and year groups 1-6) the proposals would therefore enable the school to accommodate up to 420 pupils.

Currently there are eight classrooms on-site, noting that a 'bulge' classroom was permitted in 2015 and the school accepted a two form reception in September 2015. The extensions proposed by this application primarily therefore relate to the creation of six additional classrooms together with associated spaces and facilities.

In respect of the above, three separate extensions are proposed by this application:

- a two storey extension to the junior block (south-east of the site) comprising four classrooms;
- a single storey extension to the infant block (north of the site) comprising two classrooms; and
- an extension to the assembly/dining hall (centre of the site) to provide additional studio space.

The extensions are to be flat roof, with aluminium fascia and brise soleil features, constructed in facing brickwork to match the existing built-form. The extension to the infant block is also proposed to be supported by an external canopy to offer pupils suitable shelter from the weather whilst working in the outside teaching area. The extensions, overall, would create 704.4m² gross floorspace / 638.5m² net floorspace and the development would fully comply with Part M (Access to and Use of Buildings) of the Building Regulations.

The school site is currently supported by 18 car parking spaces, including one disabled space. The revised site layout proposed, as part of this application, would facilitate the creation of three additional spaces, including one additional disabled space (so 21 spaces in total, inclusive of two disabled spaces).

The development would not affect the formal sports area provision at the school.

RELEVANT HISTORY

- P0236.15 - Single Storey Extension to provide new KS1 Classroom, Store, Toilets & Office, and external canopy and play area for early years classrooms.
Apprv with cons 22-04-2015
- P1679.10 - Landscaping works to front of school including relocated car parking, disabled car space and general improvements
Apprv with cons 11-01-2011
- P0992.10 - Single storey extension to provide reception area, office, head teacher's office, learning hub, and DDA improvements
Apprv with cons 31-08-2010
- P0091.07 - Enlargement of staff room & provision of teacher preparation area (New single storey extension)
Apprv with cons 12-03-2007

CONSULTATIONS / REPRESENTATIONS

Highway Authority - We have some concerns that the extension proposals would create additional

pressures for parent parking in the surrounding streets. Although it is suggested within the submitted Transport Statement that there is some capacity in unrestricted areas a short walk away, we are currently experiencing behavioural issues with parking in restricted and unsuitable areas. The application does not propose a drop-off facility and therefore nearby streets will become the de-facto. Given the need for school places it is accepted that highway concerns may be outweighed and accordingly, should planning permission be granted, a series of conditions are recommended in an attempt to mitigate potential impacts. Conditions recommended include a review of the existing parking restrictions within 500m of the school pedestrian entrance; and the submission of a revised, up-to-date School Travel Plan. Conditions are furthermore recommended in respect of the construction phase of the development with the requirement for a construction management plan; and vehicle cleansing facilities.

London Borough of Havering Environmental Health - No objection.

Public consultation: 121 properties were directly notified of this application. 13 letters of representation have been received. The letters of objection primarily raise concern about the impact increased numbers of pupils may have on nearby roads and illegal parking; amenity impacts during the construction phase of the development; and that the school seems to be expanding ever year. Request within numerous letters received is that parking arrangements are monitored to ensure the safety of children and that parking restrictions are complied with. Concern about the level of enforcement, as existing, is furthermore raised.

RELEVANT POLICIES

LDF

- CP08 - Community Facilities
- CP09 - Reducing the need to travel
- CP10 - Sustainable Transport
- CP15 - Environmental Management
- CP16 - Biodiversity and Geodiversity
- CP17 - Design
- DC26 - Location of Community Facilities
- DC27 - Provision of Community Facilities
- DC29 - Educational Premises
- DC32 - The Road Network
- DC33 - Car Parking
- DC35 - Cycling
- DC36 - Servicing
- DC49 - Sustainable Design and Construction
- DC50 - Renewable Energy
- DC51 - Water Supply, Drainage and Quality
- DC52 - Air Quality
- DC55 - Noise
- DC56 - Light
- DC58 - Biodiversity and Geodiversity
- DC60 - Trees and Woodlands
- DC61 - Urban Design
- DC62 - Access

DC72 - Planning Obligations
Designing Safer Places SPD
Landscaping SPD
Sustainable Design and Construction SPD
Planning Obligation SPD

LONDON PLAN

3.16 - Protection and enhancement of social infrastructure
3.18 - Education facilities
5.3 - Sustainable design and construction
6.1 - Strategic approach
6.3 - Assessing effects of development on transport capacity
6.9 - Cycling
6.11 - Smoothing traffic flow and tackling congestion
6.12 - Road network capacity
6.13 - Parking
7.4 - Local character
7.6 - Architecture
7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
8.2 - Planning obligations
8.3 - Community Infrastructure Levy

National Planning Policy Framework
National Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

As this application is for development providing education floorspace, as a school or college, the development is exempt from the Mayoral CIL.

STAFF COMMENTS

It is considered that the key issues for consideration in the determination of this application are the design of the development and the impact on the character and appearance of the locality; the impact on nearby amenity; and the impact on local traffic and parking conditions.

PRINCIPLE OF DEVELOPMENT

The NPPF, at paragraph 6, states that the purpose of the planning system is to contribute to the achievement of sustainable development. Specifically in relation to educational facilities (paragraph 72), it is noted that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with school promoters to identify and resolve key planning issues before applications are submitted.

Replicating this, policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.

The main aim of the proposal, as described by the applicant, is to ensure that there is sufficient school places to meet predicted demand. In consideration of this, and the above detailed in the NPPF, no principle objection is raised in respect of the proposal. Although that being said, this is nevertheless subject to the proposal meeting and satisfying all relevant policy and guidance in respect of design, highways, amenity and any specific individual site constraints. An assessment of the aforementioned can be found below.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy CP17 of the LDF Core Strategy and Development Control Policies DPD details that the appearance, safety and accessibility of Havering will be maintained and, where possible, enhanced by requiring new development to:

- maintain or improve the character and appearance of the local area in its scale and design;
- provide a high standard of inclusive design so it is accessible to those who require access to it; and
- be safe and secure in its design and contribute to community safety.

Expanding on this policy DC61 states development must (only criteria relevant to this application have been detailed) harness the topographical and ecological character of the site, including the retention of existing trees and landscape features while providing appropriate landscaping; respond to distinctive local building form and patterns of development and respect the scale, massing and height of the surrounding physical context; complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings; provide structure by utilising and protecting existing views, vistas, panoramas and landmarks and creating new ones; be designed and oriented around the needs of pedestrians, cyclists and connectivity to the public transport network; and be durable flexible and adaptable.

As detailed in the 'Description of Proposal' section of this report, the extensions proposed by this application would follow the established design characteristics of the school as existing. With the extensions proposed no higher than the existing built form (one and two storey) and in a material palette to match the existing building it is considered that the extensions would be in keeping with the site in general. The design of the development is considered largely utilitarian however, considering that the additional classrooms are proposed as extensions rather than a specific new build (standalone building) it is considered that that the applicant has sought to mirror the existing design rationale to conform with the site character. It is considered that an extension of a different design or material palette would have significantly stood out on the site and accordingly the approach adopted is agreed with in this instance.

With regard to the scale of the extensions proposed, it is noted that the extensions would not result in the loss of any play area in use as a sports pitch. The extensions would furthermore be no higher than the building to which they are adjoining and given their location largely hidden from public vantage points. This is quite a small school site, and the existence of the pond, to the south,

does restrict options in terms of expansion. That being said, it is considered that the site can comfortably accept the extensions proposed without appearing over-crowded or cramped. The development is therefore considered to comply with relevant design policies of the LDF.

IMPACT ON AMENITY

The nearest residential properties to the school are those surrounding the school boundary on Dorset Avenue, Park Drive (and The Avenue) and The Chase. The properties on The Chase are the closest residential properties to one of the proposed extension blocks, being approximately 20m from the proposed extension. Policy DC61 of the LDF, in addition to the above, details that planning permission will not be granted where a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy and/or unreasonable effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments. Policies DC55 and DC56 seek to ensure that development proposals do not give rise to undue levels of noise or vibration or unacceptable light intrusion.

Given the scale of development proposed, the existing school use and layout and the distance to nearby properties it is not considered that the development would give rise to significant amenity impacts. Indeed in respect of this, whilst it is noted that objections have been received to the development coming forward, with the exception of amenity impact during the construction, amenity concerns per-se have not been raised by nearby residents.

In relation to the construction phase of the development, conditions could nevertheless be imposed, on any planning permission granted, to ensure that impacts during this period are suitable managed and controlled. For example, restrictions on the proposed hours of construction and the requirement for a construction management plan to ensure site offices and loading/unloading areas are kept away from nearby sensitive uses could both be imposed.

HIGHWAY / PARKING

Policy DC32 of the LDF Core Strategy and Development Control Policies DPD states that new development which has an adverse impact on the functioning road hierarchy and network will not be allowed. Policy DC33 and DC35 in respect of this outline various parking standards for vehicles and bicycles, respectively. Expanding on this, policy DC62 furthermore details that planning permission for public buildings or places will not be granted unless a high standard of inclusive access for employees and visiting members of the public is provided.

The primary access to the school, off Dorset Avenue, would be unaffected by this proposal as would the main car park area. A revision to the site layout would however facilitate the creation of three additional car parking spaces (21 spaces in total). Policy DC33 details a maximum parking standard for primary and secondary schools of one space per teaching staff and furthermore suggests a safe and convenient drop off/collection area for parents cars and coaches/school buses should be provided. The standard is however a maximum and no minimum is prescribed. The school as existing employs 40 people (15 full-time and 25 part-time). The school expansion plans would result in this increasing to 54 (29 full-time and 25 part-time). The car parking provision at the school, even with the additional spaces proposed to be created, would therefore be below the maximum standard prescribed in policy DC33. The school, as existing, does also not have a drop-off/collection point and no such facility is proposed as part of this application.

A Transport Statement has been submitted with this application. The conclusion of this Assessment is that there is no residual capacity in the unrestricted roads immediately surrounding the school (Dorset Avenue, The Chase, Havering Drive and Park Drive). There is however capacity in the wider area and this capacity is considered sufficient for the proposed increase in pupil numbers. A survey undertaken by the school in respect of how pupils travel to school found that 25% of the current pupil roll arrive and are collected by private vehicle. Factoring, this percentage to a full 420 capacity school it is considered that 105 pupils would likely arrive/be collected by car. As the extensions would facilitate an additional six classrooms (180 pupils) this would mean an additional 45 pupils arriving/being collected by car per day.

The survey undertaken by the school nevertheless took no account of car sharing or where pupils are actually dropped off. It is therefore considered the above figures represent a worst case scenario in respect of the likely impact or parking pressures on the locality.

The existing on-site parking conditions are not considered ideal and it is accepted that an increase in pupil roll will probably heighten the existing problems. That being said, the school as part of this application has suggested that it will review the School Travel Plan and further encourage walking to school and park and stride initiatives. The school is also willing to undertake a review of parking restrictions in the area, within 18 months of occupation of the development. The review will assess how the expansion has impacted on the existing situation and consider if additional parking restrictions are necessary. The school has already secured use of the church car park and Matalan car park, during school opening and closing times, and it is proposed that walking bus programmes would be introduced to encourage the use of these sites.

The parking situation in this area is an concern however this concern has to be weighed against the need for school spaces. The NPPF proclaims that great weight should be given to the need to create, expand or alter schools and accordingly whilst not ideal, with the mitigation measures actively promoted within the School Travel Plan and a review of the parking restrictions in the area secured by condition, it is considered that the impact can be effectively managed without undue significant impact on the residents who live around the school site.

OTHER ISSUES

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, potentially the development does fall within Schedule 2 under Paragraph 10 (Infrastructure Projects), Class b (Urban development projects including the construction of shopping centres, car parks, sports stadiums, leisure centres and multiplex cinemas). The screening threshold for such projects is the development includes more than 1ha of urban development; or the overall area of the development exceeds 0.5ha. Although the school site as a whole would exceed this threshold, the actual development area is a lot less (circa 0.2ha). It is therefore considered that the development does not need to be formally screened for EIA. In any respect, in context of the further guidance within the Planning Practice Guidance, and the above conclusions formed in the body of this report, it is considered that the development would not result in any impacts of more than local significance.

Both an ecological and arboricultural impact assessment have been submitted in support of this application. The conclusions of the aforementioned are that the site is of limited ecological value

and the one tree which is required to be removed, together with the habitat that would be lost, would be negligible in terms of significance.

KEY ISSUES / CONCLUSIONS

It is considered that there is clear policy support within the NPPF, London Plan and Havering LDF for improved or new education facilities. This development would facilitate a significant expansion to the school and in doing so fulfil an identified need in terms of school places in this area.

This school is well established and although, as with most educational establishments, the use does cause some conflict with nearby development, it is considered the proposals have been designed in a way to limit adverse impacts and attempt to address existing problems rather than cause additional conflict. It is considered the extensions relate well to the existing school building and with adequate conditions attached to any planning permission granted, it is not considered the development would give rise to any significant amenity impacts.

The existing parking problems are acknowledged but it is considered that the school is doing all it can to reduce this impact on nearby residents. A condition requiring a review of the parking situation within 18 months of occupation of the development will allow the Local Planning Authority to assess mitigation measures proposed as part of this application and furthermore address any outstanding issues. In consideration of this and the clear benefits that would be realised from the development within the social and economic dimensions of planning, as defined by the NPPF, it is considered that the proposal represents sustainable development and accordingly it is recommended that planning permission be granted.

RECOMMENDATION

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

1. 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. 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. Matching materials

All new external finishes shall be carried out in materials to match those of the existing building, in accordance with the details outlined in section 9 of the planning application form, dated 02/12/2015, to the satisfaction of the Local Planning Authority.

Reason:-

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

4. Landscaping (Pre Occupation)

Prior to occupation of the development hereby permitted a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme of hard and soft landscaping shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. The scheme shall furthermore detail all boundary treatments and fencing proposed. 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. External lighting (Pre Occupation)

Prior to occupation of the development hereby permitted a scheme for any external lighting shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with any details approved.

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 of the development will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. School Travel Plan (Pre Occupation)

Prior to occupation of the development hereby permitted an updated, revised School Travel Plan shall be submitted to the Local Planning Authority for review and approval. The Travel Plan shall reflect the increase in pupil roll and include a review of walking routes and conditions in the area; promotion of initiatives to reduce private vehicular trips; and monitoring for such initiatives and general school trends. The Travel Plan shall be implemented as approved and updated on a yearly basis in discussion with the Highway Authority.

Reason:-

The applicant as part of this application has suggested an number of initiatives and mitigation measures to ease the potential impacts an increased pupil roll could have on parking conditions in the area. Submission and approval of an updated School Travel Plan will seek to ensure that such measures are actively encouraged and furthermore monitor the success of these initiatives. The submission of the School Travel Plan is to ensure compliance with Development Control Policies Development Plan Document Policies DC32, DC33 and DC61.

7. Parking Restriction Review (18 months)

Within 18 months of the occupation of the development hereby permitted a review of parking restrictions within 500 metres of the school pedestrian entrance shall be undertaken and the

results submitted to the Local Planning Authority for assessment. The review shall seek to assess existing restrictions and determine whether further parking and/or waiting restrictions are necessary to mitigate any additional traffic or parking problems. This review shall be prepared by a professional suitably qualified and experienced in traffic assessments and the mitigation measures, as appropriate, suitably implemented in consultation with the Highway Authority.

Reason:-

A review of existing parking restrictions in the vicinity of the school, post occupation of the development, will seek to ensure that mitigation measures proposed as part of this application are working and the development is not adversely impacting on parking conditions in the area. The parking restriction review is required to ensure compliance with Development Control Policies Development Plan Document Policies DC32, DC33 and DC61.

8. Construction methodology (Pre Commencement)

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

9. Wheel washing (Pre Commencement)

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

The submission will provide;

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the

vehicle wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

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

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

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

10. Hours of construction

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

Reason:-

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

INFORMATIVES

1. Fee Informative

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

2. Highways Informatives

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

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

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

3. 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.



REGULATORY SERVICES COMMITTEE

REPORT

31 March 2016

Subject Heading:

P1848.15 - South Hornchurch Modular Building, Rainham Road, Rainham

Retention of and works to existing modular building and use for Class D1 purposes (day nursery, playgroup, pre-school or educational day centre only). (Application received 22nd December 2015, description revised 17th March 2016)

Ward:

Squirrels Heath

Report Author and contact details:

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

Policy context:

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

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 proposed development comprises of the permanent retention of a one-storey modular building for either day nursery, playgroup, pre-school or educational day centre use only (Class D1 use) and associated external alterations of the building.

The full planning application has been called before the Regulatory Services Committee as the modular building is a Council-owned facility and an objection from a member of the public has been received.

The proposal raises considerations in relation to the principle of development, design, as well as its impacts on the street scene and amenity of nearby residential occupiers.

The application is recommended for approval subject to conditions.

RECOMMENDATIONS

To authorise the Head of Regulatory Services to grant planning permission subject to the conditions as 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 but at least prior to the first occupation of the building for the use authorised.

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. Number of parking spaces

Before the building(s) hereby permitted is first occupied, provision shall be made within the site at South Hornchurch Library for 10 car parking spaces and an area for drop-off and pick-ups shall be made available on site; thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: -

To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety and in order that the development accords with the LDF

4. Hours of use

The premises shall not be used for the purposes hereby permitted other than between the hours of 07:30 and 19:00 on Mondays to Fridays, 09.00 and 17.00 on Saturdays and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

5. Restriction of Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be limited to either a day nursery, playgroup, pre-school or educational day centre use only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 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.

6. Number of children

The number of children accommodated within the premises hereby approved shall not exceed 65 at any one time, without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with 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.

REPORT DETAIL

1. Site Description

- 1.1 The application site is situated approximately 90m north-west of 'Rainham Road Minor Local Centre' and is bounded by Nelson Road to the west and Rainham Road (the A125) to the north.
- 1.2 To the north, south and west of the site are predominantly two-storey residential dwellings and to the east and south-east lies the South Hornchurch Library and South Hornchurch Social Hall respectively. It is noted that there is an existing nearby nursery school known as 'Cornerstone Academy' (No. 175 Rainham Road) and is located approximately 20m west of the site.
- 1.3 The application site currently accommodates a rectangular-shaped single-storey pre-fabricated modular building with a shallow pitched roof and associated external off-street car parking area (vehicular access via Nelson Road) that provides 10 no. car parking spaces and 3 no. cycle parking spaces. The application building measures approximately 12m wide by 30m in length by 4m high and is currently used by staff of neighbouring South Hornchurch Library for library-related storage.
- 1.4 It is notable that the application building forms part of a wider community facility that includes South Hornchurch Social Hall (a one-storey brick-built building located just 2m south of the site and appears to be run by the South Hornchurch Airfield Community Association) and South Hornchurch Library (a one-storey brick-built building located approximately 28m south-east of the site and that its western corner of the building adjoins onto the eastern corner of the Social Hall). Vehicular access to the three buildings is via Nelson Road, where there are off-street car parking spaces.

- 1.5 The main entrance to the modular building is located centrally to its south-eastern elevation and can be accessed via Rainham Road. An external timber-made access ramp and staircase is positioned at the main entrance to enable access into the building as its internal floor level is located approximately 1m-1.5m higher than the external ground level. In addition, timber-made external staircases are also placed close to the doors situated on the south-western and north-eastern elevations of the building.
- 1.6 In terms of boundary treatment, the application building is surrounded by steel palisade fencing of approximately 2m high that is set back from the external walls of the structure by approximately 1m-1.5m.
- 1.7 Approximately 11m south-west of the application building is a bin store owned by the Social Hall and beyond that (approximately 18m) is a substation owned by UK Power Networks (UKPN).
- 1.8 The application building is not a Listed Building nor is it within a Conservation Area.

2. Description of Proposal

- 2.1 The proposed development is for the permanent retention of the single storey pre-fabricated modular building for day nursery, playgroup, pre-school or educational day centre use only (Class D1 use) as well as to install partial cedar timber cladding along the elevations of the building
- 2.2 The application form indicates that the following improvement works to the modular building are also proposed but as these are not 'operational development', it is considered that such works do not require planning permission in themselves:
 - Repairs to gutters.
 - Re-painting of door frames (to match that of existing).
 - Repair damaged pre-fabricated external walls.
 - Repair external timber rails and stairs (to include fitting of anti-slip decking treads).
 - Re-painting of existing perimeter fencing (i.e. palisade fencing).
 - Pruning of existing trees in close proximity to the modular building.
- 2.3 A flexible use is sought by the applicant to maximise the opportunities for leasing the building to a tenant. As a result, possible staff numbers are unknown.

3. History

- 3.1 The application building was originally erected on the basis of a temporary planning permission that was granted by the Local Planning Authority (LPA) on 26 May 2004 (LPA Ref. P0632.04), which permitted the structure (for temporary healthcare accommodation use) to exist for the duration of

24 months (i.e. 2 years). It is clear that the original intention of the modular building was for temporary use only.

- 3.2 A subsequent temporary planning permission was granted on 26 July 2007 (LPA Ref. P1098.07) to extend the life of the structure (and its use as healthcare accommodation) for a further two years (i.e. until 31 May 2009).
- 3.3 Prior to the expiration of temporary planning permission P1098.07, another temporary planning permission to further extend the life of the application building (i.e. until 10 December 2011 and to be used by South Hornchurch Library as Class B1 ancillary office and storage) was granted on 12 December 2008 (LPA Ref. P1669.08).
- 3.4 On 30 August 2013, temporary planning permission (LPA Ref. P0298.13) was again granted to extend the life of the application building (i.e. until 2 August 2016) and to change the use from Class B1 to D1, which involves using the structure as a nursery school as well as storage for South Hornchurch Library.
- 3.5 It is understood from the applicant that the building has only been used for ancillary storage by South Hornchurch Library (note that this remains the case at present) and that it has never been used as a nursery school despite the grant of temporary planning permission for such use on 30 August 2013 (i.e. via planning permission P0298.13). It was explained by the applicant that this was due to the limited time period in which the modular building had planning permission for the nursery use and that such uncertainty proved unattractive to nursery operators.

4. Consultation/Representations

- 4.1 A total of 26 no. of local residents were consulted on 30 December 2015. Only 1 no. of objection letter has been received from a local objector (dated 16 January 2016) and that this relates to concerns on the level of litter left in the car parking area and allegedly caused by visitors to the Library and Social Hall. The objector is also concerned that users of the modular building will create more litter problems in the area, this issue is considered at paragraph 6.6 of this report
- 4.2 In relation to internal consultees within Havering Council, the following were consulted:
 - Environmental Protection - no objection
 - Highways Authority - no objection.
- 4.3 In terms of external consultees, the London Fire Brigade was consulted and it confirmed that it has no objections to the proposed development.

5. Relevant Policies

- 5.1 Policies CP8 (Community Facilities); CP9 (Reducing the Need to Travel); CP10 (Sustainable Transport); CP17 (Design); DC26 (Location of Community Facilities); DC32 (Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC61 (Urban Design); DC62 (Access); and DC63 (Delivering Safer Places) of the adopted 'Core Strategy and Development Control Policies Development Plan Document' (CSDCP DPD) (2008) are considered to be relevant.
- 5.2 Other relevant documents include 'Designing Safer Places' Supplementary Planning Document (SPD) (2010).
- 5.3 Policies 3.16 (Protection and Enhancement of Social Infrastructure); 3.18 (Education Facilities); 6.3 (Assessing Effects of Development on Transport Capacity); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking); 7.1 (Lifetime Neighbourhoods); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); and 7.6 (Architecture) of the adopted London Plan (2015).
- 5.4 The National Planning Policy Framework (NPPF) (2012), specifically Sections 4 (Promoting Sustainable Transport); 7 (Requiring Good Design); and 8 (Promoting Healthy Communities) are relevant to the proposed development.

6. Staff comments

- 6.1 This proposal is put before the Committee owing to the application site being a Council-owned property and that there is a third party objection (i.e. a letter of objection has been formally received from a local resident). The main considerations in this case are the principle of development, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.
- 6.2 *Principle of Development*
 - 6.2.1 A day nursery, playgroup, pre-school or educational day centre use would fall within the umbrella of a community facility. LDF Policy CP8 states that the council will work in partnership with other bodies to ensure that a suitable range of community facilities are provided to meet existing and forecast demand by ensuring all new facilities are located in places that are or will be accessible by a range of transport, including walking and cycling and that the development itself is accessible to all groups.
 - 6.2.2 Policy DC26 indicates that new community facilities will only be granted where they a) are accessible by a range of transport modes; b) do not have a significant adverse effect on residential character and amenity; c) are, where practicable, provided in buildings which, are multi-use, flexible and adaptable.

6.2.3 The proposed flexible use would positively contribute to the community providing a facility for which there is demand. Indeed, it is located within the grounds of an existing community facility. The site is accessible by a range of transport options and the building itself is accessible to all via access ramps and stairs. The impact of the use is assessed below. In principle, the development is considered to be acceptable.

6.3 *Design/Impact on Streetscene*

6.3.1 The modular building was only originally envisaged by the applicant to be a temporary form of development given the pre-fabricated nature of the structure when compared to the other nearby brick-built public buildings (i.e. the Library and Social Hall).

6.3.2 However, it is clear that there is now a desire for the building to be retained on a permanent basis and to be used for a flexible D1 use. To help improve the modular, pre-fabricated appearance of the building, the applicant is proposing its renovation and that the external façade is treated with the intermittent installation of cedar timber panels.

6.3.3 The proposed façade treatment is considered by Staff to be appropriate and an improvement to the existing monotonous appearance of the building, which is now showing signs of its age. In addition, given that the low-lying one-storey modular building is set within the established development context/backdrop of the nearby Library and Social Hall (that are both taller than the modular building) and appears to be a natural ancillary extension to such community facilities (when viewed along Rainham Road and Nelson Road), the development is considered to be acceptable in terms of design and impact on the streetscene.

6.4 *Impact on Amenity*

6.4.1 The modular building has existed for over 10 years (having benefited from a number of temporary planning permissions) and is considered an established structure that has become a familiar feature locally. In terms of proximity to nearby residential dwellings, the nearest is situated approximately 21m north-west of the site (i.e. located on Nelson Road). Due to the low-lying nature of the modular building that is set within the larger development context of the nearby Social Hall and Library, together with adequate set-back distances from nearby residential properties, it is considered that impacts to the amenity of the occupiers of neighbouring properties are minimal and that there is also no loss of privacy.

6.4.2 The occupation of the building would give rise to a degree of noise. However, the application site is located in an area which is characterised by community facilities where a certain level of activity and associated noise is to be expected. The site is also next to Rainham Road which is a busy through route, where ambient noise levels will be higher.

6.4.3 No hours of use are identified by the application, partly as a product of the flexible use sought. In order to align with the previous grant of temporary planning permission, a condition limiting the hours of use to between 7.30am and 7.00pm on week days, 9.00am to 5.00pm on Saturdays and not at all on Sundays, Bank or Public Holidays, is recommended. A condition preventing use outside of the group of uses identified is also recommended.

6.5 *Highways / Parking Issues*

6.5.1 There is currently 10 no. off-street car parking spaces located to the south-east of the modular building as well as 3 no. cycle parking spaces to the east.

6.5.2 Annex 5 of the adopted 'Core Strategy Development Control Policies Development Plan Document' (DPD)(2008) stipulates maximum car parking standards for various Class D1 related uses and that, for example, day nurseries are expected to provide 1 space per each member of staff. Whilst the exact use has not been confirmed, it is considered that the existing car parking provision is likely to be adequate for either of the flexible uses identified. Indeed, this level of provision was considered acceptable in giving permission on a temporary basis for a day nursery in 2013.

6.5.3 Annex 6 of the DPD contains cycle parking standards for Class D1 related uses. This appears to be approximately 1 cycle space per every 10 staff/student/visitor, although there is no cycle standard for nurseries (only primary school and above). It is considered that the current 3 no. cycle spaces are adequate. Again, this level of provision was considered acceptable in giving permission on a temporary basis for a day nursery in 2013

6.5.4 Any peak time early morning and late afternoon traffic caused by parents dropping off/picking up children in association with any day nursery, playgroup or pre-school use may cause an increase in activity in this part of the Rainham Road. However, it is considered that any resulting increase in the level in traffic from the proposed use would not be of such magnitude as to warrant a reason for refusal.

6.5.5 The Highways Authority has no objection to the scheme.

6.5.6 In summary, the development is considered acceptable from a highways perspective.

6.6 *Other Issues*

6.6.1 The applicant has submitted details in relation to the storage of waste associated with the modular building. It proposes a total of 1 no. of general waste bin and 1 no. of recyclable waste bin (i.e. 360 litre wheelie bins) to

be located on the southern edge of the site and within close proximity to the existing waste storage facility that serves the Social Hall.

6.6.2 It is considered that the proposed waste storage facility is adequate and addresses residents' concerns relating to the treatment of waste created by the development proposal.

7. Conclusion

7.1 Staff consider the proposed permanent retention of the modular building with external façade improvement to be acceptable.

7.2 Staff do not consider that the proposed development raises concerns in relation to the impact on the character and appearance of the streetscene or 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:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

The Council's interest as landowner is considered independently from the planning merits of the proposal.

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

Application form, plans and supporting statements received on 22nd December 2015.



REGULATORY SERVICES COMMITTEE

REPORT

31 March 2016

Subject Heading:

P1670.15 – 67 Butts Green Road,
Hornchurch

Proposed rear extension at 4m to both ground and first floor, with conversion of the existing building into three separate self-contained apartments with associated amenity and parking. (Received 02/12/15 and revisions received on 11/01/16)

Ward:

Emerson Park

Report Author and contact details:

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

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

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 erection of a 4m rear extension to the existing office building at both ground and first floor, with conversion of the existing building into three separate self-contained apartments with associated amenity and parking.

The proposal raises considerations in relation to the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on the additional internal gross floor area of 66m² and amounts to £1,320.

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

- A financial contribution of £18,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time Limit

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

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

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

Reason: In order to 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.

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 for replacement planting, 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. 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.

6. 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.

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. Pedestrian Visibility Splay

Prior to the first residential occupation of the development, the proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the

proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

9. Parking provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 5 no. car parking spaces and 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 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.

10. Boundary Screening/Fencing

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.

12. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

13. Noise Impact Assessment

Before any development is commenced, an assessment shall be undertaken of the impact of noise upon the site and a scheme for protecting the proposed dwellings from noise shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before

any of the permitted dwellings are occupied. Particular reference shall be given to noise arising from the adjacent substation.

Reason: Insufficient information has been supplied with the application to judge the impact of noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of noise, in accordance with Development Control Policies Development Plan Document Policies DC55 and 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: 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 on 21/12/15. The revisions involved changing the rear extension from a flat roof to a pitched roof. The amendments were subsequently submitted on 11/01/16.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,320.00 (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.
4. 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.
5. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or

0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the junction of Wykeham Avenue and Butts Green Road, Hornchurch. There is an existing two storey detached vacant office building on the site with accommodation in the roof space.
- 1.2 The application site is loosely a rectangular shape and measures approximately 0.046 hectares. There is an electrical substation adjacent to the southern boundary of the application site. There are two storey detached and semi-detached dwellings located west of the site. A single storey car sales building is located to the north of the site. There are some single storey buildings at 65 and 65A Butts Green Road (south of the site), which are in commercial use by Watson Moore Independent Financial Advisors. There is an existing vehicular crossover giving access to the rear of the site from Wykeham Avenue.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of a 4m deep two storey rear extension to the existing office building and to convert the existing building into three self-contained apartments. The existing garage outbuilding will be demolished.
- 2.2 The rear extension will measure 4m in depth and 9.4m in width. The rear addition will be finished with a dual pitched roof measuring 2.6m in height to eaves and 7m to the ridge.
- 2.3 The proposal would result in the creation of a 2-bed apartment at ground and first floor and a one bedroom apartment on the second floor. Amenity space would be provided in the form of a balcony to the first floor flat, 17m² of private amenity to the ground floor flat and 45m² of shared amenity space.
- 2.4 On-site parking will be provided for 5 no. vehicles to the rear of the building. Access to the property would be gained via an existing dropped kerb off from Butts Green Road.

3. History

- 3.1 J0012.15 - Prior Approval application for the Change of Use from vacant office building to 1No residential family dwelling (C3) - Prior approval given

- 3.2 P0133.15 - Proposed demolition of existing dormant (derelict building) and replacement with 5 two bed new build flats with associated parking, boundary treatment and amenity area - Refused
- 3.3 P1282.14 - Demolition of existing dormant office building and replacement with six new build self-contained two bed flats with off street parking and boundary treatment - Refused
- 3.4 P1188.12 - Change of use of ground floor from B1 (office) to D1 doctor's surgery with ground floor rear extension with balcony over, extension to front porch and provision of separate entrance to retained offices on upper floors - Approved with conditions

4. Consultation/Representations

- 4.1 Notification letters have been sent to 91 neighbouring addresses and no letters of objection were received.
- 4.2 The Highway Authority has raised no objection to the proposal however has requested a condition for pedestrian visibility splays.
- 4.3 Environmental Health has raised no objection to the proposal however has requested noise insulation condition to be added in the event of an approval.
- 4.4 Historic England has not raised an objection to the proposal.
- 4.5 UK Power networks was consulted however the consultation period has not expired at the time of writing this report.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), 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 Obligations 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), 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) and 8.2 (planning obligations) of the London Plan, are material considerations.

5.4 The National Planning Policy Framework, specifically Sections 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 in this case are the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

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 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 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 3 no. residential flats at a density equivalent to approximately 65 dwellings per hectare. This is in keeping with the range anticipated by Policy DC2 which states that a dwelling density of between 30-65 dwellings per hectare would be appropriate in this location. The number of units per hectare is therefore in keeping the recommended range and considered acceptable.

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 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.

- 6.3.5 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.
- 6.3.6 Amenity space would be provided in the form of a balcony to the first floor flat, 17m² of private amenity to the ground floor flat and 45m² of shared amenity space to the rear of the building.
- 6.3.7 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of the flats. All of the proposed flats would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

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 proposed addition would be situated to the rear of the existing building, is modest in size and height and finished with a dual pitched roof which is in keeping with the existing building. Staff therefore do not consider the rear addition to have an unacceptable impact on the streetscene or surrounding area.

6.5 *Impact on Amenity*

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 The proposed rear addition and conversion is not considered to have an unacceptable impact on the amenity of the property to the rear at No. 1 Wykeham Avenue as a separation distance of approximately 24m would remain between the proposed rear addition and the eastern flank of this neighbouring occupier.
- 6.5.3 It is considered that the proposal would not result in a significant loss of amenity (including overlooking) to a series of single storey buildings at 65 and 65a Butts Green Road, as they are in commercial use by Watson Moore Independent Financial Advisors and the site is located to the north of them. Staff consider that the proposal would not result in a significant loss of amenity to the single storey 'Imperials' car sales building in Wykeham Avenue given its commercial use.

6.5.4 It should also be noted that no additional windows would be added to the existing building. It is not considered that the existing flank windows would cause harm over and above that which exists on site presently.

6.5.4 It is therefore considered that the layout, siting and design of the proposed extension and the change of use to residential flats would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

6.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1.5 to 2 spaces per unit. The proposal provides a maximum of 1.6 car parking space per dwelling which is in line with policy guidelines.

6.6.2 A condition will be added to provide details of cycle provision and storage.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on additional internal gross floor area of 66m² and amounts to £1,320.

6.8. *Planning Obligations*

6.8.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

6.8.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

6.8.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 6.8.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.8.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.8.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.8.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £18000 for educational purposes would be appropriate.
- 6.9 Environmental Issues
- 6.9.1 The proposal is not considered to give rise to any significant noise issues. It is however recognised that the development would lie within close proximity to an electricity substation. As such it is recommended that a condition requiring a full noise impact assessment is undertaken prior to commencement in order to ensure that suitable noise insulation measures are incorporated into the development

6.10 *Other issues*

6.10.1 With regards to refuse collection, a condition would be added to require details of the refuse storage arrangements prior to the commencement of the development.

7. **Conclusion**

7.1 Staff do not consider that the proposed development raises concerns 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:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 07/07/15 and revisions received on 11/01/16.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

31March 2016

Subject Heading:

P1652.15 - 2 Brooklands Road, Romford

Erection of an apartment building to provide 10no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, following the demolition of all existing buildings (Received 27/11/15)

Ward:

Brooklands

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

- 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 erection of an apartment building to provide 10 no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, following the demolition of all existing buildings.

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 and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 544m² (821m² minus existing floor area of 277m²) and amounts to £10,880.

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

- A financial contribution of £60,000 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 pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time Limit

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (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, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 10 no. car parking spaces and 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 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.

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials 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

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

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

7. Cycle Storage

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

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

8. Hours of Construction

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

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

9. External Lighting Scheme

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. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

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

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

Reason: 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. Boundary Screening/Fencing

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.

12. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

13. 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 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.

14. Energy Statement

No development shall take place until details of the energy efficiency and renewable energy measures detailed in the energy statement has been submitted to and approved in writing by the Local Planning Authority. Copies of the Final Performance Certificates (EPC's) are to be provided as evidence.

Reason: Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

15. Accessible and Adaptable Dwellings

At least 3 of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations – Wheelchair Adaptable Dwellings. The remainder of the 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. Water Efficiency

All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations – Water Efficiency.

Reason: In order to comply with Policy 5.15 of the London Plan

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. 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 £10,880.00 (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.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The application relates to previously developed land to the rear of No's. 4-12 Brooklands Road.
- 1.2 The land is currently occupied by R&L Stevens used car dealership and comprises two existing buildings 1-1.5 storeys in height and an expansive area of hardstanding used for the display of vehicles and car parking.

1.3 The site is relatively flat and access to the site is currently provided along a driveway to the south of No. 4 Brooklands Road.

1.4 The character of the immediate locality consists of predominantly 2-storey terraced dwellings with the exception of flats to the northeast of the site.

2. Description of Proposal

2.1 The submission seeks planning approval for the demolition of the existing buildings on the site and the erection a 2.5 storey apartment building to provide 10 no. 2-bedroom flats. The existing buildings on site have already been demolished.

2.2 Amenity space provision is in the form of a 109m² communal amenity area to the rear of the proposed building.

2.3 On-site parking will be provided for 10 no. vehicles to the front of the proposed building. Access to the property would be gained via an existing access road off Brooklands Road.

2.4 Refuse storage would be provided in the south-western part of the site approximately 30m from Brooklands Road. Secure cycle storage providing space for up to 10 no. cycles would be provided in an outbuilding in the rear garden.

3. Relevant History

3.1 No relevant recorded history

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 71 properties and 2 letter of comments, 1 letter in favour and 14 letters of objection were received. The objections raised can be summarised as follows:

- Loss of sunlight
- Loss of privacy
- Already a shortage of parking in Brookland Road
- Construction work would cause disruption
- Out of keeping with the surrounding area
- Loss of outlook
- Increase in noise pollution
- Light pollution
- Overbearing building in close proximity to rear garden
- Devalue property
- Removal of trees
- Existing drainage problems in area will be made worse
- Access road too narrow for fire engines
- Additional road traffic and roadside parking will cause a hazard

- Proposed use of red brick would not be in keeping with area
- Concerns regarding waste collection

Issues raised in representations relating to impact of construction works, devaluation of property and impact on existing drainage are not material planning considerations. Other issues raised are covered in the relevant sections of the report below, and cover matters relating to design and visual impact, the impact on amenity, trees and highway related matters.

4.2 The following consultation responses have been received:

- Essex and Suffolk Water - no objection.
- London Fire Department - no objection.
- Designing Out Crime Officer - raised no objection to the proposal
- Environmental Health - no objection, recommended conditions in relation to contaminated land and noise insulation.
- Flood and rivers management officer - no objection
- Highways - objects to the application however this can be overcome if the pedestrian visibility splay issues are dealt with

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC27 (Provision of Community Facilities), 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, the Sustainable Design and Construction SPD and the 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), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) 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 flats 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 on-going use for residential purposes is therefore regarded as being acceptable in principle.

7.3 Density/Layout

7.3.1 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.

7.3.2 The proposal would provide 10 no. residential apartments at a density equivalent to approximately 91 dwellings per hectare. Policy DC2 states that a dwelling density of between 50 to 110 dwellings per hectare would be appropriate in this location. The number of units per hectare is in keeping the recommended range and considered acceptable.

7.3.3 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.

7.3.4 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.

7.3.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.

7.3.6 An area of approximately 109m² to the rear of the building would be landscaped and set out as communal shared amenity space. The communal garden is considered to provide the occupants of the proposed flats with a reasonable provision of outdoor amenity space. Balconies are not proposed first floor units as this may result in an increased perception of overlooking.

7.3.9 It is considered that the proposed amenity space would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants the flats. All of the proposed flats would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

7.3.10 In terms of community safety and security the Borough Designing Out Crime Officer has been consulted and has not raised an objection to the proposal.

7.4 *Design/Impact on Streetscene*

7.4.1 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.

7.4.2 The proposal would not be visible from Brooklands Road and is therefore not considered to have an impact on the streetscene.

7.4.3 The proposal has been carefully considered to reduce any perceived mass or impact by siting the development toward the rear of the site and in closer proximity to an existing block of flats to the north east of the subject site. Staff further consider the hipped roof, design and articulation of the elevations to reduce the perceived bulk whilst adding visual interest and depth to the building.

7.4.4 The proposed development is considered to be sympathetic to the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with Policy DC61 and the Residential Design SPD.

7.5 *Impact on Amenity*

7.5.1 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.

- 7.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the residential dwellings situated to the north, south and east of the site. A block of flats is situated to the north east of the site.
- 7.5.3 Staff do not consider the proposal to have an unacceptable impact to the neighbouring amenity of the properties to the north as there are no flank windows proposed at first and second floor levels, the roof is hipped away and there is a separation distance of approximately 24m between the proposed building and these neighbouring properties and 2m to their back gardens. The long back gardens of these properties would mitigate any overbearing impact that may result.
- 7.5.4 Similarly the neighbouring properties situated to the south have a separation distance of 32m. There would be a separation distance of 8m between the development and these neighbour's rear boundaries. Staff consider the separation distances to be sufficient not to result in an overbearing development or have an unacceptable impact on neighbouring amenity in terms of overlooking or loss of light.
- 7.5.5 The residential properties situated to the southwest of the proposed development have a separation distance of approximately 23m from the proposed development with a distance of approximately 8m from the back fence of the rear gardens to the block of flats. Although there will be a degree of overlooking from the first floor and loft windows, Staff do not consider the impact to be unacceptable given the separation distances described. However Staff acknowledge that this is a balanced view and members may wish to give more weight to the potential for overlooking. The proposal is not considered to result in an overbearing development to these properties or result in loss of light given the 8m separation distance from their back fences.
- 7.5.6 It is acknowledged that there would be some impact on outlook and loss of light to the block of flats situated to the northeast; however Staff do not consider the impact to be of such a degree as to warrant a refusal. This is however a balanced view and members may wish to give more weight to the impact on outlook and loss of light.
- 7.5.7 Staff also acknowledge that there will be some impact on neighbouring amenity as a result of vehicle movement in and out of the development however Staff do not consider this to be unacceptable given that the site is currently used for vehicle sales and repairs which has a similar amount of vehicle movements.
- 7.5.8 The bulk and mass of the proposed building would be larger than that of the surrounding residential dwellings, however Staff do not consider it to have an unacceptable impact on neighbouring amenity in terms of outlook given the separation distances from neighbouring dwellings and its location in the rear garden environment.

7.5.9 It is considered that the proposed development would not unacceptably 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.

7.6 *Environmental Issues*

7.6.1 Environmental Health has raised no objection to the proposal; however requests a condition for sound insulation in the event of an approval.

7.6.2 There are some mature trees situated near the boundaries of the subject site. The applicant has not given any indication as to which trees would be removed, however none of the trees are protected. A landscape condition will be added in the event of an approval to provide details of the trees to remain and those to be removed.

7.7 *Parking and Highway Issues*

7.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 4 meaning that the site is classified as having relatively good access to public transport. Therefore flatted development in this location is required to provide car parking provision of 1.5-1 spaces per unit.

7.7.2 The proposal can provide a total of 10 no. off-street car parking spaces within the site to cater for the proposed 10 no. 2 bed flats. The car parking provision would be arranged to the front of the development. The parking provision would result in a ratio of 1 parking space per unit which meets the requirements for this part of the Borough.

7.7.3 Secure cycle storage providing space for up to 10 no. cycles would be provided in an outbuilding to the rear of the block of flats. A cycle storage condition will be added in the event of an approval. Refuse storage will be provided close to the front entrance of the flatted block and within 30m from the collection point which meets with the approval from Streetcare. A refuse storage condition will be added in the event of an approval.

7.7.4 The Highways Authority has raised an objection to the lack of pedestrian visibility splays.

7.7.5 The proposed development would arguably not create significantly more vehicle movement than the former scenario. The proposal will utilise the existing access arrangements and given that the site was formerly used as a car sales/repair business and the applicant has provided a traffic survey within the transport statement to quantify the existing level of traffic activity, Staff do not consider the lack of visibility splays to constitute a sufficient reason for refusal. Members may however attach more weight to the

potential impact on pedestrian safety and the requirement for visibility splays and may wish to refuse the application on these grounds.

7.8 *Affordable Housing*

7.8.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 5 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability. The applicant has submitted a viability appraisal with the application that seeks to demonstrate that the development would be unviable for affordable housing. The valuation has been independently appraised and that appraisal has concluded that the scheme cannot support any affordable housing provision, when taking into account the financial obligations required by the Mayoral Community Infrastructure Levy and Policy DC72 in connection with education provision.

7.9 *Mayoral Community Infrastructure Levy*

7.9.1 The proposed development will create 10 no. new residential units with 544m² of new gross internal floorspace (821m² minus existing floor area of 277m²). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £10,880.00 subject to indexation based on the calculation of £20.00 per square metre.

7.10 *Infrastructure Impact of Development*

7.10.1 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.

7.10.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

7.10.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all

development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

7.10.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

7.10.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

7.10.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

7.10.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling 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.

7.10.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.

7.11 *Trees*

7.11.1 There are no current or formerly protected trees present on the subject sites.

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. There are margins of judgement in respect of the lack of visibility splays, the impact upon outlook for the flats to the north east and the potential for overlooking of the properties to the southwest of the subject site. For the reasons outlined in the report, on balance, Staff consider the proposals to be acceptable in these 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 surrounding area 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.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including accessible and adaptable units and wheelchair adaptable units.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 27 November 2015.

REGULATORY SERVICES COMMITTEE

31 March 2016

REPORT

Subject Heading:

P1210.15: 1 Kilmartin Way, Hornchurch

Erection of 18no. dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom houses. (Application received 24 September 2015)

Ward:

Elm Park

Report Author and contact details:

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

Policy context:

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

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 18no. dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom 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.

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 legal agreement.

The application site is Council owned land.

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 1,793.6 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of a £35,872 Mayoral CIL payment (subject to indexation).

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

- A financial contribution of £108,000 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.
- The provision on site of a minimum of 50% of the units as affordable housing.

- 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 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 houses hereby permitted are first occupied, the car parking provision as indicated on drawing no. '100 Rev G' shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 71no. car parking spaces and 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 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.

4. 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.

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 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. External Lighting Scheme

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. Vehicle Cleansing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

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

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

Reason: 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. Boundary Screening/Fencing

The development hereby permitted shall be constructed in accordance with the approved measures for boundary screening and screen walling, as detailed in the submitted Landscape Plan (Drawing No. 14139_PL05 Revision B) unless otherwise agreed in writing by the Local Planning Authority, and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

12. Secure By Design

The development hereby permitted shall not be commenced until details of the measures to be incorporated into the external areas of the development demonstrating how the principles and practices of the Secured by Design scheme within the development site have been included have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: 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.

13. 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.

14. Hard Surfacing

Before any of the houses hereby permitted are first occupied the access drive, car park and vehicle turning areas shall be surfaced in accordance surfacing materials that have been previously agreed in writing by the Local Planning Authority. Once constructed, the access road and vehicle turning areas shall be kept permanently free of any obstruction (with the exception of the car parking areas shown on the plans) to prevent their use for anything but turning and access.

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 in the interests of highway safety.

15. 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 areas of the 10no. two bedroom houses unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

16. Accessible and Adaptable Dwellings

At least two of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the 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.

17. Archaeological Investigation

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

18. Renewable Energy

A renewable energy system for the development shall be installed in accordance with details previously submitted to and agreed in writing by the Local Planning Authority and shall be made operational prior to the residential occupation of the development. Thereafter, it shall be permanently retained.

Reason: Insufficient information has been supplied with the application in relation to renewable energy to meet the requirements of Policy 5.2 of the London Plan. The submission of details prior to commencement is necessary to ensure that the proposals would meet the terms of this policy and in the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. Flank Windows

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

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

20. Contaminated Land

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

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

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

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

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

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

21. 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: 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.

22. Noise Impact Assessment

Before any development is commenced, an assessment shall be undertaken of the impact of noise upon the site and a scheme for protecting the proposed dwellings from noise shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied. Particular reference shall be given to noise arising from the Elm Park Primary Substation.

Reason: Insufficient information has been supplied with the application to judge the impact of noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of noise, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
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 £35,872 (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. **Changes to the public highway (including permanent or temporary access)**
Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place.

The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

4. Highway legislation

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

5. Temporary use of the public highway

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

6. The applicant is advised that an additional fire hydrant will be required within the site to service the development. Further information in this respect should be obtained from the London Fire Brigade on 020 8555 1200.
7. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813 . They are able to provide qualified advice on incorporating crime prevention measures into new developments.
8. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Call-in

A call-in request has been received from Councillor Barry Mugglestone on the grounds that some of the planned development appears to egress and ingress into a private road onto Kilmartin Way that the Council have not adopted. Councillor Mugglestone is concerned that with this planning application the developer would remove parking places that are currently in place for the residents in the area.

2. Site Description

- 2.1 The application relates to land at 1 Kilmartin Way, Hornchurch. This is an irregular shaped parcel of land situated to the north of Kilmartin Way, to the east of Ambleside Avenue and the west of Southend Road.
- 2.2 The majority of the site comprises an area of open grassland, with a small garage court located to the north of the site and an area of hardstanding to the southwest used for car parking. An access road for the garage court and an adjacent electricity substation runs along the north of the site linking up with Southend Road. In several locations the site abuts the rear garden boundaries of two-storey residential accommodation at Kilmartin Way, Ambleside Avenue and Southend Road.
- 2.3 The site is relatively flat and covers an area of approximately 7,000 square metres (0.7 hectares). The land has no formal designation in terms of open space and is classified within the LDF as non-designated land.

3. Description of Proposal

- 3.1 The proposal is for the demolition of the garage court and the erection of 18no. new dwellings comprising of 10no. two-bedroom houses and 8no. three-bedroom houses.
- 3.2 The development would comprise an 'L-shaped' arrangement with three terrace rows of houses set within the site, the most northerly of which would be perpendicular to the southern row. The dwellings would be accessed from a new road leading off the existing service road from Southend Road. An additional row of four houses would infill the area adjacent to the existing terrace row of houses on Kilmartin Way and the rear gardens on Ambleside Avenue.
- 3.3 The dwellings would incorporate a contemporary elevation design with a traditional pitched roof arrangement at a height of approximately 9.6 metres.

Each of the terrace rows would also feature a taller central pair of houses with the roof ridge heights rising to 10 metres and featuring a rear dormer in order to incorporate additional living accommodation in the attic space.

- 3.4 Each new dwelling would have a private rear garden which would vary in size depending on the positioning of the dwelling within the site, but range between 30 and 50 square metres. The layout of the terraced houses would retain a central area of the open grassland which would form public and communal amenity space.
- 3.5 In terms of car parking; a total of 71no. parking spaces would be provided as part of the development. Of this 38no. parking spaces would be for the 18no. houses set out to the front of the dwellings and in dedicated parking areas within the development. The remaining 33no spaces would be for public parking and would be set out in a new car parking area in the south eastern corner of the site accessed from Kilmartin Way.
- 3.6 It is proposed that the scheme will provide 100% affordable residential accommodation with 13no. units for affordable rent and 5no. units for a shared ownership scheme. All of the dwellings would have a dual aspect and have been designed to the Technical housing standards minimum internal spacing standards and Lifetime Homes Standard.
- 3.7 Refuse stores would be provided to the front of each of dwelling.
- 3.8 At this stage no details of secure cycle storage have been provided.

4. Relevant History

- 4.1 P0778.12 - Demolition of residential garage and redevelopment of 5No. houses off South End Road - Withdrawn
- 4.2 P2181.04 - Development of 2 no. four-bedroom houses - Withdrawn
- 4.3 P1691.04 - Development of 12 no. 3 bed 5 person houses, 2 no. 3 bed 5 person houses and 4 no. 4 bed 7 person houses - Withdrawn

5. Consultations/Representations

- 5.1 Neighbour notification letters were sent to 89 properties and 10 representations have been received. The comments can be summarised as follows:
 - The surrounding roads are too narrow to handle the additional traffic.
 - The existing road surface is poor causing drainage problems.
 - The proposal will increase car parking problems in the area - existing car parking situation on the surrounding roads is already problematic and congested.

- Noise pollution and disruption during construction.
- Loss of an area of pleasant green space.
- Excessive overdevelopment of the site.
- The design of the houses would be out of character with the area.
- The vehicle access arrangements would create a danger to traffic and pedestrians.
- The recycling bins would attract vermin and fly tipping creating a hazard to health.
- The pedestrian pathway on the access road to Southend Road is not wide enough and the site access is inadequate.
- Significant scale, height and massing of the proposed buildings would be harmful.
- Loss of privacy and overlooking of rear gardens.
- The proposal would create a poor quality cramped development.

5.2 In response to the above: Issues in relation to design, scale, bulk and massing are discussed further in the Density/Layout and Streetscene sections of the report respectively. Issues concerning privacy, overlooking and daylight are considered in the residential amenity section. Car parking, traffic congestion and pedestrian visibility are discussed in 'Highway/Parking' section which is set out below.

5.3 The following consultation responses have been received:

- UK Power Network - awaiting response, comments to be presented verbally at the committee meeting.
- Thames Water - no objection.
- London Fire Brigade Water Team - no objection, the applicant will be required to install 1no. private fire hydrant.
- Greater London Archaeological Advisory Service (GLAAS) - no objection, recommended a condition in relation to the undertaking of a stage 1 written scheme of investigation.
- Regeneration & Partnerships - no comments.
- Designing Out Crime Officer - no objection.
- Lead Flood Authority - no objection, the micro drainage calculations are acceptable for the soak away design.
- Environmental Health - no objection, recommended conditions in relation to a noise impact assessment concerning the Elm Park Primary electricity substation as well as a standard contaminated land investigation condition.
- Local Highway Authority - no objection, recommended a condition in relation to vehicle cleansing.

6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC18 (Protection of Public Space, Recreation, Sports and Leisure Facilities), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Other relevant documents include the Residential Design SPD, Landscaping 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), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), 7.19 (biodiversity and access to nature) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 1 (Building a strong, competitive economy), 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 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.

7. Staff Comments

- 7.1 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 flats 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 In terms of the Local Plan the site is classified as non-designated land and lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres. In addition the open grassland area is not designated as public open space and is within a predominantly residential area.
- 7.4 As such the proposal is considered to be policy compliant in land use terms and its use for residential 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 proposal would provide 18no. residential units at a density equivalent to approximately 26 dwellings per hectare. Policy DC2 states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location. However, in this instance the density has been reduced considerably to allow for the retention of large parts of the open grassland areas resulting in a lower density scheme.
- 7.7 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.
- 7.8 The proposed development would provide 10no. two-bedroom houses and 8no. three-bedroom houses, all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. The bedrooms in these dwellings would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with technical housing standards and the houses would provide an acceptable amount of space for day to day living.
- 7.9 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.

- 7.10 The proposed houses would each be provided with private rear garden areas ranging in size from between 30 and 50 square metres, depending on the location of the plot within the site. Future occupiers would also have access to the remaining public grassland areas that would also be re-landscaped as part of the scheme. Responsibility for maintaining this land would continue to remain with the Council.
- 7.11 It is considered that the proposed amenity space would be of a suitable form and size and when taken together with the retained adjacent public space, would therefore result in acceptable living conditions for future occupants of the houses. All of the proposed dwellings would have adequate access to sunlight and daylight. Therefore the general site layout is considered to be in accordance with Policy DC61 and The Residential Design SPD.

Design/Impact on Streetscene

- 7.12 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.
- 7.13 The proposed new dwellings would incorporate a contemporary elevation design with a traditional pitched roof arrangement at a height of approximately 9.6 metres. Each of the terrace rows would also feature a taller central pair of houses with the roof ridge heights rising to 10 metres and featuring a rear dormer in order to incorporate additional living accommodation in the attic space.
- 7.14 The houses would be positioned around the northern and western sections of the main site in a linear arrangement. It is considered that the scale, bulk, height and massing of the proposed dwellings would match that of the existing two storey houses located adjacent to the site on Ambleside Avenue, Kilmartin Way and Southend Road.
- 7.15 Due to the existing open nature of the site the new dwellings would have a prominent appearance, particularly when viewed from the rear of the surrounding houses. However, given that the houses would be located around the peripheral sections of the site, the majority of the existing grassed area would be retained and the sense of openness across the site would as a matter of judgement be maintained.
- 7.16 In a broader sense additional re-landscaping measures and the removal of the rundown garage court would serve to revitalise the general character and appearance of the area and add a greater degree of quality to the built environment within this section of Kilmartin Way.
- 7.17 On balance it is considered that the proposed development would contribute positively to the local streetscene and respect the open setting of the site whilst serving to regenerate a run down and neglected piece of land, thereby enhancing the character and appearance of the surrounding area.

The scale and bulk of the proposed buildings would also sit comfortably within this setting given the height and scale of the existing houses located adjacent to the site.

- 7.18 As such it is considered that the proposed development would be sympathetic to both the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

Impact on Amenity

- 7.19 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.
- 7.20 The main consideration in terms of residential amenity relates to the impact on the occupants of the various houses overlooking the site at Nos 1 to 17 Coronation Drive (located to the north of the site), Nos 71 to 93 Ambleside Avenue (located to the west of the main terrace blocks), Nos 1-11 Kilmartin Way (located to the south and east of the development) and Nos 393-419 Southend Road (located to the east of the site).
- 7.21 The proposed northern terraced row of houses would be located some 47 metres from the rear of the properties to the north at Nos 1 to 17 Coronation Drive. Given the separation distances and the lengthy rear gardens at the existing houses, it is not considered that the proposed development would unduly harm the amenity of these dwellings.
- 7.22 The rear elevations of the houses in proposed terraced blocks to the west of the site would be located approximately 32 metres from the rear of the houses at Ambleside Avenue, and some 12 metres from the rear garden boundaries.
- 7.23 It is recognised that the terraced rows would feature a central pair of houses rising to 2.5 storeys including a rear dormer window. However, on balance Staff are of the view that the distances are acceptable in order to maintain outlook and privacy between the new residential dwellings and the neighbouring residents. The terraced rows would also feature staggered rear building lines, which would offset the overall bulk and massing of the buildings. As such it is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Ambleside Avenue.
- 7.24 The side elevation of the northern terrace row would be located approximately 20 metres at the closest point from the rear of houses at Nos 405 to 419 Southend Road. The proposed end dwelling in this row would

feature a blank gable with no window openings. It is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Southend Road.

- 7.25 As part of the proposal a new residents car park would be laid out on the land to the side and rear of houses at Nos 393 to 403 Southend Road, providing 33 spaces. It is acknowledged that the positioning of the new car park presents some potential issues in relation to noise and disturbance in terms of cars manoeuvring and doors being closed. However, the main row of parking spaces would be positioned over 13 metres from the rear of the houses. A wider accessible space would be provided in the south eastern corner of the car park located 11 metres from the rear of No.393, but this is still regarded as an acceptable distance. Around 7 of the spaces would be positioned adjacent to the flank of No.393 on Kilmartin Way, however, these spaces would occupy a section of the verge adjacent to the existing road.
- 7.26 A terrace row of four dwellings would infill the area adjacent to the existing terrace row of houses at Nos 1 to 11 Kilmartin Way and the rear gardens at Nos 83 to 91 Ambleside Avenue. The front elevation of the proposed terrace would follow the building line of the adjacent houses at Kilmartin Way. The new dwellings would project around 3.5 metres beyond the rear building line of the Kilmartin Way house, but would be positioned beyond a 5 metre wide pedestrian pathway and as such would not harm the amenity of the adjacent houses. The side elevation of the terrace row would also be located approximately 26 metres at the closest point from the rear of houses at 83 to 91 Ambleside Avenue. The proposed end dwelling in this row would feature a blank gable with no window openings. It is not considered that the proposed development would result in an undue impact on the privacy and outlook of the occupants of the dwellings at Ambleside Avenue.
- 7.27 On balance, 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.
- 7.28 It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement is however recommended to be secured through condition.

Environmental Issues

- 7.29 Environmental Health have raised no objection in relation to any historical contaminated land issues associated with the site, but have recommended the inclusion of a standard precautionary contaminated land investigation condition.

- 7.30 The proposal is not considered to give rise to any significant noise issues. It is however recognised that elements of the development to the north would lie within close proximity to the Elm Park Primary electricity substation. As such Environmental Health have recommended that a condition requiring a full noise impact assessment is undertaken prior to commencement in order to ensure that suitable noise insulation measures are incorporated into the development.
- 7.31 The accompanying Ecological Survey states that the proposal should have no or only minor adverse impacts on ecology and biodiversity, with some gains. In ecological terms the proposed development is considered to be acceptable.
- 7.32 The site is not located within a Flood Zone and presents no issues in relation to flood risk. The Sustainable Drainage Systems (SuDS) have been assessed by the Council's Lead Flood Authority representative and the micro drainage calculations are considered to be acceptable for the soak away design.

Parking and Highway Issues

- 7.33 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at between 2 and 3 meaning that the site is classified as having an average to poor access to public transport. Therefore residential development in this location is required to provide a high car parking provision of 2-1.5 spaces per unit.
- 7.34 In terms of car parking; a total of 71no. parking spaces would be provided as part of the development. Of this 38no. parking spaces would be for the 18no. houses set out to the front of the dwellings and in dedicated parking areas within the development (at a ratio of over 2 per dwelling). The remaining 33no spaces would be for public parking and would be set out in a new car park in the south eastern corner of the site accessed from Kilmartin Way.
- 7.35 The existing main vehicular access point into the site from Southend Road would be retained.
- 7.36 The Local Highway Authority has raised no objection in relation to the proposed amount of car parking provision and the access and servicing arrangements from Southend Road. It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/servicing issues.
- 7.37 Each of the dwellings would be served by an enclosed bin store adjacent to the front drive. An additional recycling point would be installed in the new car park.

- 7.38 A this stage no details of secure cycle storage have been provided, however full details will be sought by condition.

Affordable Housing

- 7.39 It is proposed that the scheme will provide 100% affordable residential accommodation with 13no. units for affordable rent and 5no. units for a shared ownership scheme.

Mayoral Community Infrastructure Levy

- 7.40 The proposed development will create 18.no new residential units with 1,793.6 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £35,872 subject to indexation based on the calculation of £20.00 per square metre. However, as the proposal is for affordable housing the applicant may qualify for relief if the proposals meet certain exemption criteria. These would be assessed post planning decision prior to the commencement of the development.

Infrastructure Impact of Development

- 7.41 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.
- 7.42 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 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.
- 7.43 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.
- 7.44 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.

- 7.45 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.
- 7.46 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for 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, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 7.47 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. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 7.48 The proposed new dwellings would result in an additional local infrastructure demand such that a financial contribution is needed in accordance with policy DC72. There would be a net addition of 18 units and a charge of £108,000 is considered necessary to make the development acceptable in accordance with the policy which would need to be secured by way of condition owing to the applicant owning the land.

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 unilateral undertaking.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the condition.

Legal implications and risks:

Legal resources will be required for the completion of a legal agreement. The planning merits of the application are considered separately to the Council's interests as landowner and applicant.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 24 September 2015 and amended drawings received on 11 November 2015.



**REGULATORY
SERVICES
COMMITTEE**

REPORT

31 March 2016

Subject Heading:

P1734.15 - 30 Upminster Road South, Rainham.

Demolition of the former social club and redevelopment of the site to provide 6 no. one bed flats and 1 no. retail unit with ancillary car parking. (Received 23/12/15)

Ward:

Rainham and Wennington

Report Author and contact details:

Helen Oakerbee
Planning Manager
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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 the former social club and redevelopment of the site to provide 6 no. one-bed flats and 1 no. retail unit with ancillary car parking.

The proposal raises considerations in relation to the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 430m² and amounts to £8,600. The existing floor space to be demolished cannot be deducted as the property has not been in lawful use for the last 3 years.

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

- A financial contribution of £36,000 to be paid prior to commencement of development and to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

1. Time Limit

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (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 houses hereby permitted are first occupied, 6 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 details of the external finishing materials 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

The development hereby permitted shall not be carried out otherwise than in complete accordance with the refuse and recycling storage details as shown on drawing no. 236/009C.

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

7. Cycle Storage

The development hereby permitted shall not be carried out otherwise than in complete accordance with the cycle storage details as shown on drawing no. 14270_PL003 Revision E.

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

8. Hours of Construction

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

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

9. Construction 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. Standard flank window condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the north western wall(s) of the building(s) hereby permitted on the southern boundary of the site, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

12. 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.

13. Balcony condition

The flat roof areas created shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission from the Local Planning Authority.

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

14. 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.

15. 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;

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

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

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

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a “Verification Report” that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term

monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: 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.

16. 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.

17. Obscure with fanlight opening only

The proposed windows at first and second floor in the northeastern elevation of the flats abutting Upminster Road South serving shared hallways and the windows at first floor in the northeast elevations of the units to the rear of the property serving bathrooms, shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained.

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

18. Pedestrian Visibility Splay

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

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

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. 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 £8,600.00 (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.
4. 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.
5. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
6. Please note that by virtue of Condition 14, 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 site is sited on the southern side of Upminster Road South within the Rainham Minor District Centre although it is not located in the retail core or fringe area of the centre. It comprises of a vacant, detached single storey building that is presently boarded up and was previously in use as a social club. The built form has an L shaped footprint with a brick exterior and it has a tiled pitched roof. The building has previously been extended and altered.
- 1.2 To the south of the site there is a garage court and immediately to the west of the site, there are approximately 11 car parking spaces and beyond that is an access road to St Helens Court estate.
- 1.3 Immediately on the eastern boundary of the site is a residential dwelling house and on both sides of the road to the east of the site, there are two storey high residential dwelling houses. To the south of the site, there is a residential flatted development, St Helens Court, which contains flatted blocks some 4 no. storeys in height.

2. Description of Proposal

- 2.1 The application seeks permission for the demolition of the existing single storey social club and the construction of 1 no. new three-storey building to house retail accommodation at ground floor and 1 no. flat at first and second floors respectively. The proposal is also for 4 no. two-storey buildings to house 4 no. 1-bed townhouses.
- 2.2 The three storey building will be situated to the front of the site abutting Upminster Road South and will measure 8.2m in depth, 10.8m in width and 9.6m in height to the top of the flat roof. The two storey buildings are situated to the rear of the site and to the rear of the properties at No. 32-36 Upminster Road South and will measure 8.3m in depth, 4.6m in width and 5.1m in height to the top of the flat roofs.
- 2.3 Amenity space in the form of integral balconies would be provided to the flats abutting Upminster Road South. Garden areas of approximately 36m² will be provided to the townhouse units.
- 2.4 The proposal would provide 2 no. car parking spaces to the front of the retail unit and 5 no. spaces to the rear.

3. History

- 3.1 P1716.14 - External alterations, roof lights, side and rear dormer windows, conversion of Rainham Social Club to (1) Bed & Breakfast Guest House, and (2) Loft conversion with additional bedrooms and facilities for hotel guests - Refused
- 3.2 P0158.14 - External alterations, roof lights, side and rear dormer windows, conversion of Rainham Social Club to 1) Bed & Breakfast 2) Loft Conversion with additional bedrooms - Refused and dismissed on Appeal
- 3.3 P1191.13 - Conversion of Rainham Social Club into 1) part pub/part bed & breakfast & 2) addition of second (loft) floor for additional bedrooms for bed and breakfast - Not determined and dismissed on Appeal
- 3.4 P0394.91 - Single storey rear extension - Approved with conditions

4. Consultation/Representations

- 4.1 Notification letters have been sent to 91 neighbouring addresses and 3 comments were received. The comments ask clarification on security, overlooking, parking loss and the potential impact on demolition works on the neighbouring properties.
- 4.2 Issues relating to security are not material to this application. The impact of demolition works are also not material planning considerations, as there are other controls over this work, although a construction method condition has also been suggested. Issues relating to overlooking and loss of privacy and parking matters are dealt with in the report below. It should be noted that the existing sheds and parking areas to the southern boundary of the site are outside of the development site and would not therefore be affected as part of the proposals.
- 4.3 The Highway Authority has raised no objection to the proposal however has requested vehicle access, visibility splay and vehicle cleansing conditions.
- 4.4 Environmental Health has raised no objection to the proposal however has requested a contaminated land condition.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC27 (Provision of Community Facilities), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), 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 Obligations 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), 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 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 in this case are the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

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 social club 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 Staff consider the loss of the community facility acceptable given that it has not been in use for the past 3 years. It should also be noted that the loss of the community facility was not raised as a reason for refusal on the previous refused schemes, nor was it raised by the Planning Inspector as a reason for refusal on two previous appeals.
- 6.2.4 On this basis the proposal is considered to be policy compliant in land use terms and its 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 6 no. residential dwellings at a density equivalent to approximately 93 dwellings per hectare. This is in keeping with the range anticipated by Policy DC2 which states that a dwelling density of between 50-110 dwellings per hectare would be appropriate in this location. The number of units per hectare is in keeping with the recommended range and considered acceptable.
- 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 The proposal would provide residential units with a floor area of 63m² and 53m² respectively which would meet the minimum standard as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.3.5 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.
- 6.3.6 Staff do acknowledge that the location of the amenity areas between the townhouse units would limit the amount of natural sunlight available within them, however this is not considered to be unacceptable given their orientation to the southwest. Staff are of the opinion that the amenity spaces would be sufficient to serve the needs of future occupants. Amenity space to the flats fronting Upminster Road South would be provided in the form of balconies which is considered to be acceptable given the town centre location.

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 proposed commercial and flatted block would consist of 3-storeys and is situated on the corner of Upminster Road South and St. Helen's Court. This 3-storey block is not considered to be out of keeping in the streetscene as it is similar in height and design to the terraced blocks on the western side of St. Helen's Court and on the northern side of Upminster Road South.
- 6.4.3 The proposed townhouses to the rear of the site would be two-storey and similar in height to the existing building which is to be demolished. These buildings would relate satisfactorily to the surrounding area and are not considered to result in harm to the streetscene of St. Helen's Court.

6.5 *Impact on Amenity*

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 The proposed commercial and flatted block abutting Upminster Road South is not considered to result in an unacceptable impact on neighbouring amenity as it would not project beyond the rear building line of the residential properties situated to the northeast. A gap of 2m would also remain between the proposed building and the nearest property to the northeast. Flank windows are proposed to the northeast elevation at first and second floor, serving shared hallways. A condition will be imposed to have these windows obscure glazed and fixed shut to limit any potential for overlooking the rear gardens of the neighbouring residential properties.
- 6.5.3 The 4 no. proposed townhouse units to the rear of the properties No. 32-36 Upminster Road South are not considered to result in any impact on the amenity of these properties. A 2m separation distance would remain between the new dwellings and the back fence of these residential gardens. No windows are proposed to the north-western elevation which would prevent any overlooking to the rear gardens of these neighbouring properties. A condition will be imposed to have the first floor windows in the north-eastern elevation serving bathrooms obscure glazed and fixed shut with the exception of the top hung fanlight(s) to mitigate any potential oblique views in to the neighbouring gardens. The proposed dwellings would be 2-storey in height (5.2m) and lower than the existing building to be demolished (which is 6.5m in height).
- 6.5.4 Staff acknowledge that the outlook of the townhouse units would be limited due to the design solution which has employed to prevent overlooking of the properties to the north west. However, full height glazing is proposed to the north eastern elevation of each townhouse and this would ensure that the future occupants have sufficient daylight and sunlight. This specific window arrangement would be known to future occupants before purchase or rental.
- 6.5.4 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 *Highways / Parking Issues*

- 6.6.1 Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 1 to 1.5 spaces per unit. The proposal provides a minimum of one car parking space per dwelling which is in line with policy guidelines. For the retail unit the parking

requirement is 1 space for every 50-35m². The proposal does allow 1 space for the 22m² retail space proposed.

6.6.2 Secure cycle storage providing space for up to 6 no. cycles would be provided in the ground floor of the building with access from Upminster Road South and at ground floor to the front part of the townhouse units. A condition is recommended to ensure that the proposals are implemented in accordance with the submitted details in the event of an approval.

6.7 *The Mayor's Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 430m² and amounts to £8,600. The existing floor space to be demolished cannot be deducted as the property has not been in lawful use for the last 3 years.

6.8. *Planning Obligations*

6.8.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

6.8.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

6.8.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

6.8.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

6.8.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the

impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

6.8.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

6.8.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

6.8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £24,000 for educational purposes would be appropriate.

6.9 *Other issues*

6.9.1 Refuse storage would be provided in the ground floor of the building fronting onto Upminster Road South for all units with access from Upminster Road South. A condition is recommended to ensure that the proposals are implemented in accordance with the submitted details in the event of an approval.

7. **Conclusion**

7.1 Staff do not consider that the proposed development raises concerns 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:

Financial contributions are required through a legal agreement.

Legal Implications and risks:

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

Human Resource Implications:

None

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

1. Application forms and plans received 23/12/15.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

31 March 2016

Subject Heading:

P0118.16 67 Corbets Tey Road (land adj), Upminster

Erection of 4 x one bedroom flats
(Application received 27th January 2016)

Ward:

Upminster

Report Author and contact details:

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

Policy context:

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

Financial summary:

Not relevant

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

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

SUMMARY

This is an application for the erection of four one bedroom flats at land adjacent to 67 Corbets Tey Road. The application site has an extensive planning history with planning applications previously submitted, and refused, for five and six units respectively.

In context of the previous reasons for refusal, and appeal decisions issued by the Planning Inspectorate, it is considered the key issue in the determination of this application is scale, mass and design and if the development satisfactory fits on to the application site. The development potential of this site is not questioned, nor is the principle of a development coming forward.

The development proposed whilst maintaining the same ground footprint of the previously refused five unit scheme has reduced from three storeys to two storeys. The decreased scale is considered to fit much better on to the site. By maintaining similar design principles to the adjacent development it is considered that the development also satisfactorily blends with the area. One car parking space would be provided to each of the new units, and whilst noting that two of these would be reallocated from the adjacent development the provision overall would still comply with relevant standards and policy.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL), in accordance with policy 8.3 of the London Plan, and that the applicable levy, based on the creation of 204m² new floorspace, would be £4,080.

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 to secure the following:

- A financial contribution of £24,000 to be paid prior to the commencement of development and to be used towards education; and
- Save for the holders of blue badges that any future occupiers of the development be prevented from applying for and purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall 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; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification 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. 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. The scheme shall furthermore detail all boundary treatments and fencing proposed. 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. Before the building hereby approved is first occupied, a car parking plan shall be submitted to the Local Planning Authority for review and approval in writing. The parking plan shall clearly identify the two spaces which will be assigned to the development in the adjacent car park. All car parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

6. The building hereby approved shall be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

7. The two ground floor units hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason:-

In context of Development Control Policies Development Plan Document Policy DC7 and London Plan Policy 3.8.

8. The development hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

Reason:-

In order to accord with London Plan Policy 5.15.

9. No works shall take place in relation to any of the development hereby approved until a drainage strategy for all surface and foul water arising has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the drainage scheme proposed. Submission of a scheme prior to commencement will ensure that there is no risk of pollution to water courses and aquifers, that the risk of flooding is minimised and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

10. 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.

11. 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.

12. 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of 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.

Informative(s)

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

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

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

3. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.
4. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,080 (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.
5. 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.
6. 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

1.0 Call-In

- 1.1 This application has been called in by Councillor Van den Hende on the basis that whilst this is a smaller application to that previously refused, there are still significant difficulties with the site. It is considered that the proposals represent an over-development of the plot and the design is unacceptable in terms of scale and bulk. In addition to this is the issue of parking. As part of the plans for this development, two spaces assigned to the existing development on-site would be re-assigned thereby reducing the visitor parking bay provision. Concerns are furthermore raised in respect of construction traffic and how vehicles would access the site in view that the access into the site is single lane.

2.0 Site Description

- 2.1 The application site is located off Corbets Tey Road in Upminster. The site, which is currently vacant, is located to the rear (east) of the primary retail premises along Corbets Tey Road and accessed via a single lane private road. In terms of locality, the application site is located directly adjacent to a development (7no. two bedroom and 2no. three bedroom dwellings) which was granted planning permission in 2013 and has recently been constructed - planning application reference: P1152.13.
- 2.2 The site is not located within a conservation area, is not (curtilage) listed and is not subject to any other statutory land designation. Within the LDF, the site nevertheless forms part the Upminster district centre.

3.0 Description of Proposal

- 3.1 The application seeks planning permission for the erection of a building which would provide four residential (one bedroom) flats. The building proposed would be two storeys high, mirroring the design of the adjacent development.
- 3.2 The building is proposed in a mixture of facing brickwork and render with stone cills, heads, surroundings and coping and string courses. The windows and doors would be white uPVC with black rainwater goods, fixtures and fittings. Proposed with a flat roof, with projecting parapets, the development would be complimented with permeable hard landscaping (block paving) in contrasting colours to delineate different uses.

4.0 Relevant History

There is an extensive planning history relating to the former West Lodge. The previous decisions of most relevance to the proposal are as follows:

P1152.13 - Demolition of existing building and erection of seven flats and two houses - Approved.

P1617.14 - Erection of 6no one bedroom flats - Refused for the following reasons:

- The proposal, by reason of the scale and mass of the building and proximity to site boundaries is considered to give rise to a cramped, overdevelopment of the site, detrimental to local character and amenity and contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- The proposal represents an overdevelopment of the site, resulting in a cramped site layout and inadequate provision of amenity space for the future occupiers of the proposed development, detrimental to residential amenity and contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD and the provisions of the Residential Design DPD.
- The proposal would, by reason of the inadequate on-site parking provision for occupiers of the development and visitors, be likely to create conditions adversely affecting the functioning of the site and thereby detrimental to the amenity of occupiers of the site, as well as the potential for unacceptable overspill on adjoining roads, contrary to Policies DC61 and DC32 of the LDF Core Strategy and Development Control Policies DPD.
- In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

An appeal was lodged with the Secretary of State against the Council's decision to refuse the above application. The appeal was dismissed on grounds that it was considered that the development would materially and unacceptably harm the character and appearance of the surrounding area. In respect of this, the Inspector nevertheless found in favour of the appellant in relation to the second and third reasons for refusal. Costs were duly awarded to the appellant in respect of these reasons as it was considered the Council had failed to give adequate consideration to the accessible location of the appeal site; the close proximity of bus stops, the availability of unallocated parking spaces on the adjoining site; and the modest size of the proposed flats.

P0852.15 - Erection of 4 No 1 bedroom flats & 1 No 2 bedroom flat - Refused for the following reasons:

- The proposal, by reason of the scale and mass of the building and proximity to site boundaries is considered to give rise to a cramped, overdevelopment of the site, detrimental to local character and amenity and contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

- In the absence of a legal agreement to prevent future occupiers from applying for parking permits, the proposal would result in increased parking congestion in the surrounding streets, to the detriment of the functioning of the highway, contrary to Policies DC32 and DC61 of the LDF Core Strategy and Development Control Policies DPD.
- In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies DPD and Policy 8.2 of the London Plan.

5.0 Consultations/Representations

51 properties were directly notified of this application. 11 letters of representation, from different individuals, have been received, including one which is supported by seven properties. It is however noted that specific representation has been received from an individual at each of the properties who have supported this representation.

Nine of the letters of representation raise objection to the development and cite the following material planning considerations:

- A development of this size would be obstructive to the adjacent development. The site is already cramped;
- Car parking provision and the fact that existing parking spaces would be 're-designated' to the new units;
- Drainage;
- Amenity impacts during construction together with lack of information with respect to traffic management and if the existing security gates would be maintained.

Many of the letters furthermore raise concern about the landowner seeking to introduce parking permits and parking controls. This issue is largely considered a civil matter which goes beyond that within the planning remit. However, further discussion in respect of this can be found in the 'Highway Impact & Car Parking Provision' section of this report.

The other two letters of representation received are in support of the development and suggest that the development would enhance the area.

Anglian Water - No comments received.

Essex and Suffolk Water - No comments received.

Highway Authority - No objection.

London Borough of Havering Energy Management - No comments received.

London Borough of Havering Environmental Health - No objection subject to a condition requiring the flats to be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise.

London Borough of Havering Lead Local Flood Authority - No drainage strategy has been submitted. Such a strategy should be secured for review and approval prior to commencement of the development.

London Borough of Havering Waste & Recycling - Residents, as per those reside in the adjoining development, would be required to carry their refuse sack to the boundary of the property, no more than 30m from Corbets Tey Road, by 7am on collection day.

London Fire Brigade - No objection.

National Grid - National Grid has identified that it has apparatus in the vicinity of the development site. The contractor should contact National Grid before any works are carried out to ensure that our apparatus are not affected.

Thames Water - No objection. It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

6.0 Relevant Policies

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP01 - Housing Supply, CP02 - Sustainable Communities, CP09 - Reducing the need to travel, CP17 – Design, DC02 - Housing Mix and Density, DC03 - Housing Design and Layout, DC07 - Lifetime Homes and Mobility Housing, DC30 - Contribution of Community Facilities, DC32 - The Road Network, DC33 - Car Parking, DC36 - Servicing, DC40 - Waste Recycling, DC49 - Sustainable Design and Construction, DC50 - Renewable Energy, DC51 - Water Supply, Drainage and Quality, DC53 - Contaminated Land, DC55 - Noise, DC61 - Urban Design, DC63 - Delivering Safer Places, DC72 - Planning Obligations

The Council's Designing Safer Places SPD, Landscaping SPD, Residential Design SPD, Sustainable Design and Construction SPD and Planning Obligation SPD

London Plan: 3.3 - Increased 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, 5.3 - Sustainable Design and Construction, 5.13 - Sustainable Drainage, 5.21 - Contaminated Land, 6.1 - Strategic Approach, 6.3 - Assessing Effects Of Development On Transport Capacity, 6.9 - Cycling, 6.13 - Parking, 7.2 - An Inclusive Environment, 7.3 - Designing Out Crime, 7.4 - Local Character, 7.5 - Public Realm, 7.6 - Architecture, 7.7 - Location and Design Of Tall And Large Buildings, 7.14 -

Improving Air Quality, 7.15 - Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes, 8.2 - Planning Obligations and 8.3 - Community Infrastructure Levy

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

7.0 Mayoral CIL Implications

7.1 The application seeks planning permission for four residential units. In consideration of the net amount of residential accommodation which would be created, a Mayoral CIL contribution of £4,080 would be required should planning permission be granted.

8.0 Appraisal

8.1 It is considered that the key issue in the determination of this application, in context of the site history, is the scale, mass and design of the building in question. In consideration of previous application and appeal decisions, a commentary on highway impact and parking provision can also be found below.

Principle of Development

8.2 Policy CP1 of the Core Strategy and Development Control Policies Development Plan Document states, as a headline objective, that a minimum of 525 new homes will be built in Havering each year. Table 3.1 of the London Plan sets a minimum ten year target for Havering (2015-2025) of 11,701 new homes. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.

8.3 The site is located within a fringe area of Upminster Major District Centre where Policy CP4 of the LDF states that town centre hierarchy will be promoted and enhanced by, amongst other things, ensuring that the scale and use of new development is consistent with the role and function of the town centre so as not to harm the vitality of viability of other centres. Policy DC16 is aimed at ensuring that the primary retail function of the district centres is maintained. The application site is, however, located to the rear of the shopping parade and as such has no retail frontage. The relevant policies do not preclude residential development in such locations, indeed wider policy is aimed at promoting the introduction of housing into town centres in order to maintain their vitality. Staff are therefore satisfied that the proposed development will have no adverse impact on the function of Upminster town centre and the proposal is considered to be acceptable in principle.

Scale, Mass and Design

- 8.4 Policy DC2, in respect of residential mix and density, states in an urban Uppminster location a moderate density of terraced houses and flats is between 50-110 dwellings per hectare and a high density development of mostly flats is between 80-150 dwellings per hectare. Given the size of this development site and the number of units proposed this would be defined as a high density development. However, given the public transport accessibility level, in this location, no principle objection exists to development at this density.
- 8.5 The most recent previous application submitted on this site, for five units, was refused as it was considered the proposal, by reason of the scale and mass of the building and proximity to site boundaries, was cramped and representative of an over-development of the site. This application follows the same development footprint of this previous application (P0852.15), which was reduced from that submitted as part of application ref: P1617.14, but has also now been reduced from three storeys to two.
- 8.6 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore (only criteria relevant to this application have been detailed) harness the topographical and ecological character of the site; respond to distinctive local building forms and patterns; compliment or improve the amenity and character of the area; reinforce, define and embrace the street; create or enhance and clearly define public and private realms; and be durable, flexible and adaptable.
- 8.7 The building proposed, as part of this development, is considered largely akin to the adjacent development. This is a mixed character area and as such it is considered drawing comparison and attempting to compliment nearby development is a good starting point for the design rationale. Unlike the previous refused proposal, it is considered that a two storey development is of an acceptable scale and mass to fit on the plot. It is considered the reduced scale of the developments bears a better relationship to the development along Corbets Tey Road and that adjacent and the reduction in unit numbers also reduces the potential for over-crowding.
- 8.8 The flats would also comply with the Technical housing standards - nationally described space standard and, although there is no prescribed standard for open space, it is considered that the development would be supported by an acceptable provision of open/amenity space.

Impact on Amenity

- 8.9 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

8.10 In the context of the assessment expressed at paragraph 8.7 it is not considered that the development would give rise to significant amenity impacts. Indeed, such impacts have not previously formed a reason to prevent a development from coming forward on this site. With regard to the construction phase of the development, as noted within a few of the letters of public representation received, limited details have been provided on how vehicles will access the site during construction and furthermore, in general, how the construction phase would be managed. Such impacts are not however considered sufficient enough to warrant refusal. That being said it is considered that seeking a construction management plan by condition would allow the Local Planning Authority to effectively ensure that the procedures proposed are acceptable and do not adversely impact on the day to living conditions of occupiers of the adjacent development.

Highway Impact & Car Parking Provision

8.11 The Highway Authority has not raised an objection to the proposal with access to the development being provided in the same way as the adjoining development. Two new car parking spaces are proposed with the applicant suggesting that two additional spaces would be provided/re-assigned within the car parking area for the adjacent development.

8.12 Concern has been raised about the suggested re-allocation of the car parking spaces within the adjacent development, within the letters of public objection received. The letters of objection raise concern that the lack of parking provision or, with the re-allocated parking, the lack of visitor parking provision, could lead to an accumulation of traffic and congestion in the area and added strain on nearby car parks and roads.

8.13 It is however acknowledged within relevant policy that for higher density development, particularly flats in accessible locations, that less than one parking space per unit may be acceptable. In considering the earlier six unit scheme, and the Inspector's decision, it is noted that Council's reason to refuse the application on parking grounds was effectively dismissed and the appellant awarded costs in this regard. In respect of this, whilst noting that the development would take car parking spaces away from the adjoining development, an acceptable level of provision would remain for the existing residents and it is not therefore considered that this can form a reason to refuse the application. Should planning permission be granted, the Council could nevertheless require the submission of a revised parking plan to monitor which spaces are re-allocated and ensure that the other spaces do remain in use by the occupiers of the development. To further support this it is recommended that residents of this development be restricted from applying for parking permits in the locality.

8.14 With regard to the security gates and concerns raised in the letters of public representation received about loss of security, as alluded above, the existing access arrangements to the site would be unaffected by this development. It is accepted that, should planning permission be granted, four additional units would be created and therefore more people/vehicles would be accessing the

site but this in itself is not considered to represent a significant loss of security. The existing security gates would be maintained and the development would not specifically permit any unauthorised access or parking by vehicles not visiting the site.

9.0 Section 106

9.1 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.

9.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

9.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

9.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

9.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

9.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672

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

- 9.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling 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.
- 9.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per dwelling for educational purposes would be appropriate.
- 9.9 In the event that planning permission is granted, this application as such would be liable for a £24,000 education contribution, in addition to any contribution under the Mayoral CIL.

10.0 Conclusion

- 10.1 The Council is under increasing pressure to find additional housing stock and as evidenced in previous decisions issued staff, in principle, have not previously raised an objection to a development coming forward on this site. The stumbling block has been the size of the development coming forward and its relationship to the surroundings. This time round, by keeping the development at two storeys it is considered that the development fits much better onto the plot and overcomes this concern. This is an infill development and it is considered important that a relationship is created between the development proposed and that adjacent. The development put forward it is considered achieves this.
- 10.2 The concerns raised by many of the existing residents, adjacent to the development site, are noted. However, many of these are civil matters and fall outside the scope of material planning considerations. An assessment of planning policy and material planning considerations, as evidenced above, has been undertaken and in context of the reduced scale of the development, to that proposed previously, it is not felt that there is due justification or reason to refuse the application. It is therefore recommended that planning permission be granted subject to conditions and legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks: None

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

BACKGROUND PAPERS

1. Application form, plans and associated documents received 27/01/2016.

REGULATORY SERVICES COMMITTEE

31 March 2016

REPORT

Subject Heading:

P1453.15: 20 Farm Road, Rainham

Demolition of the existing bungalow and the construction of 4no. dwellings. (Application received 2 October 2015)

Ward:

Rainham & Wennington

Report Author and contact details:

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

Policy context:

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

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 an existing bungalow and the erection of 4no. dwellings comprising 2no. semi-detached chalet bungalows and 2no. detached bungalows.

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

The application was deferred at the 10 March Regulatory Services Committee meeting for staff to re-present the proposal incorporating analysis of a recent appeal dismissal relating to an earlier scheme at the site.

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 329 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £6,580 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 £18,000 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. 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.

5. 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.

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. 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.

9. Parking Provision

Before any part of the dwellings hereby permitted are first occupied the car parking provision as indicated in drawing 'PL-5277_20A' 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.

10. 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 on each dwelling and no outbuildings or other means of enclosures shall be erected within the rear garden areas 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 walls of the buildings 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 ground floor windows in the east and west side elevations of the semi-detached dormer bungalows, namely the study/ playroom windows 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.

14. Boundary Fencing

The proposed new dwellings 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 DC6.

15. 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.

16. 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.

17. Pedestrian Visibility Splay

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

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

18. Vehicle Cleansing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first

submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

Reason: 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.

19. Noise Insulation

The buildings shall be constructed so as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise.

Reason: To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

20. Sprinkler System

No building shall be occupied or use commenced until provision is made for the installation of a domestic sprinkler system in the two proposed bungalows to the rear of the site. Thereafter this provision shall be retained permanently.

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

21. Access Road

Before any of the development hereby permitted is commenced, samples of all materials to be used in the construction of the proposed access road and turning head shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with paragraphs 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent Daniel Brandon. The revisions involved removing first floor dormer windows and reducing the roof height of the proposed detached properties to the rear to create traditional bungalows.
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 £6,580 (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 planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. **Changes to the public highway (including permanent or temporary access)**
Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as

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

5. Highway legislation

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

6. Temporary use of the public highway

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

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

8. 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

Background

The application was deferred at the 10 March Regulatory Services Committee meeting (for one cycle) for staff to re-present the proposal incorporating analysis of a recent appeal dismissal relating to an earlier scheme at the site.

The previously refused planning application at the site (P0834.15) related to the demolition of the existing dwelling and the construction of 5no. dwellings. The application was refused on 29 September 2015.

The subsequent appeal was dismissed on 24 February 2016 (Appeal Ref: APP/B5480/W/15/3138223).

The appeal decision on 24 February 2016 is a material consideration and therefore the following comments are made.

Character

The Inspector considered the proposed frontage development to be acceptable but was concerned with the 3 proposed chalets to the rear. The application has been revised and now proposes two single storey bungalows to the rear with no roof accommodation. The Inspector considered that the proposal would undermine the spacious and verdant character of the rear areas, that the outlook for residents to the front would be visually hard and enclosed and that outlook from side windows would be poor.

The previously refused scheme proposed chalet bungalows with a height of 6.3 metres and in terms of their massing would have been of considerable scale and bulk. In contrast the bungalows proposed in this revised scheme would be 4.7 metres in height and crucially would not feature the large obtrusive dormers included in the refused scheme. Consequently 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 bungalows to sit more comfortably within the rear garden setting without undue harm to the open character and appearance of the area. A condition is also recommended withdrawing permitted development rights for future roof extensions.

The front turning and parking area has also been reconfigured to include additional soft landscaping areas which would break up the extent of hardstanding, improving the outlook from the front of the bungalows. Likewise, the revised scheme would also allow for a greater separation between the two new dwellings, meaning that the side bedroom windows would have a more pleasant outlook onto a strip of side garden rather than directly onto the side elevation of a chalet house.

Amenity

The Inspector considered that due to the height, the proposed chalets would be extremely prominent from the surrounding area and upper floor windows would overlook neighbouring gardens. As the proposal is now for bungalows, it is considered that there would be no overlooking and the prominence would be reduced, although the buildings would still be visible from the surroundings, as a matter of judgement they would not be so overbearing.

The Inspector considered that the lack of any buffer to number 18 along the proposed access road would result in unacceptable noise and disturbance. A buffer 0.9 metres wide is provided which addresses this issue to an extent. Members may consider, as a matter of judgement that this is acceptable.

1. Site Description

- 1.1 The application relates to the property at 20 Farm Road, Rainham. The site comprises a detached bungalow set within a rectangular plot and includes a section of the rear garden of the neighbouring property at No.22 Farm Road, creating an L-shaped plot. The property has been vacant for several years and the bungalow is in a dilapidated state and the gardens are overgrown.
- 1.2 The plot abuts the rear garden boundaries of 18 & 22 Farm Road to the east and west, 26 & 28 Allen Road to the west and 28a Allen Road to the north. The site is located within a predominantly residential area, characterised by detached two storey houses and bungalows.
- 1.3 The building is not listed and is not located within a conservation area. The land is not subject to any other land use designation within the LDF.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the demolition of the existing bungalow and erection of 4no. dwellings comprising 2no. semi-detached chalet bungalows and 2no. detached bungalows.
- 2.2 This proposal follows the refusal of planning application P0834.14 in September 2015 for a similar scheme involving the demolition of the existing dwelling and the construction of 5no. dwellings.
- 2.3 The current application has sought to address the previous refusal reasons by reducing the number of detached dwellings to the rear from three to two and changing the design of the bungalows.
- 2.4 As with the previous application, at the front of the site a replacement pair of semi-detached chalet bungalows would be erected measuring 13.3 metres in width and 12.2 metres in depth. The dwellings would incorporate a hipped-pitched roof design with a ridge height of 6.9 metres. The properties

would each feature a pair of small pitched roof dormers in a symmetrical position within the front roof slope and a larger double dormer on the rear roof slope. Internally the bungalows would consist of a living room/dining room, study/playroom, kitchen, utility room and WC at ground floor level with four bedrooms an en-suite and a bathroom at first floor level. The proposed bungalows would be laid out with approximately 112 square metres and 124 square metres of private garden at the rear respectively, and a paved parking area to the front with spacing for 4no. vehicles (2no. per dwelling).

- 2.5 Towards the rear of the site 2no. detached bungalows would be erected at a perpendicular position to the front pair of dwellings and Farm Road, affording an east-west outlook. Each dwelling would be 9.7 metres in width and 10.3 metres in depth with a roof ridge height of 4.7 metres. Internally the detached bungalows would consist of a living room/dining room, study/playroom, kitchen, utility room and WC as well as three bedrooms and a bathroom. The proposed bungalows would be laid out with approximately 110 and 120 square metres of private garden at the rear respectively, and a paved parking area to the front with spacing for 4no. vehicles (2no. per dwelling).
- 2.6 A new 3.7 metre wide and 60 metre long vehicular access road would be formed to the side of the new pair of chalet bungalows and adjacent to the boundary with No.18 Farm Road, leading through from Farm Road to the 2no. detached bungalows to the rear of the site and a turning head area.

3. Relevant History

- 3.1 P0834.15 - Demolition of the existing dwelling and the construction of 5no. dwellings – Refused, 29 September 2015. Appeal Dismissed, 24 February 2016 (Appeal Ref: APP/B5480/W/15/3138223).

4. Consultations/Representations

- 4.1 Notification letters were sent to 41 properties and representations from 2 neighbouring occupiers have been received. The comments can be summarised as follows:
- The proposed site access is located close to the school gates of Parsonage Primary School creating a danger to both pedestrians and residents.
 - The development and addition of new dwellings will further exacerbate existing on street car parking issues within the area that have been going on for some time.
 - The proposed development of 4no. dwellings would be excessive and cause an increased strain on local infrastructure.
- 4.2 In response to the above: issues in relation to car parking, traffic congestion and pedestrian visibility are discussed in 'Highway/ Parking' section below.
- 4.3 The following consultation responses have been received:

- Historic England - no objection, recommended a condition relating to an archaeological investigation.
- Thames Water - no objection.
- London Fire Brigade Water Team - no objection.
- Environmental Health - no objection, recommended condition relating to noise insulation.
- Local Highway Authority - no objection, recommended conditions in relation to pedestrian 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), DC11 (Non-designated Sites), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 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), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 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 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), 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 street scene, 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 It should be noted that this proposal follows the refusal of planning application P0834.14 in September 2015 for a similar scheme involving the

demolition of the existing dwelling and the construction of 5no. dwellings. The application was refused on the grounds that it would fail to maintain or enhance the character and appearance of the local area; the scale, bulk and massing of the proposed 3no. detached houses would result in an overly dominant and visually intrusive feature; the location of the building, its cramped relationship to the site boundary and the lack of private amenity space would have an unacceptable impact on the amenity of future occupants; and, the proposed rear access road would be excessive, particularly in such close proximity to No.18 Farm Road and likely to introduce an undue level of noise and disturbance.

Principle of Development

- 6.3 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 6.4 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.
- 6.5 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/Layout

- 6.6 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.
- 6.7 The proposal would provide 4no. residential units at a density equivalent to approximately 30 dwellings per hectare. This complies with the aims of Policy DC2 which suggests that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this suburban location.
- 6.8 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.
- 6.9 For two storey four-bedroom houses the standard is set at between 106 square metres for 6 persons. The proposed semi-detached chalet bungalows would provide approximately 124 square metres of internal floor space. The main bedrooms in these dwellings would also comply with the minimum standards set out in the technical housing standards with regard to

floor area and width. Given this factor it is considered that the proposed chalet bungalows would be of an acceptable size for day to day living.

- 6.10 For three-bedroom bungalows the standard is set at 86 square metres for 5 persons. The proposed detached bungalows would each provide approximately 87 square metres of internal floor space. The main bedrooms in these dwellings would also comply with the minimum standards set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed bungalows would be of an acceptable size for day to day living.
- 6.11 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.
- 6.12 The 2no. semi-detached four bedroom properties fronting onto Farm Road would be served by approximately 112 square metres and 124 square metres of private rear garden respectively. As such it is considered that the amount of private amenity space proposed in the development is adequate for the requirements of the proposed dwellings.
- 6.13 The 2no. detached three bedroom bungalows would each be served by approximately 110 and 120 square metres of private garden at the rear respectively - which again is considered to be adequate for the requirements of the proposed dwellings.
- 6.14 In terms of the overall site layout; in comparison to the previously refused application it is considered that the reduction in the number of units to the rear of the plot from three to two has improved the scheme. Staff are of the view that this measure has served to create a more spacious and less cramped development.

Design/Impact on Streetscene

- 6.15 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.
- 6.16 The proposed pair of semi-detached chalet bungalows to the front would form a more prominent feature in the streetscene at Farm Road than the detached bungalow that currently occupies the site. However, the design and style of the proposed dwellings is considered to adhere to the architectural character of the surrounding area, with the roof ridge height, bulk and massing being similar to those of the other two storey dwellings in the Farm Road streetscene.

- 6.17 In comparison to the previously refused scheme, the proposed 2no. detached bungalows would form significantly reduced features in terms of their height prominence, scale and bulk, particularly with regard to the rear garden setting. The previously refused scheme proposed chalet bungalows with a height of 6.3 metres and in terms of their massing would have been of considerable scale and bulk. In contrast the bungalows proposed in this revised scheme would be 4.7 metres in height and crucially would not feature the large obtrusive dormers included in the refused scheme.
- 6.18 Consequently 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 bungalows to sit more comfortably within the rear garden setting without undue harm to the open character and appearance of the area. Officers are therefore of the view that the revisions to the scheme and the reduced scale of the proposed bungalows have suitably addressed the previous refusal reasons.
- 6.19 On balance it is considered that the proposed development would serve to maintain to the streetscene along this section of Farm Road and the character and appearance of the area in accordance with Policy DC61.

Impact on Amenity

- 6.20 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.
- 6.21 At the site frontage the proposed semi-detached bungalows would be contained within the front building line of the neighbouring properties along Farm Road. To the rear the new dwellings would not project beyond the rear of No.22. but would project some 2.7 metres beyond No.18. However, the development would be set some 5 metres from the boundary with No.18, ensuring that there would be no unacceptable impact on the amenity of the adjoining occupiers in terms of daylight/sunlight or outlook. The proposal would bring the flank elevation of the semi-detached house closer to the windows in the side elevation of No.22; however, these serve as secondary windows or non-habitable rooms.
- 6.22 The main concerns with the previous application in terms of amenity related to the proposed two rear properties. The revisions to the scheme have resulted in a reduction in the height of the proposed rear dwellings from chalet bungalow style properties to traditional bungalows with a much lower roof profile and crucially no first floor dormer windows overlooking the rear gardens of the neighbouring properties. As a result Staff consider that

issues in relation to the scale, bulk and massing and the visually intrusive and dominant impact have been satisfactorily addressed.

- 6.23 In comparison to the previously refused scheme the proposed side access road to serve the two rear properties has been shifted away from the boundary fence line with No.18 Farm Road allowing for a 0.9 metre buffer strip along the majority of the driveway. Towards the rear of the site this would increase to 1.5 metres and additional planting will be secured through the inclusion of a landscaping condition. It is considered that the combination of the planted buffer strip and the installation of 2 metre high boundary fencing would suitably address previous concerns in relation to the proximity of the driveway to the boundary with No.18.
- 6.24 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

- 6.25 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site.
- 6.26 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.27 The proposal is not considered to give rise to any significant noise issues.

Parking and Highway Issues

- 6.28 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 1b, meaning that the site offers a poor degree of access to surrounding public transport increasing the requirement for off street car parking provision at the site and as such invokes a high standard of 2-1.5 parking spaces per dwelling.
- 6.29 The scheme can demonstrate off street car parking provision for 8no. vehicles, which equates to two spaces per dwelling in accordance with policy. The Local Highway Authority has raised no objection to the proposal, but have requested that additional information in relation to pedestrian visibility splays are requested via condition.
- 6.30 The London Fire and Emergency Planning Authority have raised a concern in relation to the suitability of the access road as the location of the furthest dwelling would not be within the accessible distance to a pump appliance and would require the installation of domestic sprinklers.

- 6.31 An area adjacent to the rear garden of the semi-detached bungalows would be utilised as a refuse store associated with the two detached houses. In terms of servicing the refuse store would be set at a distance within 25 metres from the highway and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.
- 6.32 No details of secure cycle storage have been provided although it is noted that details of this could be reasonably requested through conditions.

Mayoral Community Infrastructure Levy

- 6.33 The proposed development will create 4no. residential units with 329 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £6580.00 (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.34 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.35 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.36 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.37 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.

- 6.38 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.39 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.40 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.41 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 £18,000 for educational purposes would be appropriate.

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 rear garden setting and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the 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:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 2 October 2015 and revised drawings received on 26 November 2015.

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REGULATORY SERVICES COMMITTEE

REPORT

31 March 2016

Subject Heading:

P0011.16 Unit 7 Beam Reach Business
Park 5, Consul Avenue, Rainham

Change of use of existing building from B1
and B2 with ancillary B8 to B1, B2 and B8
(Application received 6th January 2016)

Ward:

South Hornchurch

Report Author and contact details:

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

Policy context:

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

Financial summary:

Not relevant

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

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

SUMMARY

This is a change of use application relating to the old 'Newsfax' building at Beam Reach Business Park. The building is currently permitted to be used within the B1 (offices) and B2 (general industrial) use classes with ancillary B8 (storage and distribution) use. This application seeks to allow, in addition to a B1 and B2 use, a straight B8 use.

The application is being brought to Members as the application is a major application and the building involved contains more than 1,000m² floorspace.

Whilst the aspirations for this area are noted, and indeed the Council is currently in receipt of an application for development of the eastern part of the Business Park, the building in question has been vacant for a few years and it is understood that the landowner has had difficulty finding a tenant who would be willing to take up the building within a B1 or B2 use.

Documentation submitted with the application has sought to demonstrate that a straight B8 use would not significantly result in additional vehicle movements to and from the site and in context of that submitted it is not considered that the change of use would be detrimental to the area.

RECOMMENDATIONS

That the Committee notes that the proposal is unacceptable as it stands but would be acceptable subject to a variation to the existing Deed made pursuant to Section 106 of the Town and Country Planning Act 1990 to:

- Ensure that the existing schedules and covenants carry forward and apply to any occupation of the building within the B8 use class.
- 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; and

It is therefore recommended that the Head of Regulatory Services be authorised to make the aforementioned variation to the existing Deed and, upon completion of that obligation, grant planning permission for the change of use as per the conditions below.

1. 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 policy DC61 of Development Control Policies Development Plan Document.

2. Prior to occupation of the building to which this application relates a parking layout plan shall be submitted to the Local Planning Authority for review and approval in writing. The plan shall seek to identify all areas of parking on-site including the 36 spaces for vehicles; four spaces for lorries; and 20 spaces for cycles. The plan shall furthermore show the location of the active and passive Electric Vehicle Charging Points proposed to comply with 6.13 of the London Plan. The development shall be undertaken in accordance with the details approved and the car parking areas shall be maintained and made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To ensure that car parking provision is made permanently available, in the interest of highway safety and efficiency and in context of policies DC32, DC33 and DC35 of the Development Control Policies Development Plan Document and policies 6.1, 6.3, 6.9, 6.11, 6.12 and 6.13 of the London Plan.

Informative(s)

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. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
3. 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

1.0 Site Description

- 1.1 The application site comprises Unit 7 of Beam Reach Business Park, extending to some 1.1ha. The building is of a utilitarian design with grey and orange steel panels under a pitched steel clad roof. The elevations contain a number of glazed openings and six level loading doors positioned around the building. The site is located immediately to the east of the Marsh Way flyover, north of the A13 and south of the London to Southend railway line.
- 1.2 Access to the site is provided via gated vehicular and pedestrian points off Consul Avenue, with hardstanding to the front, side and rear of the building.
- 1.3 The area forms part of the London Riverside Business Improvement District and a strategic industrial designation within the Council's adopted Proposals Map (part of the LDF). The site is not located within a conservation area and is not listed (or curtilage listed). There are no national ecological designations of note within the immediate vicinity, although the wetlands to the north of the site are designated as a Borough level site of nature conservation. The site is located partially within flood zone 3, partially within flood zone 2.

2.0 Background

- 2.1 In 2007 planning permission, subject to conditions and a Section 106 Agreement, was granted by the London Thames Gateway Development Corporation, who constituted the Local Planning Authority at the time, for the construction of two tall industrial units, the installation of printing presses and associated equipment and buildings including offices, toilets and plant rooms – Uses B1, B2 and ancillary B8 at Plots 7 and 8 Beam Reach Business Park (application ref: U0006.06).
- 2.2 Since planning permission was granted, Plot 7 has been developed but Plot 8 has not. Plot 7 contains a building which measures approximately 3,500m², with a mezzanine floor and two floors of ancillary office space to the western end of the building. The building is currently vacant but was last used for newspaper printing purposes.

3.0 Description of Proposal

- 3.1 This application seeks to widen the current permitted use of the application site and allow for B1, B2 and B8 uses. The applicant has suggested that this would provide additional flexibility and maximise the potential to attract a tenant and secure the long term viability of the site.
- 3.2 The proposals do not involve any material external alterations to the building or the wider site. It will however be noted, as detailed in the 'Relevant History'

section of this report, that a separate application has been submitted to this change of use which seeks minor improvements to the exterior of the building.

- 3.3 The building as existing contains a number of internal structures and layout features which are specifically designed to meet the requirements of the former newspaper printing business. It is proposed that these would be removed, to facilitate a new tenant and use, however, planning permission is not explicitly required for these changes.

4.0 Relevant History

This site has an extensive planning history. Below is a selection of the most recent, relevant applications relating to the site and the surroundings:

P1155.00 – Outline application for the development of approximately 101,000m² of industrial and office use (B1, B2 and including warehousing ancillary to industrial processes) at land adjacent to Marsh Way, Rainham - approved 10/02/2003

U0006.06 – 2 No. tall industrial units for the installation of printing presses and associated equipment & buildings include offices, toilets, plant rooms - Uses B1/B2 at Unit 7 and 8 Beam Reach Business Park, Consul Avenue – approved by the London Thames Gateway Development Corporation 14/06/2007.

U0009.08 – Extension to western side of existing building to accommodate new press automated stacking and loading equipment. Retrospective canopy to existing entrance and amended access off Consul Avenue at Unit 7 Beam Reach Business Park, Consul Avenue – approved by the London Thames Gateway Development Corporation 18/12/2009.

P1340.15 – Continuation of development of two tall industrial units, the installation of printing presses and associated equipment & buildings including offices, toilets and plant rooms at Unit 7 and 8 Beam Reach Business Park, Consul Avenue without compliance with condition 10 (required energy efficiency and sustainability standards) attached to planning permission reference: U0006.06 – approved 24/12/2015.

P0012.16 – Alterations to the existing building and site layout, including the installation of 4 new loading bays and a new transformer enclosure at Unit 7 Beam Reach Business Park, Consul Avenue – pending determination.

5.0 Consultations/Representations

17 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. No letters of public representation have been received.

Environment Agency - No objection.

Highway Authority - No objection.

HS1 Ltd - No objection.

London Borough of Barking & Dagenham - No comments received.

London Borough of Havering Environmental Health - No comments received.

London Borough of Havering Lead Local Flood Authority - No objection.

London Fire Brigade - No objection.

London Riverside (BID) Ltd - No comments received.

Network Rail - No comments received.

Rainham Conservation & Improvement Society - No comments received.

Transport for London (TfL) - The level of car parking proposed is in excess of the maximum standards prescribed within the London Plan. It is strongly encouraged the applicant reduces the amount of car parking to reduce the potential traffic generation from the site and minimise the impact upon the A13, in line with London Plan policy 6.1. TfL are content with the blue badge parking provision but notes that the application is silent on Electric Vehicle Charging Points. Furthermore the provision for cycle parking is below the London Plan standard.

6.0 Relevant Policies

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP3 (Employment), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC9 (Strategic Industrial Locations), DC13 (Access To Employment Opportunities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste Recycling), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC52 (Air Quality), DC53 (Contaminated Land), DC54 (Hazardous Substances), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity In New Developments), DC60 (Trees and Woodland), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations)

London Plan: 1.1 (Delivering The Strategic Vision And Objectives For London), 2.1 (London In Its Global, European and United Kingdom Context), 2.2 (London And The Wider Metropolitan Area), 2.3 (Growth Areas And Co-Ordination Corridors), 2.7 (Outer London: Economy), 2.8 (Outer London: Transport), 2.13 (Opportunity Areas And Intensification Areas), 2.14 (Areas For Regeneration), 2.17 (Strategic Industrial Locations), 4.1 (Developing London's Economy), 4.4 (Managing Industrial Land And Premises), 4.10 (New And Emerging Economic Sectors), 5.12 (Flood Risk Management), 5.14 (Water Quality And Wastewater)

Infrastructure), 5.21 (Contaminated Land), 6.1 (Strategic Approach), 6.3 (Assessing Effects Of Development On Transport Capacity), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing Traffic Flow And Tackling Congestion), 6.12 (Road Network Capacity), 6.13 (Parking), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.6 (Architecture), 7.7 (Location and Design Of Tall And Large Buildings), 7.14 (Improving Air Quality), 7.15 (Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes), 7.19 (Biodiversity And Access To Nature), 7.21 (Trees And Woodlands), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy)

Draft London Riverside Opportunity Area Planning Framework (2015)

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

7.0 Staff Comments

Principle of Development

- 7.1 Policy DC9 of the LDF details that planning permission will only be granted for B1 (b+c), B2 and B8 uses in the Rainham Employment Area, Harold Hill Industrial Estate and King George Close Estate Strategic Industrial Locations. Advanced manufacturing uses (B1 (b) (c) and B2) will be prioritised within the Beam Reach Business Park together with other (B1 (b) (c) and B2) uses which provide a similar quality and intensity of employment and a high standard of design.
- 7.2 Whilst the policy position is to prioritise B1 and B2 uses within the Beam Reach Business Park, it is considered that in principle B1, B2 and B8 uses are acceptable within Strategic Industrial Locations such as this. This planning application seeks to broaden the permitted use of the site from B1 and B2 with ancillary B8 to B1, B2 and B8. The proposed change of use or broadening of use of the site, in context of policy DC9, is considered to comply with the LDF. Although it is suggested that B1 and B2 uses will be prioritised in the Beam Reach Business Park, this application is not proposing a new unrelated employment use and will not result in the loss of a site potentially capable as being suitable for a B1 or B2 use, should a need or demand arise.
- 7.3 In respect of the above, whilst noting that Strategic Industrial Locations are generally designed for B1, B2 and B8 uses, it is considered that a strict B8 use could result in different impacts to a site in a B1 or B2 use. With regard to this, an assessment of highway impact and any potential impacts on the environment and nearby amenity can be found below.

Highway Impact & Car Parking Provision

- 7.4 Policy DC32 of the LDF states that development which has an adverse impact on the functioning of the road hierarchy will not be allowed. Expanding on this, policies DC33 and DC35, respectively, outline maximum and minimum parking standards for both vehicles and cycles.
- 7.5 With respect to the above, it is noted that generally a B8 use has a lower parking standard than a B1 or B2 use. Indeed the above observation is raised in the consultation response received from Transport for London, in context of the standards prescribed in the London Plan.
- 7.6 The applicant has submitted a Transport Assessment in support of the application. This details that the site as existing has 36 car parking spaces and 20 cycle parking spaces and no change is proposed to this provision. This provision is broadly compliant with policy DC33 in respect of a B1 use but represents an over-provision in respect of a B8 use, as the standard for such a use, as alluded above, is lower than for a B1 or B2 use.
- 7.7 This application nevertheless seeks to broaden rather than change the permitted use of the building. In context of this, it is considered that an appropriate parking provision therefore needs to be maintained for all uses which would be permitted. Accordingly, it is not considered that it would be appropriate to seek a reduction in car parking provision, as part of this application, as any such reduction would likely have repercussions for the viability of a B1 or B2 use.
- 7.8 With regard to specific parking for lorries, the adopted standard for a B8 use is one lorry space per 200m² to one lorry space per 500m². This equates to a standard of between eight and 18 lorry spaces in this instance. By maintaining the car parking provision, as existing, there is insufficient space on-site to accommodate eight lorry spaces. Specific provision for four lorries could be provided but in context that a B8 use would likely be less user intensive it is considered that, if required, car parking spaces could simply be re-assigned to lorry spaces.
- 7.9 Transport for London, in addition to comments previously discussed, has noted that as existing no on-site provision exists for Electric Vehicle Charging Points (EVCP). When permission was first granted for this development such policy consideration did not exist - hence why there is no provision as existing. In context of this, it is considered that provision for EVCPs could be secured by condition. It is not considered that this requirement is unreasonable, in context of the nature of the application, and would furthermore bring the development in line with the current standards of the London Plan.
- 7.10 In terms of trip generation, overall, an assessment undertaken by the applicant on the likely number of vehicle movements associated with various potential uses from the site has found that a B8 use would likely generate a similar level of activity to a B2 use and far less vehicle movements than a B1 use. The Highway Authority, in context of this and the site conditions, has raised no

objection to the proposed change of use on highway safety or efficiency grounds.

Other Considerations

- 7.11 It is not considered that the proposed change and broadening of use would result in any significant environmental or amenity impacts to warrant refusal. There would be no physical changes to the site and/or the building and it is not considered that a strict B8 use would be materially out of character or result in impacts of a different nature to a B1 or B2 use. This is a Strategic Industrial Location and such sites are identified to allow such uses to operate where there are only a limited number of sensitive uses in the vicinity.
- 7.12 In terms of designations, as noted in the 'Site Description' section of this report, this site is located within a flood zone area. The Environment Agency has been consulted on this application and has raised no objection noting that the site 'vulnerability' will not increase as a result as the broadening of use.

Environmental Impact Assessment

- 7.13 Consideration has been given to Section 13 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) given the size of the development and this development, originally, falling within the scope of a Schedule 2 development (Section 10 (a) and (b)). In this instance, in context of guidance within the National Planning Practice Guidance, it is not considered that the development would result in any impacts of more than local significance. Accordingly, the Local Planning Authority does not consider that an Environmental Impact Assessment needs to be submitted in support of the application.

8.0 Conclusion

- 8.1 The proposed change of use requested by this application is considered modest. As existing the site benefits from a B1, B2 and ancillary B8 permission and this application seeks to extend this to include a full B8 use. Beam Reach Business Park forms part of a Strategic Industrial Location designation within the LDF Proposals Map. In such locations B1, B2 and B8 are accepted and it is therefore considered that the change of use proposed is compliant with the land-use designation. It is not considered the proposed broadening of acceptable uses would result in any significant environmental or amenity impacts. It is not considered that the use would be detrimental to the area and/or the vitality of the designation and accordingly it is recommended that planning permission be granted subject to conditions and the prior completion of a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required for the variation of the legal agreement. The amendment proposed to the existing Section 106 is nevertheless required to ensure that the existing schedules and covenants which are outstanding and relate to this site are carried forward.

Human Resources implications and risks: None

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

BACKGROUND PAPERS

1. Application form, plans and associated documents received 06/01/2015.