



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
22 December 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**

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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.

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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 P1539.16 - FORMER HAROLD WOOD HOSPITAL (Pages 1 - 16)

5 P1715.16 - 137-151 MONTGOMERY CRESCENT LAND R/O, ROMFORD (Pages 17 - 30)

- 6 **P1373.16 - 31 HIGH STREET, HORNCHURCH** (Pages 31 - 54)
- 7 **P1820.16 - AVELON ROAD CENTRE** (Pages 55 - 64)
- 8 **P0923.16 - RAINHAM WALL ENGINEERING, NEW ROAD, RAINHAM** (Pages 65 - 90)
- 9 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 91 - 94)
- 10 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 95 - 126)
- 11 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 127 - 140)
- 12 **PROSECUTIONS UPDATE** (Pages 141 - 142)
- 13 **SCHEDULE OF COMPLAINTS** (Pages 143 - 144)
- 14 **URGENT BUSINESS**

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

Andrew Beesley
Head of Democratic Services

REGULATORY SERVICES COMMITTEE

22 December 2016

REPORT

Subject Heading:

P.1539.16 – Former Harold Wood Hospital, Gubbins Lane, Harold Wood (Date received 11/08/2015, revised plans received 6/10/2015))

Proposal

Reserved matters application for the approval of siting, design, external appearance landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 2A Block B of the former Harold Wood Hospital, for the development of 48 residential dwellings, plus associated open space, landscaping, infrastructure and car parking (Revised plans received 30/11/16)

Report Author and contact details:

Martin Knowles (Planning Team Leader)
01708 432802

Policy context

Local Development Framework
London Plan
National Planning Policy Framework

Financial summary

None

SUMMARY

All the reserved matters applications pursuant to the outline planning permission for the redevelopment of the former Harold Wood Hospital granted under ref P0702.08 have now been considered. This reserved matters application is for a revised design for Block B within Phase 2A. There is no change to the number of units proposed, but the design of Block B differs from that approved under P1131.15 by the addition of a partial fourth floor and the creation of a larger undercroft parking area creating an additional 14 car parking spaces.

Staff consider that the development would be sufficiently in line with the parameters agreed for the redevelopment by the outline planning permission which is required by condition. The development is further considered to be acceptable in all other respects.

It is concluded that the reserved matters application should be approved.

RECOMMENDATIONS

That the Committee resolve that reserved matters permission be granted subject to the following condition:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications as listed above on 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.

2. Prior to the first occupation of the development a car parking management scheme for Phase 2a Block B shall be submitted to the Local Planning Authority for approval in writing. The scheme shall include details of car parking allocation and the measures to be used to manage the car parking areas. The scheme shall be implemented in accordance with the approved details prior to the first residential occupation of this phase of the

development and such measures shall be maintained and retained permanently thereafter.

Reason:-

Insufficient information has been supplied with the application to judge arrangements for the management of parking. Submission of a scheme prior to occupation will ensure that there is no confusion about the allocation and management of parking facilities in the interests of highway safety.

3. Within 3 months of the commencement of Block B a scheme for obscure glazed screening of the rooftop terrace at the eastern end of the block shall be submitted to and approved in writing by the Local Planning Authority. The obscure glazed screening shall be installed prior to the first occupation of Block B and retained permanently thereafter.

Reason:-

Screening of the eastern end of the rooftop terrace is necessary to address the potential for overlooking of garden areas of and loss of privacy to prospective neighbouring dwellings on the site to the east at 65 Gubbins Lane.

INFORMATIVES

1. Following a change in government legislation a fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of the National Planning Policy Framework 2012..

REPORT DETAIL

1.0 **Site Description**

- 1.1 The former Harold Wood Hospital is located on the western side of Gubbins Lane approximately 500m (¼ mile) south of the junction with Colchester Road (A12), and opposite Station Road and Harold Wood mainline railway station.
- 1.2 The former hospital site is of irregular shape and covers an overall area of approximately 14.58 hectares, including the retained uses. This application

relates to an area of 0.36 hectares located to the north of the Spine Road (St. Clements Avenue) and to the east of the first northern spur road (Wessex Lane) and extends up to Gubbins Lane. To the north of the site lie a former car workshop which is currently being redeveloped, land to the rear of Harold Wood Methodist Church and the rear driveway and gardens to 1 to 7 The Drive. The site is currently occupied by the marketing suite and landscaping.

1.3 There is one existing mature tree within the site which is the subject of a Tree Preservation Order and is to be retained.

1.4 Vehicular access will be from Wessex Lane adjacent to the northern boundary.

2.0 **Description of Proposal:**

2.1 The proposal is a reserved matters application for siting, design, external appearance and landscaping pursuant to outline planning permission P0702.08 in relation to Phase 2A Block B of the redevelopment of the former Harold Wood Hospital site. This would consist of 48 dwellings within Block B providing 13 no. 1 bedroom, 26 no. 2 bedroom and 9 no. 3 bedroom flats.

Siting and Scale

2.2 Block B is proposed as a predominantly 4 storey block reducing to 3 storeys towards its northern edge and with a set back 5th storey over the St. Clements Avenue arm of the block to a maximum height of 15.8m. Block B is designed as a three sided J shape and positioned on the north eastern side of the junction of St Clements Avenue (Spine Road) with Wessex Lane (Road 14). Key outward elevations face St Clements Avenue to the south east, the junction to the south west and Wessex Lane to the west. . The longest 53m elevation faces St. Clements Avenue. The height is staggered slightly to accommodate the sloping land. An area of open space and a preserved Willow tree would be retained adjacent to the St Clements Avenue / Wessex Lane junction. On its northern side a gated courtyard area of parking, undercroft parking spaces, together with the bin and cycle stores are proposed.

Access and Parking

2.3 Vehicular access into the site would be from the east side of Wessex Lane adjacent to the northern boundary of the site for Block B. The redesign of Block B and the site layout would increase the parking provision from 35 spaces to 49. Parking spaces would be provided in the form of a mixture of street side, undercroft and courtyard parking bringing the overall parking ratio to 1 space per unit for phase 2A. A minimum of one cycle storage space per unit would be provided by way of two secure external stores. The entrance to the courtyard parking area would be gated and the undercroft parking spaces would be further controlled by gates.

Design and External Appearance

- 2.4 Block B would provide 48 units comprising of 13 no. 1 bedroom, 26 no. 2 bedroom and 9 no. 3 bedroom apartments of which 3 units at the eastern end of the block on floors one to three would be wheelchair accessible with all three units on the fourth floor being 3 bedroom penthouses. Three of the ground floor units would be accessed from the street side of the development and all others from access cores or the rear parking courtyard. All ground floor units would be provided with their own semi-private terrace and defensive planting, with each apartment on other floors having its own balcony or rooftop terrace area.
- 2.5 The design approach for Block B responds to the prominent location on the area of land to the north of St Clements Avenue and to the east of Wessex Lane in the area currently occupied by the sales building with a 3-sided frontage which addresses the corner location. The frontage is articulated by a consistent vertical rhythm of windows, a constant grey brick ground floor with alternating vertical sections of white render and red brick. Balconies are expressed either as stacked columns or where balconies are conjoined at the eastern and western corners by framing with copper effect cladding. Copper effect cladding is also used to define the entrances to the front and rear of the block. The approach to the design of the fifth floor mirrors that which has been approved for Block C on the opposite side of the entrance with a set back from the frontages, grey cladding and glazing and an oversailing roof.

Landscaping and Amenity Space

- 2.6 The application includes detailed proposals for the hard and soft landscaping, intended to fulfil the requirements of the relevant conditions of the outline permission for this phase of the development. This includes the retention of a large Weeping Willow on the corner of Wessex Lane and St. Clements Avenue. Various biodiversity measures including bird and bat boxes, wildflower planting and log piles are shown to be incorporated into the development. Details of all surface treatments are also included.
- 2.7 All apartments would be provided with semi-private terraces at ground floor, balconies on upper floors and rooftop terraces for the fifth floor penthouses..

3. Relevant History

P0704.01 - Residential development (Outline) - Resolved by Committee to be approved subject to the prior completion of a Section 106 Agreement. (10.56ha site similar to the current application site)

P0141.06 - Residential development of up to 480 dwellings (outline) – Refused (appeal withdrawn)

P1232.06 – Residential development of up to 423 dwellings (outline) – Approved

P0702.08 - Outline application for the redevelopment of the site to provide 810 dwellings including submission of full details in relation to the retention, with alterations, of the Grange listed building within the site to provide 11 flats and for a two storey building adjacent to the Grange to provide 4 flats – Approved.

P1703.10 - Construction of Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital - Approved

P0230.11 - Construction of Phase B of a Spine Road in relation to site redevelopment for residential use at the former Harold Wood Hospital – Approved

P0004.11 - Phase 1A of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 20 residential units and associated infrastructure and landscaping – Approved

D0122.11 - Demolition of the former Harold Wood Hospital, Gubbins Lane.- Prior Approval Granted

P1002.11 - Phase 1B of the development of the former Harold Wood Hospital, to include demolition of existing buildings and the construction of 68 residential units and associated infrastructure and landscaping – Approved

P0243.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 3B of the former Harold Wood Hospital, for the development of 74 residential apartments, plus associated infrastructure and car parking – Approved

P0412.12 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 5 of the former Harold Wood Hospital, for the development of 105 dwellings, plus associated infrastructure and car parking.– Approved

P0346.13 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 3A of the former Harold Wood Hospital, for the development of 144 residential dwellings, plus associated infrastructure and car parking. - Approved

P1295.13 - The approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 4A of the former Harold Wood Hospital, for the development of 55 residential dwellings, plus associated infrastructure, open space and car parking.- Approved

P1594.14 – Reserved matters application for the approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 4B of the former Harold Wood Hospital, for the development of 84 residential dwellings, plus associated infrastructure, open space and car parking. – Approved

P1131.15 - Reserved matters application for the approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 2A of the former Harold Wood Hospital, for the development of 109 residential dwellings, plus associated infrastructure and car parking. – Approved

P0909.16 - Reserved matters application for the approval of siting, design, external appearance and landscaping (the reserved matters) pursuant to the outline planning permission P0702.08 for Phase 2B of the former Harold Wood Hospital, for the development of 136 residential dwellings, plus associated infrastructure and car parking. - Approved

4. **Consultations and Representations:**

4.1 Consultees and 250 neighbouring properties have been notified of the application. The application has been advertised on site and in the local press.

4.2 Two letters of representation have been received. Objections are raised to:

- Insufficient parking for the number of dwellings proposed with resulting adverse impacts for local residents;
- Overdevelopment of the site.
- Parking space sizes are inadequate.

Consultee Responses

Borough Designing Out Crime Advisor – Advises that there have been pre-application discussions and that the application shows that crime prevention measures have been considered in the design of the proposed development. Requested that the undercroft area of parking be gated to ensure it is secure.

Environment Agency – No objections subject to there being no impact upon the developer’s ability to meet the requirements of the surface water drainage condition on the Outline consent in accordance with the approved Flood Risk Assessment. (FRA)

Natural England – No comments. The Council’s obligation to assess and consider the possible impacts arising from the development and to seek biodiversity enhancement is reiterated.

Thames Water - no observations.

Essex and Suffolk Water – No objections

LFEPA – The brigade is satisfied subject to hose run to inlet distances being acceptable.

Streetcare – No objections

LBH Environmental Health – Requested a condition related to importation of soils.

5 Relevant Policies

- 5.1 The development plan for the area consists of the Havering Local Development Framework (Core Strategy, Development Control Policies and Site Specific Allocations) and the London Plan 2011
- 5.2 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP7 (Recreation and Leisure), CP15 (Environmental Management) and CP17 (Design) of the Local Development Framework Core Strategy are considered relevant.
- 5.3 Policies DC2 (Housing mix and density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), DC7 (Lifetime Homes and Mobility Housing), DC20 (Access to Recreation and Leisure Including Open Space), DC21 (Major Developments and Open Space, Recreation and Leisure Activities), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC49 Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees), DC61 (Urban Design), DC63 (Delivering Safer Places), of the Local Development Framework Development Control Policies Development Plan Document and Policy SSA1 (Harold Wood Hospital) of the Local Development Framework Site Specific Allocations Development Plan Document are also considered to be relevant. Various Supplementary Planning Documents of the LDF are also relevant.
- 5.4 London Plan policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children’s play facilities), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.12 (flood risk management), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes) and 7.19 (biodiversity and access to nature) are considered to apply. There is also a range of Supplementary Planning Guidance to the London Plan, including ‘Providing for Children and Young People’s Play and Informal Recreation’ that are considered to be relevant.

5.5 The National Planning Policy Framework is a further material consideration.

6.0 **Planning Considerations**

6.0.1 The principle of the residential redevelopment of the Harold Wood Hospital sites has been established by the outline planning permission P0702.08. Many of the environmental issues arising from the principle of residential development, such as land contamination, archaeology and ecology have all previously been considered by the outline application. These matters are all dealt with in detail by the planning conditions forming part of the outline permission.

6.0.2 Whilst this is the tenth application for full permission or reserved matters approval which has been submitted it is the first time that a revised proposal has been submitted, albeit for only a single block.

6.0.3 The main issues arising from this application remain the same as all previous applications for reserved matters approval and include the extent to which the detailed proposals accord with the parameters and principles established by the outline permission; housing density, tenure and design, site layout including proposals for hard and soft landscaping of the site, massing and street scene implications, impact upon residential amenity, highways, parking and accessibility and sustainability. However, in essence, given that this is a revised scheme, the question for members is whether the proposal to shift 3 units from the ground floor to increase parking and to reprovide these as a fifth floor of 3 penthouses is acceptable in terms of its appearance and other impacts.

6.1 **Principle of Development**

6.1.1 The outline planning application was submitted with an indicative masterplan and a number of development parameters and parameter plans as the means by which the design concepts for the redevelopment of the site would be translated into a framework for the future submission of reserved matters. The parameter plans showed the land uses, development, landscape strategy, access and movement, density and building height across the site to demonstrate how new development will work within the site and how it would relate to neighbouring development. The illustrative masterplan demonstrated one way in which this could be translated and remains the basis on which this revised reserved matters application has been submitted.

6.1.2 The outline permission included a condition (Condition 7) which required that the development should be carried out in accordance with the parameter plans and in general accordance with the corresponding strategies within the Design and Access Statement and other documents. The condition also states that any deviation from these can only be made if it is agreed by the Local Planning Authority that such deviation would not give rise to any adverse environmental effects which would have otherwise required mitigation. The parameters therefore act as a check to ensure that reserved matters follow principles established by the outline permission and

a benchmark against which to assess subsequent reserved matters submissions.

6.2 Density, Siting and Layout

- 6.2.1 The overall density approved in principle at Outline stage provided for an average of 64 dwellings per hectare (dph) across the whole development site. The density was designed to vary according to the location within the site to reflect the nature of surrounding development and the proximity to public transport. These density areas were identified as Blocks. The application site (Phase 2A Block B) is located entirely within parameter density Block A where densities of up to 42 dph have in principle consent.
- 6.2.2 To calculate the proposed density of Block A, as outlined in the parameters, it is necessary to combine the units currently proposed in residential block B (48 no. units) with those that have already been built within that density block i.e. Phase 1A (20 no. units) plus one unit from Phase 1B (Plot 39). With an area of 1.604 Ha, this gives a total density for Block A of 43 dph.
- 6.2.3 Whilst the density for block A is marginally in excess of the block A density parameter this has previously been approved and there is no change to the density proposed. The proposed density is therefore considered to be acceptable and in accordance with the Outline consent.
- 6.2.4 The approved Building Height Strategy Parameter Plan identified the site of Phase 2A Block B as being part 3 storey (9 to 12m in height) and part 4 storey (12 to 15m in height). Apartment Block B reduces to 3 storey where indicated by the height parameter plan but encroaches beyond the four storey development zone into areas identified as public open space at either end of the primary St Clements Avenue frontage. The extent of these encroachments is 3.5m at the eastern end and 14m at the western end, the latter resulting in a reduction in open space of some 200 sqm. This also represents a deviation from the land use strategy parameter plan approved under the Outline consent.
- 6.2.5 The footprint and location of Block B is unchanged from that previously approved, but further judgement is required in this case as the proposed height at part five storeys was not identified in this location and also exceeds the height parameter for a four storey zone by 0.8m. The judgment to be made is whether these encroachments will give rise to any significant impacts that were not envisaged as part of the outline application and whether these would require any mitigation which was not considered as part of the previous Environmental Impact Assessment.
- 6.2.6 Members agreed previously that the impacts arising from the resultant reduction in open space were of such small magnitude (0.02 Ha) or less than 1% as to be relatively insignificant. Looking at the potential impact arising from the additional height proposed it is difficult not to come to a similar conclusion, particularly in respect of whether such changes would give rise to such impacts that would require mitigation.

- 6.2.7 Potential impact upon amenity and the physical appearance resulting from the additional height will be considered later in the report. However, in terms of whether any impacts arise from the encroachments, it logically follows that if the magnitude of the change is not considered to be significant, that the any resulting environmental issues arising are similarly not considered material nor would they give rise to adverse environmental impacts requiring mitigation measure to ameliorate their effects. On that basis staff are satisfied that there is no conflict with the condition which requires the development to be carried out in accordance with the parameter plans as set out in paragraph 6.1.2.
- 6.2.8 In terms of layout the scheme has been derived from a detailed testing of the illustrative layout used for the outline application. The scheme has been developed paying close attention to the site topography, movement and access desire lines, relationship to other parts of the redevelopment and neighbouring development, maximisation of landscaping and the desire to minimise the impact of the parking and maximise the overlooking of any parking and open space.
- 6.2.9 The proposed changes to Block B proposed apartment blocks will help create a sense of enclosure, strong active street frontages and provide additional natural surveillance for the public open space alongside the spine road in front of The Grange. Block B will provide an architectural landmark flanking the northern side of the spine road (St Clements Way) but set back 45m from the Gubbins Lane entrance. This will in the future be viewed across the proposed open space and landscaped area on the southern side of the spine road which is to be provided as part of the final phase of development. The layout closely follows that shown on the original masterplan and is considered to be acceptable.

6.3 Design, Residential Quality and Open Space

- 6.3.1 The Residential Design Supplementary Planning Document seeks to promote best practice in residential design and layout and to ensure that new residential developments are of the highest quality. The detailed design approach and layout justification is set out within the Design and Access Statement and corresponds with the principles of the outline Design and Access Statement as they apply to this part of the site.
- 6.3.2 The design of Blocks B maximises the number of ground floor entrances which in combination with the housing frontages onto the spine road and side roads will provide a functional and lively streetscene.
- 6.3.3 The design of Blocks B incorporates some design features that are recurrent with earlier phases, including roof edge detailing, grouping of balconies, cladding and distinctive material changes. The addition of a recessed fifth floor will mirror the height and design of Block C which has been approved under ref P0909.16 on the opposite side of St. Clements Avenue. Staff are satisfied that this continues the theme and character established by the earlier approved phases and that it will give a visual balance to the main entrance from Gubbins Lane. Overall staff are satisfied

that the revisions will continue to offer suitably distinctive and high quality architecture with attention to detail and context whilst creating an attractive place where people will want to live.

- 6.3.4 To comply with a condition of the outline approval the scheme will provide accommodation built to Lifetime Homes requirements throughout and also incorporates three units which are designed to be wheelchair accessible from the outset. The development is therefore in accordance with Policy DC7.
- 6.3.5 The design of Block B will offer acceptable levels of daylighting and sunlight for future occupants. Whilst there is no communal amenity area for the block staff are satisfied that this is adequately offset by the availability of balconies of a depth and area which comply with the guidance contained in the Residential Design SPD together with semi-private terraces at ground floor and rooftop terraces at fifth floor. In addition the close proximity of the central open space and other secondary open spaces throughout the development will enhance amenity for future residents.
- 6.3.6 This phase of the development overall incorporates secondary areas of public open space to the east and west of Block B together with the space to the south east of Block H /south west of The Grange which is characterised by the historic avenue of Lime trees. These areas all accord with the parameters plans which formed part of the outline consent and will provide an attractive setting for the Blocks.

6.4 Landscape Strategy and Biodiversity Enhancement

- 6.4.1 The Landscape Strategy and specification submitted with the application demonstrates a commitment to providing a high quality residential environment, both in terms of the streetscape and hard landscaping and the soft landscaping proposed. This would include those newly planted trees on the strip of land to the north of junction of St Clements Avenue with Gubbins Lane. Extensive planting of trees and shrubs within open spaces and within the courtyards is proposed which will enhance the biodiversity potential of the site and provide an attractive street scene and setting for the development.
- 6.4.2 Hedging is proposed in many areas of the site with the dual function of giving definition between public, semi-public and private areas of the site, defining the edges and giving structure to the public open space as well as providing an attractive feature in the street scene.
- 6.4.4 As well as the planting of native trees and shrubs on the site the buildings will also incorporate integrated bird and bat boxes. This together with further ecological enhancement measures within other phases of the development adjacent to the railway SINC and the creation of “Green Links” to it would be in accordance with the parameters set for the development and in compliance with Policy DC59.

6.5 Impact on Adjoining Sites and Residential Amenity

- 6.5.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss, over dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight / daylight, overlooking or loss of privacy to existing properties.
- 6.5.2 The rear of closest residential properties to the north of the site in The Drive are 50m from the site boundary and over 60m away from the closest window serving a habitable room in Block B. At such distance no material harm to residential amenity will arise.
- 6.5.3 The proposed relationship of Block B to the rear gardens of properties in St Clements Way and Wessex Lane was raised by several objectors to Phase 2A when it was previously considered. The relationship of the closest point the flank of Block B, which incorporates a number of habitable room windows and balconies, is unchanged by the amendments to Block B and accordingly it remains staff's view that the degree of separation proposed is sufficient to ensure that the residential amenity of existing neighbouring occupiers of Kings Park will not be adversely affected to the degree that would warrant refusal of permission. The fifth floor to the block would be set back from the relevant frontage by over 20m and is therefore proposed in a location where not only is the distance from the closest property significantly greater, but also where the expanse of the fourth floor roof would prevent any direct views towards the closest rear gardens. A 1.8m obscure glazed screen is also proposed to ensure that no unacceptable overlooking occurs.
- 6.5.4 The relationship of Block B to the approved, but as yet unimplemented development at 65 Gubbins Lane is a further consideration, although the potential proximity of the 4 storey development on the hospital site was agreed prior to permission being granted for any development at 65 Gubbins Lane. P0585.12 was granted permission for a terrace of 4 no. houses with their rear facing westwards towards the eastern boundary of the application site where the eastern end of Block B is proposed. At its closest point Block B would be 10.5m from the rear of the proposed houses with the fifth floor set back a minimum of an additional 4.3m. However, although Block B will undoubtedly be a quite dominant building to the rear, it will not enclose the rear garden and an open view will be maintained across the majority of the rear boundary. Overlooking from the fifth floor windows would be largely prevented by the proposed set back. However, the proposed rooftop terrace at the eastern end of the block could give unacceptable potential loss of privacy or amenity for the future occupiers of the 65 Gubbins Lane scheme and a condition requiring a scheme of obscure glazed screening is suggested to address this.
- 6.5.5 The application site is not within a conservation area but The Grange is a Grade II Listed Building located to the south west of Block B which therefore

has the potential to impact upon the setting of The Grange. Policy DC67 requires that planning permission should only be granted where the setting of a Listed Building is not adversely affected.

6.5.6 The setting of The Grange has changed significantly over time, not the least of which was during the site's long use as a hospital, albeit prior to the listing of The Grange, when many buildings were built around it. However, during that time the most enduring features important to the setting of The Grange have been maintained, those being the open space and avenue of Lime trees to the south west and the open grassed area in front of its main eastern elevation. The avenue of Lime trees is retained as part of the current phase and the open grassed area will form an important element of the final phase, Staff consider that the proposed development will not detract from the setting of the listed building and that the scale will provide suitable framing for the grandeur of The Grange.

6.6 **Transportation, Highways and Parking**

6.6.1 The increased provision of parking for Block B would bring the level of parking for Block B up to a 1 for 1 ratio which would be a significant increase from the previously approved 0.69 spaces per unit ratio for this block. This is considered to be reasonable and will leave Phase 2B closest to the station as the only one with a with a car parking ratio of less than 1 per unit.

6.6.2 On the basis that both the overall level of parking and that for this individual phase are in accordance with Policy SSA1 and the parameters of the outline permission, no objections are raised. Nevertheless, there remain a significant onus on the Management Company ensure that the parking on this part of the site is properly allocated and a condition is proposed requiring a car parking management strategy to be submitted.

6.6.3 The parking is provided in a manner which does not unduly impinge upon the appearance of the development and will enable the provision of on street planting and landscaping. All potential wheelchair adapted ground floor units would have an identified parking space located as close as is reasonably practical to the respective units.

6.6.4 In terms of overall impact upon the highway network this was fully evaluated at Outline stage when it was agreed that the proposed residential development would generate less traffic overall than the previous hospital use. It was acknowledged that there would be different peak hour flows, but with funding agreed through the S106 agreement mitigation measures are to be implemented to the traffic lights at the A12, together with improvements to the junction with Gubbins Lane which have already taken place and contributions towards improvements to the transport facilities at Harold Wood Station and crossing facilities on Gubbins Lane. Block B will be accessed from Gubbins Lane which served as the original access to the former hospital and no objections are raised.

6.7 Housing

6.7.1 The proposed housing within Block B of phase 2A of the redevelopment would be developed entirely as private housing as the full quota of affordable housing required by the S106 on the basis of the current financial viability of the scheme has already been approved within earlier phases of the development. The housing offers flatted apartments which in combination with the variety of flats and houses within other phases of the development will provide for the full range of housing need for the Borough in accordance with the policy requirements of Policy DC2 and the indicative mix identified in the outline scheme.

6.8 Sustainability

6.8.1 The outline permission included conditions requiring the installation of photovoltaic panels and renewable energy systems in accordance with the approved Energy Strategy. In addition to the energy efficiency measures to be employed in the buildings and in its construction, all dwellings will be provided with high efficiency condensing boilers. A total of 43m² roof mounted photovoltaic panels will be provided on Block B to both assist in achieving the required Code level and to provide renewable energy for communal systems. All the dwellings within Block B are proposed to be private and are therefore required to achieve Code for Sustainable Homes (Code) Level 3 as standard. The combination of efficiency improvements to reduce the carbon emissions of Block B plus the renewable energy to be provided means that an overall carbon saving of 30% over that required by the Building Regulations 2006 will be achieved. Staff are satisfied that the combination of measures will be sufficient to satisfy the requirements of the conditions and the related policies that these stem from.

6.9 Conclusions

6.9.1 Having regard to the above it is considered that the proposal satisfies the relevant policies identified in paragraphs 5.2 to 5.4.

6.9.2 Staff consider that this revised reserved matters application for the Phase 2A Block B of the redevelopment of the former Harold Wood Hospital site will continue to display the benchmark of the quality established by the previous phases, both in terms of the residential accommodation and environment. This is in line with the illustrative master plan and the Design and Access Statement for the outline application. The scheme promises to deliver a sustainable, safe and attractive development for new residents in a form that maintains the residential amenity of existing and future residents.

6.9.3 It is recommended that the reserved matters application for Block B Phase 2A of the development be approved

IMPLICATIONS AND RISKS

Financial implications and risks:

None arising.

Legal implications and risks:

None arising

Human Resources implications and risks:

There are no human resources and risks directly related to this report.

Equalities implications and risks:

This block incorporates specifically designed accommodation for wheelchair users as well as meeting the requirement at the time that the outline permission was granted for all new dwellings to meet the Lifetime Homes standard. The council's policies and guidance, the London Plan and Government guidance all seek to respect and take account of social inclusion and diversity issues.

BACKGROUND PAPERS

1. The planning application as submitted or subsequently revised including all forms and plans.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 December 2016

Subject Heading:

P1715.16 - 137-151 Montgomery
Crescent Land R/O, Romford

Erection of 3 attached chalet bungalows
(Received 26/10/16)

Ward:

Gooshays

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

The application seeks full planning permission for the erection of 3 no. chalet bungalows. This is a resubmission of an application (P1611.14) which was approved at the Regulatory Services Committee of 16 July 2015. The current application seeks to address the significant level changes on site which were not accurately shown on the previous submission.

The application raises considerations in relation to the impact on the character of the surrounding area, 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 a legal agreement being completed.

RECOMMENDATIONS

That the proposal is unacceptable as it stands 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 26 October 2015 in respect of planning permission P1611.14 by varying the definition of Planning Permission which shall mean either planning permission P1611.14 as originally granted or planning permission P1715.16.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 26 October 2015 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 26 October 2015 will remain unchanged.

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

That the Head of Regulatory Services be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

That the Assistant Director 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. 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.

2. Parking Provision

No building shall be occupied 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

The development hereby permitted shall be constructed with external materials as previously approved under application Q0033.16.

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

5. Landscaping

The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0033.16.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping

6. Boundary treatment

Prior to the occupation 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.

7. 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.

8. 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

9. Wheel washing

The development hereby permitted shall be implemented in accordance with the wheel washing details as previously approved under application Q0033.16. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

10. Cycle Storage

No building shall be occupied 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.

11. Refuse and Recycling

No building shall be occupied 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.

12. 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.

13. Construction Methodology

The development hereby permitted shall be implemented in accordance with the construction methodology details as previously approved under application Q0033.16.

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

14. Secure by Design

The development hereby permitted shall be implemented in accordance with the secure by design details as previously approved under application Q0033.16.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

15. External lighting

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

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

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.

17. 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 three 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.

18. Obscure Glazing

The proposed windows to the northeast flank elevation shall be situated at least 1.7m above finished floor level and be permanently glazed with obscure glass.

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

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 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. Please note that by virtue of Condition(s) 16, you are required to notify the relevant Building Control body of these conditions as part of any application.
7. Before occupation of the residential units hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: <https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application site is a piece of land which is located to the rear of No's 137 to 151 Montgomery Crescent. The site is surrounded by residential dwellings. The ground level has a significant drop down from the west to east and south to north. The site has an overall area of approximately 1581m².

- 1.2 Development in the vicinity is characterised by 2-storey residential terraced dwellings. There is no characteristic built form and dwellings are constructed from a mix of bricks and render.
- 1.3 At the time of the site visit it became apparent that the development approved under P1611.14 was in an advanced stage of construction.

2. Description of Proposal

- 2.1. The application seeks retrospective permission for the erection of a terrace of 3 no. 4-bed chalet bungalows with associated parking and amenity.
- 2.2 The dwellings are the same as approved under P1611.14 with the exception of the change in ground level which was not accurately reflected under the previous application. The proposed development has the same height at the southwestern elevation, as previously approved, but then gradually increases in height as the ground level falls away towards the north-eastern boundary. The terrace remains in the same position as previously approved and with an offset distance of 5.6m from the north-eastern boundary.
- 2.3 The proposal would retain the existing access to the site measuring approximately 3.2m in width.
- 2.4 There would be a bin collection point along the access road, approximately 33m from the front of the proposed dwelling and 25m from the edge of the highway.
- 2.5 Parking provision for 6 vehicles would be provided on a hardstanding along the north-eastern boundary of the site.
- 2.6 The dwelling would have a northwest-southeast orientation with garden spaces towards the rear (southwest) and wrapping around to the sides, measuring approximately 116m², 86m² and 153m² respectively.

3. Relevant History

- 3.1 P1611.14 - Erection of 3 attached chalet bungalows - Approved subject to a Legal Agreement
- 3.2 P0858.13 - The erection of 2 no. 2 bed chalet bungalows with associated parking - Approved

4. Consultations/Representations

- 4.1 Notification letters were sent to 60 neighbouring properties and 3 letters of objection were received raising the following concerns:
 - Overlooking
 - Loss of light to the rear gardens of neighbouring occupier
 - Additional noise and disturbance generated
 - Loss of property value

- Loss of outlook due to the increase in height as a result of ground levels

4.2 The following consultation responses have been received:

- The London Fire Brigade - concerns regarding the access arrangements.
- Highways - no objection subject to the addition of a vehicle access and vehicle cleansing conditions.
- Essex & Suffolk Water - no objection

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Other relevant documents include the Residential Design SPD and the Planning Obligations SPD (Technical Appendices).

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) 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 Planning permission has previously been given for the development. The main difference between the previously approved scheme and this scheme relates to ground levels. The judgement is whether the change in ground levels will have a significant impact on neighbouring amenity in terms of loss of light and outlook. It is for this reason that the report focusses solely on the impact upon residential amenity.

6.2 *Principle of Development*

6.2.1 The principle of development was already established with a previous approval under application P1611.14.

6.3 *Density Layout*

6.3.1 No changes are proposed to the density, site layout, internal floor area and amenity as previously approved under application P1611.14.

6.4 *Design/Impact on Streetscene*

6.4.1 Policy DC61 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 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 Montgomery Crescent 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.

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

6.4.4 The current proposal differs from the previous submission in that it shows an increase in overall height of the dwelling in relation to the north-eastern boundary. Although the height increase will result in an increased visual impact when viewed from the rear of the property at No. 45 North Hill Drive, Staff do not consider it to be sufficient to justify a refusal given the separation distance in excess of 7m between the development and this neighbouring dwelling. The proposal would also maintain a similar height to that of the dwelling at No. 45, despite the drop in ground levels.

6.4.5 In terms of its design and visual appearance, Staff are of the opinion that the development in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of acceptable heights, sufficient separation distances between the proposed dwelling 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 Impact on amenity was assessed as part of the approved application under P1611.14 and was deemed acceptable. The only change to the current

proposal is the difference in ground level which results in an increase in the height of the development as the ground levels drop from the southwestern part of the site towards the north-eastern part. The neighbouring occupier most affected by the change in ground levels will be No. 45 North Hill Drive.

- 6.5.3 The proposed development would have an increased height (from 7m to 8.2m) and visual presence when viewed from the rear garden of this neighbouring occupier and Staff are mindful that it will result in an increase in impact from that which was previously approved. However a separation distance of 5.6m would remain between the new development and this neighbouring boundary and 7.45m between the development and this residential dwelling. Only high level windows are proposed to this flank elevation. A condition will be added to have these windows obscure glazed to further limit any possibility for overlooking the neighbouring rear garden.
- 6.5.4 Concerns have been raised from neighbours to the northeast objecting to the loss of light to their rear gardens. Staff acknowledge that there will be an impact in terms of loss of light to these properties given the increase in height and the orientation of these existing properties relative to the proposal. However, the proposal is not considered to result in an impact that would be so prejudicial to justify a refusal on the grounds of loss of light given that the biggest impact would be predominantly during the mid-afternoon onwards for most of the year (as per the diagrams submitted by an objector). Staff therefore consider the potential impact in terms of loss of light to be acceptable on balance, however this is a judgement and members may wish attach different weight to the impact on neighbouring amenity of the properties situated to the northeast.
- 6.5.5 Neighbouring properties to the southwest and southeast are separated from the proposed dwelling by approximately 14.4m and 24m respectively at the nearest point. Staff consider the separation distances to be acceptable and would not result in an unacceptable harmful impact in terms of overlooking. Any potential impact in terms of loss of light will be mitigated by the separation distance and favourable southern orientation. Also no windows are proposed at first floor to the flank elevation. The windows situated at ground floor will be located behind fencing. The rooflights to the front elevation of the main roof slope are set above 1.7m and would therefore not result in overlooking. The rooflights in the flank roofslopes of the front projections would not result in overlooking given their orientation.
- 6.5.6 The nearest dwellings towards the north are situated approximately 9.5m away. The proposed development would not result in any impact on amenity in terms of overlooking to these properties as the rooflights to the front elevation of the main roof slope are set above 1.7m and would therefore not result in overlooking. The rooflights in the flank roofslopes of the front projections would not result in overlooking given their orientation. Any impact on loss of light to these properties are also deemed acceptable given the favourable orientation of their rear gardens to the south and the separation distance between the development and the nearest residential garden of 6.3m.

- 6.5.7 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 3 x 4-bed bungalows would not give rise to an unacceptable level of vehicular activity. This level of activity was previously considered acceptable.
- 6.5.8 In terms of general noise and disturbance, it is not considered that the addition of 3 no. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area. This level of activity was previously considered acceptable.
- 6.5.9 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 rear garden environment and amenities of neighbouring occupiers.
- 6.5.10 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 No changes are proposed to the scheme which was approved under P1611.14.

6.7 *Mayoral Community Infrastructure Levy*

- 6.7.1 The applicant has already made a CIL payment as part of the previous approval. No increase in floor area is proposed.

6.8 *Infrastructure Impact of Development*

- 6.8.1 The applicant has already paid the educational contribution of £18,000 and no further contribution would be required.

6.9 *Other*

- 6.9.1 No changes are proposed to the refuse arrangements as previously approved.
- 6.9.2 Concerns relating to fire engines unable to access the site would be addressed by requesting the provision of domestic sprinklers to each dwelling by condition in the event of an approval. Objections relating to loss of property value are not a material planning consideration.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable on balance subject to conditions and the completion of the Deed of Variation.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, drawings and supporting statements received on Received on 26 October 2016.

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REGULATORY SERVICES COMMITTEE

REPORT

22 December 2016

Subject Heading:

P1373.16: 31 High Street, Hornchurch

Construction of a Lidl food store with associated car parking. (Application received 5 September 2016)

Ward:

St. Andrews

Lead Officer:

**Helen Oakerbee
Planning Manager**

Report Author and contact details:

**Stefan Kukula
Principal Development Management
Officer
stefan.kukula@havering.gov.uk
01708 43 2655**

Policy context:

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

Financial summary:

None

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

Havering will be clean and its environment will be cared for [X]

People will be safe, in their homes and in the community [X]

Residents will be proud to live in Havering [X]

SUMMARY

The proposal is for the construction of an A1 food store within Hornchurch town centre. Planning permission has previously been granted to demolish the former bingo hall building which currently occupies the site.

The development raises considerations in relation to the vitality and viability of the town centre, the impact on the character and appearance of the streetscene, the impact on the residential amenity of neighbouring residents, the suitability of the proposed parking and access arrangements, and the implications for the surrounding highway network.

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

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 747 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £14,940 Mayoral CIL payment (subject to indexation).

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

- A financial contribution of £73,750 to be paid prior to the opening of the store to be used for the following:
 - i) highway works in respect of pavement improvements and a new pedestrian crossing to be installed on High Street.
- 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 Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External Materials

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

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

4. Construction Methodology

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

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

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

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

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

5. Hours of Construction

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

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

6. Refuse and Recycling

Prior to the retail store first trading details of refuse and recycling facilities shall be 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

Prior to the retail store first trading details of cycle storage shall be provided 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. Car Parking

Prior to the retail store first trading the car/vehicle parking area shown on the approved plans shall be completed to the full satisfaction of the Local Authority, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development during the approved opening hours.

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

9. Accessible Parking Spaces

Prior to the retail store first trading the accessible parking spaces shown on the approved plans shall be completed to the full satisfaction of the Local Authority, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

Reason: To ensure that there is adequate on-site accessible parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

10. Loading

Prior to the retail store first trading the facilities for loading, unloading, circulation and manoeuvring shall be completed in accordance with the approved plans, to the full satisfaction of the Local Authority. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC36.

11. Deliveries

No deliveries to or collections from the site shall be made other than between the following times: 07:00 hours to 21:00 hours Monday to Saturday and 11:00 hours to 13:00 hours on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

12. Landscaping

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

Reason: 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.

13. Open Storage

No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

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

14. Screen fencing

Prior to the commencement of the development screen fencing, walls and other boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The fencing/boundary treatment shall be permanently retained and maintained thereafter.

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

15. Vehicle cleansing

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

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

Reason: Insufficient information has been supplied with the application in relation to vehicle 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.

16. Contaminated Land

Prior to the commencement of development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane. The gas protection measures shall be carried out in strict accordance with the agreed details. Upon completion of installation, a 'Verification Report' must be submitted demonstrating that the works have been carried out.

Reason: Insufficient information has been submitted to ensure that the occupants of the development and property are not subject to any risks from soil gas and/or vapour in accordance with LDF Core Strategy and Development Control Policies DPD Policy DC53.

17. Opening Hours

The retail store shall not be open to customers outside of the following times: 07:00 hours to 23:00 hours Monday to Saturday and 09:00 hours to 21:00 hours on Bank and Public Holidays and for any 6 hours between these times on Sundays.

Reason: To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

18. Travel Plan

The retail store shall not commence trading until a staff travel plan to reduce single occupancy car journeys and to promote sustainable means of transport for staff has been submitted to and agreed in writing by the local planning authority. The plan shall include details for monitoring of the approved measures and shall be implemented in accordance with the agreed details throughout the life of the store.

Reason: To reduce reliance upon the private motor car and to encourage the use of other means of transport.

19. External Lighting

Prior to commencement details of external lighting, including for all car parking areas, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting 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 will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

20. Highway Agreements

No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and the retail store shall not open to customers until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

21. Pedestrian Visibility Splay

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

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

22. Road Safety Audit

Prior to commencement, the proposed vehicular access shall be subjected to a combined Stage 1/2 Road Safety Audit. Prior to occupation, the proposed vehicular access shall be subjected to a Stage 3 Road Safety Audit. In both cases, recommendations shall be reasonable dealt with. The Road Safety Audit should be undertaken in accordance with Transport for London standard SQA-0170 (May 2014) or HD19/15 of the Design Manual for Roads and Bridges.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, DC32 and DC61.

23. Fairkytes Avenue Retaining Structure

Prior to commencement, details of the proposed method of retaining Fairkytes Avenue shall be submitted for approval in accordance with the requirements of BD2/05 of the Design Manual for Roads and Bridges.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, DC32 and DC61.

24. New Plant and Machinery

Prior to commencement a scheme for the new plant or machinery shall be submitted to and approved in writing by the Local Planning Authority to achieve the following standard - Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property shall not exceed LA90 -10dB. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to assess the noise levels of the plant or machinery to be used 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 prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

25. Noise and Vibration

Prior to commencement details of a suitable mechanical ventilation system to be installed to control the transmission of noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated in accordance with the scheme during normal working hours.

Reason: Insufficient information has been supplied with the application to judge the technical specifications of the mechanical ventilation system. 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 protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

26. Sustainable Construction

The retail development hereby permitted shall achieve a BREEAM rating of 'very good' and shall not be opened for trading until a BREEAM certificate has been issued and a copy provided to the local planning authority certifying that a rating of 'very good' has been achieved.

Reason: Insufficient information has been supplied with the application to judge sustainability of the development. The approval of details prior to commencement of the use is necessary to ensure that a high standard of sustainable construction and environmental performance is achieved in accordance with Development Control Policies Development Plan Document Policy DC49.

27. Drainage

The retail store shall not open to customers until the proposed drainage strategy has been implemented in accordance with the details set out in the Sustainable Design and Construction Statement report dated August 2016 submitted as part of the application.

Reason: Surface water drainage works are required on site to prevent the risk of flooding. The measures detailed in the drainage strategy are considered to be technically sound and need to be implemented as part of the development to ensure that it accords with Development Control Policies Development Plan Document Policies DC49 and DC61.

28. Enclosure of Car Park

The proposed retail store shall not open to customers until measures have been implemented to secure the car park during the period when the store is closed in accordance with details that have previously been submitted to and agreed in writing with the local planning authority.

Reason: Insufficient information has been submitted with the application to demonstrate how the car park would be secured to minimise the risk of crime and anti-social behaviour to ensure that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC63.

29. Car Park Controls

The proposed retail store shall not open to customers until a car parking management strategy to restrict the maximum length of stay for customers to 60 minutes per visit has been implemented in accordance with details that have previously been submitted to and agreed in writing by the local planning authority. The approved management strategy shall be implemented throughout the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate how the proposed car parking restrictions will be achieved. The submission and implementation of the measures prior to the store trading to help minimise any overflow car parking onto local roads to ensure that the development accords with the LDF Development Control Policies Development Plan Document DC32 and DC33 (Annex 5).

30. Clear Glazing

The glazing in the shop front elevations of the building hereby permitted, shall not be obscured at any time, including items attached to the glazing or placed nearby. The glazing shall remain clear and un-obscured at all times.

Reason: In the interests of visual amenity and to comply with policy DC61 of the Core Strategy and Development Control Policies DPD.

31. Ground Levels

No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information has been supplied with the application to judge proposed ground and finished floor levels. Submission of details prior to commencement will ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

32. Towers Lettering

The proposed retail store shall not open to customers until a detailed scheme for the re-use to the front of the site of the 'Towers' lettering, taken from the frontage of the existing building, has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with policy DC61 of the Core Strategy and Development Control Policies DPD.

33. Permitted Development Restriction – Changes of Use

Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development consisting of a change of use under Part 3 Class D, G or J shall be carried out without the express permission in writing of the local planning authority.

Reason: To protect the retail function of the development, the amenities of local residents and the character of the area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC15.

34. Permitted Development Restriction – Additional/ Mezzanine Floors

The total of floorspace within the building shall not exceed 2,747 square metres at any time. No additional internal floors or mezzanine levels other than those shown on the approved plans shall be installed. Neither shall there be any subdivision of the retail sales area, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason: The application has been assessed on the basis of a single food retail unit and any changes could materially affect the vitality and viability of Hornchurch town centre, and to protect the amenities of local residents and the character of the area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC15.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £14,940 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
4. **Changes to the public highway (including permanent or temporary access)** Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

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

Please note that unauthorised work on the highway is an offence.

Temporary use of the public highway

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

5. Before occupation of the food store hereby approved, it is a requirement to have the property officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the former 'Mecca Bingo' hall at 31 High Street, Hornchurch. The building, formerly known as the Towers Cinema, was constructed in 1935 and operated as a cinema until 1973 when it was converted to a bingo hall.
- 1.2 The premises has been vacant since late 2015, and planning permission to demolish the building was granted in August 2016.

- 1.3 The site comprises 0.63 hectares, which includes the large former cinema building with a characteristic 1930's Art Deco frontage facing onto High Street. The building is set within the south western corner of the plot with an associated car park laid out on the land located to the north and east. The main vehicular access to the site is from High Street. There is also a north to south pedestrian route between Fairkytes Avenue and High Street which crosses the car park.
- 1.4 The land is designated in the Local Development Framework as being within the fringe area of the Hornchurch Major District Centre, although the site is also surrounded by residential accommodation to the north, south and west.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the construction of an A1 food store, which will be operated by Lidl. The total floorspace proposed is 2,747 square metres over two floors with a net sales area of 1,690 square metres located on the ground floor. The building would also accommodate an ancillary warehouse and storage area, bakery, office, and staff welfare areas.
- 2.2 The development would include an associated car park providing 104 parking spaces. The car park would be laid out in the northern and eastern sections of the site similar to the current arrangement. The development would use the existing vehicular entrance point from High Street. A new set of steps and an accessible pedestrian lift would also be installed along the northern boundary with Fairkytes Avenue to maintain the existing pedestrian route through to High Street.
- 2.3 A single storey service/delivery bay would be located adjacent to the northern boundary with Fairkytes Avenue in the north western section of the site.
- 2.4 The proposed food store would be located on the south west portion of the site in a similar position to the existing building and would incorporate a mono-pitched with a height of approximately 7.6 metres sloping west down to a height of approximately 5.3 metres. An additional single storey flat roof section with a height of approximately 4.3 metres would wrap around to rear of the building adjacent to the boundary with Fairkytes Avenue.
- 2.5 The new food store would create 40 full and part time jobs. The proposed opening hours would be 07:00 to 23:00 Monday to Saturday, 11:00 to 17:00 on Sundays, Public and Bank Holidays.

3. Relevant History

- 3.1 P0325.16 - Demolition of former Mecca Bingo Hall - Approved, 31 August 2016

4. Consultations/Representations

4.1 Notification letters were sent to 269 properties and 10 letters of objection and 1 letter of support have been received.

4.2 The objection comments can be summarised as follows:

- Additional traffic and congestion on High Street and the surrounding roads, this would exacerbate existing parking and congestion problems in the local area.

- There are already too many supermarkets in the town centre and not enough culture in Hornchurch which will negatively affect the character of the town.

- The land could be much better used for other uses that the community needs, such as a cinema or gym or could house an indoor market to allow local businesses to sell products which would benefit the local community.

- Negative impact on the viability and vitality of the existing town centre shops.

- The design and appearance the store would be out of character and harmful to the streetscene.

- The Bingo Hall facade is a landmark and should be maintained as an identifier for the town - otherwise Hornchurch will become another homogenised high street.

- Noise and disturbance to residents.

4.3 In response to the comments above: It is acknowledged that the existing building serves as a very visible local landmark and has architectural merit as well as a historical legacy for recreational use. This function has now ceased and attempts to have the building formally protected through listing due to its architectural and historic quality have not been supported. The retention of the existing building façade was considered under the previous planning application, but there was not an overwhelming planning case when balancing this against the regeneration prospects for the town centre through a redevelopment of a vacant site. Matters in relation to highways and parking, the implications for the viability and vitality of Hornchurch town centre and the impact on the residential amenity and the streetscene are discussed in the following sections of the report.

4.4 The comments in support of the proposed development can be summarised as follows:

- Support the plan to pull down the former Bingo Hall and replace it with a modern building. The Art deco style building is now shabby and has out lived its practical use.

- The premises has become derelict and the car park has been used for unauthorised Traveller pitches.

- By bringing the car park back into use, it will ease the current parking problems in the immediate area.

- The food store would create new jobs in the area.

4.5 The following consultation responses have been received:

- Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Natural England - no objection.
- Historic England - no objection.
- Flood & Rivers Management Officer - no objection, requested an additional drainage layout plan.
- Designing Out Crime Officer - no objection.
- Streetcare - no objection.
- Environmental Health - no objection, recommended conditions relation to gas protection measures, and noise and vibration.
- Local Highway Authority - no objection, but have requested that funds are secured through a S106 agreement to cover the provision of a new pedestrian crossing on High Street. In addition conditions have been recommended in relation to vehicle access and cleansing, the undertaking of a road safety audit, and further details of the retaining structure to Fairkytes Avenue.

5. Relevant Policies

- 5.1 Local Development Framework Core Strategy and Development Control Policies Development Plan Document Policies: CP2 (Sustainable Communities), CP3 (Employment), CP4 (Town Centres), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP15 (Environmental management), CP17 (Design); DC15 (Retail and Service Development); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC55 (Noise); DC56 (Light); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations).
- 5.2 Other relevant documents include the Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 5.3 The following London Plan policies are material considerations: Policies 2.15 (Town centres); 4.7 (Retail and town centre development); 4.8

(Supporting a successful and diverse retail sector); 5.21 (Contaminated land) 6.10 (Walking); 6.13 (Parking); 6.9 (Cycling); 7.3 (Designing out crime); 7.4 (Local character).

- 5.4 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the vitality and viability of Hornchurch town centre, the impact on the character and appearance of the streetscene and surrounding area, the impact on the residential amenity of neighbouring residents, the suitability of the proposed parking, access and servicing arrangements, and the implications for the surrounding highway network.
- 6.2 It should be noted that planning permission has previously been granted to demolish the former bingo hall building which currently occupies the site. This application is to consider the construction of an A1 food store and associated car park.

Principle of Development

- 6.3 The NPPF seeks to promote through Local Plans policies for competitive town centres that provide customer choice and a diverse retail offer. The issue for new retail proposals is one of impact rather than meeting a demonstrable need. The aim should be to provide customer choice whilst at the same time protecting existing town centres.
- 6.4 The NPPF paragraph 24, policies 2.15 and 4.7 in the London Plan, and LDF Policies CP4 and DC15 normally require retail development to be located in existing town centres.
- 6.5 The site is designated in the Local Development Framework as being within the fringe area of the Hornchurch Major District Centre.
- 6.6 Policy DC16 of the Havering Core Strategy and Development Control Policies DPD states that planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail core and fringe areas) at ground floor level. Enhancing the retail offer in the borough's town centres is regarded as critical to ensuring vitality and viability. The policy also advises that it is important that a 'critical mass' of retailing uses are maintained within the core areas of the borough's town centres.
- 6.7 The proposed development would introduce an active frontage to this section of High Street and help to maintain visual and functional retail continuity to aid in enhancing the vitality of the town centre. As such the proposed redevelopment of the site to provide an A1 retail store would be

considered acceptable in principle in landuse terms, subject to scale, layout and detailed design and highways considerations.

Design/Impact on Streetscene

- 6.8 The NPPF places significant emphasis on good quality design and architecture. Paragraph 58 sets out the standards that the development should aim to achieve, this includes adding to the overall quality of the area, responding to local character and being visually attractive as a result of good architecture. Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.9 The existing building at 31 High Street (formerly used as a cinema and later as a bingo hall) comprises a large and conspicuous detached structure, with a grand frontage and considerable scale and bulk. As such the former Bingo Hall forms a prominent feature in the streetscene along this section of High Street. In terms of the site surroundings the current building stands significantly taller than the two-storey parade of shop units immediately to the west of the site at 23-27 High Street. In addition, the former Bingo Hall is considerably larger in terms of height and bulk in comparison to the shop units to the east at 35-37 High Street, which lie beyond the main car park entrance.
- 6.10 In comparison, Staff consider that rather than replicating the bulk and prominence of the existing building, the design of the proposed food store building, including a lower profile roof design and significant areas of glazing to the frontage, would sit relatively comfortably in this section of High Street and within the context of the surrounding development.
- 6.11 It is however noted that in this setting the eastern flank of the building would create a large expanse of built form with a relatively blank appearance. This would be exacerbated to some extent due to prominence of the building and the openness of the surrounding car park area and street frontages at both High Street and Fairkytes Avenue. In order to address this issue additional glazing and varied cladding systems would be applied to help to break up the flank elevation and create more interest. As a result, on balance, Staff consider that the proposed building would have an acceptable scale and bulk and would not be overly visually dominant in this setting.
- 6.12 As mentioned, the demolition of the existing building and the merits of retaining architectural features were considered under the previous planning permission. The applicant intends to use the 'Towers' lettering from the art deco frontage and install them at pavement level in front of the front elevation of the food store. This measure is considered to be acceptable in terms of the streetscene and would provide some historical context to the previous use of the site.

- 6.13 Overall, Staff are of the view that the new food store building would be sympathetic to the scale and bulk of the surrounding area and serve to maintain and enhance the character and appearance of the streetscene along this section of High Street.

Impact on Amenity

- 6.14 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through over-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, or noise and disturbance to existing properties.
- 6.15 The main consideration in terms of overshadowing and over-dominance relates to the impact on the occupants of 8 Fairkytes Avenue, located to the north west of the application site.
- 6.16 The proposed food store would be positioned directly adjacent to the eastern side boundary of No.8. The gradient across the application site gradually rises from High Street to the south through to Fairkytes Avenue towards the north. The development would involve the excavation of sections of the ground across the site to create a similar level to High Street, which would allow the proposed building to sit at a lower ground level to the adjacent houses at Fairkytes Avenue. As a result the height and prominence of the building adjacent to the boundary with No.8 would be significantly reduced. Crucially the rear section of the building, which lies closest to No.8 has also been designed with a low profile flat roof which would serve to further reduce any overbearing impact on the adjacent occupiers.
- 6.17 Whilst it is acknowledged that the proposed new building would be considerably lower in terms of its height and bulk, it would have a much greater footprint and depth. The new building would occupy the western side of the site adjacent to the side boundaries with 8 Fairkytes Avenue, the new flatted accommodation at Arias Court, and 23a to 27a High Street to the north. The windows in the side elevation of the food store would be high level to allow daylight into the shop floor area and would not provide any outlook for employees or customers towards the adjacent residential properties. A condition will also be included removing permitted development rights for additional internal floors and mezzanine levels which will help to mitigate any future privacy or overlooking issues.
- 6.18 The relationship of the food store to the residential properties to the west also presents additional considerations in terms of the impact of overshadowing and loss of daylight to the neighbouring residential occupiers. Arguably the reduction in height, bulk and massing in comparison to the existing building would improve outlook and daylight to the properties at High Street and Arias Court. However, again of particular concern in this regard would be the impact on 8 Fairkytes Avenue. The

western flank of the proposed building would be positioned approximately 3 metres from the tapering boundary with No.8. There are two windows in the flank elevation of No.8, but these are not primary light sources and have little outlook due to the proximity to the boundary fence. A supporting daylight and sunlight study has been undertaken, the results of which indicate that despite the positioning of the food store building, 93% of the adjacent garden area would receive at least two hours of sunlight on 21st March. This is significantly better than the BRE recommendation which advises a standard of 50%. Staff are of the opinion that this is mainly attributed to the low profile roof design as well as the lower ground level at the development site.

- 6.19 The proposal would also involve the installation of dry cooler and heat pump plant adjacent to the northern boundary, and within close proximity to 8 Fairkytes Avenue. To mitigate against noise it is proposed that the plant would be installed within a specialist acoustic enclosure. A condition requiring a detailed scheme for controlling noise emission from plant will be included.
- 6.20 On balance it is not therefore considered that the proposed development would present undue issues in relation to loss of daylight and overshadowing in accordance with policy DC61.
- 6.21 The proposed opening hours would be 07:00 to 23:00 Monday to Saturday, 11:00 to 17:00 on Sundays, Public and Bank Holidays. Deliveries and servicing of the site would be restricted to 07:00 to 21:00 Monday to Saturday and 11:00 hours to 13:00 hours on Sundays, Bank or Public Holidays. In terms of the general impact on the amenity of neighbouring residents as a result of noise and disturbance; given the existing commercial uses within the area, the town centre location and the associated night time economy at nearby High Street, any residents living in this part of Hornchurch can reasonably expect to experience a greater element of noise and disturbance from vehicle movements, passers-by, and general town centre activity than those living in a purely residential area.
- 6.22 As such it is not considered that the proposed development would present any undue issues in relation to residential amenity in accordance with Policy DC61.
- 6.23 It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement is however recommended to be secured through condition.

Environmental Issues

- 6.24 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended a precautionary condition in relation to gas protection measures.

- 6.25 The site is not located within a flood zone and as such presents no issues in relation to flood risk or sustainable urban drainage.
- 6.26 The proposal is not considered to give rise to any significant noise issues, subject to controls on the trading and delivery times.

Parking and Highway Issues

- 6.27 The site is within a town centre location and has a Public Transport Accessibility Level (PTAL) rating of 4; meaning that the premises has good access to a variety of public transport facilities. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.
- 6.28 The maximum parking standard for sites located in District Centres for A1 food supermarket uses is one space for every 18 to 25 square metres. At 104 spaces, the amount of on-site car parking provision proposed in the development is considered to be acceptable in terms of the adopted standards and the Local Highway Authority has raised no objections in this regard. It is also intended that the car park would be free to use and would not be restricted to customers, providing additional parking spaces for town centre shoppers.
- 6.29 In order to assess the likely impact on the surrounding highway network, the applicant's traffic consultant has carried out a survey of comparable stores in Clapham and Barking, and are also in an area with a PTAL of 4. Whilst the study is based on modelling and comparative locations, it does indicate that additional traffic movements would not be harmful and overspill onto local roads would be of lower risk. However, the report does advise several mitigating measures to reduce the impacts, such as the implementation of a travel plan as well as financial contributions towards pedestrian infrastructure in the area.
- 6.30 A financial contribution of £73,750 will be required prior to the opening of the store to be used for highway works in respect of pavement improvements and a new pedestrian crossing to be installed adjacent to the store entrance on High Street. The new crossing would be intended to mitigate the new pedestrian desire lines that would be created from Abbs Cross Lane and the south of High Street.
- 6.31 The supporting transport statement advises that deliveries to the food store would be from one of Lidl's regional distribution centres. Lidl's intentions would be to limit deliveries to two to three vehicles each day, with waste materials being returned in the same vehicle. The proposed store would include ancillary storage areas, as well as a bakery, which would reduce the requirement for additional daily deliveries. The proposed swept path tracking diagram for HGV vehicle manoeuvring movements within the site is

considered to be acceptable. As stated previously, servicing and deliveries would be restricted by condition between the hours of 07:00 to 21:00 Monday to Saturday and 11:00 hours to 13:00 hours on Sundays, Bank or Public Holidays.

- 6.32 The proposed cycle parking would meet the London Plan and LDF requirements.

Mayoral Community Infrastructure Levy

- 6.33 The proposed development will create 747 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £14,940 (this may go up or down, subject to indexation) based on the calculation of £20.00 per square metre.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a section 106 legal agreement.
- 7.2 Staff consider that the proposed development raises considerations in relation to the vitality and viability of Hornchurch town centre, the impact on the character and appearance of the streetscene and surrounding area, the impact on the residential amenity of neighbouring residents, the suitability of the proposed parking, access and servicing arrangements, and the implications for the surrounding highway network. In this instance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement to secure a financial contribution towards highway works.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 legal agreement. 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:

None

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 5 September 2016 and amended plans received on 22 November 2016.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

22 December 2016

Subject Heading:

P1820.16 - Avelon Road Centre

Proposed two storey side extension, alterations to the existing vehicular entrance to provide revised in/out and 4 additional parking spaces. Additional landscaping works to front area. (Application received 9th November 2016).

Ward

South Hornchurch

Lead Officer

Helen Oakerbee
Planning Manager

Report Author and contact details:

Cole Hodder
Planner
cole.hodder@[havering.gov.uk](mailto:cole.hodder@havering.gov.uk)
01708 432829

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This application seeks planning permission for the erection of a two storey side extension to the south western corner of the Avelon Road Centre. The proposed extension would be contained to the existing building envelope and would benefit from a roof design which would appear subordinate and compatible with the form of the existing building.

The Avelon Road Centre is a Council owned and run facility. The planning merits of the application have been considered independently of the Council's interest in the site as owner and occupier.

The development outlined above is considered to be acceptable in all material aspects and it is recommended that planning permission is granted subject to conditions.

RECOMMENDATIONS

It is recommended that approval is given 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. External Materials

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will

harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

3. Accordance with Plans

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

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

4. Non-standard Condition

Prior to the commencement of any ground-works or development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including but not necessarily limited to, the installation of a suitable gas resistant membrane. The gas protection measures shall be carried out in strict accordance with the agreed detail. Upon completion of installation a 'Verification Report' must be submitted demonstrating that the works have been carried out.

Reason: Insufficient information has been submitted to ensure that the occupants of the development and property are not subject to any risks from soil gas and /or vapour in accordance with LDF Core Strategy and Development Control Policies Development Plan Document Policy DC53.

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

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

6. Number of Parking Spaces

Before the additional facilities hereby permitted are first utilised provision shall be made within the site for four additional car parking spaces as shown on submitted plans and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate car parking provision is made off street in the interests of highway safety and in order that the proposed development accord with Development Control Policies Development Plan Document Policy DC33.

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.

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the Avelon Road Centre, which is a Council run day service for adults with learning disabilities. The centre caters for persons of 18 years and upwards and offers wide variety of activities within its service including - horticulture, drama, life skills, local history, numeracy, literacy and sports.
- 1.2 The application building takes the form of two, attached, “L” shaped buildings sited centrally within a spacious and verdant plot. The application site is within an area that is designated as Green Belt.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the construction of a two storey side extension to the south western elevation of the building.

- 2.2 Alterations to the parking layout on site and landscaping to the frontage are also shown on submitted plans. Four additional parking spaces will be provided.
- 2.3 The proposed addition will comprise of ten classrooms over ground and first floors. The extension would represent an expansion of the existing facilities at the Avelon Road Centre and it is envisaged that in addition to the existing adult day opportunities, that post-16 resources can be incorporated for young adults with Special Educational Needs. It is considered that the sharing of resources would be of mutual benefit to centre users as in addition to the developments for post-16 users, there is scope for potentially developing supporting working opportunities for adults that use the centre.
- 2.4 Demographic trends and changes in the type of complexity of learning difficulties and disabilities are such that it has led the Council to review the size and suitability of its Post-16 provision. Analysis of pupils aged 11 to 15 years of age at the borough's three special schools, and of school college destinations at age 16 has demonstrated that there are clear gaps in the borough's provision.
- 2.5 The Councils strategy is such that by the investment in additional in borough provision for 16-25 year olds with high levels of SEND (Special Education Needs and Disability) young people will be able to remain in their home environment, rather than travelling outside of the borough to meet their needs and requirements.
- 2.6 This will not only maximise the independence of the individual but will also improve their quality of life and long-term outcomes. Furthermore it is also anticipated that they will as a consequence require less support from Adult Social Care in the future.

3. History

- 3.1 P0938.16 - Construction of single storey flat roof extension, formation of additional hard-surfacing to provide vehicle parking and other ancillary development including boundary 2.0m powder coated twin wire boundary fence - Approved
- 3.2 The current proposal will utilise the existing infill extension and operate in conjunction with this element and the additional areas of hard-surfacing.

4. Consultation/Representations

- 4.1 No letters of representation have been received to date however it is acknowledged that the press notice for the site does not expire until 16th December 2016. Members will be updated on the evening

regarding any additional letters of representation that have been received.

4.2 Environmental Health - No objection to the proposals, requested condition.

4.3 Highway Authority - No objection.

5. Relevant Policy

5.1 Policies CP17, DC26, DC27, DC28, DC29, DC32, DC33, DC45, DC48, DC51, DC57, DC59, DC60, DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document are relevant.

5.2 Also relevant are Policies 3.18 and 7.16 of the London Plan and the National Planning Policy Framework (NPPF)

6. Staff Comments

6.1 The issues in this case are the principle of the development, the impact on the open character of the Green Belt, the impact of the development on the street scene, impact on the amenities of nearby residential occupiers and any highways/parking issues resulting.

6.2 The subject application is brought to the Regulatory Services Committee as the Council is both the applicant and the landowner.

7. Principle of Development

7.1 Policy DC45 indicates that the extension of buildings other than dwellings or buildings that are associated with acceptable Green Belt uses is inappropriate development.

7.2 The NPPF adopted by Central Government in March 2012 states that “the extension or alteration of a building” is acceptable “provided that it does not result in disproportionate additions over and above the size of the original building”.

7.3 Whilst Policy DC45 remains extant, it is considered that the guidance contained within the NPPF takes precedent.

7.4 To this end, it is the opinion of staff that the proposals would not represent disproportionate additions “over and above” the size of the host building. When seen within the context of the existing building, whilst representing an addition with much more bulk than the recently permitted single storey infill extension, primarily due to its two storey

form - the additional floor area is marginal given the footprint of the existing building and would represent an increase of only 20%.

8. Green Belt Implications

8.1 Policy DC45 states that development in the Green Belt should be of such a nature so as to prevent the development materially affecting the open nature of the Green Belt. Additionally the guidance contained within the NPPF (adopted March 2012) is resistant to inappropriate development however refers to exceptions such as the “extension or alteration of a building” provided that it would not result in “disproportionate additions over and above that of the original building”.

8.3 To this end, the proposed extension would be positioned to the south western corner of the host building. The Avelon Road Centre is currently made up of two “L” shaped units and the extension would effectively result in the projection of the south western corner being squared off so as to reflect the width of the principal elevation.

8.4 The proposed addition would be subsumed by the form of the principal elevation which has greater overall ridge height/bulk when viewed from the front. Whilst representing an increase in the footprint of the application building, the proposed extension would not extend beyond the established side building line. It is the opinion of staff that the proposed development would therefore not encroach further upon the openness of the Green Belt any more so than the existing complex.

8.5 Consequently the proposed two storey side extension, owing to its subordinate form in relation to the main building, can be viewed as an exception to the guidance of the NPPF as it would not represent a disproportionate addition to the main building.

9. Design/Impact on Street-scene

9.1 The location and scale of the proposed addition is such that it would be screened by the form of the existing building when viewed from the highway.

9.2 The application site is framed by mature vegetation to the northern boundary which would ensure that the development proposed would be screened from the view of nearby residential premises.

9.3 The proposed extension would not appear incongruous visually when seen within the context of the existing building. Its roof form would be visually subordinate when seen against the principal elevation which features a greater overall ridge height and would be read as an extension to the existing building.

9.4 Alterations to the landscaping to the front of the site are not considered to adversely impact upon the contribution of the application site to local character.

10 Impact on Amenity

10.1 Due to the detached nature of the host building and the location of the proposed development, there are no implications related to neighbouring amenity in terms of loss of light/overshadowing and loss of privacy.

10.2 Given the nature, extent and position of the proposed extension and related uses, any level of noise and disturbance would be contained within the existing building and seen against the background of the existing activity of the centre.

10.3 Staff are mindful that the intensification of the use of the site may give rise to greater levels of vehicular movement, to and from the site, however it is considered that a satisfactory arrangement and level of off-street parking has been demonstrated by the applicant so as to accommodate such an increase in vehicular movement.

10.4 Consequently staff are satisfied that the proposed development is sufficiently well enough removed from nearby residential properties and is therefore unlikely to result in any material harm to neighbouring amenity. The development is considered to be acceptable in the context of Policy DC61.

11. Highway/Parking

11.1 The alterations proposed fall within the curtilage of the existing site and therefore have no material impact upon the functioning of the highway in terms of access to/from the site.

11.2 An additional four parking spaces are proposed to the front of the site. Given that an increase in the level of hard-surfacing on site was previously permitted (application P0938.16), it is considered that the 32 total off street parking spaces would be sufficient to cater for the increase in vehicular traffic anticipated.

11.3 No objection has been raised by the Highway Authority and consequently the arrangement demonstrated by the applicant is considered to be acceptable, subject to safeguarding conditions.

12 Conclusion

12.1 Having had regard to the above, and in doing so all relevant planning policy and other material considerations, subject to the conditions above, it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

The Avelon Road Centre is a Council owned and run facility. The planning merits of the application have been considered independently of the Council's interest in the site as owner and occupier.

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

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

BACKGROUND PAPERS

Application form and drawings received 09-11-2016

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REGULATORY SERVICES COMMITTEE

22 December 2016

REPORT

Subject Heading:

P0923.16
Demolition of existing Use Class B2 / sui generis units and redevelopment of the site comprising 46 residential units (1-bed, 2-bed and 3-beds) two storeys in height with associated car parking and landscaping.

Ward: Rainham and Wennington

(Application received: 03-06-2016
Revised Plans Received: 05-12-2016

Lead officer

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Local Development Framework

Policy Context:

Havering 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 redevelopment of an existing commercial site on the north side of New Road, Rainham. The proposal is to demolish all existing buildings, remediate the site and construction 14 one and two bed maisonettes in two blocks and 32 two and three-bed houses. The site lies within a predominantly residential area where the redevelopment of previously developed land for housing would be acceptable in principle. The proposal raises issues in respect of the scale of the development and impact on the character and appearance of the area. There are matters of judgement for members in relation to these issues, but Staff consider that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable.

RECOMMENDATIONS

1. That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £54,160 (subject to indexation). This is based on the creation of a net increase of 2,708 square metres of new internal floorspace.
2. 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 £276,000 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.
 - A financial contribution of £125,269 towards the provision of affordable housing off-site in accordance with LDF Core Strategy and Development Control Policies Development Plan Policies DC6 and DC72.
 - All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to the completion of the obligation irrespective of whether the obligation is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.
- That the Assistant Director 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 set out below.

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

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

2. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans listed below:

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

3. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 8167/05 Rev D for that part of the development has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

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

4. *Materials* - The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development

will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

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

Reason: 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: 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* - Prior to first occupation of the development hereby permitted cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

8. *Boundary treatment* - The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of 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 occupation in the case of new building works or prior to the use commencing in the case of changes of use 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.

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

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

10. *External lighting* - Prior to the first occupation of any dwelling unit external lighting shall be installed in accordance with a scheme of lighting that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting 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 will protect residential amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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

of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

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

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

Reason: Insufficient information has been supplied with the application in relation to vehicle 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.

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;

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

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

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

14. *Highway agreements* - No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and the retail store shall not open to customers until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

15. *Pedestrian Visibility Splay*: Prior to the first occupation of the development a 2.1 by 2.1 metre pedestrian visibility splay shall be provided on either side of the proposed access, set back to the boundary of the public footway. There should be no obstruction or object higher than 0.6 metres within the visibility splay. The visibility splay shall be retained through the lifetime of the development.

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

16. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority):

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

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

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

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

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

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

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'

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

17. *Electric vehicle charging points* – None of the residential units within the two apartment blocks hereby permitted shall be occupied until provision has

been made for 20% of the parking spaces for those blocks to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20%.

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

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

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document.

19. *Wheelchair user dwellings* - At least five of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair User Dwellings. The remainder of the ground floor flats and houses 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

20. *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.

21. *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

22. *Sustainable drainage* – The development hereby permitted shall not until full details of a Sustainable Drainage Systems (SuDS) to be incorporated into the scheme has been submitted to, and approved in writing by, the Local Planning Authority. The SuDS shall then be carried out in accordance with the approved details and retained permanently thereafter for the lifetime of the development.

Reason:-

Insufficient information has been submitted with the application to demonstrate how surface water drainage from surfaced areas would be achieved. Submission of details prior to commencement is considered necessary to ensure that drainage and discharge from the site is managed and maintained, and that the development accords with the Development Control Policies Development Plan Document Policies DC48 and DC51 and the SuDs Developer Guide.

23. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C, D or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

24. *No additional flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Article 3, Schedule 2, Part 1 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

25. *Highway safety* - The proposed access shall not be constructed until its layout has been subject to a combined Stage 1 and Stage 2 road safety audit and no residential unit shall be occupied until a Stage 3 road safety audit has been carried out. The road safety audits shall be undertaken in accordance with Transport for London standard SQA-0170 or HD19/15 of the Design Manual for Roads and Bridges and any recommendations in the audits accommodated within the layout/design. Details of both the Stage 1 and 2 audits shall be submitted to the local planning authority prior to any access works commencing and the Stage 3 prior to first occupation.

Reason:-

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

Informatives

1. *DMO Statement* - Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015. In accordance with paragraph 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated by e-mail and telephone between 16th August 2016 and 30th November, including meeting on 30th November 2016 with Alan Hill of LAP, Peter Harris of Bellway and Ben Thomas of Savills. The revisions involved design and layout changes. The amendments were subsequently submitted on 5th December 2016.

2. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £54,160 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. *Planning obligation* - The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

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

5. *Access* - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access 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. *Highway works* - 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. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

8. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

9. *Sustainable development* - 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. *Street naming* - Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

<https://www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. **Site Description**

- 1.1 The site, which amounts to 0.835 hectares, lies on the north side of New Road (A1306). It is currently occupied by a number of mainly vehicle related commercial uses, including vehicle repairs and servicing, but also a metal recycling unit. The area adjoining the site is mainly residential and includes land where there has been recent redevelopment of a commercial site. The area to the south of New Road is predominantly residential. The residential properties comprise a mix of dwelling styles, including flats, bungalows and two storey houses. There is a single access from New Road.

2. **Description of proposal**

- 2.1 It is proposed to demolish all existing buildings and redevelop the site for residential purposes comprising 32 two and three- bed houses and 14 one and two bed apartments. There would be a single access to the site close to the existing location. The proposed layout comprises two 2-storey maisonettes in two blocks on either side of the site entrance, with semi-detached and terraced housing beyond off internal access roads which branch either side of the access. A right of way to garages to the rear of Westlyn close is maintained through the development. Car parking is provided to the front and side of the houses and in two parking areas either side of the apartment blocks. There is provision for 72 spaces, including one space each for the apartments and six visitor spaces. Each of the dwellings would have rear amenity areas and the maisonettes would have balconies or ground floor terraces to the front and rear.

3. **Relevant History**

- 3.1 P0060.08 - Residential development comprising 9 buildings providing in total, 2 no. studio flats, 16 no. one bedroom flats, 81 no. two bedroom flats and 6 no. four bedroom houses - refused

4. **Consultations/Representations**

- 4.1 Neighbours have been notified of the application, including subsequent revisions and the application advertised by way of newspaper advert and site notice. Eight neighbours have made representations, some at each stage of the layout and design revisions; two raising objections to the scale and impact of the development, two seeking changes to the boundary treatment, the remainder in support . The objections are as follows:

- Concern about proposed wooden fence adjacent to alleyway in Westlyn Close and how this would be maintained. Requests a wall instead;
- Impact of increase in traffic and potential for overspill car parking in neighbouring streets;

- Existing views across the site obstructed and flats too far forward in the site;
- Lack of school places and medical facilities in the area;
- Would bring large number of people to the area which would cause disruption to existing residents;
- Overdevelopment;
- Impact on privacy of neighbouring properties due to 3-storey height;
- Noise during construction and afterwards.
- More affordable properties required rather than properties for private rent

In support:

- Housing would be a bonus and remove all the problems associated with the existing commercial use, including noise, burning, fumes pollution and parking issues. Parking on highway verges and across private driveways
- Existing uses carried on without regard to neighbours or health and safety, including night time activities.
- Housing would result in less vehicles and activity on the site
- There is a good mix of nicely designed housing and the development would put the site to positive use and improve visual appearance. The development would enhance the area.

Comments on representations:

- The impacts of the development on the locality and the environmental benefits of removing the existing uses is addressed in detail within the main body of the report. The height of the frontage flats has been reduced to two-storey in the final designs.
- The issue of boundary treatment has been addressed in the revised plans and walls are proposed in certain locations to address neighbour concerns.
- The traffic levels would reduce from the existing and car parking proposed is in accordance with the standards in the LDF and London Plan. The access to development is considered acceptable by the highway authority.
- Potential impacts during construction can be addressed by conditions
- The development has been subject to viability appraisal and a small financial contribution is proposed. This has been verified by independent consultants

4.2 Environment Agency - no comments;

- 4.3 Streetcare (Refuse) - generally acceptable but some plots not easily accessible. Would need to be parking restriction on access routes;
- 4.4 Essex & Suffolk Water - no objections - new water mains will be required;
- 4.5 Transport for London - New Road is not part of the TfL network, but note that the site has a low PTAL rating of 1b with the nearest bus stop over 300 metres away. Agrees that development would not have a significant impact on the highway network. Cycling - provision of 97 cycle spaces accords with London Plan. Parking- 81 spaces (incl. 6 visitor) is in accordance with London Plan. Should be 6 blue badge spaces. Electric charging points should be provided, plus passive provision.
- 4.6 Metropolitan Police-Designing out Crime Officer - no objections but requests changes including: increase in height of certain boundary fences; omission of internal bin store doors and windows; relocation of cycle store door. Requests conditions covering boundary treatment, vehicle parking, lighting and cycle storage..
- 4.7 Thames Water - no objections
- 4.8 Public Protection - land contamination condition requested, but air quality mitigation not required.
- 4.9 London Fire and Emergency Planning Authority - satisfied with the proposals.
- 4.10 London Fire Brigade (Water)- satisfied with the proposals
- 4.11 Streetcare (Highways) - car and cycle parking acceptable, but cycle stores do not appear to be large enough. Access and servicing arrangements acceptable. Footpaths need to be extended to remove shared surfaces. Contribution to provide off-road cycle link to Dovers Corner requested. Conditions covering access, visibility and wheel cleaning requested.
- 4.12 Historic England (Archaeology) - development unlikely to have a significant effect on heritage assets.
- 4.13 Education - development will generate demand for school spaces and financial contribution required to address deficit.

5. **Relevant Policies**

5.1 Local Development Framework (LDF)

- Core Strategy and Development Control Policies Development Plan Document (DPD) Policies:- CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC21 (Major

developments and open space, recreation and leisure facilities) DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations)

- Evidence base to the Planning Obligations SPD
- Residential Design SPD
- Designing Safer Places SPD
- Sustainable Design and Construction SPD

5.2 London Plan

- Policies: 3.3 - Increasing housing supply; 3.4 - Optimising housing potential 3.5 - Quality and design of housing developments; 3.8 - Housing choice; 3.10 - Definition of affordable housing; 3.11 - Affordable housing targets; 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes; 3.13 - Affordable housing thresholds; 3.18 - Education facilities; 5.7 - Renewable energy; 6.10 – Walking; 6.13 – Parking; 7.3 - Designing out crime; 7.4 - Local character; 8.3 - Community infrastructure Levy.
- Parking Standards Minor Alterations to the London Plan
- Housing Standards Minor alterations to the London Plan
- Housing SPG
- Shaping Neighbourhoods: Play and Informal space SPD

5.3 National Policy Documents

- Nationally described space standards
- National Planning Policy Framework
- National Planning Practice Guidance

6. **Staff Comments**

Principle of the development

- 6.1 The site lies within the urban area of the borough where Policy CP1 of the LDF Core Strategy and Development Control Policies DPD seeks to provide new homes by prioritising the development of non-designated sites outside town centres and the Green Belt, in particular brownfield land for housing. It also

seeks to ensure that such land is used efficiently. LDF Policy DC11 requires that where non-designated commercial sites become available for development their redevelopment should be for housing.

- 6.2 One of the core principles of the NPPF is that brownfield sites should be reused effectively and that housing applications should be considered in the context of the presumption in favour of sustainable development. Residential redevelopment of the site would make a positive contribution to meeting the Borough's housing targets. It would also provide a large proportion of family accommodation (69%) in line with the Borough's housing needs. The existing use also has an adverse impact on neighbouring residential occupiers and its replacement with new housing would secure environmental improvements to the area. In light of these factors the proposed development is considered acceptable in principle.
- 6.3 The issues for consideration in this case are the design and layout of the proposed development and the impact on the character and appearance of the area, the standard of accommodation, the impact on nearby residential properties and parking and highway matters.

Scale, Density and Site Layout

- 6.4 The proposed density of development is 55 units per hectare. The site has a PTAL of 1b and the area is considered to be suburban in character. The density matrix in LDF Policy DC2 indicates a density of 30-50 units per hectare. However, higher densities may be acceptable where the existing use is 'non-conforming' or 'bad neighbour' which is the case with this proposal. In these circumstances as the development includes some maisonettes a range of 50-80 units may well be acceptable, subject to layout and design considerations. Policy 3.4 and Table 3.2 of the London Plan indicate that for the number of habitable rooms per unit proposed a density range of 50-75 would be appropriate for the overall development. Parking is indicated at 1-1.5 spaces per unit for flatted development and 1.5-2 spaces for houses in Policy DC2. The London Plan also indicates up to 1.5 spaces per unit. 72 spaces are proposed which equates to 1.56 spaces per unit.
- 6.5 The proposed density lies within the indicated range, however, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties. The layout and scale of new developments should also make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design.
- 6.6 In this case whilst the layout seeks to make efficient use of this brownfield site, the placing of the largest buildings to the front of the site impacts on the character and appearance of the area. The shape of the site and the proximity of residential properties to the site boundaries has to a large extent determined

the form of the layout placing the maisonettes to the front of the site to limit any overlooking. The original proposal was for these to be three-storey flats, but as a result of negotiations these buildings have been reduced to two stories. The need for some maisonettes, rather than entirely houses, is to achieve a viable form of development given the relatively high cost of development. The layout of the development is very tight and there will be matters of judgement for members in deciding whether the layout is acceptable and forms a satisfactory form of development.

Design/Impact on the streetscene

- 6.7 The development would consist of mainly two storey dwellings of traditional design constructed in brick and board cladding under pitched tiled roofs. The dwellings are located towards the rear of the site as either three unit terraces or semi-detached pairs. In terms of their scale and appearance these houses are considered to be in keeping with the character of the area, which is mainly houses and bungalow. However, there are some tight relationships within the layout but having regard to the site's configuration these are judged to be generally acceptable. The dwellings would all have rear gardens that would adjoin those of adjoining development and the relationship with these is considered to be acceptable. Back to back distances are typically in the region of 20 metres. The houses proposed to the front of the site would be set back from the road frontage to respect the building line of existing properties and to avoid any unacceptable overlooking issues. The impact of the houses on the character and appearance of the area is judged to be acceptable.
- 6.8 The part of the development that would have the greatest impact on the character and appearance of the area would be the two blocks of two-storey maisonettes proposed either side of the site access. Given their location close to the road frontage the blocks would appear much more visually dominant in the streetscene. However, as these have now been reduced to two-storey and set a little further back into the site they would have much less impact. There are few flatted blocks within the area which is characterised by mainly detached and semi-detached houses and bungalows; however, there are two 2-3 storey blocks opposite the site and other blocks in the wider area.
- 6.9 The blocks would be two-storey constructed in brick with panel cladding, one with hipped tiled roof, the larger with a gabled ended tiled roof. There would be gable ended projections facing onto New Road. There would be entrances to the maisonettes from the front and rear. There would be balconies on the upper floors and ground floor terraces. There would be no ground floor communal amenity space and limited landscaped areas. Most of the area around the maisonettes would be hard surfaced for car parking or circulation, including site access roads. Staff consider that some form of smaller units, such as maisonettes are necessary in order to achieve a viable form of development. Placing these other than towards the site frontage would create unacceptable relationships with existing properties. On balance the proposed is considered acceptable, however, a degree of judgement will need to be applied to the impact of the frontage blocks on the streetscene. They would be similar in scale to those opposite and there is a relatively wide highway verge.

Impact on amenity

- 6.10 There are existing residential properties along the boundaries of the site, including recent development in Harle Way and Warwick Road. This gives the potential for adverse impact on existing occupiers. The proposed development along the site boundaries would comprise semi-detached and terraced properties and the layout would not give rise to any significant adverse impacts, subject to conditions restricting new windows in flank elevations and controls of garden development. The development would remove an existing commercial use which has an adverse impact on neighbours evidenced by the representations received. The removal of commercial uses would significantly improve their amenities by reducing noise and disturbance and the parking issues identified by neighbours. Taking these factors into account the impact on existing occupiers is considered acceptable.

Amenity space provision and standard of accommodation

- 6.11 All of the proposed houses would have amenity space either in the form of rear/side garden areas ranging from about 30m² to 50m². The maisonettes would have balconies or ground floor terraces. These would face both towards New Road and the properties proposed to the rear of the site. 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. In this case some of the garden areas would be less than 40m² and on the north side of dwellings which means that they would be partly overshadowed. For three-bed properties some of the gardens would be particularly small. While new occupiers would be aware of the situation prior to occupation it is also incumbent on the planning system to ensure that new developments are designed with adequate levels of accommodation and amenity for future residents. Notwithstanding these matters most of the new houses are considered to have an acceptable level of amenity space. Whilst there would be some cases where the provision would not be ideal overall it is judged that the level of amenity provision for the housing would be acceptable. With regard to the maisonettes each of the units would have some usable amenity space either to the front or rear of the blocks, although on the ground floor this would not be entirely private and in some cases below the recommended standard of 5m². However, frontage space is generally considered to offer an acceptable form of amenity space which new occupiers would be aware of in advance. Overall it is judged that the level of amenity space would be adequate given the scale of development necessary and the design and layout constraints.
- 6.12 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. Given the density of the development and the issues

raised in respect of amenity space members will need to exercise judgement in relation to acceptability.

- 6.13 All of the units would meet the nationally described internal space standards. In terms of accessibility 10% of the new dwellings would need to be wheelchair user and the remainder would need to be accessible and adaptable, except where it has been demonstrated that the cost of installing and maintaining lifts to upper floors would be unreasonable and disproportionate given the number of units involved. In this case no lifts are proposed for the maisonettes and the first floors would not be accessible in accordance with LDF Policy DC7 and London Plan Policy 3.8 on accessibility and 'Lifetime Homes' which has now been replaced by reference to the Building Regulations. Whether development should comply with Part M4 (2) of the Building Regulations (Accessible and Adaptable Dwellings) needs to be considered at the planning application stage. The scheme as designed would require a lift that would serve only three and four units respectively for the two blocks. Installing lifts would make the development unviable and service charges would be disproportionate and prohibitive for future occupiers which would discourage potential purchasers. In view of this Staff are of the view that given the small number of units on each floor of the individual blocks that there would be implications for future occupiers of significant on-going maintenance costs. Accordingly Staff consider that a development without lifts to the upper floors can be justified in this case.

Children's Play Space

- 6.14 The Shaping neighbourhoods: Play and informal recreation SPG to the London Plan provides guidance on the provision of children's play space in new developments. London Plan policy 3.6 requires that space should be provided in accordance with the SPG and LDF policies. LDF Policy DC21 requires major new development to include adequate open space on site. Where this is not possible a financial contribution may be accepted to improve existing facilities. However, there is no longer any specific charging mechanism. Previously play space would have been funded from the general infrastructure contribution but due to legislation changes this no longer applies. For this proposal given the site constraints no on-site provision is proposed. The assessment of provision under the SPG is that the development would generate 14 children, most under 5 years. This indicates 68m² of provision would be required.
- 6.15 The London Plan expects provision to normally be made on site. However, off-site play provision including the creation of new provision, improvements to existing play facilities and/or an appropriate financial contribution secured by legal agreement towards this provision may be acceptable in accordance with Policy 3.6 where it can be demonstrated that there are planning constraints and that it fully satisfies the needs of the development whilst continuing to meet the needs of existing residents. If there is existing provision within an acceptable distance of a proposed development, financial contributions as an alternative to new provision would be appropriate if this would meet the objectives set out in the play strategy. Off-site provision may be particularly relevant for smaller schemes, such as the current case.

- 6.16 The SPG indicates that where there are private rear gardens this may be sufficient to meet the needs of under- 5s. For other age groups existing provision within 400 metres would be acceptable. There is existing park in the area within 400 metres and further park about 540 metres away. In the light of these factors and the small number of children the site would generate the provision of private rear gardens for the family units and the existing parks with play areas nearby are considered acceptable to provide adequate play space. In the absence of a specific charging mechanism that replaces the infrastructure contribution an off-site contribution is not considered appropriate.

Parking and Highway Issues

- 6.17 The proposed parking is at a ratio of 1.56 spaces per unit. Most of the three-bed properties would have two spaces each and each of the two bed units would have one space. This level of provision would accord with London Plan and LDF policies. No objections have been raised in terms of the access, although some minor changes would be required in terms of the internal layout, although this could be addressed through conditions.
- 6.18 In its consultation response Streetcare (Highway authority) has recommended that if the accessibility objectives set out in the application for cyclists are to be achieved then an off-road cycle route should be provided. There is currently no provision and given the existing 40mph speed limit along New Road an off-carriageway route To Dovers Corner would make cycling more attractive. This would be secured through a financial contribution. This would, in principle accord with LDF policies DC35 and DC72. However, there are no specific proposals to secure a route to Dovers Corner which the money would contribute to and other recent housing development in the locality has not been required to make a contribution to a scheme. Any contribution is likely to be at the expense of the affordable housing contribution given the viability of the scheme. In these circumstances seeking a contribution is not considered appropriate or necessary to make the development acceptable.

Contamination and ground conditions

- 6.19 A Phase 1 contaminated land report has been submitted with the application. This identifies several potential sources of contamination from existing and previous uses. This includes various hydrocarbons from the various automotive related uses. The site was previously occupied by a petrol filling station. There is also the potential for solvents, heavy metals and asbestos. However, the report concluded that it is unlikely that there is widespread contamination and that which is present is likely to be localised. A further targeted site investigation is recommended which could be addressed by condition. Remedial works are considered likely to be necessary. The level of contamination can be addressed and remediated prior to development. There are no objections to the development on the grounds of contamination.

Designing out crime

- 6.20 The scheme has been considered in respect of the potential for crime and design solutions to minimise the risk. The Metropolitan Police Designing Out Crime officer has recommended a number of measures. These include increasing the height of boundary treatments to 2 metres and removing internal doors and windows to cycle and bin stores. These are matters that can be addressed through conditions. A further condition is recommended on lighting within the development. Conditions covering these matters are recommended.

Infrastructure impact of the development

- 6.21 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.
- 6.22 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.
- 6.23 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.
- 6.24 Changes to the CIL Regulations in 2015, mean 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.
- 6.25 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.
- 6.26 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.

- 6.27 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought and it is considered that in view of the supporting evidence it would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a financial contribution equating to £6,000 per dwelling would be appropriate in accordance with policy DC72 to make the development acceptable. There would be a net addition of 52 units and a charge of £312,000 is considered necessary to make the development acceptable in accordance with the policy.

Affordable Housing

- 6.28 For all new housing schemes the Council seeks to achieve a target of 50% affordable housing in accordance with LDF Policies CP2 and DC6. This equates to 23 units. London Plan Policy 3.12 requires that the maximum amount of affordable housing should be sought. In considering this a range of matters should be taken into account, including viability. The NPPG states that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.
- 6.29 In this case the applicant has submitted a viability appraisal that seeks to demonstrate that affordable units could not be delivered on site through these proposals but that there would be scope for a financial contribution of £125,269. The appraisal has been independently assessed which confirms these conclusions. Consequently the developer has proposed to provide this sum to be used towards affordable housing. Subject to the prior completion of a S016 planning obligation this is considered acceptable in accordance policies DC6 and DC72 of the LDF.

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 commercial floorspace has been lawfully used within this period. ben

7.2 The existing buildings amount to 1,345 square metres and the proposed development would be 4,053 square metres, giving a liability on the net increase of 2,708 square metres at £20 per square metre (subject to indexation). The CIL liability would amount to £54,160 (subject to indexation).

8. **Conclusions**

8.1 The proposed redevelopment of the site would be acceptable in principle in accordance with LDF and London Plan policies for new housing and brownfield land. The site is in commercial use but lies within a predominantly residential area. The redevelopment of the site would bring about important environmental improvements by removing 'bad neighbour' development and assist in meeting Havering's housing needs. The proposal raises issues in respect of the scale of the development and impact on the character and appearance of the area. There are matters of judgement for members in respect of these issues and should there be concerns in this regard these matters could amount to a material objection to the proposals. However, Staff consider that taking all material considerations into account that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable. The grant of planning permission is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the S 106 legal agreement. 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 revised plans received 3rd June 2016 and 5th December 2016.

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REGULATORY SERVICES COMMITTEE

REPORT

22 DECEMBER 2016

Subject Heading:

Planning obligations and agreements

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

Details of S106 agreements can be found as a download from our web page at www.havering.gov.uk/planning. This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2016

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. This report updates the position on legal agreements and planning obligations. Approval of various types of application for planning permission decided by this Committee can be subject to prior completion or a planning obligation. This is obtained pursuant to Section 106 of the Town and Country Planning Acts. The purpose of such obligations is to secure elements outside the immediate scope of the planning permission such as affordable housing, education contributions and off site highway improvements. Obligations can also cover matters such as highway bonds, restriction on age of occupation and travel plans plus various other types of issue.
2. The obligation takes the form of either:
 - A legal agreement between the owner and the Council plus any other parties who have a legal interest in the land.
 - A unilateral undertaking offered to the Council by the owner and any other parties who have a legal interest in the land.
3. This report updates the Committee on the current position on the progress of agreements and unilateral undertakings authorised by this Committee for the period 2000 to 2016.

IMPLICATIONS AND RISKS

Financial implications and risks: Legal agreements usually have either a direct or indirect financial implication.

Legal implications and risks: Significant legal resources are necessary to enable the Council to negotiate and complete legal agreements within the Government's timescale. Monitoring fees obtained as part of completed legal agreements have been used to fund a Planning Lawyer working within the Legal Department and located in the Planning office. This has had a significant impact on the Service's ability to determine the great majority of planning applications within the statutory time periods through the speedy completion of all but the most complex legal agreements.

Human Resources implications and risks: The effective monitoring of legal agreements has HR implications. These are being addressed separately through the Planning Service Improvement Strategy.

Equalities implications and risks: Planning Control functions are carried out in a way which takes account of equalities and diversity.

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REGULATORY SERVICES COMMITTEE

22 DECEMBER 2016

REPORT

Subject Heading:

Planning and enforcement appeals received, public inquiries/hearings and summary of appeal decisions

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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 accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 20 August 2016 and 2 December 2016

RECOMMENDATIONS

That the results of the appeal decisions are considered and the report is noted.

REPORT DETAIL

1. Since the appeals reported to Members in September 16, 48 new appeals have been received 46 appeals have been started. Decisions on 37 appeals have been received during the same period 24 have been dismissed, 9 allowed, 1 invalid, 1 part allowed part refused and 2 notices quashed

IMPLICATIONS AND RISKS

Financial implications and risks: Enforcement action may have financial implications for the Council

Legal implications and risks: Enforcement action and defence of any appeals will have resource implications for Legal Services

Human Resources implications and risks: No implications identified

Equalities implications and risks: No implications identified

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1066.14 Ingrebourne Hill Rainham Road Rainham <i>Engineering earthworks to merge Ingrebourne Hill with Hornchurch Country Park using inert soils, including temporary soils treatment and recovery, internal haul road, ancillary buildings, overnight security and structures to provide a managed woodland area with recreational and amenity after use.</i></p>	Local Inquiry	Approved with Agreement	Committee	<p>The proposal would give rise to noise, dust, and other disturbances that would result in a significant adverse impact on wildlife and the adjacent Ingrebourne Marshes SSSI. In this respect the proposal is contrary to Policy DC58 of the Development Control Policies DPD and policies within the NPPF.</p> <p>The proposal would, during the construction phase and following the completion of the development, result in significant harm to the openness of the Green Belt. Very special circumstances that clearly outweigh the harm, by reason of inappropriateness and other harm, have not been demonstrated in this case. In this respect, the proposal is contrary to Policy DC45 of the Development Control Policies DPD, Policy 7.16 of the London Plan and policies within the NPPF.</p> <p>The proposal would be significantly harmful to the amenities of local residents owing to dust nuisance, noise, visual impact, and reduced air quality during the construction phase of the development, contrary to Policy DC61 of the Development Control Policies DPD.</p> <p>The proposal, by reason of the high number of HGV movements proposed each day during the construction period, would result in congestion on the local road network, causing inconvenience to road users and pedestrians, contrary to</p>	<p style="text-align: center;">Dismissed</p> <p>The Council reviewed its case after receiving further information and concluded that, subject to the imposition of relevant conditions, its concerns relating to the ecological impacts on the Ingrebourne Marshes Site of Special Scientific Interest (SSSI) and harm to residential amenity, relating to noise, air quality and dust, would not be sufficiently adverse to continue to warrant refusal of the application. The Council also accepted that any adverse highway impacts of the proposal would not be at a level that could substantiate a reason for refusal but it nevertheless maintained that there would be some harm on these grounds.</p> <p>The main issue in this case is whether there are any material considerations that outweigh the harm caused by inappropriate development within the Green Belt, and any other harm, and are sufficient to justify the proposal on the grounds of very special circumstances. It was agreed by both parties that the works would be inappropriate development in the Green Belt.</p> <p>The Inspector considered that the site as existing could not be classified as an eyesore, nor was it neglected or derelict, and thus there was no justification for the project similar to that used to support the creation of Ingrebourne Hill. The site was judged to be unremarkable however it was not unpleasant, nor did it appear to need further work and there was no pressing need, in my view, to carry out the remodelling on the scale</p>

Page 97

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 98</p>				<p>Policy DC32 of the Development Control Policies DPD</p>	<p>proposed.</p> <p>The landscaping benefits of the proposal would take a number of years to be fully realised and would, in the view of the Inspector be limited. Although the proposal would create better drainage of the site provided through the establishment of drainage ditches and a pond, there was little evidence that the site has had any significant flooding problems. In terms of providing the additional woodland sought by the Forestry Commission, the amount of imported material would not be excessive however the Inspector was not persuaded that the proposed landform was the only way the objectives of improving the quality of the land restoration and the links between the Hill and the Country Park could be achieved.</p> <p>In summary, the quality of the land restoration would be improved to a certain extent, however any other benefits of the scheme would not be particularly weighty. There would be harm to the openness of the Green Belt during the construction period and beyond and the scarring of the land would take further time to naturalise and return to the 'open countryside' appearance. Until the planting scheme has settled and matured, the site would appear as a man-made landscape which, would also harm Green Belt openness and amount to encroachment into the countryside. The increased- traffic during construction would have a detrimental impact on amenity. The factors contributing to the Green Belt harm caused by the proposal,</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					both temporary and permanent, were accorded substantial weight. When considering the benefits of the scheme, these were found to be limited and that there was nothing that, either individually or cumulatively, would outweigh the harm identified.
<p>P1667.15 St Georges House 2 Eastern Road Romford <i>Variation of condition 5 of planning permission P0897.13 to change the permitted opening hours to 21:00-03:00 on Sunday to Wednesday and 21:00-05:00 on Thursday to Saturday - RETROSPECTIVE</i></p>	Written Reps	Refuse	Delegated	The extended operating hours would result in a greater level of noise and general disturbance later at night and during the early morning, which would be seriously prejudicial to the amenity of adjacent occupiers and of the surrounding area in general. The proposal also gives rise to concern over the potential for a material increase in disorder, anti-social behaviour and other community safety issues in this location. Accordingly, the proposal is considered to be contrary to Policies DC23, DC55, DC61 and DC63 of the LDF Development Control Policies Development Plan Document..	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council and considered the subject condition was necessary and reasonable, having regard to the living conditions of neighbouring residents in terms of noise, disturbance and anti-social behaviour.
<p>Y0293.15 4 The Ridgeway Romford <i>Single storey rear extension with an overall depth of 6 metres from the original rear wall of the dwelling house, a maximum height of 3 metres and an eaves height 2.9 metres</i></p>	Written Reps	Refuse Prior Approval	Delegated	The Council consider that the impact of the proposed development would unacceptably harm the amenity of adjacent neighbours at No. 2 and No.4 The Ridgeway, Romford by reason of loss of light and privacy, outlook and overbearing effect on the adjacent properties. This written notice indicates that the proposed development would not comply with condition A.4 of Schedule 2 Part 1 Class A of the Town and Country	<p style="text-align: center;">Allowed with Conditions</p> The Inspector concluded that the proposed development would not have a harmful effect on the living conditions of the occupiers of surrounding properties, with particular regard to both immediate neighbours in respect of outlook, sunlight and daylight, and loss of privacy and that the proposal fell within the definition of permitted development, for which prior approval could be granted.

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Planning (General Permitted Development) Order 2015. It is important to note that this written notice does not indicate whether or not the proposed development would comply with any of the other limitations of conditions of Schedule 2 Part 1 Class A.</p> <p>The applicant has the right to an appeal against this notice to the Planning Inspectorate, see details below.</p>	
<p>D0328.15 13 Hardley Crescent Hornchurch Certificate of lawfulness for loft conversion (Retrospective)</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development fails to accord with the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 and a Certificate of Lawfulness is denied in this instance.</p>	<p style="text-align: center;">Allowed</p> <p>The main issue was whether the Council's decision to refuse to grant a LDC was well-founded. The Council based their decision on their calculation that the cubic content of the resulting roof space exceeded the threshold in Class B. The Appellant argued that the correct volume was less than 50 cubic metres. The Inspector stated that the difference in the volume calculations turned on whether the correct measurement is from the ceiling or the external guttering. The relevant legislation, the GPDO did not provide any assistance in defining 'roof space' for these purposes neither did Technical Guidance published by the DCLG. The Inspector considered the appellant's interpretation to be correct. The appeal was allowed and an LDC was issued.</p> <p>The Council disagreed with this decision and has challenged it. An appeal has been lodged at the Royal Courts of Justice, Queens Bench Division Planning Court.</p>

Page 100

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1241.15 Pinewoods St Johns Road Romford <i>Demolition of the existing building, Erection of three storey apartment blocks with room accommodation comprising 32 no. self contained apartments, layout 32 parking spaces and associated landscaping and amenity space.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of insufficient on-site parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>Allowed with Conditions The Council considered that the proposal would result in unacceptable overspill onto adjoining roads due to the limited availability of on-street parking within the immediate vicinity. The Highways Authority objected to the proposal. The Inspector stated that there was no evidence presented that existing on-street parking was causing harm to highway safety and was satisfied that any over-spill parking of on-street parking could be accommodated without detriment to highway safety. On the issue of the education contribution, the Inspector was satisfied that it met the tests set out in CIL Regulations and NPPF.</p>
<p>P1896.15 The Moorings Southend Arterial Road Hornchurch <i>To extend existing planning permission for display of timber buildings and storage prior to delivery to customers</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The site is within the area identified in the Core Strategy and Development Control Policies Development Plan Document as Metropolitan Green Belt. The Core Strategy and Development Control Policies Development Plan Document states 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 new development, including changes of use, will only be permitted in exceptional circumstances. In accordance with the National Planning Policy Framework, development involving change of use of the land is inappropriate development. The continued use as proposed has a</p>	<p>Allowed with Conditions The Inspector judged that the location of the majority of the timber sheds underneath the canopy and within the curtilage of the site together with the temporary nature of the proposal meant that the harm to the openness of the Green Belt was limited. There would also be conflict with one of the Green Belt purposes. It followed that the proposal is inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Set against this were the substantial benefits identified in terms of retaining a previously</p>

Page 5 of 29

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>adverse impact on the openness and character of this Green Belt site. Since the granting of temporary planning permission, or as part of this application, no suitable improvements to landscaping, boundary treatment, and appearance of the permanent buildings been carried out or proposed and as such there are insufficient very special circumstances to outweigh the in principle harm through inappropriateness. The proposal is therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document and the NPPF.</p>	<p>developed, partially derelict site in use; the opportunity to secure visual improvements to the site through additional landscaping and the contribution which the proposal makes to the local economy.</p> <p>The substantial weight given to the harm arising from inappropriate development and its effect on the openness of the Green Belt was outweighed by the weight given to the totality of economic and environmental benefits of the proposal. Consequently, the very special circumstances existed to justify the development.</p>
<p>Page 1 of 2 1017.15 Pontypool Walk Romford New 2 bedroom house</p>	<p>Written Repls</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of the inadequate on site car parking provision for the donor property, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and is thereby contrary to Policy DC2 and DC33 of the Core Strategy and Development Control Policies DPD. The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers, contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. In the absence of a legal agreement to secure contributions towards the demand for school places arising from</p>	<p>Dismissed</p> <p>The proposal would not provide acceptable living conditions for future occupants, with particular reference to amenity space. There was no evidence to demonstrate that the lack of off street parking provision required would lead to severe impacts on highway grounds. Given the findings on the first issue, it was not necessary to consider the matter of the education contribution.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
<p>P1255.15 1-15 Corbets Tey Road Upminster <i>Creation of a third floor roof extension incorporating 4 no. flats, together with the associated extension/alteration of the existing communal stairwells and renovation of the building exterior.</i></p>	Written Reps	Approved with Agreement	Committee	<p>The proposed extension would by reason of its incongruous design, appearance and position cause material harm to the building's distinctive Art Deco architectural form and integrity and would thereby harm the character and appearance of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The complete absence of on site parking for the new units would create increased vehicular demands on the adjacent access road and the site's vicinity materially harmful to amenity and safety contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposal by reason of the number of new units, their relationship to existing flats within the block, the limited amount of amenity provision and lack of car parking provision represents an overdevelopment of the site harmful to the character of the area and amenity of neighbouring residents contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to</p>	<p style="text-align: center;">Dismissed</p> <p>The design of the proposal is intended to give it the appearance of a modern addition to the art-deco style appeal building. The Inspector concluded that due to its contrasting design and its scale and its location on top of the host building, the proposal would appear as an unduly dominant feature. A UU was submitted to address the Council's concerns about parking and highway safety. It was concluded that there would be no harm in relation to the living conditions of future occupants as amenity space would be useable and of a good quality. This did not outweigh the harm identified in relation to the character and appearance of the host building</p>

Page 103

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				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.	
<p>P1257.15 17-31 Corbets Tey Road Upminster <i>Creation of a third floor roof extension incorporating 4 no. flats, together with the associated extension/alteration of the existing communal stairwells and renovation of the building exterior.</i></p>	Written Reps	Approved with Agreement	Committee	<p>The proposed extension would by reason of its incongruous design, appearance and position cause material harm to the building's distinctive Art Deco architectural form and integrity and would thereby harm the character and appearance of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The complete absence of on site parking for the new units would create increased vehicular demands on the adjacent access road and the site's vicinity materially harmful to amenity and safety contrary to Policies DC32 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposal by reason of the number of new units, their relationship to existing flats within the block, the limited amount of amenity provision and absence of car parking provision represents an overdevelopment of the site harmful to the character of the area and amenity of neighbouring residents contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to</p>	<p style="text-align: center;">Dismissed</p> <p>The design of the proposal is intended to give it the appearance of a modern addition to the art-deco style appeal building. The Inspector concluded that due to its contrasting design and its scale and its location on top of the host building, the proposal would appear as an unduly dominant feature.</p> <p>A UU was submitted to address the Council's concerns about parking and highway safety. It was concluded that there would be no harm in relation to the living conditions of future occupants as amenity space would be useable and of a good quality. This did not outweigh the harm identified in relation to the character and appearance of the host building.</p>

Page 104

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				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.	
<p>P1668.15 The Ockendon Kennels Ockendon Road North Ockendon <i>Redevelopment of the existing grey hound track and kennels with the construction of 22No. new dwellings.</i></p>	Written Reps	Refuse	Delegated	<p>Owing to the heights of the proposed buildings, the intensity of the proposal's layout, and the extent of development compared to the existing built development, it is considered that the proposal would have a significant adverse impact on the openness of the Green Belt and be contrary to the purposes of including land within it. The proposal is considered to constitute inappropriate development in the Green Belt, and would also be harmful to the visual amenities of the Green Belt and the surrounding area. Very special circumstances that overcome the harm to the Green Belt, by reason of inappropriateness and visual impact, have not been demonstrated in this case. The proposal is therefore considered to be contrary to the guidance contained in the National Planning Policy Framework and Policy 7.16 of the London Plan and Policies DC45 and DC61 of the Development Control Policies DPD .</p> <p>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</p>	<p style="text-align: center;">Dismissed</p> <p>The appeal scheme would reduce the openness of the Green Belt and would unacceptably urbanise the site, failing to safeguard the countryside from encroachment. It would amount to inappropriate development and would be contrary to the NPPF in several respects. The Inspector also found that the proposal would harm the setting of the North Ockendon CA.</p> <p>It was accepted that the provision of 22 dwellings on brownfield land would provide much needed housing accommodation, particularly as there is no up-to-date five year housing land supply but given the harm identified, these benefits would not outweigh that harm.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
<p>P1653.15 3-7 Billet Lane Hornchurch <i>Alteration to the front seating area at ground floor level in order to provide sliding panels around the existing decking area.</i></p>	Written Reps	Refuse	Delegated	The proposed seating enclosure, by reason of its scale, depth and design would result in an overbearing and unduly prominent feature in the street scene, visually intrusive and out of character with its surroundings, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;">Dismissed</p> The appeal proposal due to its design, scale, materials and siting appears unduly prominent feature which is out of character with the street scene and surrounding area.
<p>P0178.16 13 North Street Hornchurch <i>First floor rear extension to create a new studio flat unit</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and therefore contrary to Policy DC33 of the LDF Core Strategy. The proposed first floor rear extension would, by reason of its excessive depth, height, roof design and position close to the boundaries of the site, represent intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure	<p style="text-align: center;">Dismissed</p> The Inspector agreed with the Council in regard to all the main issues concerning, character and appearance; highway safety; living conditions and that a contribution towards education provision was justified.

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				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.	
<p>P0030.16 2 Netherpark Drive Romford <i>Proposed demolition of existing dwelling and replacement with 2 x 3 bedroom chalets with associated amenity</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its design, layout and orientation, result in development which does not appropriately respond to the building forms and patterns of development in the surrounding area and would thereby have an inappropriate and unacceptable appearance in the street scene which would neither maintain or enhance the special character of the Gidea Park Special Character Area contrary to Policy DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>Dismissed</p> <p>The education contribution sought would meet the relevant tests set out in the NPPF and CIL Regulations. The Inspector determined that the proposal would not have a harmful effect on the character and appearance of the surrounding area however this did not outweigh the harm that identified in regard to the lack of the education contribution.</p>
<p>P0297.16 11 Risebridge Road Gidea Park Romford <i>Demolition of detached garage and erection of a single storey rear extension & front porch.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its excessive scale, design and appearance, result in unsympathetic, visually intrusive development which would not preserve or enhance the special character of this part of the Gidea Park Conservation</p>	<p>Allowed with Conditions</p> <p>The proposed extension would be subservient to the host property and the use of matching materials would allow suitable integration with the main dwelling. The Inspector concluded that proposal would represent an acceptable low key addition that</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Area contrary to the Core Strategy Development Control Policies Development Plan Document Policies DC61 and DC68 and the Heritage Supplementary Planning Document. The proposed single storey 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 as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations Supplementary Planning Document.</p>	<p>would preserve the character and appearance of the Conservation Area.</p>
<p>P0275.16 Acacia Avenue Barnchurch <i>Two storey side and rear extensions</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed first floor rear extension would, by reason of its excessive scale, bulk and mass, appear as an unacceptably dominant and visually intrusive feature to the property and adjoining terrace, harmful to the character and appearance of the surrounding area, contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p>Dismissed</p> <p>The width and bulk of the proposed rear first floor extension would overwhelm the character and appearance of the host dwelling. The proposal would appear unacceptably dominant in the rear garden environment and larger in scale and bulk than neighbouring rear extensions.</p> <p>An application for an award of costs against the Council was refused. The Council provided a clear explanation of its reasons for refusal, with reasonable planning grounds, and therefore its behaviour was not unreasonable.</p>

Page 10 of 29

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P1154.15 Crown Public House London Road Romford <i>Change of Use from A4 (drinking establishment) to C3 (dwelling houses). Part demolition of existing public house and new construction to provide 24 No. apartments</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposal, by reason of the insufficient provision of on-site parking, would result in increased parking congestion thereby having a detrimental impact on amenity within the local area, contrary to the provisions of Policies DC32, DC33 and DC61 of the Core Strategy and Development Control Policies Development Plan Document. The proposal, would give rise to a cramped, excessively dense development of the site, which would give rise to conditions that are detrimental to the amenity of future occupiers of the proposed development, contrary to the provisions of Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.</p> <p>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.</p> <p>In the absence of a legal agreement to secure a financial contribution towards affordable housing, the proposal would fail to accord with Policy DC6 of the Core Strategy and Development Control Policies Development Plan Document.</p> <p>In the absence of a legal agreement to secure a contribution towards the</p>	<p>Allowed with Conditions</p> <p>It was noted that the site had a low PTAL rating and provision of parking was below the DC2 standards. The Inspector however concluded that there would not be an unacceptable degree of increase in parking congestion or overspill of parking arising from the development onto surrounding streets.</p> <p>In terms of character and appearance, the proposal would not read as an unacceptable anomaly in terms of density. Nor would it be incongruous in terms of scale or bulk. Future occupiers of the proposal's apartments would not experience unacceptable overlooking or lack of privacy. Finally the contributions which would be made by the planning obligation in relation education and affordable housing would meet the relevant legislative tests.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				improvement of cycling routes between the development and Romford Town Centre the proposal would fail to improve the local cycling network and mitigate against the shortfall in on site parking provisions, to the detriment of the road network.	
<p>P0392.16 5 Crossways Romford <i>Two-storey side extension and loft conversion with 2no. rear dormers.</i></p>	Written Reps	Refuse	Delegated	The proposed two-storey extension would, by reason of its excessive bulk, scale, and positioning close to the boundary, result in an unsympathetic, overbearing and visually intrusive form of development which would overwhelm the original house and serve to close down the characteristic spacing between the neighbouring property at No.7 Crossways. The proposal would therefore fail to preserve or enhance the special character of this part of the Gidea Park Conservation Area contrary to the Core Strategy Development Control Policies Development Plan Document Policies DC61 and DC68 and the Heritage Supplementary Planning Document.	<p style="text-align: center;">Dismissed</p> <p>The appeal proposal would have a "terracing" and dominating impact which would unacceptably detract from the spacious and distinctive gaps between existing dwellings in the street. The proposal would not be a subordinate and sympathetic addition to the original house and would fail to preserve or enhance the character and appearance of the CA.</p>
<p>P0374.16 1 Grange Road Romford <i>Proposed ground floor side & rear extension and basement extension</i></p>	Written Reps	Refuse	Delegated	The proposed rear extension would, by reason of its excessive depth, height and position close to the boundaries of the site, result in a development that is unacceptably dominant and visually intrusive when viewed in the rear garden environment and from the wider streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by	<p style="text-align: center;">Dismissed</p> <p>The bulk and excessive depth of the proposal, together with the extent of site coverage would result in the proposal appearing as an excessively disproportionate addition to the host property.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<p>P1850.15 39 Ellis Avenue Rainham</p> <p><i>Single/two storey side extension to form a new dwelling</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its height, bulk and mass, as well as the proximity to the boundary of the site, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>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.</p>	<p>Allowed with Conditions</p> <p>The proposal would not have a harmful or overbearing effect on its surroundings and it would integrate satisfactorily with the existing form. The requirement for a contribution towards education infrastructure met the three tests for planning obligations set out in the CIL Regulations. The appellant provided an executed planning obligation by means of a Unilateral Undertaking to comply with this requirement.</p>
<p>P1390.15 1-3 Station Road Harold Wood Romford</p> <p><i>Demolition of existing building and erection of new block comprising 3no. retail units and 6no. two-bedroom flats.</i></p>	Written Reps	Approved with Agreement	Committee	The proposal would, by reason of its overdeveloped scale of development and complete absence of on site car parking, fail to cater for the reasonable needs of future occupiers and would materially worsen parking conditions and congestion in the locality to the detriment of amenity. The resultant harm cannot	<p>Dismissed</p> <p>The Inspector concluded that the proposal would not provide appropriate living conditions for future occupants, with particular regard to provision of outdoor space. The absence of on-site parking within the proposal would not have a harmful effect on parking conditions and congestion. The</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 112</p>				<p>be reasonably mitigated by withholding parking permits as no Controlled Parking Zone currently exists in the locality. The proposal is therefore contrary to Policies DC61 and DC33 of the Local Development Framework Development Plan Document.</p> <p>The proposal would, by reason of its cramped overdevelopment of the site, fail to provide sufficient amenity space to reasonably meet the needs of future occupants of the development, to the detriment of residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>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.</p>	<p>requirement for a planning obligation to secure a contribution towards education facilities met the relevant tests however a submitted UU was not properly executed and Council would not have been able to rely upon it to secure the contribution.</p> <p>An application for costs was made against the Council of the London Borough of Havering. The application was partially allowed as unnecessary cost had been borne by the applicant in having to address reason one. The issue of the CPZ, its inclusion in the reason for refusal and the lack of objective analysis or factual evidence amounted to unreasonable behaviour.</p>
	<p>P0963.15 67 Main Road (Churchill House) Romford <i>Change of use of the first and second floors of the existing building and the erection of part three-storey, two-storey and single storey extensions to the side and rear to</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its design and appearance and its scale, height, bulk and mass, appear as an incongruous and unacceptably dominant and visually intrusive feature, resulting in an unsympathetic, visually intrusive development which would not preserve or enhance the special character of this part of the Gidea Park Conservation Area contrary to Policies DC61 and</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>create 9no. self-contained flats with associated car parking.</i></p>				<p>DC68 of the LDF Core Strategy and Development Control Policies DPD. The proposed development makes inadequate provision of suitable amenity space for perspective residential occupiers. In this respect, the proposal would be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design Supplementary Planning Document.</p> <p>The proposal would not provide adequate levels of off-street parking for the proposed residential units and retained social club use resulting in increased pressure for on-street parking in the vicinity of the site, inconveniencing existing residents/businesses and adversely affecting highway safety. In this respect, the proposal would be contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>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.</p>	<p>Finally the requirement for a planning obligation to secure a contribution towards education facilities met the relevant tests however a UU was not submitted so the proposal failed on this issue.</p>
<p>P0033.16 6 Hamilton Drive Romford</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed row of houses to the rear of the site would, by reason of their prominent rear garden location, height, bulk and mass, appear as an</p>	<p>Dismissed The Inspector agreed with the conclusions of the Council on the matters of character &</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>The demolition of the existing pair of semi-detached houses (No.s 2 & 4 Hamilton Drive), and garages and the erection of 6no. three-bedroom houses.</i></p>				<p>incongruous and unacceptably dominant, overbearing and visually intrusive features in the rear garden setting which would be harmful to the open appearance of the surrounding area and to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed row of houses to the rear of the site would, by reason of their layout and servicing arrangements, result in an unsatisfactory relationship with the proposed dwellings to the front of the site, the wider site boundary and overall setting within the plot, leading to a cramped over-development of the site contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>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.</p>	<p>appearance and living conditions and that the proposal made adequate provision for local infrastructure within the area</p>
<p>P0027.16 2A Smart Close Romford</p> <p><i>Retention of loft conversion with reduced size rear dormer</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The rear dormer would, by reason of its height, bulk and mass, be harmful to the visual amenities of neighbouring occupiers and appear as an unacceptably dominant and visually intrusive feature in the rear garden environment/streetscene. The</p>	<p>Dismissed</p> <p>The Inspector concluded that the proposal would appear as a large and dominant feature within the rear roof slope of the dwelling. It would show little respect for the scale and form of the original building and</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				development is therefore harmful to the appearance and character of the surrounding area and is contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	would appear highly visible within the street scene.
P0450.16 450 Wingletye lane Hornchurch <i>Proposed first floor side extension and loft conversion to include rear dormer</i>	Written Reps	Refuse	Delegated	The development would, by reason of the position of the first floor side extension on the boundary with the public highway and the cumulative impact of the first floor side extension and large rear dormer window would, by its scale, bulk and mass, appear as an unacceptably dominant and visually intrusive feature, harmful to the appearance of the surrounding area, contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;">Dismissed</p> The scheme showed little respect for the scale and form of the original building and would appear highly visible within the street scene. The proposal would be harmful to the character and appearance of the area and this decision was reached having regard to the long-term visual impact of the development in the wider public interest.
P006.15 Matthews Close Harold Wood <i>Construction of a 3 storey side extension and creation of 3 x 1 bedroom units.</i>	Written Reps	Approved with Agreement	Committee	The proposal by reason of the excessive density, overbearing built form and insufficient amenity space, would result in a harmful overdevelopment of the site, detrimental to the locality and contrary to the provisions of Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document. The proposal would give rise to an adverse impact on the outlook and amenity of occupiers of neighbouring residents in Matthews Close, contrary to the provisions of Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document. The proposals, by reason of the loss of trees from the site, in particular the	<p style="text-align: center;">Dismissed</p> The proposal failed to ensure that appropriate outdoor amenity space would be available for existing and future residents of dwellings on the site. The loss of the TPO would detract further from the quality of the communal garden for a considerable number of years. Giving the proximity of the proposal to 3 and 4 Matthews Close, the scheme would materially harm the living conditions of the occupants of these flats. Giving the findings on the other matters, the issue of education contribution was not pursued.

Page

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>preserved sycamore tree (T1), would have a detrimental impact on visual amenity, contrary to the provisions of Policies DC60 and DC61 of the Core Strategy and Development Control Policies Development Plan Document. 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.</p>	
<p>0575.16 27 and 39 St Georges Avenue Hornchurch Demolition of existing outbuilding / garage (number 39) and construction of 2 detached bungalows with private amenity and off street car parking fronting Beverley Close, Hornchurch.</p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its scale, bulk, design and proximity to the boundaries of the site, appear as an unacceptably dominant and visually intrusive feature in the currently spacious rear garden environment and the streetscene harmful to the character and appearance of the Emerson Park area, the wider streetscene and the amenity of occupiers of neighbouring property, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 and DC34 of the LDF Core</p>	<p>Dismissed</p> <p>The proposal would introduce two dwellings in a section of road not characterised by residential development. The mass and bulk of the buildings would appear as isolated and uncharacteristic features at odds with the spacious and open feel to the area. On the highways issue, the site has a very low PTAL rating and given the nature of the road and in the absence of reliable evidence to the contrary it was not demonstrated that a reduction in car parking standards could be justified.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>Strategy and Development Control Policies DPD.</p> <p>The proposed development would, due to a lack of provision of visibility splays, result in development that would be unsafe for road users and will compromise highway safety contrary to Policy DC33 and DC34 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>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.</p>	
<p>17/062.15 King Harold 51 Station Road Harold Wood Romford <i>Raised roof extension to provide 4 additional flats</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development, by reason of the bulk of the proposed development, particularly at roof level, including the raised eaves detail and vertical tiling, would give rise to a top heavy development, harmful to the scale and proportions of the existing building, which would appear incongruous and visually intrusive harmful to the character and appearance of the building and to the character of the wider streetscene, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed layout of the development would be inadequate resulting in substandard accommodation for future</p>	<p>Dismissed</p> <p>The height and scale of the new building would result in it appearing dominant and intrusive in the street scene and the external finishes would be out of character with the existing building. It was considered that satisfactory living conditions would not be created for future occupants due to the failure to meet national standards in regard to minimum ceiling heights and the provision of suitable outdoor spaces. Giving the findings on the other matters, the issue of education contribution was not pursued.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>residents through lack of internal space and room type. The sub-standard layout would be compounded by the lack of suitable outdoor amenity space for all units. As a result, the development represents an overdevelopment of the site contrary to Policies DC61 of the LDF Core Strategy and Development Control Policies DPD, the Technical Housing Standards and the Housing Standards Minor Alterations to the London Plan. 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.</p>	
<p>P0721.16 19 Squirrels Heath Avenue Romford <i>Single and two storey rear extensions, porch, external alterations, replacement windows and re-roofing.</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its roof form, excessive width and depth, scale and mass, lack subservience to the existing dwelling, appear incongruous, dominant and visually intrusive in the streetscene and in the rear garden environment and neither preserve or enhance the existing dwelling, or the character and appearance of the Gidea Park Conservation Area contrary to Policies DC61 and DC68 of the LDF and the Residential Extensions and Alterations SPD. The proposed development would, by reason of its excessive depth, scale,</p>	<p>Part Allowed/Part refused The appeal was dismissed insofar as it relates to the single and two storey rear extensions due to the significant adverse effect on the living conditions of the occupiers of neighbouring property in regard to outlook. The appeal was allowed insofar as it relates to the porch, external alterations, replacement windows and re-roofing.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>siting and position close to the boundaries of the site, be unneighbourly and provide a "wall of development" which would give rise to an uncomfortable overbearing effect and sense of enclosure and be harmful to the amenity of No. 17 Squirrels Heath Avenue contrary to Policies DC61 and DC68 of the LDF and the Residential Extensions and Alterations SPD.</p>	
<p>P0863.16 356 Wingletye Lane HORNCHURCH <i>Demolition of existing bungalow and erection of no. four-bedroom houses to the front and no. three-bedroom bungalow to the rear.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed detached bungalow element of the development would, by reason of its prominent rear garden location, height, bulk and mass, appear as an incongruous and unacceptably dominant, overbearing and visually intrusive feature in the rear garden setting which would be harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposal would form a cramped over-development of the site introducing excessive amounts of hardstanding and development into the rear garden environment. The scheme would also severely hinder the rear amenity space for the front pair of dwellings.</p> <p>Consequently the proposed rear bungalow would result in an awkward and jarring visual relationship to the neighbouring properties and would be harmful to the character and appearance of the rear garden environment contrary to Policy DC61 of the LDF Core Strategy and Development</p>	<p style="text-align: center;">Dismissed</p> <p>The proposed bungalow to the rear would introduce a building of significant mass and bulk in the rear garden setting of Wingletye Lane. From adjacent properties, the proposal would appear as an isolated and uncharacteristic intrusion in this open area. Furthermore the proposal would introduce a significant amount of hard standing and built development within the existing spacious and verdant rear garden comprising the spacious feel of the area.</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
P0340.16 15 Parkway Romford <i>Application for temporary permission for two years to retain the existing fence.</i>	Written Reps	Refuse	Delegated	The boundary fence, by reason of its height and position, has resulted in unsympathetic, visually intrusive development which fails to preserve or enhance the special character of this part of the Gidea Park Conservation Area contrary to Policies DC61 and DC68 of the LDF.	<p style="text-align: center;">Dismissed</p> The fence because of its height has a stark and domineering appearance when viewed from the park's path. A proposal to stain the fence a dark green colour would do little to soften its appearance. The proposal would neither preserve nor enhance the CA's appearance.
P0342.15 13 Hall Terrace Romford <i>Proposed crossover</i>	Written Reps	Refuse	Delegated	The proposed crossover would adversely impact on the safety and efficiency of Colchester Road and bus infrastructure and operations in the locality, contrary to the principles of policy DC32 of the LDF Core Strategy and Development Control Policies DPD. Insufficient information has been supplied with this application to demonstrate that the proposed crossover would not adversely impact on the existing highway tree. This tree is considered of importance in the streetscene and establishing the green infrastructure network along Colchester Road. In the absence of information to demonstrate that the development could	<p style="text-align: center;">Allowed with Conditions</p> It was noted that a comparable proposal had been granted permission in 2016 at a neighbouring property. It was concluded that the formation of the access would not adversely affect the operation of the highway or the bus stop.

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				occur without due impact it is considered that the development is contrary to policies DC60 and DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<p>P1840.15 137 Wennington Road Rainham <i>Change of use of former workshop/studio to a one bed C3 self-contained residential accommodation dwelling.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would have a poor quality amenity area, that is not private and would be unreasonably overlooked by adjacent property, giving rise to a poor quality living environment for future occupiers of the proposed development, contrary to Policies DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposal by reason of its unsecure access arrangements would lead to a poor quality residential environment, contrary to the aims of Policy DC4 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document. 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.</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the Council in that the proposal would not provide adequate living conditions for future occupants. However the Inspector did not agree that a contribution towards education provision was justified as it did not meet all of the relevant tests, notably being necessary to make the development acceptable in planning terms.</p>
<p>P0333.16 127 Albany Road Hornchurch <i>Change of use of ground floor unit from A1 shop to</i></p>	Written Reps	Refuse	Delegated	<p>The proposed change of use, by reason of the increased level of activity within the premises and outdoor areas together with parents and children entering and leaving the premises, would result in</p>	<p style="text-align: center;">Dismissed</p> <p>The Inspector found that the proposal would give rise to significant potential for increased congestion in the area closest to the parade and the living conditions of nearby residents</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>D1 day nursery.</i>				unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD. The proposal has an absence of drop off points for parents or dedicated parking areas for staff, which would result in an unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity, contrary to Policies DC26 & DC33 of the LDF Core Strategy and Development Control Policies DPD.	would be unacceptably harmed by the increase in noise and disturbance generated by the proposal.
P1888.15 28 Squirrels Heath Avenue Gidea Park Romford Erection of side extension to provide a garage and utility room	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design and appearance, result in unsympathetic, visually intrusive development which would not preserve or enhance the special character of this part of the Conservation Area contrary to policies DC61 (Urban Design) and DC68 (Conservation Areas).	<p style="text-align: center;">Allowed with Conditions</p> The Inspector concluded that the appeal scheme would not undermine the design or form of the existing dwelling. The proposal would be a sympathetic addition which would not harm the character or appearance of the host building or the local area. Moreover the character and appearance of the CA would be preserved.

TOTAL PLANNING = 34

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
APPEAL DECISIONS - ENFORCEMENT					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
ENF/71/15/ 53 Sheffield Drive Harold Hill Romford	Hearing				<p style="text-align: center;">Quashed</p> <p>Evidence by some residents confirmed that cooking facilities had been provided in rooms but that they had subsequently been removed by the landlord. Some of the units had access to cooking facilities at the time of the Council's visit.</p> <p>The Inspector concluded that from the limited evidence presented it was likely that any cooking facilities within individual rooms had been removed prior to the service of the notice. Resultantly at the time the notice was served, it is likely that the property was in use as a HMO within Use Class C4.</p> <p>On the balance of probabilities, the matters stated in the notice had not occurred at the time the notice was issued and the property was not in use as six self-contained flats. Accordingly, Appeal B succeeds on ground (b).</p> <p>The appeal was allowed and the enforcement notice was quashed. An application for an award of costs was refused</p>

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>ENF/72/15/ 79 Sheffield Drive Harold Hill Romford</p>	<p>Hearing</p>				<p style="text-align: center;">Quashed</p> <p>The evidence presented to the Inspector by both parties was limited and, to some degree conflicting, however it did not indicate that each of the six rooms was in use as a self-contained flat at the time the notice was served. The Inspector concluded that it was likely that the majority of the units shared cooking facilities within the communal kitchen that had been provided. On the balance of probability, the evidence indicated that the alleged breach of planning control to use as six self-contained flats had not occurred as a matter of fact. Accordingly, Appeal B succeeds on ground (b)</p> <p>The appeal was allowed and the enforcement notice was quashed. An application for an award of costs was refused</p>
<p>TOTAL ENF =</p>	<p>2</p>				

Page 124

LIST OF APPEAL DECISIONS MADE BETWEEN 20-AUG-16 AND 04-DEC-16

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
Summary Info:					
Total Planning =		34			
Total Enf =		2			
Appeals Decided =		37			
Appeals Withdrawn or Invalid =		1			
Total =		36			
	Dismissed		Allowed		
Hearings	0	0.00%	2	5.56%	
Inquiries	1	2.78%	0	0.00%	
Written Reps	23	63.89%	10	27.78%	

Page 125

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REGULATORY SERVICES COMMITTEE

REPORT

22 DECEMBER 2016

Subject Heading:

Schedule of Enforcement Notices

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 15 September 2016

RECOMMENDATIONS

For consideration.

REPORT DETAIL

Schedule A shows current notices with the Secretary of State for the Environment awaiting appeal determination.

Schedule B shows current notices outstanding, awaiting service, compliance, etc.

An appeal can be lodged, usually within 28 days of service, on a number of grounds, and are shown abbreviated in the schedule.

The grounds are:

- (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) That those matters have not occurred (as a matter of fact);
- (c) That those matters (if they occurred) do not constitute a breach of planning control;
- (d) That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) That copies of the enforcement notice were not served as required by Section 172;
- (f) That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) That any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

BACKGROUND PAPERS

Schedule A & B.

SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Land at 56 Linley Crescent Romford ENF/527/14/	Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen	29-01-16	08-03-16
Unit 9 Stafford Industrial Estate, Hillman Close Hornchurch ENF/518/14/	Without benefit of planning permission, operational development comprising metal storage container in car parking area at front of the property	15-04-16	16-05-16
7 Boundary Road Romford ENF/77/15/	Without planning permission , the material change of use from a single family dwellinghouse (class C3) to a hostel (class C1)	14-04-16	16-05-16
12 Morris Road Harold Hill Romford ENF/152/15/	Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen	09-06-16	08-07-16

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Youngs Farm St Marys Lane Upminster ENF/472/15/	Alleged use of outbuilding as residential accommodation	02-08-16	12-08-16
29 Roslyn Gardens Gidea Park Romford	Without planning permission, the erection of a 2-storey side extension and a roof extension.	27-07-16	23-08-16
1 Beaumont Close Romford	Without planning permission, the material change of use of a dwellinghouse (Class C3) to a sui generis House in Multiple Occupation	18-08-16	27-09-16

SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
South side of Lower Bedford's Road, (Hogbar Farm) west of junction with Straight Road, Romford	(1) Siting of mobile home and touring caravan. (2) Earth works and ground works including laying of hardcore.	28.6.01 Delegated	6.9.01 31-05-02	10.9.01 31-05-02	6.11.01 Grounds (a) and (g)	Allowed 14.2.03 Notice quashed temporary planning permission granted Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Land junction of Lower Bedford's Road (Vinegar Hill) and Straight Road, Romford	(1) Unauthorised residential use and operations. (2) Erection of fencing and construction of hardstanding	Delegated Authority “	9.11.01 “	9.11.01 “	21.12.01 “	Allowed 14.2.03 Notice quashed temporary planning permission granted for 1 year. Dismissed and extended the compliance to 15 months	Temporary planning permission granted for one -year period – expired Feb 2004. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Hogbar Farm (East), Lower Bedford's Road Romford	Residential hardsurfacing Operational development	Committee 3.7.03	16.1.04	22.1.04	26.2.04 Grounds (a) and (g)	Appeal Dismissed Public Inquiry 11 and 12 December 2007	Temporary planning permission granted until 30-04-2013. Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Fairhill Rise, Lower Bedford's Road Romford	Residential, hardsurfacing etc. Operational development	Committee 3.7.03	16.1.04	22.1.04	27.2.04 Ground (a) and (g)	Appeal part allowed Public Inquiry 24.4.07	Appeal part allowed for 5 years plus 3 month to reinstate the land Monitoring. In abeyance pending adoption of new Planning Guidance. 2 February Regulatory Services Committee agreed to hold enforcement decisions in abeyance pending above. Traveller site policy incorporated within LDF.
Arnolds Field, Lauvers Lane, Upminster	Unauthorised landfill development x 2	Committee 24.4.04		29.7.04	Appeal lodged.	Appeal dismissed	Enforcement Notices upheld. Pursuing compliance.

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
21 Brights Avenue, Rainham	Unauthorised development.	Committee 22.10.04	14.12.04	20.12.04			Enforcement Notice served. Second prosecution 30-09-10. Costs £350.00. Pursuing compliance
179-181 Cherry Tree Lane, Rainham	1. Development 2. Use	Committee 30.8.06	27.10.06	30.10.06			Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance
Land at Church Road, Noak Hill Romford	1. Development 2. Use	Delegated	17.7.07	17.7.07		Appeal dismissed	1. Development. Appeal Dismissed Enforcement Notice varied 2. Use. Appeal Dismissed Pursuing compliance
Woodways & Rosewell, Benskins Lane, Noak Hill Romford	Change of Use	Delegated	21.6.07	27.6.07	20.7.07	Appeal dismissed	Pursuing compliance
Sylvan Glade Benskins Lane Noak Hill Romford	Change of Use and Development	Delegated	18.9.07	18.9.07	24.10.07	Appeal dismissed	Pursuing compliance
The White House Benskins Lane Romford 2 Notices	1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage	Committee 06-12-07	29-07-08	29-07-08			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
14 Rainham Road Rainham	Alleged operation of car wash without full compliance with planning conditions and unauthorised building (2 Notices)	Committee 26-06-08	07-11-08	13-11-08	12-01-09 15-12-08	Appeal dismissed	Further appeal lodged 13-02-14 Part allowed/part dismissed 26/03/15 Breaches partly complied
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach (9 Notices served)	Committee 18.09.08	23.12.08	23.12.08	02-02-09	Various decisions (9 Notices)	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Unauthorised developments and changes of use (5 Notices served)	Committee 20-11-08	16-02-09	17-02-09	11-04-09	Various decisions (5 Notices)	Pursuing compliance
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Non -compliance Prosecution pending
108 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Non- compliance- Prosecution pending
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	New application submitted P0398.16 – Monitoring
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
5 Writtle Walk Rainham	Use	Delegated 14-01-11	18-04-11	18-04-11	19-05-11	Appeal Dismissed	Prosecuted, pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Non - compliance – Prosecution pending
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-12	Appeal Dismissed	Pursuing compliance
Benskins Lane east of Church Road Hald Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12	Appeal Dismissed	Pursuing compliance
72 Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12	Appeal dismissed	Prosecuted –pursuing compliance
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
Welstead Place Benskins Lane Noak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13	04-07-13	Appeal allowed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
76 Lower Bedford Road Romford	Development	Committee 06-06-13	12-08-13	12-08-13	19-08-13	Appeal dismissed	Pursuing compliance
Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford	Development/Use	Committee 27-06-13	13-09-13	13-09-13	21-10-13	Appeal allowed	Pursuing compliance
34 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13	Appeal dismissed	Pursuing compliance
Hogbar Farm West Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Notice quashed	Temporary planning permission granted for 3 years expiring 28-07-18
Hogbar Farm East Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Appeal dismissed	Notice to be complied with by 28-07-17
14 Rainham Road Rainham	1. Breach of conditions 2. Development	Committee 14-11-13	15-01-14	16-01-14	13-02-14	Appeal part allowed/part dismissed	Pursuing compliance – Partly complied
3 Austral Drive Hornchurch	Development	Committee 03-10-13	23-12-13	23-12-13	30-01-14	Appeal dismissed	Pursuing compliance
Prime Biomass Unit 8 Dover's Corner New Road Rainham	Use	Delegated	11-03-14	11-03-14			Monitoring
Folkes Farm Folkes Lane Upminster	Use Notice A	Delegated	24-04-14	24-04-14			Pursing compliance – Prosecution pending

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Folkes Farm Folkes Lane Upminster	Use Notice B	Delegated	24-04-14	24-04-14			Pursuing compliance – Prosecution pending
Folkes Farm Folkes Lane Upminster	Use Notice C	Delegated	24-04-14	24-04-14			Pursuing compliance – Prosecution pending
1 Spinney Close Rainham	Development	Committee 17-07-14	26-08-14	26-08-14			Pursuing compliance
Leprechauns Gerpins Lane Upminster	Development	Delegated	26-08-14	26-08-14	29-08-14	Appeal Dismissed	High court challenge dismissed , Pursuing compliance
As Stud Farm r/o Letchford Farm St Marys Lane Upminster	Use/Development	Delegated	05-12-14	05-12-14	15-01-15		Monitoring – Planning application expected
Land at Yard 3 Clockhouse Lane Collier Row Romford	Use/Development	Delegated	14-01-15	15-01-15	16-02-15	Appeal dismissed	Pursuing compliance
203 Upper Rainham Road Hornchurch	Use/Development	Committee 28-01-15	23-02-15	23-02-15	30-03-15	Appeal dismissed	Pursuing compliance
Guvners Grill 2-4 Eastern Road Romford	Use	Delegated	22-10-15	22-10-15			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
11 Northumberland Avenue Gidea Park Romford	Development	Delegated	13-07-15	14-07-15			Pursuing compliance
52 Sevenoaks Close Harold Hill Romford	Use	Delegated	02-10-15	02-10-15	04-11-15	Appeal allowed	Notice quashed
56 Linley Crescent Romford	Use	Delegated	29-01-16	29-01-16	08-03-16		See Schedule A
14 Lower Mardyke Avenue Rainham	Use	Delegated	17-02-16	17-02-16			Pursuing compliance
Land at Wyema 9 North Road Havering-atte-Bower	Development	Delegated	22-11-16	22-11-16			Pursuing compliance
Kings Oak Clay Tye Road Upminster	Development	Delegated	18-11-16	18-11-16			Pursing compliance
Unit 9 Stafford Industrial Estate, Hillman Close Hornchurch	Use	Delegated	15-04-16	15-04-16	16-05-216		See Schedule A

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
7 Boundary Road Romford	Use	Delegated	14-04-16	14-04-16	16-05-16		See Schedule A
12 Ardleigh Green Road Hornchurch	Use	Delegated	09-06-16	09-06-16			Pursuing compliance
201B Crow Lane Romford	Use & Development	Delegated	18-05-16	18-05-16			Pursuing compliance
12 Morris Road Hald Hill Romford	Use	Delegated	09-06-16	09-06-16	08-07-16		See Schedule A
Young's Farm St Marys Lane Upminster	Use	Delegated	02-08-16	02-08-16	12-08-16		See Schedule A
1 Beaumont Close Romford	Use	Delegated	19-08-16	19-08-16			See Schedule A
39B Navarre Gardens Collier Row Romford	Use	Delegated	16-08-16	16-08-16			Pursuing compliance
140 Straight Road Romford	Use	Delegated	16-08-16	16-08-16			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
52 Station Road Upminster	Development/use	Delegated	10-06-16	10-06-16			Pursuing compliance
29 Roslyn Gardens Romford	Development	Delegated	27-08-16	27-08-16	23-08-16		See Schedule A
2 Berwick Pond Close Rainham	Use	Delegated	30-06-16	30-06-18			Pursuing compliance
1a Berndale Road Romford	Use	Delegated	05-07-16	05-07-15			Notice withdrawn – Application being determined
38 Derby Avenue Upminster	Development	Delegated	09-09-16	09-09-16	12-10-16	Appeal dismissed	Pursuing compliance
Harlow Gardens Playsite Harlow Gardens Romford	Development	Delegated	07-10-16	07-10-16			Pursuing compliance
9 Como Street Romford	Use	Delegated	14-10-16	14-10-16			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Land at Crow Lane Metals Crow Lane Romford 2 Notices	Development/use	Delegated	29-09-16	29-09-16			Pursuing Compliance
35a New Road Rainham	Use	Delegated	28-10-16	28-10-16			Pursuing compliance
17 Stanford Close Romford	Use	Delegated	28-10-16	28-10-16			Pursuing compliance
Land known as Aveley Marshes to north west of 9- 15 Juliette Way Purfleet Ind Park. Aveley 13 Notices	Use/development	Delegated	02-11-16	02-11-16			Pursuing Compliance
27 Wentworth Way Rainham	Development	Delegated	30-11-16	30-11-16			Pursuing compliance

REGULATORY SERVICES COMMITTEE

22 DECEMBER 2016

REPORT

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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 updates the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured
4. There have been no prosecutions this quarter

IMPLICATIONS AND RISKS

Financial implications and risks: Financial resources are required to undertake Prosecutions

Legal implications and risks: Prosecutions requires use of legal resources.

Human Resources implications and risks: None identified.

Equalities implications and risks: The Councils planning powers are implemented with regard for equalities and diversity

REGULATORY SERVICES COMMITTEE

22 DECEMBER 2016

REPORT

Subject Heading:

Schedule of complaints

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

The attached schedule lists the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 27 August 2016 and 2 December 2016

RECOMMENDATIONS

That the report is noted and the actions of the Service agreed.

REPORT DETAIL

Prior to this meeting, Members have been emailed the schedule listing the complaints received by the Planning Control Service over alleged planning contraventions. Since the matter was last reported to this Committee on the 15 September 2016 some 177 complaints have been received

There have been 4 reported unauthorised Traveller encampments this quarter. All Complaints have since been resolved.