



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
4 August 2016**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

Robby Misir (Chairman)
Melvin Wallace
Ray Best
Steven Kelly
Michael White

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald (Vice-Chair)
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 INTERESTS

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

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

4 MINUTES (Pages 1 - 24)

To approve as a correct record the minutes of the meetings of the Committee held on 30 June and 14 July 2016 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 25 - 76)

- 6 **P1652.15 - 2 BROOKLANDS ROAD, ROMFORD** (Pages 77 - 96)

- 7 **P1201.15 - SHEFFIELD DRIVE (LAND REAR OF), HAROLD HILL** (Pages 97 - 114)

- 8 **P0800.16 - BROADFORD PRIMARY SCHOOL, FARINGDON AVENUE** (Pages 115 - 120)

- 9 **P0759.16 - THREE HORSESHOE FARM, NOAK HILL ROAD, ROMFORD** (Pages 121 - 146)

- 10 **URGENT BUSINESS**

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

Andrew Beesley
Committee Administration
Manager

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
30 June 2016 (7.30 - 10.45 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Ray Best, Steven Kelly, Michael White and +John Crowder

Residents' Group Reg Whitney and +Barry Mugglestone

East Havering Residents' Group Alex Donald (Vice-Chair) and Linda Hawthorn

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Apologies for absence were received for the absences of Councillor Melvin Wallace and Stephanie Nunn.

+Substitute members Councillor John Crowder (for Melvin Wallace) and Councillor Barry Mugglestone (for Stephanie Nunn).

Councillors Jason Frost, Ray Morgon, Jody Ganly, Michael Deon Burton and David Durant were also present for parts of the meeting.

65 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.

11 MINUTES

The minutes of the meetings held on 12 May and 2 June 2016 were agreed as correct records and signed by the Chairman.

12 **P1536.15 - LAND BOUNDED BY NEW ZEALAND WAY, QUEENSTOWN GARDENS AND GISBORNE GARDENS, SOUTH HORNCHURCH**

The proposal before Members was for the outline planning permission for two buildings to provide 13 two bedroom and 3 three bedroom apartments, 4 two bedroom houses and 12 three bedroom houses. The proposal also included associated amenity space and car parking.

The application was brought before the Committee as the application site was Council owned.

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

The objector commented that due to other developments in the area there was now inadequate amenity space for residents to use. The objector also commented that the proposal would create too many dwellings in the area and lead to privacy issues on neighbouring properties. The objector concluded by commenting that trees in the area were natural habitats for bats.

In response the applicant's agent commented that the application had been submitted by the Council to help combat the increasing housing need in the borough. At present there 1,040 people waiting for 2 bedroom properties and 540 waiting for three bedroom properties. The agent concluded by commenting that playing area would be retained and consultation would take place with existing residents to decide on what amenity/play space they would like to see there in the future.

With its agreement Councillors Michael Deon Burton and David Durant addressed the Committee.

Councillor Deon Burton commented that the access and egress arrangements for the proposal were of a cramped nature and emergency vehicles would struggle to enter and leave the site. Councillor Deon Burton also commented regarding parking deficiencies in the area. Councillor Deon Burton also commented about the privacy aspect of the proposal and whether overlooking would take place. Councillor Deon Burton also commented that if there was evidence of bats in the area then it would be unsafe to continue with the works until evidence was provided of how the habitats would be managed. Councillor Deon Burton concluded by commenting on the separate proposal to demolish Napier and New Plymouth Houses and the proposal to replace them with more densely residential properties which would remove much of the green space that was currently there.

Councillor Durant commented that the Council had a dual role in building new houses and protecting existing green spaces. The area that the application was proposed for included high value green space which was considered locally as a village green. Councillor Durant also commented on

the proposed re-development on the site of the former Napier and New Plymouth Houses site which would see higher density housing that would have an impact on local services and amenity. Councillor Durant concluded by commenting that the proposal before Members was a zealous over development bearing in mind what was already planned for the neighbouring area.

During the debate Members discussed the levels of house building within the borough and the green nature of the open space which softened the landscape of the area.

Members also discussed the character of the existing neighbouring properties which were not of a flatted design and the proposed demolition of the neighbouring Napier and New Plymouth tower blocks.

Members also discussed the possible loss of parking provision, the access and egress arrangements for the proposal and sought and received clarification of the proposed parking and access arrangements.

Members also sought and received clarification on whether the play area would be provided by the applicant.

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

- Loss of the community open area which were limited in the vicinity.
- Traffic congestion on the adjoining road network.
- Parking (if actually less than 48 spaces could fit on site).
- Flats and excessive density out of character, cramped.
- Lack of children's play space (Section 106).
- Failure to provide education contribution (Section 106).

13 **P0325.16 - 31 HIGH STREET (FORMER MECCA BINGO), HORNCHURCH**

The application before Members sought planning permission for the demolition of the former Mecca Bingo hall at 31 High Street Hornchurch.

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

The objector commented that she had started the social media campaign last year to save the Towers building. The objector also commented that local residents wanted the building to be kept as a facility for local residents to use for watching films, playing bingo and for other social events.

In response the applicant's agent commented that he was the Property Manager for Lidl Ltd whose main role was to identify sites for the supermarket to move into. The agent also confirmed that the building was not listed and the site was not in a conservation area.

During a brief debate Members sought and received clarification regarding the Article 4 direction.

Members commented that the application was similar to schemes where former public houses were converted to residential properties. The driver in both was whether the former properties were commercially driven or were commercially dormant.

Members also discussed whether the local community would be able to fund and run a community asset in view of the fact that the previous corporate household known name had failed to operate at a profit.

Members also commented that there were concerns that the site, if not developed, would sit empty for a number of years.

Members also discussed the merits of deferring consideration of the report to allow the applicant to report back to the Committee confirming whether they would consider converting the existing building.

It was **RESOLVED** that consideration of the report be deferred to allow staff to explore with applicant the potential to adjust the demolition proposal in particular scope to retain the front façade.

14 **P0692.16 - PARSONAGE FARM INFANT SCHOOL, FARM ROAD, RAINHAM**

The application before Members sought planning permission for a proposed single storey stand-alone building consisting of seven classrooms, a multi-purpose room, toilet block with circulation space, single storey flat roof extension to kitchen, the relocation of existing storage shed and the formation of a new tarmac playground area.

The matter was brought before the Committee as the application site was Council owned.

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented that the application was almost identical to a previously refused application. Councillor Durant also commented that the school would be in the future subject to a Public Space Protection Order (PSPO) scheme to assist the Council in dealing with parking problems outside of the school.

Councillor Durant also commented that The Head Teacher of Chafford School was happy to allow the Brady School to expand onto its land.

Councillor Durant concluded by commenting that Parsonage Farm School had already expanded from two forms of entry to three and urged the Committee to refuse the granting of planning permission.

During the debate Members discussed the proposed catering facilities that were included within the report.

Members also discussed possible crossing facilities that would be provided at the site's entrance and whether the proposed expansion of the school was a step too far.

Members also discussed the advantages of deferring consideration of the report until later in the year when the initial findings of the PSPO scheme were known.

Members also discussed the benefits of a possible drop off zone on the site. Following a motion to defer consideration of the report which was carried by 9 votes to 1 with 1 abstention It was **RESOLVED** that consideration of the report be deferred to allow officers to clarify the following:

- Crossing arrangements for children crossing towards the school and in broader vicinity including Upminster Road North and A1306.
- Why wasn't a drop off layby an option (formed by eating into site curtilage along Allen Road)?
- Whether dining/kitchen arrangements were a material planning consideration and in any event, for info, what separate rules govern this (capacity and shift arrangements for meal times) and did the scheme comply? Members especially wanted to understand the impact on children's ability to eat meals properly with sufficient accommodation and without having to rush down their food before the next "sitting".

The vote for the resolution to defer consideration of the report was carried by 9 votes to 1 with 1 abstention.

Councillor Kelly voted against the resolution to defer consideration of the report.

Councillor White abstained from voting.

15 **P0086.16 - 72 RAINSFORD WAY, HORNCHURCH**

The report before Members detailed an application to vary condition 4 of application P0172.15. Application P0172.15 had previously sought permission for the construction of an attached property to 72 Rainsford Way which was approved, subject to the completion of a legal agreement to secure a financial contribution towards education and conditions. Condition

4 of the consent related to the arrangement of parking for the existing/proposed dwellings and read as follows.

Before the building(s) hereby permitted was first occupied, the area set aside for car parking as shown on drawing no. SP15012-BB 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 should not be used for any other purpose. This included the relocation of the telegraph pole as identified on the drawings submitted.

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

The application sought to vary the wording of this condition to remove reference to the relocation of the telegraph pole. Plans had been submitted which demonstrated four parking spaces over both properties, existing and proposed and swept path analyses for each.

The Committee noted that Councillor Ganly had called-in the application on the grounds the impact that the proposed development would have on the residents of Rainsford Way.

Councillor Ganly highlighted that the parent application, P0172.15 was approved with the provision of two spaces per dwelling. It was considered that by not relocating the telegraph pole that the proposed dwelling would only benefit from one parking space. It was therefore likely that an additional car would park across the driveway and create an obstruction for residents with driveways/garages opposite the site.

Concern was also raised by Councillor Ganly over the achievability of vehicles to manoeuvre on/off the site with the telegraph pole in situ in such proximity to the adjacent school entrance

With its agreement Councillor Jody Ganly addressed the Committee.

Councillor Ganly commented that the proposed development bordered onto Wykeham Primary School and that she had been involved in several meetings with the school and residents of Rainsford Way. Councillor Ganly also commented that Wykeham School already suffered horrendously for parking issues and the school was soon to be the subject of a PSPO scheme.

During the debate Members discussed the close proximity of the development to the school and the possible detriment if condition 4 was removed.

The report recommended that planning permission be approved however following a motion to refuse the granting of planning permission which was

carried by 11 votes to 0 it was **RESOLVED** that the granting of planning permission be refused on the grounds:

- The retained telegraph pole would constrain vehicle movements and distract drivers using the forecourt space and be harmful to pedestrian safety.

16 **M0007.16 - ST GEORGES HOSPITAL (OPEN SPACE TO THE SOUTH)
ADJACENT TO SUTTONS LANE HORNBURCH**

The application before Members proposed the installation of a 14m high monopole, accommodating six antennas and two transmission dishes; four equipment cabinets and one meter cabinet and ancillary development within a compound surrounded by a 1.8m high palisade fence.

Members noted that the application had been called in by Councillor Ray Morgon on the grounds that he wished the matter to be discussed by the Committee and to judge the application on its merits.

With its agreement Councillor Ray Morgon addressed the Committee.

Councillor Morgon commented that there had been a temporary mast in situ in Hacton Lane, whilst the operator had been investigating other possible sites, which was noisy and had been the subject of several complaints from residents. Councillor Morgon also commented that the operators had struggled to find an alternative site and that the one proposed in the application which would have little impact on neighbouring properties.

During a brief debate Members discussed the access arrangements to the site so that maintenance could be carried out and possible landscaping enhancements.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried by 9 votes to 1 with 1 abstention it was **RESOLVED** that planning permission, subject to prior approval, be granted subject to the provision of good quality landscaping around the mast.

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

Councillor Whitney voted against the resolution to grant planning permission.

Councillor Mugglestone abstained from voting.

17 **P0157.16 - LAND AT ALDI STORES, MARLBOROUGH ROAD, ROMFORD**

The report before Members proposed alterations to the existing Aldi car park layout and the provision of additional car parking on the adjacent Green Belt land to serve the existing food store, together with the re-instatement of the former community allotment on the remainder of the Green Belt land. The proposal would also involve associated landscaping and works.

The Committee noted that the application had been called-in by Councillor Jason Frost on the grounds that having worked very closely with the developer to ensure the maximum benefit for the residents of the area, he felt that not enough consideration had been duly given to such efforts and wanted the Committee to take a view on this.

With its agreement Councillor Jason Frost addressed the Committee.

Councillor Frost commented that the applicant had been in discussions with all three ward Councillors. Councillor Frost commented that what was being proposed would improve traffic flow around the site and that the current Green Belt land offered very little to the area as it was just scrubland and that the proposal would enhance the land.

During a brief debate Members discussed the current condition of the land, the possible benefits of granting the planning permission and future maintenance of the site.

Following a motion to defer consideration of the report which was carried by votes 11 to 0 it was **RESOLVED** to defer consideration of the report to allow officers to seek clarification of the precise very special circumstances case and whether this included management of the remainder of the land, for what purpose and to clarify whether this would include future maintenance in perpetuity.

18 **P1316.15 - 24 MUNGO PARK ROAD - SINGLE STOREY REAR EXTENSION**

The report before Members updated them on a previous planning application.

The application had been brought before the Committee on two previous occasions. The first occasion was on 3 December 2015, when Members resolved to defer the application to explore the parking implications further, including to negotiate a minimum of two parking spaces within the site, and to demonstrate the impact on existing on-street parking spaces.

The application was reported back to Committee on 28 January 2016. Members resolved to defer the application for a second time for further

information about the relationship of the extension to the occupation of the building, the adequacy of car parking and the impact on neighbour's amenity. The applicants have subsequently decided to appeal against non-determination and Members were therefore asked to give a determination as to the Council's case at appeal.

The following two recommendations were included in the report.

Mindful that the applicant has lodged an appeal to the Secretary of State against non-determination within the statutory period, it is recommended :-

A: If the Committee judge the property to be operating as a C4 use: That the Council does not object to the proposal and the appeal not be contested, subject to the use of the condition set out below:

The extension hereby approved shall only be used as an integral part of the main dwelling at 24 Mungo Park Road and shall not be used as a self contained living accommodation.

Reason:

To ensure that the development provides a suitable standard of living accommodation.

Or,

B: If the Committee judge that a material change of use of the property has occurred: That the Council object to the proposal and contest the appeal, on the grounds that the proposal gives rise to a cramped, poor quality living environment that is detrimental to the amenities of residential occupiers, contrary to the provisions of Policy 3.5 of the London Plan and Policies DC4 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

During a brief debate Members sought and received clarification on the exact nature of the different class uses and planning policies.

Members also received clarification of previous appeals that had been carried out by the Planning Inspectorate on similar properties.

A motion was put forward for recommendation B which was lost by 2 votes to 8 with 1 abstention.

It was **RESOLVED** that recommendation "A" be implemented.
The vote for the resolution was carried by 8 votes to 2 with 1 abstention.

Councillors Mugglestone and Whitney voted against the resolution.

Councillor Williamson abstained from voting.

19 **P1654.15 - 43 CORBETS TEY ROAD - CHANGE OF USE FROM A CHARITY SHOP TO A NAIL BAR - RETROSPECTIVE**

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

20 **P0014.16 - CLOCKHOUSE PRIMARY SCHOOL, CLOCKHOUSE LANE, ROMFORD - CONSTRUCTION OF A MULTI USE GAMES AREA (MUGA)**

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

21 **P0104.16 - GREENWAYS COURT, BUTTS GREEN ROAD, HORNCHURCH**

The application before Members was seeking planning permission for the erection of a detached residential block containing seven one-bedroom flats and two three-bedroom maisonettes.

Members noted that the application had been called-in by Councillor Steven Kelly on the grounds that he felt that the Committee should debate the proposal on the basis of community need and the ambience of the setting.

During the debate Members discussed the current streetscene and neighbouring properties to the site.

Members also discussed the positive nature of the development which would enhance the area and the nearby transport links.

It was also noted that the proposed properties were for housing association need and not private ownership.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried unanimously it was **RESOLVED** to delegate to the Head of Regulatory Services to approve contrary to recommendation subject to the applicant agreeing to enter into a legal agreement to provide an education contribution and subject to planning conditions to be decided by the Head of Regulatory Services. In the event the applicant did not agree to the legal agreement then the application would be taken back to the Committee to determine.

22 **P0350.16 - SQUIRRELS HEATH HORTICULTURAL SOCIETY, STATION ROAD, GIDEA PARK**

The report before Members proposed the demolition of the existing building and erection of a two storey building to provide a cafe (Use Class A3) on the ground floor and residential accommodation (Use Class C3) on the first floor and in the roof space.

Members noted that the application had been called in by Councillors Melvin Wallace and Damian White for the following reasons:

Cllr Melvin Wallace had commented that local residents were in support of the application and wished for options to be discussed by Members of the Committee.

Cllr Damien White had commented that he was concerned that the proposed development would adversely impact the amenity of the surrounding area and be out of keeping with the surrounding location.

Officers read a brief statement that had been submitted by Councillor Wallace who had been unable to attend the meeting. Councillor Wallace commented that the proposal would enhance the area and wished to place on record his support for granting planning permission.

During a brief debate Members discussed the possible benefits that the proposal would bring to the Station Road area as the current building was an eyesore.

Members also discussed the refuse arrangements for the site.

The report recommended that planning permission be refused however following a motion to grant planning permission which was carried unanimously it was **RESOLVED** to delegate to the Head of Regulatory Services to approve subject to the applicant agreeing to enter into a legal agreement to secure an education contribution and restriction on occupiers' applying for parking permits plus planning conditions to be decided by the Head of Regulatory Services. In the event the applicant didn't agree to a legal agreement then the application would be brought back to the Committee to determine.

23 **P0413.16 - DYCORTS SCHOOL, SETTLE ROAD, HAROLD HILL - PROPOSED SINGLE STOREY EXTENSION AND LINK TO MAIN SCHOOL BUILDING - RE-SUBMISSION OF P1072.15 (RELOCATION OF PROPOSED EXTENSION)**

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

24 **P0191.16 - DENVER INDUSTRIAL ESTATE, RAINHAM - OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF A NEW INDUSTRIAL ESTATE (B1, B2 AND B8 USE CLASSES)**

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 legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- A scheme to improve pedestrian links along Ferry Lane or a commuted sum, agreed with the Local Planning Authority up to £150,000 in value, to undertake such improvements and/or improve public transport accessibility; and
- A local employment, skills and supply-chain opportunities framework or a commuted sum, agreed with the Local Planning Authority up to £100,000 in value, to provide alternative local employment initiatives if the applicant was unable to provide an appropriate level of opportunities on-site.
- All contribution sums should 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 was completed; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Subject to no direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008) it was 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 as set out in the report.

25 **P0494.16 - HILLDENE SCHOOL, GRANGE ROAD, ROMFORD - INSTALLATION OF A MULTI USER GAMES AREA, DECKING AND PLAY EQUIPMENT**

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

26 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND - BARLEYCORN WAY**

The Committee considered the report and without debate **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

The Council made a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the Plan as the land was required to enable development for which the Council had granted the Planning Permission.

In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.

In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the Order.

In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

27 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND - ONGAR WAY**

The Committee considered the report and without debate **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

The Council made a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the Plan as the land was required to enable development for which the Council had granted the Planning Permission.

In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.

In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the Order.

In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

28 APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND - CURTIS ROAD

The Committee considered the report and without debate **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

The Council made a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the Plan as the land was required to enable development for which the Council had granted the Planning Permission.

In the event that no relevant objections were made to the proposal or that any relevant objections that were made were withdrawn then the Order be confirmed without further reference to the Committee.

In the event that relevant objections were made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the Order.

In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter may be referred to the Secretary of State for their determination unless the application was withdrawn.

29 PLANNING OBLIGATIONS/LEGAL AGREEMENTS

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

This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2016.

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 20 February 2016 and 27 May 2016.

The report detailed that 32 new appeals had been received since the last meeting of the Monitoring Committee in March 2016.

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

31 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2016.

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

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

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

32 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

33 **SCHEDULE OF COMPLAINTS**

Members had previously been emailed a schedule which listed the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 20 February 2016 to 3 June 2016.

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

34 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

Chairman

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
14 July 2016 (7.30 - 8.15 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Alex Donald (Vice-Chair) and Linda Hawthorn

UKIP Group +John Glanville

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillors Michael White and Phil Martin.

+ Substitute members: Councillor Roger Westwood (for Michael White) and Councillor John Glanville (for Phil Martin).

Councillor David Durant was also present for part of the meeting.

10 members of the public were present.

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

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

35 P0666.15 - 30-30C SOUTH HALL DRIVE, LAND ADJACENT TO, RAINHAM

The proposal before Members was for the demolition of two existing detached garages and the construction of a 2-storey building consisting of 3 x 1 bedroom apartments, with associated car parking and amenity space to the side and rear.

With its agreement Councillor Durant addressed the Committee.

Councillor Durant sought and received clarification that consultation letters had been sent to neighbouring residents. Councillor Durant commented that there had been a previous application for a bungalow on the site which appeared more suitable than the larger scheme that was being proposed now. Councillor Durant concluded that the proposal was an over development of the site.

During a brief debate Members sought and received clarification of the fenestration arrangements of the proposed building. Members also discussed the Environmental Agency's objection to the proposal on the basis of the submitted Flood Risk Assessment.

Members noted that the proposal qualified for a Mayoral CIL payment of £3,800 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 £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 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 and the Environment Agency's outstanding objection being resolved. In the event that the objection cannot be satisfactorily resolved then authority was also delegated to refuse the application on the grounds of flood risk.

36 **P0071.16 - HEXAGON HOUSE, ROMFORD**

The proposal before Members was for the erection of 20 flats on top of the existing Hexagon House building.

During a brief debate Members discussed the lack of additional parking offered by the applicant even though the proposal was an expansion of a previously agreed application.

The Committee noted that the development proposed qualified for a Mayoral Community Infrastructure Levy (CIL) contribution of £19,900 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 £240,000 towards affordable housing.
- A financial contribution of £120,000 to be used for educational purposes.
- 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 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

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

Councillor Nunn abstained from voting.

37 **P0621.16 - MAWNEY INFANT SCHOOL, ROMFORD - DEMOLITION OF THE EXISTING SCHOOL BUILDING AND THE CONSTRUCTION OF A REPLACEMENT SCHOOL**

The Committee noted the following changes to the report:

Page 9 paragraph 3 – there were currently 367 pupils at the school although the school could accommodate two forms of entry equating to 420 pupils, plus there was a 30 place nursery.

Page 9 paragraph 5 – the proposed new school would provide three forms of entry up to a maximum of 630 pupils, plus a 45 place nursery

The Committee considered the report and without debate **RESOLVED** that Planning permission be granted subject to the conditions as set out in the report and subject to adding an Informative that Members wished to ensure that the school introduced measures to ensure safety of dropping off young children.

38 **P0648.16 - DRAPERS ACADEMY, SETTLE ROAD, HAROLD HILL - INSTALLATION OF TWO MODULAR BUILDINGS TOGETHER WITH ANCILLARY HARD SURFACING AND FENCING FOR TEMPORARY PERIOD**

The Committee considered the report, noting that no comments had been received from Sport England and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

39 **P0320.16 - HYLANDS PRIMARY SCHOOL, HORNBURCH**

The report before Members was brought before the Committee as the application site was Council owned and objections had been received to the proposal. The proposal sought permission for the installation of a single storey flat roof demountable building for use as classroom.

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

40 **P0782.16 - GIDEA PARK PRIMARY SCHOOL, LODGE AVENUE, ROMFORD - FOUR SPACE ENLARGEMENT OF CAR PARK**

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

41 **P0779.16 - GIDEA PARK PRIMARY SCHOOL, LODGE AVENUE, ROMFORD - INSTALLATION OF A TEMPORARY BUILDING TO PROVIDE TWO CLASSROOMS**

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

42 **P0746.16 - CROWLANDS PRIMARY SCHOOL, LONDON ROAD, ROMFORD - PROPOSED 4 METRE HIGH TELESCOPIC COLUMN WITH FOUR SECURITY CAMERAS LOCATED WITHIN THE SCHOOL GROUNDS**

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

43 **P1692.15 - 2A SOWERY AVENUE (LAND REAR OF) RAINHAM**

The application before Members was originally approved for the erection of one two-bedroom bungalow. The current proposal related to the variation of Condition 6 of P0198.15 in order to create a room within the loft area. The proposal also included a slight increase in the ridge height and the addition of two rooflights.

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 11 June 2015 in respect of planning permission P0198.15 by varying the definition of Planning Permission which should mean either planning permission P0198.15 as originally granted or planning permission P1692.15.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 11 June 2015 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 11 June 2015 would remain unchanged.

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

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

- 44 **P0596.16/P0594.16/P0599.16 - PLOT 6, PLOT 8, PLOT 10&11 BEAM REACH BUSINESS PARK, RAINHAM - P0596.16 - PLOT 6, BEAM REACH 5 BUSINESS PARK, CONSUL AVENUE, RAINHAM FULL APPLICATION FOR INDUSTRIAL/COMMERCIAL FLOORSPACE (B1A/B/C, B2, B8 USE CLASSES) WITH ASSOCIATED CAR PARKING AND LANDSCAPING P0594.16 - PLOT 8, BEAM REACH 5 BUSINESS PARK, CONSUL AVENUE, RAINHAM FULL APPLICATION FOR INDUSTRIAL/COMMERCIAL FLOORSPACE (B1A/B/C, B2, B8 USE CLASSES) WITH ASSOCIATED CAR PARKING AND LANDSCAPING P0590.16 - PLOTS 10 & 11, BEAM REACH 5 BUSINESS PARK, CONSUL AVENUE, RAINHAM FULL APPLICATION FOR COMMERCIAL FLOORSPACE (B1C, B2, B8 USE CLASSES) WITH ASSOCIATED CAR PARKING AND LANDSCAPING**

The Committee noted the following amendments to the reports:

Page 111, first bullet point, add to end “subject to reduction equivalent to amount(s) previously paid in accordance with existing legal agreement should the reserved matters under planning application P1887.15 be implemented”

Page 111, fourth bullet point, add to beginning “Subject to confirmation from TfL that this was required,”

Pages 115, 122 and 130, Condition 14. Additional information had been received with regard to details of security measures. It was recommended that authority be delegated to the Head of Regulatory Services to agree the final wording of this condition in consultation with the Metropolitan Police Designing Out Crime Officer.

Pages 116, 123 and 131, Condition 17, replace “No development should take place” with “No part of the development should be occupied or used”

Page 116, Condition 18, Page 124, Condition 19, Page 132, Condition 18. An additional noise report had been submitted which demonstrated that construction noise would not result in adverse impact during extended hours requested by the applicant, Therefore recommended change hours to 7am to 7pm Monday to Friday, 8am to 6pm Saturdays and 8am to 2pm Sundays

The Committee considered the reports and without debate **RESOLVED** that the proposals were unacceptable as they stood but would be acceptable subject to the applicant entering, in relation to the three applications, into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- A £200,000 financial contribution towards Beam Park Station;
- A £20,000 financial contribution towards local environment improvements;

- A review of on-site parking provision, within 12 months of occupation of each plot, together with amended site plans to account for any identified over-provision;
- A review of the signalling arrangements at the junction on Marsh Way;
- Reservation of the access point/strip of land from Consul Avenue to Manor Way for future public access and a restriction on future development proposals blocking this land; and
- A local employment, skills and supply-chain opportunities framework or a commuted sum, agreed with the Local Planning Authority, to provide alternative local employment initiatives if the applicant was unable to provide an appropriate level of opportunities on-site.
- All contribution sums should include interest to the due date of expenditure and all contribution sums should 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 was completed; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Subject to no direction to the contrary from the Mayor for London (under the Town and Country Planning (Mayor of London) Order 2008) it was 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 permissions subject to the conditions as set out in the report.

- 45 **L0008.16 - TOWN HALL, MAIN ROAD, ROMFORD - LISTED BUILDING CONSENT TO REMOVE THE INTERIOR WALLS FROM THE EXISTING OFFICES ON THE GROUND FLOOR OF THE TOWN HALL. TO CLOSE OFF THE DOORS TO THE CORRIDORS BY BOARDING OVER THE INTERNAL SPACE AND LEAVING THE DOORS IN SITU. THIS WOULD LEAVE THE DOORS IN THE CORRIDOR IN THEIR ORIGINAL STATE.**

The Committee considered the report and without debate **RESOLVED** that It be recommended that the application and all relevant documentation be forwarded to the Secretary of State for determination in accordance with Section 12 of the Listed Building Act 1990 and regulation 13 of the Planning

(Listed Building and Conservation Areas) Regulations 1990 and that should the Secretary of State be minded to grant Listed Building Consent that the conditions and Reason for Approval set out in the report be considered in respect of such consent:

46 **P0576.16 UPMINSTER LIBRARY, CORBETS TEY ROAD, UPMINSTER-
CHANGE OF USE OF PART OF THE FIRST FLOOR FROM D1
(LIBRARY) TO A2 OFFICE USE**

Members sought and received clarification that the office space would be for private commercial use and some Members wished to place on record that it was disappointing that community use of the library space had reduced.

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

Chairman

Regulatory Services Committee

4th August 2016

| Application No. | Ward | Address |
|------------------------|--------------|--|
| A0028.16 | Brooklands | Crow Metals, Jutsums Lane, Romford |
| P1648.15 | Romford Town | Logan Mews (Land off), Romford |
| P1687.15 | Cranham | 2 Ingrebourne Gardens, Upminster |
| P0279.16 | Upminster | Brook Farm, St Mary's Lane, North Ockendon |
| P0565.16 | Harold Wood | 7 Cambourne Way, Romford |
| P0722.16 | Brooklands | Crow Metals, Jutsums Lane, Romford |
| P0763.16 | Upminster | 37 Gaynes Court, Upminster |
| P0983.16 | St Andrew's | Langtons Junior & Infant School, Westland Avenue, Hornchurch |

APPLICATION NO. A0028.16
WARD: Brooklands Date Received: 6th May 2016
Expiry Date: 12th August 2016
ADDRESS: Crows Metals
Jutsums Lane
Romford
PROPOSAL: Advertisement consent for 6 x fixed rigid PVC signs
DRAWING NO(S): Location Plan - Drawing No. 2912_PL101
Existing Site Plan - Drawing No. 2912_PL102
Existing Signage - Signs 3, 4 & 5 - Drawing No. 2912_PL103
Existing Signage - Signs 1, 2 & 6 - Drawing No. 2912_PL104
Proposed Signage - Signs 3, 4 & 5 - Drawing No. 2912_PL105
Proposed Signage - Signs 1, 2 & 6 - Drawing No. 2912_PL106

RECOMMENDATION It is recommended that **Advertisement Consent be PART APPROVED & PART REFUSED** subject to the condition(s) given at the end of the report

CALL-IN

This application has been called in by Councillor Persaud. Councillor Persaud supports the comments and concerns raised in the letter of public representation received, details of which are provided in the 'Consultations/Representatives' section of this report.

SITE DESCRIPTION

The application site benefits from planning permission allowing the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) - refer to the 'Relevant History' section of this report.

In respect of this and the site itself, the site is located off Jutsums Lane, on the junction with Crow Lane. The site is approximately 0.4ha in size and comprises a main building to the west, with a number of material storage bins along the northern and southern boundaries. The main entrance to the site is on the western side of Jutsums Lane.

Whilst this site forms part of a Secondary Employment Area within the Proposals Map accompanying the LDF, residential properties are located approximately 20m from the site on the opposite side of Jutsums Lane.

DESCRIPTION OF PROPOSAL

This application seeks advertisement consent for the provision of six PVC signs around the periphery of the site. Exact details of the six signs proposed are provided below:

- Sign measuring 6.5m by 1.5m, located 2.7m above ground level to the north of the site entrance, off Jutsums Lane. The sign would display the site operator's name and details about operations undertaking.
- Sign measuring 6.5m by 1.5m, located 2.7m above ground level along the eastern boundary of the site, adjacent to the electricity sub-station. The sign would display the site operator's name

and details about operations undertaken.

- Sign measuring 6.5m by 1.5m, located 2.7m above ground level along the eastern boundary of the site, adjacent to the electricity sub-station. The sign would display the site operator's name and details about operations undertaken.
- Sign measuring 6.5m by 1.5m, located 2.7m above ground level along the southern boundary of the site, facing out on to Crow Lane. The sign would display the site operator's name and details about operations undertaken.
- Sign measuring 1.8m by 1m, located 3.5m above ground level along the southern boundary of the site, facing out on to Crow Lane. The sign would display the site operator's name and details about operations undertaken.
- Sign measuring 0.6m by 2m, located 0.4m above ground level to south of the site entrance, off Justums Lane. The sign would display site safety details.

RELEVANT HISTORY

Enforcement Update: The Council has a number of active enforcement cases on this site relating to compliance with the current planning permission (ref: P0962.11) - noting that the variation of condition application, detailed below, has not been implemented (ref: P0993.12). With regard to this, enforcement action is being pursued with regard to the site layout and the provision of the temporary office buildings on-site, as existing; the staff car parking area; and the car wash which has been established. The Council's enforcement team are also, as part of these investigations, looking into complaints with regard to the use operating beyond the permitted opening hours.

P0722.16 - Construction of a platform office

Awaiting Decision

P0993.12 - Variation of Condition 2 of P0962.11- relocation of vehicle access, including part removal of building, and changes to the external appearance of a building.

Apprv with cons 12-11-2012

P0962.11 - Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges.

Apprv with cons 14-06-2012

CONSULTATIONS / REPRESENTATIONS

Highway Authority - No objection.

Public consultation: 10 properties were directly notified of this application. One letter of representation has been received, signed by three residents of differing addresses. The letter of representation received raises objection to the development on the following grounds: gross over signage; and visual impact.

Staff comment: Within the representation received comments have also been raised about the additional signage relating to the unauthorised car wash on the corner of Crow Lane and Jutsums Lane. To confirm, the signs associated with this activity are not covered by this application. With regard to the car wash itself, please refer to the 'Relevant History' section of this report for an

update with regard to enforcement action being pursued by the Local Planning Authority.

RELEVANT POLICIES

LDF

- CP17 - Design
- DC61 - Urban Design
- DC65 - Advertisements

OTHER

- LONDON PLAN - 7.4 - Local character
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not applicable.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC65 the Core Strategy and Development Control Policies DPD states that express consent for advertisements will only be granted if:

- they complement the scale, form and architectural composition of individual buildings;
- they are by size, design, siting and degree of illumination in character with the surrounding area and the buildings they are on, in so much as:
 - i) when displayed on a paved forecourt, or in a pedestrianised area, their dimensions are in scale with other street furniture and should not be overwhelming upon pedestrians in the area;
 - ii) when they are displayed on buildings, or as free-standing units alongside the highway, they should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location;
- they do not materially harm the visual amenity in the area; and
- they do not unduly compromise public safety or pose a hazard to traffic.

Advertisements above fascia level are unlikely to be acceptable since they tend to form an excessively prominent and incongruous feature in the street scene.

Expanding on this policy DC61 of the Core Strategy and Development Control Policies DPD details that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Continuing the policy infers that planning permission should not be granted where a proposal results in unacceptable amenity impacts.

On review of the application before the Local Planning Authority, staff acknowledge the concerns raised in the letter of public representation received with regard to the amount of signage proposed. It is considered that the applicant has sought to maximise opportunities to advertise the business and the operations being undertaken. As this is a Secondary Employment Area a degree of signage is to be expected. However, staff note that whilst this is an employment area there are also a number of residential properties nearby.

In principle staff have no concerns to the extent of signage proposed by this application. That

being said, in view of the proximity of nearby residential development to proposed sign 1, and the actual street appeal or visibility of this sign, it is considered that the harm to visual amenity is not outweighed by the need for a sign in this location. The sign/advert would be visually prominent and intrusive from the front windows of the residential properties, along Jutsums Road, and it is considered that a sign of this size, in this location, would be un-neighbourly and harmful to visual amenity. This sign is proposed to simply display the operator's name and detail information of services available. Accordingly, it is not considered that refusal of this one sign would in any harm the overall viability of the business and/or its functional operation.

With regard to the proposed location of signs 4 and 5, these are proposed on a boundary wall which has been constructed contrary to the extant planning permission for the site (ref: P0962.11). Accordingly, it is not considered that the Local Planning Authority can approve signs/advertisements in these locations.

Staff however are content with the provision of signs 2, 3 and 6 and do not believe that these would unduly impact on the character of the area or the street scene and/or materially harm visual amenity.

HIGHWAY / PARKING

The Highway Authority has been consulted on this application and has raised no objection to the advertisements. It is not therefore considered that the proposed signage would, irrespective of the reservations raised in the preceding section of this report, unduly compromise public safety or impact upon highway safety.

KEY ISSUES / CONCLUSIONS

Whilst some elements of the proposed scheme are acceptable, proposed sign 1, as detailed on drawing titled 'Proposed Signage - Signs 1, 2 & 6', drawing no. 2912_PL106, is considered to be overly prominent and visually intrusive; and proposed signs 4 and 5, as detailed on drawing titled 'Proposed Signage - Signs 3, 4 & 5', drawing no. 2912_PL105, are proposed on walls not formally benefiting from planning permission. Staff therefore recommend that a split decision be issued in this instance with consent for signs 2, 3 and 6 being granted and consent for signs 1, 4 and 5 being refused.

RECOMMENDATION

It is recommended that Advertisement Consent be PART APPROVED & PART REFUSED subject to the following conditions:

1. 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), except as otherwise directed by conditions 3 and 4 of this decision.

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.

2. Standard advert condition

- i. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - ii. No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
 - iii. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - iv. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - v. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity. Reason: These conditions are specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Reason for refusal - Sign 1 as per drawing 2912_PL106
Sign 1 as shown on drawing titled 'Proposed Signage - Signs 1, 2 & 6', drawing no. 2912_PL106, is considered to be overly prominent and visually intrusive in the street scene, in context of the proximity to nearby residential properties. It is considered that the site use can be appropriately advertised from other vantage points, as proposed by this application, and that the harm to the visual amenity of the residential properties along Jutsums Lane, as a result of the sign, is unwarranted. The sign, in context of the above, is considered to be contrary to guidance detailed within Development Control Policies Development Plan Document Policies DC61 and DC65.
 4. Reason for refusal - Signs 4 & 5 as per drawing 2912_PL105
Signs 4 and 5 as shown on drawing titled 'Proposed Signage - Signs 3, 4 & 5', drawing no. 2912_PL105, are proposed on walls which do not benefit from an extant planning permission. In context of this, it is not considered that the Local Planning Authority can lawfully consent such provisions as in doing so the Local Planning Authority would be approving development and a site layout contrary to that covered by the existing planning permission (ref: P0962.11).

INFORMATIVES

1. Split Decision - No negotiation
Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given the extent of signage proposed; the conflict with adopted planning policy with regard to sign 1; and the issues, as discussed in the body of the report produced to accompany this decision, with regard to signs 4 and 5, staff have not sought to notify or seek amendments from the applicant in this instance. Staff have recommended that advertisement consent be granted for three out of the six signs applied for and it is not considered that withholding planning permission for sign 1, noting the position in respect of signs 4 and 5, in any way disenfranchises the applicant. The application is furthermore going before the Council's Regulatory Services Committee so the applicant would be made aware of the staff level recommendation prior to a resolution/decision being agreed. The application it is considered has been determined in accordance with paragraphs 186-187 of the National

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th August 2016

APPLICATION NO. P1648.15
WARD: Romford Town **Date Received:** 10th December 2015
Expiry Date: 4th February 2016
ADDRESS: Logan Mews (Land off)
Romford
PROPOSAL: Demolition of existing garages and the erection of a terrace row comprising 4no. one-bedroom dwellings.
DRAWING NO(S): 9290-1002
9290-1001
RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application relates to land off Logan Mews, Romford. The site comprises a rectangular garage plot located off the service road to the rear of the commercial and residential premises on High Street in Romford town centre. Immediately to the south of the site is the car park of the Brewery shopping centre and to the east is the residential flats at Logan Court.

The land is included within the High Street site specific allocation area in the LDF.

The application site is owned by the Council.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the demolition of the existing garages and the erection of a terrace row comprising 4no. one-bedroom dwellings.

The accommodation would comprise a three-storey terrace block set out in a town house style arrangement. The building would include a series of gables with a roof ridge height of approximately 11 metres.

The accommodation would be set out with a kitchen/ dining area at ground floor, a bedroom and en-suite at first floor, and a living room at second floor. Behind the front and rear gables each of the properties would include a small roof terrace areas.

The proposal would provide no dedicated off-street car parking provision.

A refuse store would be provided on a section of the remaining land to the east of the site adjacent to a small landscaped area. Each of the dwellings would include an internal cycle store positioned adjacent to the front door.

RELEVANT HISTORY

P1684.14 - Demolition of existing garages and erection of block containing 8no. one-bedroom flats.

Withdrawn 23-02-2015

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 68 properties and no representations have been received.

London Fire Brigade Water Team - no objection.

London Fire and Emergency Planning Authority - no objection.

Thames Water - no objection.

Environmental Health - no objection, recommended standard conditions in relation to noise insulation and contaminated land precautions.

Local Highway Authority - object to the proposal as there are no footways on Logan Mews and it is unclear how it is intended people (especially people with reduced mobility or vision) will be able to walk to the dwellings. In addition, the area is used for servicing and Highways are concerned about the potential for large vehicles manoeuvring and colliding with pedestrians. The road is not laid out as a shared surface and so drivers may not expect pedestrians to be accessing residential units. The footpath in front of the proposed units is less than 1 metre in width and is unlikely to be accessible to all and is not adoptable by the highway authority. In terms of car parking provision - a zero parking development is acceptable in the core Romford PTAL Zone and Highways are content with servicing taking place from the street.

RELEVANT POLICIES

LDF

| | |
|---------|---------------------------|
| CP1 - | Housing Supply |
| CP17 - | Design |
| DC2 - | Housing Mix and Density |
| DC3 - | Housing Design and Layout |
| DC33 - | Car Parking |
| DC34 - | Walking |
| DC35 - | Cycling |
| DC61 - | Urban Design |
| DC72 - | Planning Obligations |
| ROM14 - | Housing Supply |
| ROM20 - | Urban Design |
| SPD11 - | Planning Obligation 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 would create 4no. new residential units with 229 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4,580 (subject to indexation) based on the calculation of £20.00 per square metre.

STAFF COMMENTS

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 dwellings and the suitability of the proposed parking and access arrangements.

This application is brought before the Committee on the grounds of the degree of judgement regarding the acceptability of the proposed development.

PRINCIPLE OF DEVELOPMENT

The site occupies land designated in the LDF as forming part of the High Street site specific allocation, and as such Policy ROMSSA5 states that development comprising residential, retail and commercial uses will be allowed.

Whilst the site allocation relates more specifically to the adjacent mixed commercial and residential block which fronts onto High Street, the general principles of the policy are to strengthen and enhance vitality and viability of the area and provide the opportunity to improve the public realm.

These key issues are discussed in more depth in the following sections of the report.

DENSITY / SITE LAYOUT

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.

The proposed dwellings would provide an internal floor areas of 72 squares metres for plots 1 & 4 located at each end of the block and 58 square metres for the central pair of dwellings, set out over three floors. The guidance does not provide a set standard for one-person three-storey accommodation, but the nearest equivalent would be 50 square metres which applies to a two-person one-storey dwelling.

In this case Staff are of the view that each of the dwellings would offer a reasonable standard of spaciousness which is sufficient in size for day to day living. In this instance the Technical housing standards does not provide an accurate indication for internal space for this dwelling type and as such the specific merits of this particular scheme are considered to be acceptable.

The 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.

In accordance with these requirements small roof terrace area, ranging in size between 20 square metres at plots 1 & 4 and 16 square metres at plots 2 & 3 would be contained behind the front and rear gable elevations. Given the town centre location the amount of external amenity space is considered to be acceptable and in particular provides a valuable asset to the one-bedroom dwellings.

In terms of the overall layout, the site is severely constrained due to its very small size and narrow shape. This is further hindered as the building footprint has to maintain a water main easement across the site frontage. Staff are of the view that the quality of the living environment would therefore be compromised by the close proximity of the building to the service road to the front and the tight positioning of the rear elevation close to the boundary at the rear. The service road currently includes no footway and only a narrow buffer of defensible space would be set out to the frontage of the block. The road is used by heavy goods vehicles serving the adjacent shops at High Street and as such would pass in very close proximity to the building frontage.

To the rear, habitable room windows would be positioned right up against the site boundary adjacent the planter boxes and Brewery car park wall - future occupiers would no control or ownership of this area immediately adjacent to their windows. It would therefore not be appropriate in terms of providing a quality living environment to position habitable room windows in such close proximity to these features.

Staff consider that the site is overly constrained, leading to a poor quality living environment, and that it would be more suitably developed as part of the wider site envisaged as part of Policy ROMSSA5.

Members are therefore requested to make a balanced judgement in respect of the suitability of the living conditions and the wider implications of the proposed layout and proximity of the building to the site boundary.

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.

The proposed block would form a prominent feature in terms of its visual impact, particularly owing to its location on the approach into Logan Mews as well as due to the openness of the adjacent Brewery car park. The building would have a height of 11 metres, including a series of gables and in terms of its massing the block would be of considerable scale and bulk, when viewed from various vantage points within the streetscene.

It is acknowledged that the adjacent building at High Street is three storeys in height and the residential blocks at Logan Court to the east are taller still at four storeys. As such the proposed block would be set within this context of tall and bulky neighbouring development and would to

some extent being absorbed into this back drop of taller buildings. As such Staff are of the view that the scale of the proposed development would be acceptable, given the town centre location and the height and massing of the surrounding buildings.

Staff are however concerned that the design of the building, namely the external materials, would not be of a particularly high quality that would suitably reflect the building's conspicuous location or the local vernacular. However, in the event that Members were minded to approve this application, consideration may be given to seeking a fresh pallet of more suitable materials and external finishes that could be agreed via the inclusion of a relevant condition.

IMPACT ON AMENITY

The main consideration in terms of neighbouring residential amenity relates to the impact on privacy, daylight and outlook of the upper floor flats at 51-59 High Street located to the west of the development site.

The windows in the rear of the flats at 51-59 High Street serve rear bedrooms and access stairwells and would face out onto the front elevation of the proposed building approximately 20 metres away. Given the distance and that a public road runs between the application site and the adjacent properties, Staff are of the view that any loss of privacy or outlook as a result of the development would not be to an extent that would be considered detrimental to the amenity of the occupants.

The site is located within the Romford Town Centre, where a certain amount of late night activity is to be expected and it is considered that prospective occupiers would take this into account before deciding whether to occupy a flat in this location. With the installation of appropriate sound insulation any potential for noise and disturbance can be mitigated.

HIGHWAY / PARKING

The site has a Public Transport Accessibility Level (PTAL) rating of 6a; meaning that it has very good access to a variety of public transport facilities. Given the town centre location and the good public transport links there is no requirement for the proposal to provide dedicated off street car parking provision. Highways raise no objection on parking grounds.

In terms of access however the Local Highway Authority has raised several concerns in relation to pedestrian safety.

It is noted that the proposal essentially places a residential development into a servicing yard and as such does not provide a good level of access for pedestrians entering the site along Logan Mews from High Street. There is currently no footway along this section of Logan Mews and no pedestrian access from the Brewery car park. The proposal currently includes no provision to enhance or upgrade the pedestrian access arrangements to the site.

Highways are have raised concerns that the residential units would not be accessible to pedestrians and in particular people with reduced mobility or vision. The area is currently used for servicing and the proposal raises the potential for large vehicles that are manoeuvring in Logan Mews to collide with pedestrians. The road is not laid out as a shared surface and so drivers may not expect pedestrians to be accessing residential units. There is no pedestrian priority or footway

for pedestrians to use. The proposed short footpath in front of the proposed units would be less than 1 metre in width and is unlikely to be accessible to all and as such is not to adoptable standards.

In many respects the redevelopment of this site should offer the opportunity to improve the wider public realm along Logan Mews as well as accessibility into The Brewery, in accordance with Policy ROMSSA5, however, no such improvements are forthcoming in this current proposal.

Members are therefore requested to make a balanced judgement in respect of the pedestrian access arrangements and consider the wider implications for pedestrian safety.

SECTION 106

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.

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.

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.

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.

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.

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.

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.

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.

As this application is to be refused there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

KEY ISSUES / CONCLUSIONS

Staff are of the view that the quality of the living environment would be unacceptably compromised by the close proximity of the building to the service road to the front and the tight positioning of the rear elevation close to the boundary at the rear. The site is very cramped and constrained and Staff consider that it would be better developed as part of a larger site, as envisaged by Policy ROMSSA5, rather than a piecemeal form of development. In addition the Local Highway Authority has raised several concerns in relation to pedestrian safety due to the lack of footway and any pedestrian priority arrangements along Logan Mews.

In the absence of a Section 106 Agreement to secure an appropriate level of obligation the application also fails to mitigate the impact of the proposed development on local infrastructure.

Therefore the proposal is contrary to the provisions of policies DC32, DC34 & DC61 and the Residential Design SPD and it is recommended that the application be refused.

RECOMMENDATION

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

1. Reason for refusal - Layout

The proposed development would, by reason of its cramped layout and proximity of habitable room windows to the boundaries of the site, result in an unsatisfactory relationship between the proposed block and the site boundaries leading to a poor quality living environment, as well as a harmful relationship with the adjacent servicing road, to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for refusal - Pedestrian Safety

The proposal, by reason of the failure to provide a safe dedicated pedestrian access to the site, coupled with the poor quality layout, would result in an overly cramped development to the detriment of pedestrian safety and the residential amenity of future occupiers. The development also fails to take the opportunity to improve the public realm and links into The

Brewery, as set out in Policy ROMSSA5 and is also contrary to Policies DC32, DC34 & DC61 of the LDF Core Strategy and Development Control Policies DPD and Policy 3.5 of the London Plan.

In many respects the redevelopment of this site should offer the opportunity to improve the wider public realm along Logan Mews as well as accessibility into The Brewery, in accordance with Policy ROMSSA5, however, no such improvements are forthcoming in this current proposal.

3. Reason for Refusal - Planning Obligation

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 Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,580. Further details with regard to CIL are available from the Council's website.

2. Refusal - Amendments requested not made ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Richard Pike Associates throughout the application process. The revisions involved the scale, bulk and massing and the pedestrian access arrangements. The applicant failed to make suitable revisions.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th August 2016

APPLICATION NO. P1687.15
WARD: Cranham Date Received: 12th November 2015
Expiry Date: 1st August 2016
ADDRESS: 2 Ingrebourne Gardens
Upminster
PROPOSAL: Erection of 1No. detached dwelling and alterations to existing vehicular
access
DRAWING NO(S): 15-086 -1- Rev G
13/086/100
344523/101

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

CALL-IN

The application has been called by Councillor Clarence Barrett if minded for approval, as he considers:

- a) The proposed development would, by reason of its relationship with neighbouring properties and the site boundaries, result in a cramped over-development of the site to the detriment of present and future occupiers and the character of the surrounding area, and:
- b) The proposed dwelling would, by reason of its excessive depth, likely height and position close to the boundaries of the site, be an intrusive and un-neighbourly development as well as having an adverse effect on the amenities of adjacent occupiers.

Whilst the application is recommended for refusal, Staff consider it would be appropriate in this case to bring the application before the Committee in view of the balanced judgements that it presents.

SITE DESCRIPTION

The application site is located on the corner of Ingrebourne Gardens and Hall Lane and enjoys a generous plot. The existing dwelling consists of a semi-detached property which shares common features and detailing with the adjoining property of the pair (54 Hall Lane).

The dwelling has been extended to the rear and side at ground floor level and also incorporates an area of decking adjacent to the rear and flank elevations. Adjacent to the east boundary of the site is a detached, single storey garage structure.

The site is located within the Hall Lane Special Character Area.

DESCRIPTION OF PROPOSAL

Permission is sought for the demolition of an existing garage and the erection of a detached dwelling with an overall footprint of 105m². The existing plot will be subdivided to make provision

for separate private outdoor amenity space.

The proposed dwelling would have an overall ridge height of 9.0 metres and be sited within 1.0 metre of the boundary with no.4 Ingrebourne Gardens. Staff note that the site tapers inwards towards the rear of the site therefore this figure is notably less when taken at the rear wall. The proposal will share a front and rear building line with the unattached neighbour however.

The proposal would comprise a study, lounge, kitchen/dining and utility room at ground floor. At first floor submitted plans show a layout comprising of four bedrooms, one with an ensuite, a spacious landing and a bathroom. One additional bedroom is proposed within the roof-space.

Private amenity space is retained for both host and donor properties and two off street parking spaces are shown on submitted plans for the proposed dwelling. Off street parking for the host premises is unaffected.

RELEVANT HISTORY

P1104.06 - 1 no. new detached 4 bedroom dwelling
outline permission
Refuse 18-07-2006

CONSULTATIONS / REPRESENTATIONS

Neighbour notification letters were sent to 13 neighbouring occupiers. Three letters of objection were received which raise the following concerns:

- Overlooking
- Lack of space for landscaping
- Overdevelopment of site/not in keeping with wider area
- Similar refusal at 54 Hall Lane, so could set an undesirable precedent
- Loss of light
- Potential highway safety issues
- Out of character
- Impact of construction works
- Impact of utility connections

It should be noted that issues relating to construction works and new utility connections are not material to the consideration of this application. Other issues raised will be considered later in this report.

Highway Authority - No objection
Environmental Health - No objection

RELEVANT POLICIES

LDF

CP1 - Housing Supply
CP17 - Design

| | |
|---------|---|
| CP2 - | Sustainable Communities |
| DC2 - | Housing Mix and Density |
| DC3 - | Housing Design and Layout |
| DC33 - | Car Parking |
| DC35 - | Cycling |
| DC61 - | Urban Design |
| DC63 - | Delivering Safer Places |
| DC69 - | Other Areas of Special Townscape or Landscape Character |
| DC7 - | Lifetime Homes and Mobility Housing |
| DC72 - | Planning Obligations |
| SPD06 - | Hall Lane Policy Area SPD |
| SPD9 - | Residential Design SPD |

OTHER

LONDON PLAN - 3.3 - Increasing housing supply
LONDON PLAN - 3.4 - Optimising housing potential
LONDON PLAN - 3.5 - Quality and design of housing developments
LONDON PLAN - 3.8 - Housing choice
LONDON PLAN - 5.12 Flood risk management
-
LONDON PLAN - 6.13 Parking
-
LONDON PLAN - 6.9 - Cycling
LONDON PLAN - 7.1 - Building London's neighbourhoods and communities
LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 8.3 - Community infrastructure Levy
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application is liable for Mayoral CIL payment of £3,840.00 calculated at a rate of £20.00 per sqm.

STAFF COMMENTS

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

By way of background, Members will wish to note the planning history relating to the attached property, no.54 Hall lane. A similar development was proposed within the plot of this adjoining premises, which was refused as it was judged to create a cramped overdevelopment of the site. The plot size and its triangular shape are similar between the current and historic application (P1104.06), as is the spacing between proposed and donor properties, and Staff therefore consider it has relevance to the proposals under consideration.

PRINCIPLE OF DEVELOPMENT

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

On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle. The acceptability of the proposed development will therefore depend on the detailed nature of the proposals.

DENSITY / SITE LAYOUT

The site is located within the Hall Lane Special Character Area. The Hall Lane SPD states that the minimum plot size for residential units in the area is 370 square metres and also states that plots should also have a minimum frontage of 10 metres. Both host and proposed dwellings would accord with this requirement benefiting from plots in excess of 400m² and the required 10 metre frontage stipulated.

Staff will also seek to apply the guidance offered by the Technical Housing Standards - Nationally Described Space document which has since been adopted by London Plan Policy 3.5. Policy 3.5 stipulates requirements for 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, notably bedrooms, storage and floor to ceiling height.

London Plan Policy 3.5 stipulates that any proposed dwelling must provide at least the gross internal floor area and built-in storage set out on table 1 (page 5 of the aforementioned document). The minimum gross internal area for five bedroom, three storey dwellings is a figure between 116m² and 134m², varying based on the number of proposed occupiers with approximately 3.50m² of this exclusive for use as built in storage. The proposed makes provision for a gross internal floor area in excess of the required figure, (Floor area with less than a ceiling height of 1.50m is disregarded for the purposes of calculating the GIA). Guidance also requires that any proposed dwelling demonstrate a minimum floor to ceiling height of 2.30m for at least 75% of the gross internal floor area. In this respect the proposed dwelling would provide headroom in excess of 2.30m over 91% of the GIA.

The proposed development complies with the other standards which must be applied in terms of bedroom size and mix.

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. An area of approximately 137.86m² to the rear of the proposed dwelling will be set out as private amenity space, whilst an area of some 161.29m² will be retained for the host dwelling to the side and rear. In terms of size the proposed amenity space resulting from the subdivision of the plot is considered sufficient for day to day living. The surrounding dwellings within this suburban location are characterised by private spacious rear gardens.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

The site is also located within the Hall Lane Special Character Area. The Hall Lane SPD describes the character of the area as being typified by relatively large semi-detached and detached dwellings, set in generous, well landscaped gardens. New development should be restricted to small scale infill plots.

Staff judge the principal issue to be whether the proposed development would maintain the character of this part of the Hall Lane Special Character Area. It is acknowledged that the minimum criteria, in terms of site area and frontage have been met. Nevertheless, there is judgement about whether the proposal is considered to create the spacious form of development envisaged by the SPD and, given the degree of judgement, the application is brought before Members for consideration.

The proposed dwelling would share the front building line of the unattached neighbour to the east and its two storey height would be consistent with the building heights in both the immediate and wider vicinity. Staff acknowledge that most of the properties within the locality have a pitched roof with hipped ends and in this regard it is considered that the proposed dwelling, in terms of design and scale, would be compatible with the surrounding character.

However, in order to create a dwelling of compatible scale with the locality, the proposal is somewhat wedged into the development site, where it sits in close proximity to the eastern boundary of the site. Given also the area of front garden retained for the donor property, the development would also lie close to the newly created boundary with no.2 Ingrebourne Gardens. Staff consider that the proposal would appear unduly cramped in relation to the boundaries of the site, creating a form of development that is judged, on balance, to be materially harmful to the more generous sized plots that are intrinsic to the locality.

In reaching this view, Staff have had regard to proposals for an infill dwelling adjacent to 54 Hall Lane, which is the other half of this pair. There are judged to be strong similarities between the respective proposals, which was also refused based on its cramped nature and harm to local character, as well as impact on neighbouring amenity.

Staff note that, in general, properties in Ingrebourne Gardens are set away from the boundaries of the site, particularly at first floor level and it is therefore judged that this characteristic spaciousness would be unacceptably closed down by the proposed development. It is recognised however that this is a matter of judgement and Members will wish to judge whether the resultant impact is considered to be materially harmful to the locality.

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 rear building line of the proposed dwelling would align with that of the unattached neighbour, no.4, so in this regard there would be little or no impact on the sunlight/daylight received by the

windows in the rear elevation. There is one window located in the flank elevation of no.4 at ground floor level, which would sit directly opposite the flank elevation of the proposed dwelling. This window is likely to experience a significant loss of sunlight, daylight and outlook due to the close proximity of the proposed dwelling. It is the view of staff that mitigating circumstances exist, in that this window is a secondary kitchen window with the kitchen also served by a large window to the rear elevation and a lantern style roof-light in the flat roof. These openings, in the view of staff would still provide sunlight and daylight to the habitable kitchen and may offset the loss incurred by the flank elevation window.

In terms of daylight and sunlight, the positioning of the proposed dwelling in relation to the side windows of no.2 is likely to ensure that there would be no significant detrimental impact. It is considered that a sufficient separation between the two premises would exist so as to negate any potential harm.

HIGHWAY / PARKING

The proposed development would result in no loss of parking for the donor dwelling and would provide the required number of off street parking spaces. Two parking spaces are shown on submitted plans on hard surfacing to the front of the proposed dwelling.

No objections are raised by the Highway Authority and it is not judged that the additional dwelling would result in any material highway safety issues.

SECTION 106

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.

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.

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.

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.

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.

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.

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.

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

On the basis that one additional residential unit is proposed, a financial contribution of £6,000 is expected. As the application is recommended for refusal this has not been pursued further and will form a further reason for refusal.

KEY ISSUES / CONCLUSIONS

The proposed development would be located within an existing urban area in a sustainable location and would appear to demonstrate adequate internal spacing suitable for day to day living. It would also create no highways or parking issues subject to safeguarding conditions. The amenity impacts are also considered to be within acceptable parameters.

Concern stems from the proximity of the proposed dwelling in relation to the existing detached neighbour, no.4 and the resultant visual appearance, which could be considered cramped given the characteristic spacing between dwellings on the southern side of Ingrebourne Gardens. The impact on local character is a matter of judgement.

On balance, having had regard to all relevant planning policy and material considerations it is the opinion of staff that the proposed dwelling would give rise to a cramped and overdeveloped visual aesthetic which would harm the characteristic spaciousness of the corner plot, and would in this sense set a harmful precedent, to the detriment of the character of this part of the Hall Lane Special Character Area. Accordingly it is recommended that planning permission is refused.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed development would by reason its height, bulk, mass and proximity to the boundaries of the site, give rise to a cramped and overdeveloped visual appearance, which would be in contrast to the surrounding pattern of development thus harmful to the character and appearance of the Hall Lane Special Character Area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for Refusal - Planning Obligation

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 Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to the agent in writing 12-02-2016.

2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,840.00. Further details with regard to CIL are available from the Council's website.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th August 2016

APPLICATION NO. P0279.16
WARD: Upminster **Date Received:** 26th February 2016
Expiry Date: 16th May 2016
ADDRESS: Brook Farm
St Mary's Lane
North Ockendon
Upminster
PROPOSAL: Single storey rear extension and conservatory to the side
DRAWING NO(S): 72.1/A.01
72.1/A.02
72.1/A.03
72.1/A.04
72.1/A.10
72.1/A.06
72.1/A.07
72.1/A.08
72.1/A.09
72.1/A.05

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

CALL-IN

Application has been called into planning committee by Councillor van den Hende.

- Application property is situated on a large plot and it is not considered that the proposed extension significantly affects the openness of the Green Belt.

SITE DESCRIPTION

The application site is a detached property located on the southern side of St Mary's Lane. The property lies within the Metropolitan Green Belt and development in the surrounding area is characterised by similar detached residential dwellings.

The house has previously been extended extensively, however there is little in the way of formal planning history. Staff also recognise that there is limited history relating to Building Regulations also.

DESCRIPTION OF PROPOSAL

The Council are in receipt of an application which seeks consent for replacement of an existing conservatory with a replacement extension of comparable scale/proportions.

In addition, an existing utility room is to be demolished and replaced with a single storey extension to the rear of the premises.

RELEVANT HISTORY

D0005.16 - Single storey rear kitchen extension and replacement conservatory side extension.

Withdrawn 26-02-2016

CONSULTATIONS / REPRESENTATIONS

The application under consideration was advertised in the local press, a site notice displayed adjacent to the site and neighbouring occupiers within the immediate vicinity were notified by way of direct correspondence. No letters of objection have been received.

Environmental Health - No objection

Highway Authority - No objection

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC45 - Appropriate Development in the Green Belt

DC61 - Urban Design

SPD4 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.16 Green Belt

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LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

STAFF COMMENTS

GREEN BELT IMPLICATIONS

Policy DC45 does not discourage extensions and alterations within the Metropolitan Green Belt, however it stipulates that "extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling". The NPPF takes a broader view and infers that that proportionate additions to existing dwellings can be appropriate in principle.

No formal planning history exists for the single storey side and rear extensions (which are proposed to be replaced as part of this application) in situ. Also there is no detail relating to the single dormer observed during site inspection to the western roof slope. Staff are of the opinion that both the extensions and side dormer have been in situ for a period in excess of four years however and consequently by reason of such a timescale elapsing would likely be exempt from any enforcement action.

The extension to the western elevation will replace an historic conservatory and will be of

comparable scale to that which is in situ. The extension to the rear will replace an existing utility room and whilst representing an increase in floor area and bulk, it is contained within the existing envelope of the host building.

Whilst the above development would appear to be relatively modest, the proposals need to be considered in the context of the existing extended form of the dwelling.

The application site was previously known as Whitehouse and under this name was developed extensively, such that the footprint of the original dwelling has doubled since its construction. In addition to this, the roof form of the dwelling has also changed considerably with the incorporation of dormers to the front and rear roof slopes. The host premises was the subject of an application to extend to the side and rear in 1978. This was the most substantial addition to the host premises and one which saw its footprint increase from 100m² to 225m², an increase of some 125% of its original footprint. The volume of the dwelling has also increased significantly as a result, especially through the addition of dormer windows. Therefore, without demolition to offset additional development, the proposal is contrary to the aims of the NPPF which seeks to prevent disproportionate additions over and above the size of the original building.

On balance, the view is taken that Brook Farm/Whitehouse has been significantly developed and retains little of its original character, such that it is unrecognisable in its current form as a result of historic additions. Therefore any increase in volume, without demolition to offset the additional cubic capacity is considered to be unacceptable in Green Belt terms. No very special circumstances exist in this case to justify a deviation from policy.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The proposed development would not be easily visible from the highway, owing to the siting of the property and the proposed additions.

IMPACT ON AMENITY

Due to the detached nature of the host property and the type of development proposed, the proposal does not give rise to any adverse or detrimental impact to the amenity of neighbouring occupiers.

HIGHWAY / PARKING

The development proposed would not alter the existing parking standard.

The Highway Authority have raised no objections.

KEY ISSUES / CONCLUSIONS

In light of the above and having had regard to all relevant planning policy and material considerations, it is the view of staff that the development proposed would be contrary to the aims of Policy DC45 and the guidance offered by the NPPF and therefore REFUSAL is recommended accordingly.

RECOMMENDATION

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

1. Reason for refusal - Metropolitan Green Belt

The site is within the area identified in the LDF Core Strategy and Development Control Policies Development Plan Document as Metropolitan Green Belt. The LDF and Government Guidance as set out in the NPPF is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The extensions proposed would result in disproportionate additions to the property over and above its original form. No special circumstances have been submitted to justify this and the proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document and the provisions of the NPPF.

INFORMATIVES

1. Refusal - Amendments requested not made ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent June 2016. The revisions involved the removal of the proposed utility room extension. The applicant declined to make the suggested revisions.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th August 2016

APPLICATION NO. P0565.16
WARD: Harold Wood Date Received: 14th April 2016
Expiry Date: 9th June 2016
ADDRESS: 7 Camborne Way
ROMFORD
PROPOSAL: Ground and first floor rear extensions
DRAWING NO(S): OS Mastermap Scale 1:500
OS Mastermap Scale 1:1250
5012/10A
5012/1
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

A call in has been received by Councillor Wise on the grounds that he considers there will be loss of sunlight, overshadowing and overlooking issues and loss of privacy.

SITE DESCRIPTION

The application relates to a two storey end terraced dwelling which is finished in face brick. The application dwelling has benefited from a two storey side and single storey rear extension. There is parking for one vehicle on the hard standing to the rear of the property. On street parking is also utilised by residents within the street. The surrounding area is characterised by predominately two storey terraced dwellings.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a ground and first floor rear extension.

The ground floor rear extension would measure 6.82m wide, 3m deep and have a height of approximately 2.64m to the top of the flat roof.

The first floor rear extension would measure 3.8m wide, 3m deep and 5.7m high.

RELEVANT HISTORY

ES/ROM 120/P2/50 - house layout - Approved.

2565/79 - Two storey, garage and bedroom extension - Approved.

P0722.88 - Rear extension (kitchen) - Approved.

D0041.16 - Certificate of lawfulness for proposed loft conversion with rear dormer
PP not required 31-03-2016

CONSULTATIONS / REPRESENTATIONS

Three e-mails of representation were received raising the following comments:

- Loss of light from the proposal.
- Loss of privacy from the proposal due to overlooking.
- The proposal would overshadow neighbouring gardens and dwellings.
- Out of character with other properties.
- Devaluation of property due to negative impact of extension.
- Loss of view.
- Additional noise.
- Concerns proposal will be a House of Multiple Occupancy (HMO) or hostel.

All the above comments are valid planning considerations apart from the last four points.. Devaluation of property and loss of view are not material planning considerations. There are no grounds to refuse a domestic extension on noise related issues.

It should be noted that, prior to Article 4 Directions coming into force on 13th July 2016, planning permission would not be required for the use of a dwelling as a house of multi-occupation providing criteria limiting the number of occupants are met. Further comments in regard to this are provided in the Staff Comments Section below.

Other comments will be taken into consideration during the following sections of the report.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- NPPF - National Planning Policy Framework

STAFF COMMENTS

The issues arising from this application are the visual impact of the development and its impact on neighbouring residential amenity.

Staff note the allegations that the property is in use as an HMO. In this respect, the site has been visited by planning enforcement officers. From the initial visit 09/06/16, enforcement officers confirmed that there were more than 6 people residing in the property and therefore a material change of use appeared to have taken place. Subsequent contact with the applicant suggested that the additional tenants would be leaving the property within 2 weeks so that the number of residents would not exceed that permissible within a HMO.

The site was revisited by a planning enforcement officer on the 20/07/16. A tenant enabled access

to the premises and advised that currently there are between 4-6 people living at the property. Consequently it has been concluded that the property has reverted back to a small HMO in Class C4, thereby not requiring planning permission.

As the lawful use of the premises is as a C4 HMO, use as a single dwelling could also be made under permitted development rights. It is therefore considered that objections that the extensions would intensify the use of the property to an unacceptable degree would be very difficult to sustain at appeal and therefore this does not form part of the consideration of the application.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The development will be visible from both the street scene and within the rear garden environment due to the properties location adjacent to the junction of Camborne Way and Melksham Close.

It is considered the proposed ground and first floor rear extension would relate acceptably to the existing dwelling in terms of design, bulk, scale and massing. The depth of the extensions and the use of a hipped roof comply with policy guidelines and the set in from the side boundary of the site will prevent an overbearing visual impact. Subject to the use of appropriate matching materials, the development is considered to be acceptable from the visual impact point of view and complies with this aspect of guidance.

IMPACT ON AMENITY

Consideration has been given to the impact of the proposal on the side properties, primarily in respect of privacy and overshadowing to No.5 Camborne Way and the adjacent properties to the side and rear.

It is considered the separation between the proposal and the properties to the rear on Melksham Close and to south east of the site would be sufficient to mitigate the impact of the proposed development.

No.5 Camborne Way, which is attached to the application property, would be the property most affected by the proposed development. No objections are raised to the ground floor rear extension as the depth and height of the ground floor extension complies with Council guidelines. The height of the ground floor rear extension at approximately 2.64m high is lower than the 3m normally permissible and lower than the existing pitched roof rear extension which is approximately 3.58m high.

No objections are raised to this part of the proposal from a neighbourliness point of view.

The Residential Extension and Alterations SPD states that "two storey rear extensions to terraced houses are rarely acceptable as they inevitably affect one or both of the adjoining properties". However, in this instance, the application dwelling is a two storey end terraced dwelling and not mid terraced, so the principle used for assessing a first floor rear extension to a semi-detached property can be applied to the proposal.

The depth of the first floor rear extension complies with Council guidelines and the first floor extension would not infringe a notional line taken from the common boundary of No.5 Camborne Way at first floor level, created by a 2m separation distance and the 3m depth of the extension.

This is due to the separation distance between boundary and the proposed first floor rear extension which would be approximately 2.9m.

Given these circumstances and mindful of the general presumption in favour of development, Staff consider any impact upon this neighbour to be modest and within that envisaged as acceptable within guidelines.

Comments raised regarding the potential loss of privacy would be unreasonable, as the first floor windows along this section of Camborne Way already have views over the rear garden areas of surrounding neighbouring properties. Additionally, these areas are already overlooked by the existing first floor windows of the subject property and by other neighbouring properties. In these circumstances it is considered that any additional loss of privacy will not be of a degree to warrant a refusal of this application. The first floor extension would face down the garden towards the flank wall of 1 Melksham Close, so is not considered to result in unreasonable overlooking of this property.

In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

HIGHWAY / PARKING

The application site has a PTAL of 2 and there is a two wheel on two wheel off parking system in operation within the immediate area. It is considered that the existing parking arrangement will be acceptable for a property of this size. No highway or parking issues would arise as a result of the proposal.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be in accordance with the policies and guidance relating to rear extensions and it is therefore recommended that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. 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 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.

5. SC48 (Balcony condition)

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

Reason:-

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

6. Non Standard Condition 31

The extension hereby approved shall only be used as an integral part of the main dwelling at 7 Camborne Way and shall not be used as a self-contained living accommodation.

Reason:

To ensure that the development provides a suitable standard of living accommodation.

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. Non Standard Informative 1

The applicant is advised that this planning permission does not grant permission for any part

of the development to encroach onto any property not within the applicant's ownership.

3. Non Standard Informative 2

The scope of assessment in this application is the appropriateness of the single and two storey rear extension. This planning permission does not assess or authorise the use of the building overall or any of the other individual rooms in the property.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th August 2016

APPLICATION NO. P0722.16
WARD: Brooklands **Date Received:** 18th May 2016
Expiry Date: 17th August 2016
ADDRESS: Crow Metals
Jutsums Lane
Romford
PROPOSAL: Construction of a platform office
DRAWING NO(S): Location Plan - Drawing No. 2912_PL01
Existing Site Plan - Drawing No. 2912_PL02
Existing Floor Plans - Drawing No. 2912_PL03
Existing Elevations - Drawing No. 2912_PL04
Proposed Site Plan - Drawing No. 2912_PL05
Proposed Floor Plans - Drawing No. 2912_PL06
Proposed Elevations - North & East - Drawing No. 2912_PL08
Proposed Elevations - South & West - Drawing No. 2912_PL09
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application has been called in by Councillor Persaud on the basis that this site and use causes numerous problems to nearby residents including, but not limited to, parking issues in Crow Lane and Jutsums Lane; and general amenity impacts.

SITE DESCRIPTION

The application site benefits from planning permission allowing the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) - refer to the 'Relevant History' section of this report.

In respect of this and the site itself, the site is located off Jutsums Lane, on the junction with Crow Lane. The site is approximately 0.4ha in size and comprises a main building to the west, with a number of material storage bins along the northern and southern boundaries. The main entrance to the site is on the western side of Jutsums Lane.

Whilst this site forms part of a Secondary Employment Area within the Proposals Map accompanying the LDF, residential properties are located approximately 20m from the site on the opposite side of Jutsums Lane.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the provision of a platform office on-site. The office would measure 9m by 12.5m and would be 3.5m high. The office would however be elevated 4m above above ground, giving an overall height of 7.5m. The office would be supported by an external staircase providing access and is proposed to be constructed in metal cladding, as per the other building on-site. The corner of the office would be cut-off, on the corner where the office

would overlook the site, to facilitate the creation of a triangular shaped balcony area. The office is proposed to be supported by windows on all four elevations, constructed in grey aluminium.

RELEVANT HISTORY

Enforcement Update: The Council has a number of active enforcement cases on this site relating to compliance with the current planning permission (ref: P0962.11) - noting that the variation of condition application, detailed below, has not been implemented (ref: P0993.12). With regard to this, enforcement action is being pursued with regard to the site layout and the provision of the temporary office buildings on-site, as existing; the staff car parking area; and the car wash which has been established. The Council's enforcement team are also, as part of these investigations, looking into complaints with regard to the use operating beyond the permitted opening hours.

A0028.16 - Advertisement consent for 6 x fixed rigid PVC signs

Awaiting Decision

P0993.12 - Variation of Condition 2 of P0962.11- relocation of vehicle access, including part removal of building, and changes to the external appearance of a building.

Apprv with cons 12-11-2012

P0962.11 - Demolition of part of building and two storey office building and the making good and change of use of the retained buildings to enable the relocation of "The Crows Metals" recycling business for the recycling, processing, storage and distribution of scrap metal (excluding car stripping and breakages) and installation of two weighbridges.

Apprv with cons 14-06-2012

CONSULTATIONS / REPRESENTATIONS

Anglian Water - No comments received.

Environment Agency - No comments to make.

Essex and Suffolk Water - No comments received.

Highway Authority - No objection.

London Borough of Havering Environmental Health - No objection.

National Grid - No comments received.

Thames Water - 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.

Public consultation: 9 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. Two letters of representation have been received, with one being signed by three residents of differing addresses. The letters of representation received raise objections to the development on the following grounds: a bigger office means more staff, more staff means more cars and additional parking issues; added on-site

congestion; overlooking; and that the site has never been operated as originally permitted.

Staff comment: As will be noted above, within some of the representations received comments have been raised about the existing site use and compliance with the existing planning permission. Indeed one resident sought to re-submit the comments made when planning permission for the site use was first granted, back in October 2011. Whilst these concerns are noted, this application has to be assessed and determined on its individual merits. An update with regard to current enforcement action being pursued by the Local Planning Authority can nevertheless be found in the 'Relevant History' section of this report.

RELEVANT POLICIES

LDF

CP02 - Sustainable Communities

CP03 - Employment

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP17 - Design

DC10 - Secondary Employment Areas

DC32 - The Road Network

DC33 - Car Parking

DC52 - Air Quality

DC53 - Contaminated Land

DC55 - Noise

DC56 - Light

DC61 - Urban Design

W5 - General Considerations with regard to Waste Proposals

OTHER

LONDON PLAN - 4.4 - Managing industrial land and premises

LONDON PLAN - 5.16 - Waste net self-sufficiency

LONDON PLAN - 5.17 - Waste capacity

LONDON PLAN - 5.21 - Contaminated land

LONDON PLAN - 6.1 - Strategic approach

LONDON PLAN - 6.3 - Assessing effects of development on transport capacity

LONDON PLAN - 6.13 - Parking

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.14 - Improving air quality

LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes

LONDON PLAN - 8.3 - Community infrastructure levy

NPPF - National Planning Policy Framework

NPPW - National Planning Policy for Waste

PPG - Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Not applicable.

PRINCIPLE OF DEVELOPMENT

As previously alluded, the principle of this site use has been accepted with the granting of planning permission ref: P0962.11. With regard to this, the applicant has put forward this application stating that the new office would seek to improve on-site functionality and management. The provision would solely seek to support the existing use and would not introduce a new use to the site or specifically increase on-site activity. Accordingly, staff do not consider, in principle, that there is a land-use/designation reason to refuse this development from coming forward.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the Core Strategy and Development Control Policies DPD details that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

This site forms part of a Secondary Employment Area and it is considered that the area is strongly defined by warehouse style buildings; signage; and a heavy presence of parked vehicles. That being said the area is broken up by a number of nearby residential properties and Jutsums Park. The boundary steel palisade fencing and noise attenuation wall surrounding this site clearly seek to define the use of the site. It is considered that the site as existing exhibits general characteristics of a waste management site and a use linked with a high number of vehicle movements and activity.

Disregarding the temporary office buildings on-site as existing, noting that these do not benefit from planning permission, the office proposed as part of this application would facilitate a central hub for the site operator to co-ordinate operations. In terms of the design, the office building is proposed in metal cladding, similar in appearance to the existing building on-site and a number of buildings nearby. Staff accordingly have no objection to the proposed material palette for the office building. With regard to scale, it is considered that the office is of a modest size for the size of the site and the number of personnel on-site.

From a street scene perspective, and views from nearby areas, it is noted that the office building is proposed 4m above ground which effectively results in the building extending to some 7.5m (above ground level). With regard to this, whilst the office building would not be higher than the existing pitch of the building on-site, it would be higher than the building adjacent, along Crow Lane, and accordingly the top of the office building would therefore be visible. The building would also be visible from Jutsums Lane, noting the height of the noise attenuation wall and the existing style of entrance gates to the site.

Staff have reviewed this impact and do not consider that the development would significantly detract from the existing street scene of Crow Lane or Jutsums Road. It is accepted that the development would be visible from the aforementioned roads but in context of the site use and the scale and material palette of the development staff do not, on balance, consider the impact to be so sufficient to warrant refusal. Without prejudice, it is considered that a condition could be imposed requiring the windows on the southern elevation, those that would be visible from Crow Lane, to be either tinted or covered with a dark film to reduce the visibility of the proposed glazed elements. However, overall whilst it is not considered that the development necessarily enhances

or improves the character and appearance of the local area, it is not considered that the development would significantly detract from it.

IMPACT ON AMENITY

Policy DC61 of the Core Strategy and Development Control Policies DPD, 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. In view of the proposed location of the office, the existing site use and the proximity to nearby residential development, it is not considered that the development would give rise to significant amenity impacts.

In respect of this, staff have reviewed guidance contained within the Council's Residential Extensions and Alterations SPD for an insight in terms of potential overlooking and loss of privacy. Although no actual figure is detailed within the SPD, in terms of an acceptable separation distance, it is noted that the proposed office would be circa 70m from the residential properties on Jutsums Lane. Whilst views from the office and balcony area may exist, as alluded above, it is not considered that any overlooking would be so severe as to be deemed contrary to policy and warrant refusal in context of this distance.

HIGHWAY / PARKING

With regard to access and parking, access to this site would be unaffected by the development and there would not be any loss of existing parking provision. The development would not result in an intensification of the use or any additional employees. Accordingly, it is not considered that it would be reasonable for the Local Planning Authority to require the applicant to supply additional on-site parking.

It is accepted that this site is not currently being operated as per the existing planning permission (ref: P0962.11) but it is not considered that this renders it impossible or unacceptable to determine this application. Without prejudice, should planning permission be granted, an informative would be included which specifically states that the permission issued relates solely to the provision of a platform office on-site. The site layouts as shown on the submitted drawings are not to be read as approved with the site expected to operate as per the details and conditions attached to the parent permission for the site use.

KEY ISSUES / CONCLUSIONS

In context that the design of the development is deemed acceptable and that it is not considered that the development would significantly harm the character of the area or immediate street scene and/or give rise to significant amenity impacts, it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION

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

1. 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. Materials

All external finishes, for the development hereby approved, shall be as outlined in section 9 of the planning application form, dated 18/05/2016, and detailed on drawings titled 'Proposed Elevations - North & East', drawing no. 2912_PL08; and 'Proposed Elevations - South & West', drawing no. 219_PL09, to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the site 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. Window tinting (south elevation)

The windows on the south elevation of the platform office, hereby approved, and as shown on drawing titled 'Proposed Elevations - South & West', drawing no. 219_PL09 shall be tinted by at least 50% and thereafter maintained as such.

Reason:-

To safeguard the the character of the immediate area, and in-particular the street scene along Crow Lane, and in order that the development accords with 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.

INFORMATIVES

1. Approved plans informative

This decision notice relates solely to the provision of an platform office on-site. The approved drawings in no other way amend the approved details, site layout and existing conditions of planning permission ref: P0962.11. It would be expected that this decision notice would be read alongside the decision notice issued pursuant to application ref: P0962.11.

2. Approval - No negotiation required

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th August 2016

APPLICATION NO. P0763.16
WARD: Upminster **Date Received:** 26th April 2016
Expiry Date: 21st June 2016
ADDRESS: 37 Gaynes Court
Upminster
PROPOSAL: Re-submission of previous application P0156.16 - Single storey rear extension and side extension, conversion of garage with new pitched roof, porch and alterations
DRAWING NO(S): 3833/1
Location Plan Scale 1:1250
3833/3B
3833/2B
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

A call in has been received by Councillor Van Den Hende on the grounds that she considers the proposal to be over development of the site and to have a significant impact on the neighbouring property 35 Gaynes Court by affecting the light to internal rooms at the neighbour's address and the extent of the rear extension will impact on the neighbour's outside space.

BACKGROUND

This application is a resubmission of a previously refused planning application P0156.16. The key issue in this case therefore is whether the revised proposal overcomes previously stated concerns.

The previous application was refused planning permission for the following reason.

1. The proposed side/rear extension would, by reason of its excessive depth, height and position close to the boundaries of the site, be an intrusive and unneighbourly development, which would appear oppressive and overbearing giving rise to an undue sense of enclosure in the rear garden environment of 35 Gaynes Court to the detriment of the residential amenity of that property contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

This application differs from the previously refused scheme in the following key areas:

1. The depth of the side extension to the rear of the garage has been reduced from approximately 7.96m to 4.96m, adjacent to the boundary with no.35 Gaynes Court.
2. The roof of the single storey side and rear extension has been reduced from 5.45m to approximately 4.75m.

The effect of these changes will be assessed in the context of the following:

SITE DESCRIPTION

This is a residential, detached bungalow finished in face brick. There is parking for three vehicles, one in the garage and two on the driveway. The site is bounded by a close boarded fence adjacent to No.35 Gaynes Court. The ground level slopes downhill from east to west within the site. The application dwelling is located at the end of a cul-de-sac. No trees are affected by the development. The surrounding area is characterised by detached and semi-detached bungalows.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a porch, conversion of garage with new pitched roof, and single storey side and rear extensions and alterations.

The proposed porch would measure approximately 1.3m deep, 3m wide and have a height of 3.9m.

The garage would be converted into an additional bedroom. The proposal includes the removal of the existing garage door, replacing it with brickwork and a new window. A new pitched roof would be formed over the existing garage with an overall height of 5.45m.

The proposed single storey side extension to the rear of the garage would measure approximately 4.96m deep, 3.1m wide with an eaves line of 3m rising to an overall height of 4.75m.

The proposed rear extension would measure approximately 7.75m wide and 3m deep with a twin hipped roof with an eaves line varying from 3.05m to 3.25m rising to height of approximately 4.75m. The rear extension would be set in 3.1m from the side wall of the existing dwelling. These heights would increase to the west of the site due to the sloping ground level.

RELEVANT HISTORY

ES/HOR 1113/52 - 1 of 8 bungalows - Approved.

L/HAV 740/67 - Conservatory & garage extensions - Approved.

P0156.16 - Single storey rear extension and side extension, conversion of garage with new pitched roof, porch and alterations
Refuse 04-04-2016

CONSULTATIONS / REPRESENTATIONS

One e-mail of representation was received raising the following comments:

- Loss of light and sun to patio, utility room and garage from flank wall and pitched roof.
- Maintenance issues due to proximity of proposed extension.
- Plenty of space on the opposite side of the dwelling where any development would not impact on anyone.

Concerns regarding loss of light will be assessed under impact on amenity section of report. Comments regarding maintenance to neighbouring roof is not a planning consideration but a civil matter.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- NPPF - National Planning Policy Framework

STAFF COMMENTS

The issues arising from this application are the design and visual impact on the extension, the impact on neighbouring amenity and parking and highway implications.

DESIGN / IMPACT ON STREET / GARDEN SCENE

It is considered that the proposed front porch would relate acceptably to the existing dwelling. It would be set back from the front wall of bedroom No.1 therefore creating a break in the building line. The proposal is located at the end of a cul-de-sac and would be set back from footpath. Staff consider the proposed front porch would not unacceptably impact on the street scene and no objections are raised from a visual point of view.

The change of use of the garage to a habitable room would involve the removal of the garage door and the installation of new window and brickwork. Given that the materials used would be similar to the existing dwelling, it is not considered that there would be any adverse effect on the surrounding environment. No objections are raised to the new pitched roof over the garage.

The proposed rear extension and the side extension to the rear of garage would be viewed mainly from the rear garden but would also have oblique view from the street due to lower roof line over the neighbouring garage at No.35. No objections are raised from a visual point of view.

It is considered that the proposed development would be in keeping with the scale and character of the property and is designed in sympathy with the existing dwelling. No objections are raised from a visual point of view.

IMPACT ON AMENITY

No objections are raised to the front porch from a neighbourliness point of view.

The proposed development would be sufficiently removed from the neighbouring dwellings to the west of the site to have any impact.

The proposed change of use of the garage to an additional bedroom would involve the removal of the garage door and the installation of a new window. The new window would face the street which is a public area, as such it is not envisaged that there would be any loss of privacy from this part of the development.

Site inspection of the neighbouring property at No.35 Gaynes Court, which is the property most affected by the proposal, reveals that it has a garage and lean to structure with a polycarbonate roof that serves a utility room adjacent to the common boundary. The utility room and garage are considered to be non-habitable areas and therefore less weight is applied to the impact on these areas. The flank door and small windows on the side of this neighbour's dwelling are considered to be secondary light sources to the kitchen and bedroom and the bathroom window is considered to be a non-habitable area. As such, less weight would be applied to the impact on these areas and windows.

The proposed side extension would project 3.25m further into the rear garden than the neighbouring lean to extension at No.35 Gaynes Court. It is considered that the depth beyond this neighbour's extension is within reasonable limits, less than the 4m projection to the rear of a property normally deemed acceptable. The roof, although pitched, has a modest eaves height of 2.85m and pitches away from the boundary, mitigating its overall impact. The side extension is not therefor judged to unacceptably impact on the adjacent neighbour.

Guidelines indicate that detached houses can normally be extended from the rear wall of the original dwelling by up to 4m and that they should generally be no more than 3m in height for a single storey extension with a flat roof. This is to ensure there is no unreasonable loss of amenity to neighbouring properties or reduction in sunlight or daylight.

Guidelines go on to suggest that if a greater depth is required it should be within an angle of 45 degrees, taken from the 4m dimension on the property boundary.

The proposed rear extension to the west side of the dwelling would be an extension onto an extension with an overall depth of 6.5m approximately. It does not adversely affect properties to the west, which have substantial rear gardens backing on to the site. In relation to the eastern boundary, the additional depth beyond 4m would fall within a 45 degree line measured from the boundary. This is a fundamental difference from the previously refused application and now accords with Council guidelines and therefore no objection are raised to the depth of the extension.

The roof of the side and rear extension have been reduced to a maximum height of 4.75m and have an acceptable eaves height of around 2.85m.. It is acknowledged that this neighbour at No.35 is at a slightly higher ground level and when combined with the reduction in depth of the side/rear extension on the boundary and the hipped roof design, it is considered that the proposal would minimise the bulk and avoid an unacceptable overbearing appearance to the neighbours at No.35. As a result, no objections are therefore raised.

Given these circumstances and mindful of the general presumption in favour of development, Staff consider any impact upon this neighbour to be modest and within that envisaged as acceptable within guidelines.

In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

HIGHWAY / PARKING

There is currently provision for the parking of three vehicles within the curtilage, one in the garage and two on the driveway in front of the property. The application site has a PTAL of 1a and Policy DC33 requires 2 parking spaces to be provided. Although, the proposed development would remove the use of the garage, therefore reducing the parking provision to two vehicles, the remaining provision is considered to be acceptable for a property of this size.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be in accordance with the above-mentioned policies and guidance and approval is recommended.

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. SC45 (Standard Porch Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no porches shall be erected to the front or side of the extension hereby permitted, 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.

5. 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 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.

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.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 4th August 2016

APPLICATION NO. P0983.16
WARD: St Andrew's **Date Received:** 22nd June 2016
Expiry Date: 17th August 2016

ADDRESS: Langtons Junior and Infant School
Westland Avenue
HORNCHURCH

PROPOSAL: Erection of two temporary single storey demountable buildings for use as a classroom and administration centre, and minor associated external works.

DRAWING NO(S): 16014-04-P651
MCA-00-ZZ-DR-A Rev P1
CLXXX-MCA-ZZ-GF-DR-A Rev 01

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

SITE DESCRIPTION

The application site is a part of the Langtons Junior and Infants School. It is a hard surfaced area in the shape of a square with 20 metre sides and is currently used as additional play space by the infant school. It is bordered to the north by the Westland Medical Centre and beyond that by Westland Avenue, to the south and west are school buildings and to the east is the school car park and playing fields. An access road leads to the car park from Westland Avenue.

DESCRIPTION OF PROPOSAL

The proposed scheme involves the temporary installation of two single storey demountable buildings to provide primary school classroom and administrative facilities for Concordia Academy while the permanent school facilities are being built out on the permanent site at the former Oldchurch Hospital in Romford. The applicant anticipates that the permanent building will be complete in 2017.

The classroom block would have a floor area of 74 square metres and cater for 30 pupils, it would also provide toilet and storage facilities. The administrative block would also have a floor area of 74 square metres and would provide offices, a staff room and toilet facilities for the 5 full-time equivalent staff who would be employed on the site.

The classroom unit would be located in the north-western corner of the site and the administration unit positioned closer to the eastern boundary and orientated north south. The remaining south-western part of the site is to be used as a playground. Temporary fencing and gates would be installed along the western and southern boundaries.

RELEVANT HISTORY

No relevant history on this site.

Of note is application P1274.15 - Block 8, Former Oldchurch Hospital, Union Road Romford.

Application for full planning permission for the demolition of the existing former residential institution building (Use Class C2) and erection of a non-residential institution (Use Class D1) for use as a 630 place primary school for pupils aged 4-11 years, incorporating building and erection of a four storey academic building including sports hall, outdoor play space, car/cycle parking areas and landscaping. The Regulatory Services Committee of 18 February 2016 resolved to grant permission subject to a S106 agreement.

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 145 neighbouring properties. As a result of this consultation, two items of correspondence have been received objecting to the proposal. Objections relate to:

- Loss of playground area to the existing children in the school;
- Increase in traffic from parents picking up and dropping off children leading to road traffic and parking issues.

These issues are addressed in the report below.

Local Authority Highways - no objection.

RELEVANT POLICIES

Policies DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC61 (Urban Design) and DC63 (Delivering Safer Spaces) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document are relevant.

Also relevant are London Plan policies 3.1 (Ensuring Equal Life Chances for All), 3.18 (Education Facilities), 6.10 (Walking), 6.13 (Parking), 7.3 (Designing out Crime), 7.4 (Local Character) and 7.6 (Architecture) and the National Planning Policy Framework (NPPF).

MAYORAL CIL IMPLICATIONS

The proposal would not attract CIL as it is for educational facilities.

STAFF COMMENTS

The application is brought before the Committee because the site is owned by the Council and the proposed scheme has received objections as part of the consultation process.

The issues for members to consider relate to the impact that the proposed classroom building would have on the character of the locality, and the residential amenity of neighbouring properties together with the impact upon the highway network as a result of the increase in pupil and staff numbers.

PRINCIPLE OF DEVELOPMENT

Policy DC29 of the LDF states that the Council will ensure that the provision of primary and secondary education facilities is sufficient in quantity.

Paragraph 72 of the NPPF 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.

Policy 3.18 (Educational Facilities) of the London Plan particularly encourages development proposals such as this which address the current and projected shortage of school places.

The proposal involves the installation of 2 temporary buildings to provide a classroom and administrative facilities to cater for the needs of 30 pupils of a new academy school which is currently being built out on the former Oldchurch Hospital site in Romford. The temporary installation of the classrooms is necessary to cater acceptably for the needs of the new students and thereby the wider community and the proposal is therefore acceptable in principle.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context.

The proposed demountable buildings would not be visible from the street or nearby residential properties. The height and roof design of the demountables would be similar to those of the existing school building and they would not be out of character with their surroundings.

IMPACT ON AMENITY

Policy DC61 states that Planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties and has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

The demountables are to be located well away from neighbouring properties and would be screened from them by the surrounding buildings. It is not considered that there would be any loss of amenity from noise from the use of the buildings.

HIGHWAY / PARKING

The applicant has provided a School Travel Plan and a Transport Statement supporting the proposal. The Transport Statement makes the following comments:

·Vehicular and pedestrian access to the site would be from the existing access from Westland Avenue serving the Langtons Junior Academy building at the eastern end of the existing school frontage.

·The school site is highly accessible on foot, by cycle and by local bus services, with rail and bus services running out of Romford Town Centre.

·As the school only proposes to be on the site from 1 September 2016 to 31 December 2017, a shuttle bus service will be offered between the site and a location in central Romford (the catchment area of Concordia Academy). The school trust has confirmed that a shuttle bus with sufficient capacity to accommodate all pupils enrolled in September 2016 would be provided.

·The likely modal split for pupil related and staff journeys to/from the site has been considered and it has been demonstrated that even if some pupils did not make use of the shuttle, the temporary school facility would be unlikely to attract a significant number of car borne trips.

·A parking survey of the area around the site has demonstrated that there would be ample spare legal public parking capacity within close proximity to the site to accommodate even the worst case unlikely parking demand that could arise from the development proposal.

·Six new parking spaces are proposed within the existing car park to cater for the parking demand created by 5 full-time equivalent staff members.

·The police highways incident record for the local road network for the last 5 years has been assessed. This shows that there were only 7 pedestrian accidents in this period and only 1 of these involved a school aged child who crossed the road without due caution and suffered a minor injury.

The Local Highways Authority has no objection to the scheme and it is considered that the proposal is acceptable with respect to its impact on the local highways.

OTHER ISSUES

With respect to the objection that the proposal would result in the loss of playground facilities for existing pupils, there are considerable areas of playground within the site which would still be available to pupils in addition to the school playing fields. It should also be noted that the proposal is for a temporary use of just 4 school terms after which the playground would once again be available to pupils of the school.

The proposed development is only anticipated to be on site until the end of 2017 and a temporary planning permission is therefore recommended. However, given that the cessation of the use is dependent on the construction of the new facilities at the former Oldchurch Hospital site, a temporary permission until July 2018 is suggested to allow for any unforeseen delays in construction work.

KEY ISSUES / CONCLUSIONS

It is considered that the proposal would not harm the character of the school or the surrounding area, have a detrimental impact on the amenity of the occupants of neighbouring properties or result in unacceptable highway issues. The application complies with aims and objectives of Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and is recommended for approval.

RECOMMENDATION

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

1. SC18 (Temporary buildings)

This permission shall be for a limited period only expiring on 31 July 2018 on or before which date the temporary buildings approved under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-

The temporary nature of the building(s) is such that permanent permission would not be appropriate in the interests of amenity. This permission is therefore granted on a temporary basis to enable the Local Planning Authority to retain control, and that the development

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

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. 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.

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.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 August 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

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

Evert Grobbelaar
Senior Planner
evert.grobbelaar@havering.gov.uk
01708 432724

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

This application was originally presented to the Regulatory Services Committee meeting of 31st March 2016 with a recommendation for approval. It was deferred in order to clarify the enforcement history on the site, whether vehicle access safety arrangements can be improved and whether a contribution can be made for affordable housing. A full response to the request for clarity is covered later in this report under the 'Background' section.

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 (including along the access drive) 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. Background

- 1.1 At the Regulatory Services committee meeting on the 31 March 2016, it was recommended to Members that determination of this application be deferred so that further information could be provided on the lawfulness of the site use and the buildings on-site. In respect of this, it is confirmed that the site use (a car dealership) does not benefit from an extant planning permission. That being said, it has been suggested by the applicant that the business was established in 1969 and evidence supplied to Officers appears to confirm this.
- 1.2 It should however be noted that an enforcement notice was served on the premises in 1972 to cease the use of the building and land for the parking, storage, display, preparation for sale, and sale of motor vehicles and to remove from the site any apparatus and equipment introduced upon the site in connection with the unauthorised use. The enforcement notice was appealed and dismissed in 1973. No action was taken until further complaints were received in 1995. Legal advice was sought in 1996 and 2002 and it was concluded that it was not expedient to prosecute non-compliance with the notice.
- 1.3 The report as presented to Members previously is replicated below with revision to the amenity and highway sections. To confirm, the use of the site as existing, as a car dealership, is not formally consented by a planning permission and currently has an existing enforcement notice in force. On this basis substantial weight cannot be attached to current vehicle movements into and out of the site along the access drive in assessing the potential impact on neighbouring amenity and the highway arising from the proposed redevelopment.
- 1.4 With reference to clarity sought on whether vehicle access safety arrangements can be improved, the applicant has indicated that they are prepared to provide lighting along the entrance road in order to improve visibility and this is secured via condition (see condition 9). Traffic calming measures near the entrance of the site can also be considered. Comments from the Highways Department confirm that the suggestion to have a traffic lights system would not be a practical or proportionate solution for this location.
- 1.5 The applicant has declined the request for a contribution towards affordable housing as it would make the development unviable. No further information has been submitted over the viability assessment which accompanied the original submission which was independently tested by the Council at the time of submission.

2. Site Description

- 2.1 The application relates to previously developed land to the rear of No's. 4-12 Brooklands Road.
- 2.2 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.
- 2.3 The site is relatively flat and access to the site is currently provided along a driveway to the south of No. 4 Brooklands Road.
- 2.4 The character of the immediate locality consists of predominantly 2-storey terraced dwellings with the exception of flats to the northeast of the site.

3. Description of Proposal

- 3.1 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.
- 3.2 Amenity space provision is in the form of a 109m² communal amenity area to the rear of the proposed building.
- 3.3 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.
- 3.4 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.

4. Relevant History

- 4.1 Enforcement notice served on 23 March 1972 as the site was used for the parking, storage, display, preparation for sale and sale of motor vehicles, without the grant of consent. The notice came into effect on 21 April 1973 (date of appeal decision) and required the occupier to within 3 months to discontinue the use of the said building and land for the parking, storage, display, preparation for sale and sale of motor vehicles; to remove from the site any apparatus and equipment, including motor vehicles introduced upon the site, in connection with these unauthorised uses, and to restore the site to its former condition before development took place
- 4.2 ENF/430/13/ - Alleged unauthorised car repairs in the street - Determined that it was not expedient to enforce given the amount of time that has elapsed

4.3 ENF/502/15 - Alleged unauthorised car sales and repairs - Activity has been determined to be on-going for more than 14 years and considered immune to enforcement.

5. Consultations/Representations

5.1 Neighbour notification letters were sent to 71 properties and 2 letters of comment, 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.

5.2 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

6. Relevant Policies

6.1 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.

- 6.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD and the Planning Obligation SPD (Technical Appendices)
- 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), 5.13 (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.
- 6.4 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.

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.

7.2 Principle of Development

7.2.1 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.

7.2.2 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.

7.2.3 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 the size of the development and the likely volume of vehicle trips. This is however a balanced view and members may wish on the one hand consider the existing vehicle movement as a result of the unlawful use as a mitigating factor or on the other hand, give more weight to the potential impact of noise and disturbance as a result of the proposed development.

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 flattened

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. Officers acknowledge that very limited weight can be given to the existing use of the site as it is not lawful; however it has been operating since before 1972 with vehicle movements in and out of the site. The proposal will utilise the existing access arrangements and given the existing vehicle movement, although associated with an unlawful use, staff do not consider the lack of visibility splays to constitute a sufficient reason for refusal. Additionally, the lawful residential use of the site would have allowed a substantial residential dwelling with parking for at least 4 vehicles which could arguably be associated with a large residential dwelling. The lack of visibility splays would therefore have been an existing scenario and officer do not consider the additional vehicle movement to result in a harmful impact on pedestrian visibility over and above what would have been present at the time of the lawful residential use. The provision of a traffic calming speed bump could be introduced close to the entrance of the subject site in order to further mitigate the lack of pedestrian visibility. 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 on vehicle movement on residential amenity, 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.

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REGULATORY SERVICES COMMITTEE

4 August 2016

REPORT

Subject Heading:

P1201.15 Sheffield Drive (Land rear of), Harold Hill

Construction of 4 new dwellings (2 x 3 Bedroom semi-detached) with associated parking and private amenity space, new access road and landscaping. (Received 08/09/15, revisions received 15/07/16)

Ward:

Gooshays

Lead Officer:

Helen Oakerbee
Planning Manager

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 construction of 4 no. new chalet bungalows with associated parking and private amenity space, new access road and landscaping. The new dwellings will be arranged in 2 no. semi-detached pairs.

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

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

RECOMMENDATIONS

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 412m² which, at £20 per m², equates to a Mayoral CIL payment of £8,240 (subject to indexation).

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

- A financial contribution of £24,000 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

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

Reason: To ensure that 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

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 external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Landscaping

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

following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

6. Refuse and Recycling

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

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Cycle Storage

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

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

8. Hours of Construction

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

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

9. Construction Methodology

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

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

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

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

10. Wheel washing

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

The submission will provide;

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

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

11. Contaminated Land

Prior to the commencement of any groundwork's or development of the site;

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

Reason: The site is located on or within 250 metres of a waste site and landfill. Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with

Development Control Policies Development Plan Document Policies DC54 and DC61.

12. Boundary treatment

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

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

13. 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.

14. 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.

15. Obscure windows

The proposed windows at first floor to the rear elevations 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.

16. Domestic Sprinklers

Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to each of the dwellings. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

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

17. Standard flank wall 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 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

18. Highway Agreements

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

Reason: To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

19. Lighting:

Before the building (s) hereby permitted is first occupied, a scheme for lighting within the development, to include the lighting along the access road, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided prior to occupation 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.

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 via email at various stages through the application process. The revisions involved a revision to the internal layout and position of the dwellings in order to limit overlooking. The amendments were subsequently submitted on 15 July 2016.
3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. 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.
5. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council
6. 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 £8240 (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.
7. 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.
8. 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.
9. Please note that by virtue of Condition(s) 13, you are required to notify the relevant Building Control body of these conditions as part of any application.

REPORT DETAIL

1. Site Description

- 1.1 The application site is an empty piece of land which is located to the rear of No. 19 to 29 Sheffield Drive. The site is surrounded by residential dwellings. The ground is relatively level. The site has an overall area of approximately 1285m² and was previously used as allotments.
- 1.2 Development in the vicinity is characterised by 2-storey residential terraced and semi-detached dwellings. Dwellings are constructed from a mix of bricks and render.
- 1.3 Access to the plot is via an existing access road to the north of no. 21 Sheffield Drive.

2. Description of Proposal

- 2.1. The application seeks permission for the erection of 4 no. chalet bungalows with associated parking and amenity. The proposed bungalows will be arranged in pairs and will consist of 2 no. 2-bed and 2 no. 3 bed dwellings.
- 2.2 The dwellings would measure 6.75m in width and 10.4m in depth. They would each have a chalet style roof and would measure 2.5m to the eaves and 6.3m to the top of the ridge. The dwellings would be centrally located close to the southwestern boundary of the subject site.
- 2.3 Three dormer windows are proposed to each dwelling, two to the front roof slope and one to the rear.

- 2.4 The proposal would retain the existing access to the site measuring between 3.45m and 3.7m in width.
- 2.5 After initial concerns raised by Highways a bin collection point will be available along the access road, within 25m from the highway to facilitate refuse pickup. This will only be a collection point on the day of collection and will not function as a permanent refuse storage area.
- 2.6 Parking provision for 8 vehicles would be provided on a hardstanding to the front and side of the dwellings.
- 2.7 The dwellings would have a northwest-southeast orientation with garden spaces towards the rear, measuring between 82m² and 103m².

3. Relevant History

- 3.1 None

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 42 properties and 3 letters of objection were received. The comments can be summarised as follows:

- Too close to existing properties
- Spoil the appearance of the street
- Loss of light to back garden
- Increase in traffic and noise
- Access road not wide enough
- Loss of privacy

These issues are dealt with within the report below

- 4.2 The following consultation responses have been received:

- The London Fire Brigade - no objection provided that a domestic sprinkler system is installed.
- Thames Water - no objection
- Environmental Health - no objection provided that a contamination condition be added.
- Highways - object to a lack of visibility splays and refuse collection point in excess of 25m from highway.

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), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and

Development Control Policies Development Plan Document are considered to be relevant.

- 5.2 Other relevant documents include the Residential Design SPD, and Planning 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), 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 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways 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 On this basis the proposal is considered to be policy compliant in land use terms and its ongoing use for residential purposes is therefore regarded as being acceptable in principle.

6.3 Density/ Layout

- 6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.3.2 The proposal would provide 4 no. residential dwellings at a density equivalent to approximately 31 dwellings per hectare. This is in keeping with the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.

- 6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 6.3.4 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 provision in the locality is generally arranged towards the rear of dwellings. Staff consider the amenity space to be sufficient and would not detract from the surrounding area. Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity areas would comply with the requirements of the Residential Design SPD and are acceptable in this instance.
- 6.6.4 In terms of the general site layout, the proposed semi-detached dwellings would have sufficient spacing towards the front with generous amenity areas towards the rear, and therefore are not considered to appear as an overdevelopment of the site. The proposal would be towards the rear and side gardens of the surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

6.4 *Design/Impact on Streetscene*

- 6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.4.2 The proposal would not form part of the Sheffield Drive street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment. Any view up the drive is also considered acceptable given the width of the driveway leading up to the proposed dwellings and the central location of the proposed dwellings.

6.4.3 The characteristic built form in the immediate surrounding area is mainly two storey terraced and semi-detached dwellings built from a mix of bricks and render.

6.4.4 In terms of design and visual appearance, Staff are of the opinion that the development of semi-detached chalet bungalows in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, compliant with the aims and objectives of Policy DC61 of the Local Development Framework

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 Neighbouring dwellings to the northeast are separated from the proposed dwelling by approximately 15m at the nearest point and 2.8m to the nearest rear garden boundary. These distances are considered acceptable as the proposed dwellings are chalet bungalows with no flank windows to this elevation. Any potential impact to these properties in terms of overlooking or light loss is therefore considered acceptable. Neighbouring dwellings to the southwest are separated from the proposed dwellings by approximately 13.6m at the nearest point and 0.9m to the nearest rear garden boundary. These distances are also considered acceptable as the proposed dwellings are chalet bungalows with no flank windows to this elevation. Any potential impact to these properties in terms of overlooking or light loss is therefore considered acceptable.

6.5.3 The nearest dwellings towards the north and northwest are No's. 2 and 3 Sheffield Gardens. It is considered that the separation distance of 16m from the first floor bedroom windows to the rear garden of No. 3 and the oblique angle of No. 2 in relation to the proposed dwelling would be sufficient to mitigate any overlooking impact or light loss.

6.5.4 The proposal will not result in overlooking or light loss to the properties to the southeast as the internal layout has been revised to remove the bedroom windows and only allow en-suite and bathroom windows. A condition will be imposed to have these obscure glazed and fixed shut with the exception of the top hung fanlight.

6.5.5 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed chalet bungalows.

6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff acknowledge that there will be some impact as a result of vehicle movement

close to neighbouring dwellings however on balance it is not considered that the volume of activity arising from 4 No. dwellings would be sufficiently harmful to justify a refusal.

- 6.5.7 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.8 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 *Parking and Highway Issues*

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 8 parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 A condition would be added to provide storage for 8 cycle spaces in order to comply with the Council's standards.
- 6.6.3 The access road would not have sufficient width for Fire Brigade vehicles to access the subject site, however the Fire Brigade have no objection subject to a condition requiring domestic sprinklers to the proposed dwellings.
- 6.6.4 The Highway Authority have requested a 2.1 metre by 2.1 metre visibility splay to be provided on each side of the access in the interest of pedestrian safety. Staff are of the opinion that current visibility relies on the absence of obstruction on land belonging to the neighbouring properties on each side of the access. As these properties are privately owned it would not be possible to secure the requested visibility splays. Staff are of the opinion that the size of the development and the limited amount of vehicular movement would not prejudicially impact upon pedestrian movement. Further mitigation includes an existing low fence and hedge to the front of the properties on either side of the access road and the fact that fencing above 1m to the front of these dwellings would require planning permission. Staff consider the potential impact on pedestrian movement to be acceptable on balance, however Members may 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.

6.7 *Mayoral 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. The applicable fee is based on an internal gross floor area of 412m² which, at £20 per m², equates to a Mayoral CIL payment of £8,240 (subject to indexation)

6.8 *Infrastructure Impact of Development*

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*

6.9.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal will provide a bin collection point along the access road within 25m from the edge of the highway. The bin collection point will be within an acceptable distance from the highway in order for refuse collection to take place and also within an acceptable distance from the front of the proposed dwelling. The Highways Authority requires that the refuse collection point on the access road to be clearly marked out as such and that residents are advised that failure to deposit their rubbish at the required time on this point may result in their rubbish not being collected. Details of the refuse collection arrangements are proposed to be required by condition.

7. **Conclusion**

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. There is a judgement in relation to pedestrian movement within Sheffield Drive at the point which access drive meets the footpath and Members are

invited to consider this. Overall, Staff consider the development to be acceptable and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

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

Legal implications and risks:

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

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human 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 8 September 2015, revision received on 15 July 2016.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 August 2016

Subject Heading:

P0800.16 - Broadford Primary School, Faringdon Avenue, Romford - Proposed erection of a 6m high rope climbing pyramid with a safety play surface below, on an area of the existing playing field. (received 16/5/16).

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

Adèle Hughes
Senior Planner
adele.hughes@havering.gov.uk
01708 432727

Ward

Gooshays

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 | [] |
| Residents will be proud to live in Havering | [] |

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks planning permission for the erection of a 6m high rope climbing pyramid with a safety play surface below on an area of existing playing field. Staff consider the application to be acceptable and recommend approval subject to conditions.

RECOMMENDATIONS

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

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

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

2. 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.

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 Broadford Primary School, which is accessed from Faringdon Avenue and Chatteris Avenue. The site is bounded by residential properties with associated rear gardens. Ground levels increase from south west to north east across the site. The land to the rear of Broadford Primary School adjacent to the south western boundary of the site slopes downhill. The playing field also slopes downhill from north east to south west.

2. **Description of development:**

- 2.1 The application seeks permission for the erection of a 6m high rope climbing pyramid with a safety play surface below, on an area of the existing playing field. The pyramid would have a width and depth of 8.5 metres and would be sited between approximately 6 and 9 metres from the south western boundary of the site, which borders the rear gardens of neighbouring properties in Chatteris Avenue.

3. **Relevant History:**

- 3.1 There is extensive history, the most recent is listed as follows:

P1030.15 – Erection of a free standing canopy 20m by 11m over existing playground area – Approved.

P0174.14 – Single storey extensions – Approved.

P0852.12 – Infill flat roof extension and ramp – Approved.

P1014.11 – Single storey nursery extension to existing primary school – Approved.

4. **Consultations/Representations:**

- 4.1 The occupiers of 50 neighbouring properties were notified of this proposal. Two letters of objection were received with the following comments:

- The proposal should be sited closer to the school main building.
- There are existing wooden structures that overlook neighbouring gardens that were erected without the need for planning permission.
- Loss of privacy.
- Overlooking.
- There are too many slides and equipment in the school grounds that create a lot of noise.
- Noise.

- 4.2 Environmental Health - no objection to the proposal.

4.3 In response to the above, comments regarding existing wooden structures that were erected without the need for planning permission is not a material planning consideration. Each planning application is determined on its individual planning merits. The remaining issues are covered in the following sections of this report.

5. **Relevant policies:**

5.1 Policies CP17 (Design), DC29 (Educational Premises) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are material planning considerations. In addition, Policies 3.18 (Educational facilities) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. **Staff Comments**

6.1 This proposal is put before the Committee owing to the land being Council owned with two objections being received.

6.2 **Principle of Development**

6.2.1 The proposal is for a 6m high rope climbing pyramid with a safety play surface below, on an area of the existing playing field. The proposal is acceptable in principle and complies with LDF Policy DC29.

6.3 **Design and Visual Impact**

6.3.1 It is considered that a 6m high rope climbing pyramid with a safety play surface below, on an area of the existing playing field would not adversely affect the streetscene, as it would be located within the school grounds and would be sited to the rear of neighbouring properties in Chatteris Avenue.

6.4 **Impact on amenity**

6.4.1 When reviewing the merits of this application, consideration has been given to the impact of the proposal on the amenity of neighbouring properties that back onto the site in Chatteris Avenue and Cricklade Avenue. It is noted that two letters of objection have been received with concerns regarding the proposal in terms of noise, overlooking and loss of privacy. Staff consider that the proposal would not be unduly harmful to the residential properties in Cricklade Avenue, as there would be a separation distance of approximately 60 metres from the end of the rear garden of one of the nearest residential dwellings at No. 14 Cricklade Avenue and the climbing pyramid.

6.4.2 The climbing pyramid, given its height and siting, would be visible in the rear garden environment of dwellings in Chatteris Avenue and as a result, Staff consider that the proposal would result in some loss of amenity to these properties. Although, the climbing pyramid would be sited between

approximately 6 and 9 metres from the south western boundary of the site that abuts the rear gardens of neighbouring properties in Chatteris Avenue, which would help to mitigate its impact. Furthermore, it is noted that Nos 26-32 Chatteris Avenue have single storey outbuildings at the end of their rear gardens, which would help to provide some screening towards the base of the climbing pyramid. It is recognised that there would be some associated noise and disturbance arising from the use of the climbing pyramid, although this would be balanced against pupils utilising the whole of the school site and the existing playing field and other play equipment. In addition, the climbing pyramid would be utilised by pupils and therefore, would only be used during term time and would not be in constant use.

- 6.4.3 The issues in this case are finely balanced between the impact of the proposal on neighbouring amenity and the requirement for this climbing equipment for pupils. A supporting statement has been received from Broadford Primary School, which states as follows:

“Currently large parts of the playing field are unusable for significant periods. The intention is to reclaim part of the play space as 'all year round' space. With a growing pupil population, the proposal seeks to add to the play space rather than convert existing play areas for another purpose. The siting of the climbing pyramid was chosen as the land there is mostly flat. The application site has significant gradient issues which complicate the installation of any play equipment. This area is the least affected by the gradient whilst maintaining a sizeable distance from neighbours' homes. The area adjacent to the proposed climbing pyramid is heavily overlooked by outbuildings from neighbouring gardens and this has the added benefit of screening them from view when the play equipment is in use. The proposal cannot be sited on the other side of the field, as access to the field has to be retained for the tractor and larger vehicles. If the climbing pyramid was to be placed on the playground side, it would not be possible to drive vehicles onto the field space for maintenance, summer fetes or other events”.

- 6.4.4 Taking all the above factors into account, Staff judge that a 6m high rope climbing pyramid with a safety play surface below on an area of the existing playing field would not result in material harm to neighbouring amenity, although for reasons outlined in the report, this is a matter of judgement for Members.

6.5 Highway/parking issues

- 6.5.1 It is considered that the proposal would not create any highway or parking issues.

8. Conclusion

- 8.1 Staff are of the view that a 6m high rope climbing pyramid with a safety play surface below on an area of the existing playing field would not adversely impact on the streetscene. Overall, Staff judge that the proposal would not result in a significant loss of amenity to neighbouring occupiers, although this is a matter of judgement for Members. It is considered that the proposal

would not create any highway or parking issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 16/05/2016.

REGULATORY SERVICES COMMITTEE

4 August 2016

REPORT

Subject Heading:

P0759.16 - Three Horseshoes Farm,
Noak Hill Road, Romford

Demolition of all existing stabling, storage
and residential buildings on site and
construction of 4 x 4 bed and 1 x 3 bed
dwellings, landscaping and associated
works (Application received 5th May 2016)
Heaton

Ward

Lead Officer

Simon Thelwell, Planning Manager,
Projects and Regulation

Report Author and contact details:

Peter Fletcher
Principal Development Management
Officer
peter.fletcher@havering.gov.uk01708
432605

Policy Context:

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

This report considers an application for the erection of 5 new dwellings on land within the Green Belt and the Havering Ridge Special Character Area. The proposal concerns the demolition of existing stabling, storage and residential buildings. A similar application was dismissed on appeal in March 2014 following an appeal against non-determination of that application. The Committee objected to the application on Green Belt and visual impact grounds. The appeal Inspector concluded that the urban form of development and the increased height and bulk of the new buildings, compared with those existing, would be materially harmful to the openness of the Green Belt and this was not outweighed by other factors. This application seeks to address this by reducing the scale of the proposed buildings and revising the layout to provide a less urban form of development.

Staff consider that, as a matter of judgement, the revised proposals are acceptable in all material respects and that planning permission should be granted subject to the prior completion of a S106 planning obligation and planning conditions.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £30,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document Technical Appendices.
- The demolition of the four residential units adjoining the application site prior to first occupation of any of the new dwellings and that following demolition the lawful development certificates issued in respect of these dwellings under S191 of the Town and Country Planning Act 1990 on 6th December 2012 to have no further legal effect in respect of the unrestricted residential use of the site. The relevant certificates issued under references E0020.12(a); E0020.12(b); E0020.12(c) and E0020.12(d) on 6th December 2012.

- Submission of a land restoration and habitat creation plan for the western ménage area and the area to the north of the application site as outlined in blue on the application plan. The plan to include details of demolition and land clearance and a habitat management programme.
- 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 planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions listed below:

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

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

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

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

3. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. 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 harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

4. *Landscaping* - The development hereby permitted shall not be commenced until a detailed scheme for the hard and soft landscaping of the site, including the upgrading of the site access roadway has been submitted to and approved in writing by the Local Planning Authority. 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 on the details of proposed landscaping to enable its acceptability to be judged. & In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

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.

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

7. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

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 Policies DC61 and DC63.

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

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

9. *External lighting* - No dwelling shall be occupied until a scheme for the lighting of external areas has been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The lighting once installed shall be retained thereafter for the lifetime of the development.

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, the visual and wildlife interest of the countryside and ensure that the development accords with the Development Control Policies Development Plan Document Policy 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.

11. *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 Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained and used at relevant entrances to the site throughout the course of construction works.

12. *Construction methodology* - The development hereby permitted shall not be commenced, including any demolition, until a scheme for a construction and demolition management plan to control the adverse impact of the development, including the demolition of site buildings and ground clearance works, on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

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

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

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

13. *Land contamination*: The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority:

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

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the 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 (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report comprises 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.

14. *Land contamination (2)* a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

Reason: 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.

15. *Imported soils* - Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used

for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil".

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

16. *Ecology* - No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how the development will be undertaken in accordance with the recommendations of the submitted ecological assessment dated June 2013. The development shall be undertaken in accordance with the approved details.

Reason: Insufficient information has been supplied with the application on how the recommendations of the assessment would be implemented and agreement of details prior to commencement is necessary to protect the nature conservation interests of the site in accordance with Development Control Policies Development Plan Document Policies DC59, DC 60 and DC61 and the guidance in the National Planning Policy Framework.

17. *Bat and Bird Boxes* - No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority relating to the proposed installation of bat and bird boxes within the development. The development shall be undertaken in accordance with the approved details and retained for the life of the development.

Reason: In the interests of nature conservation in accordance with Development Control Policies Development Plan Document Policies DC59, DC 60 and DC61 and the guidance in the National Planning Policy Framework.

18. *Further Bat Survey* - Should demolition works at the site not be commenced within one year of the date of this permission, then a further bat survey shall be undertaken and submitted and approved in writing by the local planning authority prior to any demolition works taking place.

Reason: In the interests of nature conservation in accordance with Development Control Policies Development Plan Document Policy DC59 and the guidance in the National Planning Policy Framework.

19. *Demolition* - No works of construction in relation to the erection of the new dwelling houses hereby permitted shall take place until all of the existing buildings at the site have been demolished.

Reason: In the interests of maintaining the openness of the Green Belt, and in accordance with the guidance contained in the National Planning Policy Framework

20. *Access improvements* - No part of the development hereby permitted shall be occupied until the site access onto Noak Hill Road has been upgraded to a minimum width of 5 metres in accordance with details that shall have been

submitted to and agreed in writing by the local planning authority. The upgraded access shall be retained for the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate that vehicles can safely enter and leave the development. Improvements are considered necessary in the interests of highway safety and in order that the development accords Development Control Policies Development Plan Document Policy DC32.

21. *Hedgerow protection* - No development shall take place until a scheme for protecting the site's existing hedgerows has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of nature conservation in accordance with Development Control Policies Development Plan Document Policy DC59 and the guidance in the National Planning Policy Framework.

22. *Permitted development restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

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

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

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

24. Permitted Development Restrictions - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification) Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, 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 protecting the openness of the Green Belt 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.

25. Visibility splays - 2.1 metre by 2.1 metre pedestrian visibility splays shall be provided on either side of the proposed accesses, set back to the boundary of the public footway. There should be no obstruction of object higher than 0.6 metres within the visibility splay.

Reason: Insufficient information has been supplied with the application to adequately demonstrate that the safety of pedestrians at access points has been fully safeguarded. The requirement will ensure pedestrian safety.

26. *Noise insulation* - The noise level in rooms of the development hereby permitted shall meet the noise standard specified in BS8233:2014 for internal rooms. Details shall be submitted to the Local Planning Authority prior to first occupation of the development to demonstrate that this has been achieved.

Reason: In order to comply with Policies CP15, DC55 and DC 61 of the Local Development Framework Development Control policies Development Plan Document.

27. *Access* - 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.

28. *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. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr N Cooper and Mrs S Ballantyne-Way by telephone on 12th July 2016 and submitted on 14th July 2016. The revisions involved changes to the area outlined in blue on the application plan and location of existing buildings outlined on the layout plan.
2. Planning obligation - The planning obligations required have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence 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.
 4. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
 6. The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.
 7. 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 is needed.
 8. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
 9. The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.
 10. The applicants are reminded that the grant of planning permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licence required.
 11. 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 approximately 75 metres to the north of Noak Hill Road to the west of Kynance Close. It lies within the Green Belt and the Havering Ridge Area of Special Character. The site is accessed by a private roadway leading from the public highway. It is a rectangular area of land which amounts to 0.46 hectares and is currently in use as an equine stabling business. This comprises areas of hardstanding and buildings, with substantial confer planting along the northern boundary. There are two ranges of stables, storage buildings and ménage. These buildings are concentrated at the southern end of the site. The larger areas of hardstanding are used for the parking of horse boxes and other vehicles. There is also a small building between two of the storage buildings with lawful residential use.
- 1.2 To the north of the site, outside of the application area are four single storey buildings, three of which also have lawful residential use. The fourth is a storage building beyond which is a waste treatment facility. There is a further ménage to the west of the site also associated with the equine business. The area around the stables is generally open including areas of grazing and the former playing fields adjacent to the Broxhill Centre, now being developed for recreational purposes. The application site lies within a small valley on the edge of the Havering Ridge and the land rises fairly steeply to the north and east. A Grade II borough site of nature conservation importance is located immediately to the west, which includes a small pond and adjacent ménage. To the south of the site along Noak Hill Road is a line of bungalows which also lie within the Green Belt. There is an area of hardstanding close to the site entrance on Noak Hill Road which also falls within the application site.
- 1.3 The existing buildings at the site, of which there are nine, range in size from around 31 square metres to 345 square metres, with the tallest building being approximately 6 metres in height, although the remainder are around 3 metres in height. The existing built development covers a total area of 1154 square metres and has a total volume of 3819 cubic metres. The largest building lies close to the south west corner of the site. The site boundary in this corner is well vegetated and the existing buildings are not readily visible from the public highway. Trees within the hedgerow are covered by a Tree Preservation Order.

2. **Description of proposal**

- 2.1 The proposal is for the demolition of all buildings on site, including those to the north and the erection of five new dwellings. These would be located at the southern end of the site, but further to the north than the existing main cluster of buildings. The new dwellings would be accessed from Noak Hill Road via the existing access road. The remaining areas of the site would be left open and landscaped. The existing conifer screening would be removed.
- 2.2 The proposed dwellings would have two floors of accommodation with the first floor within the roof space. These would receive natural light via roof lights; there would be no dormer windows. The buildings would have pitched tiled roofs, with timber cladding above a brick plinth in the style of an Essex Barn. The dwellings would be of different styles around the common theme with different ridge heights and orientation. Four of the dwellings would be four-bed with one three-bed.
- 2.3 The new dwellings would be grouped around a central courtyard similar to a group of farm buildings. Each dwelling would have its entrance onto the courtyard and have two parking spaces, one within cart lodges attached to each group of buildings and a further space in tandem to the front of the cart lodge. Each dwelling would have its own external amenity areas, mainly to the rear of the buildings. Cycle and refuse storage would be provided within the garden areas.

3. **Relevant History**

- 3.1 The previous planning decisions of most relevance to this application are as follows:

P0945.13 - Demolition of existing stabling, storage and residential properties on site and construction of 5 dwellings, landscaping and associated works – non determination appeal dismissed

E0020.12 - Certificate of Lawfulness for retention of 4 self-contained residential units - Approved.

P2492.07 - Retention of outbuildings – Refused.

P0163.00 - Hay and straw storage barn (to replace existing containers) - Refused.

P0763.98 - Retention of use as a livery yard together with stable buildings and ancillary facilities - Approved

4. **Consultations/Representations**

- 4.1 There have been 29 letters of objection, including a 92 signature petition.

Objections are raised as follows:

- The signatories of the petition opposed the development but no specific reasons are given;
- Would adversely affect views from rear of property and have a negative impact on house values as a consequence;
- Would not blend in with the landscape and impact on character of Havering ridge;
- Removal of conifer hedging would impact on views;
- Would not address housing needs due to likely high value;
- No room for visitor parking;
- Would reduce livery accommodation in the area which is currently well used by local children;
- Loss of Green belt and would add to urban sprawl;
- Traffic impact especially at junction which is on dangerous bend;
- Would lead to further housing in Green Belt areas;
- Buildings would be more visually prominent than existing;
- Would add further to the already significant housing and other development in the area;
- Impact on local services, including schools;
- Drainage concerns;
- Concerns about traveller occupation if grazing of adjoining fields ceases;
- Impact on wildlife;
- Impact on local residents during construction;
- Whitworth Centre development has already put significant strain on local sewers;

4.2 Comment on objections:

The issues concerning impact on the Green Belt and on the landscape are addressed within the main body of the report. The protection of existing views/outlook from existing properties is not a material planning consideration, however, the impact on visual amenity and on the landscape character of the area is a relevant consideration. This is addressed in the main body of the report. The impact on house prices and the loss of the existing stables are also not material. Should there be a proposal for new stables in the future this would be judged on its own merits in relation to policies relevant at that time. The possible use of adjoining land not shown to be under the control of the applicant is also not a relevant consideration as there are no specific proposals for the land. There are also powers to address unlawful occupation, although this would be a matter for the landowner to address, rather than the Council.

Consultation Responses

- 4.2 Thames Water - no objections with regard to sewerage infrastructure capacity. It is the developer's responsibility to make proper provision for surface water drainage.
- 4.3 Metropolitan Police Designing out Crime Officer - the proposal falls below the threshold on which comments can be made.

- 4.4 London Fire Brigade (Water) - no additional hydrants required.
- 4.5 Environment Agency - no constraints that fall within its remit.
- 4.6 Streetcare (Refuse) - rubbish for collection would need to be left by the site entrance as it would not be collected from within the site.
- 4.7 Public Protection (noise) - noise insulation condition
- 4.8 Streetcare (Highways) - objects to the application unless the access the access at its junction with Noak Hill Road is widened and pedestrian visibility splays provided. Appropriate conditions are recommended.
- 4.9 London Fire Brigade (appliance access) - the access road should be a minimum of 3.7 metres wide and capable of supporting a fire appliance.

5. **Relevant Policies**

5.1 Local Development Framework (LDF):-

Core Strategy and Development Control Policies Development Plan Document (DPD) Policies CP1 (Housing Supply); CP16 (Biodiversity and geodiversity); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC45 (Green Belt); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water supply, drainage and quality); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and geodiversity); (DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC69 Other areas of special townscape or Landscape character) and DC72 (Planning obligations).

- 5.2 Evidence base to the Planning Obligations SPD; Residential Design SPD, Designing Safer Places SPD; Landscape SPD; Sustainable Design and Construction SPD.

5.3 London Plan:-

Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 5.3 (Sustainable design and construction); 6.13 (Parking); 5.21 (Contaminated land); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking); 7.3 (Designing out crime); 7.16 (Green Belt); 8.2 (planning obligations) and the Housing Supplementary Planning Guidance.

5.4 National Policy Documents:-

- o Nationally described space standards;

- National Planning Policy Framework
- National Planning Practice Guidance.

6. Staff Comments

Background

- 6.1 This application follows an appeal decision rejecting an earlier proposal for five dwellings on this site to replace the existing stable buildings. The decision was made in 2014 and assessed against the same policies and government guidance. In these circumstances the conclusions reached by the Inspector in dismissing the appeal are material to the consideration of the current application.
- 6.2 The appeal was lodged on the grounds of non-determination as the Council had not made its decision by the due date. However, the Council formally resolved that it would have refused the application on the following grounds:
- Harm to the openness of the Green Belt due to the height/bulk/massing of the proposed buildings;
 - Adverse impact on the visual amenities and the open character of the Green Belt, and
 - Absence of a S106 Planning Obligation to secure infrastructure payments.
- 6.3 The Inspector concluded that the development was inappropriate development in the Green Belt and the harm caused would not be clearly outweighed by other considerations such as to amount to the very special circumstances necessary to justify the development.
- 6.4 In reaching this view he had regard to the fact that the site was 'brownfield' land and that the guidance in the NPPF was that the redevelopment of such site need not be inappropriate development, provided the new development did not have a greater impact on the openness of the Green Belt and the purpose of including land within it. He concluded that while the overall volume and footprint of the new buildings would be less than existing, their height and bulk would result in them having a greater impact on openness.
- 6.5 In reaching this view the Inspector took account of the clustering of the buildings and that their appearance would detract from the wider rural scene. He considered that the development would amount to a 'mini housing estate' that would be intrusively harmful to the character and appearance of the area. The area contains attractive countryside recognised by the 'Special Character Area' designation.
- 6.6 There would be some benefits for the Green Belt in the footprint and volume reductions, however, these were not judged to be sufficient to outweigh the harm identified.

Principle of the development

- 6.7 The site is located within the Green Belt where new buildings would normally be considered inappropriate development which would cause material harm. Such development should not normally be permitted unless the harm would be clearly outweighed by other considerations.
- 6.8 The guidance in the NPPF is that there are some exceptions to this where new development may not be inappropriate, including:
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
- 6.9 The scheme has been revised since the appeal decision in a way that seeks to address the matters raised by the Inspector. The scale of the development has been reduced and the buildings designed to give the appearance of a group of agricultural buildings more appropriate to a rural location and the landscape setting. The buildings would have less bulk through a reduction in height, smaller footprint and removal of dormers and gabled projections. They would also be set further to the west within the site so that they would be less visible from the public highway.
- 6.10 The current buildings occupy an area of 1,154 square metres and have a combined volume of 3,819 cubic metres. They range in height from 3 metres to six metres. In comparison the proposed buildings would have ridge heights of 5.8 metres to 7.3 metres compared with 7.2 metres to 7.5 metres of the appeal scheme. The combined floor area would be reduced from about 700 square metres (2013 proposal) to 580 square metres, including the cart lodges. The volume of the proposed buildings would be 2,534 cubic metres compared with 3,554 cubic metres of the 2013 scheme. This proposal would reduce the site coverage by 50% and volume by 34%. In addition the overall developed area would be reduced by about 3,600 square metres (46%), including the areas occupied by buildings and ménage to the north of the application site.
- 6.11 This reduction over the previous scheme would result in the development having much less impact on openness. Taking these changes into account Staff consider, as a matter of judgement, that the revised proposals would result in there being no greater impact on openness of the Green Belt or on the purpose of including land within it compared with the existing buildings, and that as a consequence the development would not be inappropriate development in the Green Belt as set out in the NPPF.
- 6.12 Should Members agree with this judgement the main issues for consideration are design and amenity considerations, environmental impact, highway and parking issues and the need for S106 contributions. Should Members judge that, notwithstanding the changes made the development would have a greater impact and be inappropriate development, then it would be necessary to

consider whether there are other matters that could amount to the 'very special circumstances' that could outweigh the harm to the Green Belt. These include the reduction in overall developed area of the site, improvements to the character and appearance of the area through additional landscaping and design improvements.

Green Belt Considerations

- 6.13 The appeal inspector noted that the clearance of part of the site of buildings, ménages and other features would clearly enhance the character, openness and visual aspect of that part of the site. However, he balanced this against the bigger picture and his conclusions regarding the impact of the proposed new dwellings. In this case the benefits would be largely the same, although a second ménage would be removed as well as conifer hedging. This would enable habitat enhancement and remove vegetation which diminishes the rural character of the area. The location of the new dwellings further to the west and removal of existing hedging would help to provide more open views across much of the site. The dwellings have been designed to be low rise and in a rural vernacular. The design is varied, unlike the refused scheme, which gives a much greater impression of a group of agricultural buildings, rather than a 'mini housing estate' noted by the Inspector.
- 6.14 Staff consider, as a matter of judgement, that the development would have no greater impact on openness than the existing buildings on site. However, should Members consider that this is not the case it would be necessary to consider whether the other benefits of the development would amount to very special circumstances, in terms of the guidance in the NPPF that would justify the development. In addition to the matters raised above some weight should be given to the contribution the development would make to housing supply. The existing dwellings on site that would be demolished are significantly smaller by comparison and the proposal would result in dwellings of a significantly higher standard. The development would also secure improved access to the site which is currently substandard. Staff consider that the benefits to the area that would arise from the development would be greater than those of the refused scheme given the improved site layout and reduced developed area, however, these are still judged to be relatively modest compared with the existing situation. Equine uses are generally considered acceptable in the Green Belt under NPPF guidance and LDF Policy DC22. Consequently these circumstances are not judged to carry such weight as to override the adverse impacts on the openness of the Green Belt as a result of inappropriateness. Therefore, the acceptability of this application turns on the judgement of the impact on openness and the purposes of including land within the Green belt.

Scale, Density and Site Layout

- 6.15 The nominal density of the development would be about 11 units per hectare, which is considered appropriate for a development in a rural setting. However, as the proposal is for new housing in the Green Belt on a brownfield site, the main issues relate to impact on openness and character of the area. The proposed layout of the new dwellings is a 'U' shaped cluster around a central

courtyard to give the appearance of a group of agricultural buildings. The scale of the development is determined by the quantum of existing built development on the site.

- 6.16 In terms of the site layout, all of the proposed dwellings would have adequate access to sunlight and daylight. In relation to amenity space provision, the Council's Residential Design SPD does not prescribe amenity space standards but rather seeks to ensure that amenity space is provided in a high quality, functional and well designed manner. Amenity space should also be private and not unreasonably overshadowed. The proposed dwellings would be accompanied by private gardens. All of the dwellings are considered to be provided with acceptable amenity space provision, which accords with the aims of the SPD.
- 6.17 In terms of how they relate to one another, it is considered that the proposed dwellings would not result in any unacceptable levels of overlooking, overshadowing, or outlook. It is considered that the proposed development would provide an adequate level of amenity for the future occupiers of the development. The separation distances between the units are considered to be acceptable. Overall the proposed layout of the buildings and amenity areas is considered acceptable and would not give rise to any significant adverse impacts.
- 6.18 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 internal space standards in Table 3.3 have been updated to reflect the nationally described space standards. In this instance the proposed dwellings would each meet the minimum standards and the proposal would, therefore, provide an acceptable standard of living accommodation for future occupiers.

Impact on residential amenity

- 6.19 In relation to the impact the proposal would have on existing, neighbouring occupiers, the proposed dwellings would be in excess of 100m from the nearest neighbouring properties. Given the siting of the proposed units, along with their scale and design, it is considered that there would be no significant adverse impacts on the amenities of existing occupiers in the surrounding area.
- 6.20 Overall Staff consider that in terms of the standard of accommodation and amenity space to be provided, the amenity of existing neighbouring occupiers, and the amenity of the future occupiers of the development, that the proposal is acceptable and would be in accordance with Policy DC61 of the LDF and guidance contained in the Residential Design SPD.

Design/Impact on character and appearance

- 6.21 The proposed dwellings have been designed with reference to traditional farm buildings in the style of 'Essex Barns'. They would be finished in black stained weather boarding on a brick plinth under a pitched tiled roof. The cart lodges

would be in the style of open barn buildings. The grouping of the new buildings in a 'U' shape would also be typical of a cluster of traditional farm buildings. One of the objections raised by the appeal inspector was that the design and layout would be urban in nature which would be alien to the appearance and character of the Green Belt.

- 6.22 The current proposals are of reduced scale and whilst the new dwellings would still be concentrated within the site, they are designed to be more in keeping with a rural and agricultural scene. Farmyard buildings are typically found in groupings, traditionally around a courtyard area. The dwellings would be less visible from Noak Hill Road compared with the refused scheme and the garden areas would be generally screened from view by the buildings and existing hedgerows. Ridge lines would still be visible to some degree but the proposed dwellings would be set back further into the site on lower ground and the ridge heights staggered. This impact is considered acceptable in terms of the impact on the character and appearance of the area.
- 6.23 The proposals include reducing the number of buildings on the site and removing areas of hardstanding used for parking. The two existing ménage areas would also be removed. Whilst these do not impact on openness it would significantly reduce the developed area and allow land to be landscaped which would help improve the rural character of the area. The appeal inspector noted that the existing arrangement of buildings is not particularly attractive and replacing these with well-designed buildings within a landscaped setting would improve the visual amenities of the area. The location of the development would be further to the north of the existing buildings, but further to the west than the previous proposal. The higher buildings would be located on the lower ground to the western side of the site, thus reducing any visual impact.
- 6.24 LDF 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. Policy DC69 states that the character of the Havering Ridge Special Character Area will be protected. Staff consider that the proposed development would, overall improve the character and appearance of the area. The proposal would successfully retain existing boundary treatment and landscape and 'removal of domestic permitted development' that could adversely impact on the area could be controlled by conditions.

Parking and Highway Issues

- 6.25 The application proposes the retention of the site's existing access onto Noak Hill Road. Objections have been raised to this by the Highway Authority unless it can be upgraded, including improved width at the junction with the highway and improved pedestrian visibility splays. These improvements would be secured through appropriate conditions. There is sufficient space within the application area for these improvements, including the removal of existing walls. Some local residents have also objected on the grounds of highway safety, these would be addressed by the access improvements. This part of Noak Hill Road includes speed restrictions.

- 6.26 The proposed development would be accessed along a private internal road connecting with the public highway. Each of the proposed dwellings would have two parking spaces, one within the proposed cart lodges, with a further space in front. The proposal is likely to result in a significant reduction in vehicle movements at the site compared to the existing use. Refuse would be collected from the site's frontage where there is a small area of hardstanding, which is similar to collection from the nearby dwellings.
- 6.27 The development would, therefore, be acceptable in highway terms subject to conditions covering access improvement. The access was not an issue considered material by the appeal Inspector, including any impact arising from upgrading works.

Landscaping

- 6.28 It is proposed to retain existing native hedgerows, but to remove the conifer screening. This is considered to be an alien feature in the landscape that detracts from the rural setting. To replace this there would be new native planting, including along existing hedgerows. The two ménage areas and hardsurfacing would be replaced by wildflower seeding, with some amenity grassland closest to the new dwellings. The proposed landscaping would help to improve the visual amenities of the area and enhance the rural landscape of the area not to be redeveloped.

Ecology

- 6.29 The ecological survey information has been updated since the previous application and based on the details submitted; it is considered that the proposal would not result in any significant harm to nature conservation interests. A bat survey has identified no bat roosts within the existing buildings. However, a further survey is recommended prior to demolition of any buildings.
- 6.30 The general ecology survey submitted identifies no protected species on site, but does make recommendations to avoid harm to nature conservation interests. Conditions are recommended to ensure that further bat survey work is undertaken if demolition occurs more than a year from the date of the submitted survey. A condition is also recommended requiring a scheme to indicate how the ecological recommendations will be adhered to and to ensure the appropriate habitat creation on the undeveloped areas.
- 6.31 The land adjoining to the west is a site of local nature conservation importance, which includes a number of hedgerows and the adjoining ménage and water body. No details are available on the reason for the designation in the Protecting and Enhancing the Borough's Biodiversity SPD. However, the development would not materially affect these habitats. The ménage would be replaced with natural grassland which would result in an overall local habitat improvement.

Infrastructure impact of the development

- 6.32 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) 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.
- 6.33 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.
- 6.34 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.
- 6.35 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations 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.
- 6.36 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.
- 6.37 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 year's 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. Evidence has been provided from the Council's education service that there is a shortage of school places at both secondary and primary level in the Rainham area.

6.38 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, which is a discounted rate that takes account of the Mayor's CIL. A charge is sought for the net increase in the number of resident units which in this case would be one. At the time of the site inspection on one of the existing units appeared to be occupied and there is no record of Council Tax being paid. However, the buildings were deemed to be in lawful residential use in 2012 when a LDC was issued. In these circumstances a contribution would only be required in respect of the net increase. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects.

6.39 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. The existing dwellings on site are small and their replacement with three and four bedroom dwelling would be likely to significantly increase the number of children on site and consequently the impact on education. Normally the requirement for a contribution is based upon a per dwelling charge on the net increase, irrespective of dwelling size. However, in this case the existing dwellings are very small and the number of children likely to live at the re-developed site would be significantly greater. In these circumstances Staff consider that the full charge would be reasonable and necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation. No allowance was made for the existing dwellings when seeking an infrastructure contribution in respect of the 2013 application.

7. **Mayor's Community Infrastructure Levy (CIL)**

7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. The existing floorspace has been lawfully used within this period.

7.2 Given the amount of floor space to be created (897sqm) and that to be removed (1,154sqm), which has been in use for at least six of the past twelve months, the proposed development would not give rise to a contribution as part of the Mayor's Community Infrastructure Levy (CIL) .

8. **Conclusions**

8.1 This is a full application for the redevelopment of the site for the construction of 5 dwellings. A similar application was dismissed on appeal in March 2014 following an appeal against non-determination of that application. The Inspector concluded that the urban form of development and the increased height and bulk of the new buildings, compared with those existing, would be materially harmful to the openness of the Green Belt and this was not outweighed by other factors.

8.2 This application seeks to address this by reducing the scale of the proposed buildings and revising the layout to provide a less urban form of development.

Staff consider, as a matter of judgement, that the development would have no greater impact on openness than the existing buildings on site and would, therefore be appropriate development in the Green Belt.

8.3 Notwithstanding this, should members consider that there would be a greater impact on openness and the proposal would as a consequence be inappropriate development, it would be necessary to consider whether the other benefits of the development would amount to very special circumstances, in terms of the guidance in the NPPF that would justify the development. Staff consider that the other benefits of the development would not amount to very special circumstances that would justify the development.

8.4 However, Staff consider that the revised proposals would accord with the guidance in the NPPF in respect of development in the Green Belt and are acceptable in all other material respects and that planning permission should be granted subject to the prior completion of a S106 planning obligation and planning conditions as set out at the beginning of this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

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

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 planning obligation. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations

Human Resources implications and risks:

None

Equalities implications and risks:

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

BACKGROUND PAPERS

1. Application form and plans received: 05-05-2016
2. Revised Plans Received: 14-07-2016