



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
2 February 2017**

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

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

Reporting means:-

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

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

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

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

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

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

4 MINUTES (Pages 1 - 24)

To approve as a correct record the minutes of the meetings of the Committee held on 8 December, 22 December 2016 and 12 January 2017 and to authorise the Chairman to sign them.

- 5 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 25 - 74)
- 6 **P1106.16 - ROSEBERRY GARDENS (PARKING COURT) ROSEBERRY GARDENS**
(Pages 75 - 94)
- 7 **P1844.16 - BROADFORD PRIMARY SCHOOL, FARINGDON AVENUE** (Pages 95 - 106)
- 8 **P1626.16 - COCKHIDE FARM, BRAMBLE LANE** (Pages 107 - 144)
- 9 **P1161.16 - CROW LANE/SANDGATE CLOSE, ROMFORD** (Pages 145 - 172)
- 10 **P1815.16 - 92 KINGSTON ROAD, ROMFORD** (Pages 173 - 184)
- 11 **P1373.16 - 31 HIGH STREET, HORNCHURCH** (Pages 185 - 214)
- 12 **P1840.16 - MARKET PLACE, ROMFORD** (Pages 215 - 240)
- 13 **APPLICATION FOR STOPPING UP OF HIGHWAY LAND IN MARKET PLACE, ROMFORD** (Pages 241 - 246)
- 14 **APPLICATION FOR STOPPING UP OF HIGHWAY LAND AT BRIAR ROAD SHOP SITE, ROMFORD** (Pages 247 - 254)
- 15 **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

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
8 December 2016 (7.30 - 10.30 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Linda Hawthorn and +Ron Ower

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Ray Best and Alex Donald

+Substitute members: Councillor John Crowder (for Ray Best) and Councillor Ron Ower (for Alex Donald).

Councillors Jason Frost, Wendy Brice-Thompson and Frederick Thompson were also present for parts of the meeting.

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

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

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

130 **MINUTES**

The minutes of the meeting held on 17 November 2016 were agreed as a correct record and signed by the Chairman.

131 **P0562.15 - 102-124 SACKVILLE CRESCENT & 126-148 & 150-160 SACKVILLE CRESCENT**

The proposals before Members were for two separate planning applications that were considered together but voted on separately.

Proposal P0562.15 was for the construction of third floor extensions to the existing apartment blocks at 102-112 and 114-124 Sackville Crescent and would feature a mansard roof to create four new flats (two in each block).

Proposal P0567.15 was for the construction of third floor extensions to the existing apartment blocks at 126-148 and 150-160 Sackville Crescent and would feature a mansard roof to create six new flats (two in block 150-160 and four in block 126-148)

Members noted that an email had been submitted by Councillor Alex Donald in which he outlined his objections to the proposals.

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

The objector commented that the proposals would affect residential amenity and create parking problems in an area that already had displaced parking. The objector also commented that the proposals would lead to overlooking, privacy loss and overshadowing of neighbouring properties. The objector concluded by commenting that the proposals were also out of character in the area and could lead to access/egress difficulties for emergency vehicles during the construction phase.

The applicant responded by commenting that there was a critical need for housing within the borough and that the proposal included an upgrade to the entrance system, extra cladding and had been re-designed several times to take into consideration officer's comments. The applicant also commented that the gardens would remain intact and that the current buildings were not of a similar nature to the neighbouring properties.

During a brief debate Members discussed the lack of parking provision in the area, overdevelopment of the site and lack of amenity space that would be afforded to residents.

Both proposals were recommended for approval however following motions to refuse the granting of planning permission it was **RESOLVED** that both proposals be refused planning permission for the following reasons:

- By reason of inadequate car parking and loss of amenity space on site the proposals represented overdevelopment harmful to the amenity of residents.
- By reason of the four storey height the scale of the proposals would be harmfully out of character with the surrounding area.

- Inadequate parking on site was likely to lead to increased pressure for on street car parking which was already congested due to commuter etc parking in the locality.
- The failure to secure legal agreements for school places contributions.

132 P0872.16 - ST CEDD HALL, SIMS CLOSE, ROMFORD

The proposal before Members was seeking planning permission for the erection of single storey extensions, dropped kerb, disabled ramp and also for the retention of a raised decking area to the rear of the property with internal remodelling. The proposal would also include an extension link between the main building and outbuilding to create a reception area for the nursery.

Members noted that the proposal had been called in by Councillor Frederick Thompson on the grounds that he considered it would result in an intensification of use in a domestic situation where housing was close by and the site was not far from retirement flats whose residents may not have enjoyed children playing outside. Councillor Thompson also had concerns that cars entering and leaving the site would be a source of noise and fumes to the immediately adjacent dwelling.

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

The objector commented that there would be a loss of privacy to the adjoining properties in Sims Close and also expressed concern about the daily use of the hall and the increased traffic that would be using the cul-de-sac.

In response the applicant commented that the planned use was not a change of use class and that any noise emanating from the premises would be controlled. The applicant also commented that the site benefitted from good transport links and parking provision nearby.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that building works had already started and that the proposal would not be in keeping with the existing and neighbouring properties. Councillor Thompson also commented that the proposal would create more traffic dangers to children in the area as the pavements were quite narrow.

During a brief debate Members sought and received clarification regarding the change of use and its impact both by OFSTED and Planning regulations.

Members also discussed the possible overdevelopment and the access/egress arrangements of the site.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds that the extensions and alteration facilitated an increased degree of use reliant on inadequate on site garden space and parking provision thus representing a significant overdevelopment of the site harmful to the amenity of nearby residents and pedestrian safety within Sims Close.

133 **P1483.16 - 17-19 MARKET PLACE, ROMFORD**

The report before Members detailed an application for alterations and an extension to the existing building to create six flats with a retail unit at ground floor level. The residential accommodation would comprise of one 1-bedroom unit and five 2-bedroom units.

Members noted that the application had been called in by Councillor Frederick Thompson on the grounds that he believed it would be an enhancement to the streetscene and have little effect on views of the church.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that he had no objections to the proposal and believed it added charm to the Market streetscene and would help bring a little life back to the area. Councillor Thompson concluded that he believed the proposal would not affect the views of the nearby church and asked that the Committee supported the application.

During a brief debate Members discussed the possible improvements to the streetscene that the proposal would bring to the area.

Members also discussed the building's relationship to the church house situated adjacent, which was a listed building, and commented that there were concerns about separating the two buildings during the construction stage.

The application was recommended for refusal however following a motion to approve the granting of planning permission which was carried 8 votes to 2 with 2 abstentions it was **RESOLVED** to delegate to the Assistant Director of Regulatory Services to grant planning permission contrary to recommendation subject to prior completion of a legal agreement for school place contribution and subject to imposing planning conditions to be decided by the Assistant Director of Regulatory Services, to include:

- Conditions designed to enable protection for the adjoining listed building during demolition and construction.
- Conditions requiring robust detail and execution of external design and materials.

The application would be referred back to the Committee if the legal agreement was not agreed.

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

Councillors Misir, J. Crowder, Kelly, Wallace, White, Ower, Whitney, Martin and Williamson voted for the resolution to delegate the granting of planning permission.

Councillors Hawthorn and Nunn abstained from voting.

134 **P1430.16 - 587 UPPER BRENTWOOD ROAD, ROMFORD**

The application before Members sought planning permission for the demolition of the existing property and the construction of a new two-storey building comprising a physiotherapy practice (D1 use) to the front part of the ground floor, and a three-bedroom dwelling occupying the ground floor rear and first floor areas of the building. The front/side garden area would be paved over to form a car park providing six off-street car parking spaces (including one accessible bay), accessed via the existing double driveway arrangement.

Members noted that the application had been called in by Councillor Melvin Wallace as he believed that the current bungalow on this site was an eyesore and the proposed development would enhance the area and add a new business to Gidea Park.

During a brief debate Members sought and received clarification of the access/egress arrangements and opening hours of the proposed business.

The report recommended that planning permission be refused however following a motion to grant planning permission it was **RESOLVED** that it be delegated to the Assistant Director of Regulatory Services to grant planning permission contrary to recommendation subject to planning conditions to be decided by the Assistant Director of Regulatory Services and to include:

- Opening hours to start no earlier than 8.30am.
- Submission, approval, implementation and maintenance of a scheme of soft landscaping to include hedging to screen the new front parking area and create a buffer with the adjoining residential occupier.

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

The proposal before Members was for alterations to the existing car park layout and provision of additional car parking on adjacent land to serve the existing foodstore, together with reinstatement of the former community allotment on the remainder of adjacent land, and associated landscaping and works.

The application had previously been presented to the Regulatory Services Committee of 15 September 2016.

During the previous debate Members discussed the proposed works and the benefits they would bring to the area. The report recommended that planning permission be refused however following a motion to approve planning permission it was resolved to delegate to the Head of Regulatory Services to grant planning permission, contrary to recommendation, subject to conditions and the prior completion of a legal agreement to cover:

- A clause requiring reversion of site to Green Belt open land on cessation of car park use by Aldi
- £12,000 financial contribution to nearby public open space
- plus imposition of conditions to be decided by the Head of Regulatory Services but to include a maintenance scheme for the meadow area in perpetuity. The application was to be re-presented to the Committee for determination in the event that the legal agreement could not be satisfactorily negotiated.

The application was being brought back before the Committee as the applicant has queried the reasonableness of the clause requiring the reversion of the site to Green Belt open land and the linkage to Aldi and did not consider it necessarily reflected the nature of the debate and issues raised by Members at the meeting. The applicant had argued that the clause was not necessary as the land would remain in Green Belt use and that planning permission would be required for all future development so the use as a car park should not present a greater risk of further development in the Green Belt in the future.

Officers had accepted that the site would remain in the Green Belt and that further forms of development would require planning permission. However did not agree with the applicant in terms of the potential pressure for allowing further development on the site, given that it would become previously developed land, albeit within the Green Belt.

It was officers understanding that Members wanted a clause requiring the land to be returned to undeveloped land in the event of the cessation of the use of the car park. The report had been brought back to the Committee for Members to provide clarity on the intention of the clause in question and for Members to consider if, in fact, it was necessary for the site to be reverted to undeveloped land when the car park was no longer required.

With its agreement Councillor Jason Frost addressed the Committee.

Councillor Frost commented that the land remained in the Green Belt and that any subsequent change to the land would require planning permission.

Following a brief debate in which Members sought and received clarification as to the possible future use of the land and possible restrictions it was **RESOLVED** to delegate to the Assistant Director of Regulatory Services to go back to applicant to seek their agreement to completing a Section 106 agreement with an amended clause requiring the physical reversion back to undeveloped land, including the removal of any hardstanding, on cessation of the car park use for retail purposes and subject to their completion to grant planning permission subject to planning conditions to be determined by the Assistant Director of Regulatory Services. If the legal agreement was not completed as above then officers would refuse planning permission as per the original recommendation.

136 **P0272.16 - FROG ISLAND, FERRY LANE, RAINHAM - PROPOSED NEW OFFICE AND WORKSHOP BUILDING**

The Committee considered the report, noting that the proposal qualified for a Mayoral CIL contribution of £22,400 and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

137 **P1165.16 - 27 LEWES ROAD, ROMFORD - PROPOSED CONVERSION OF AN EXISTING DWELLING INTO A FIVE BEDROOM HMO WITH INDEPENDENT W/C WITHIN EACH BEDROOM. SHARED KITCHEN AND GROUND FLOOR W/C**

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

138 **P1210.16 - UNIT 4B, BERNARD ROAD, ROMFORD - RETROSPECTIVE CHANGE OF USE FROM A LIGHT INDUSTRIAL UNIT TO AN ADMINISTRATION OFFICE WITH GROUND FLOOR VEHICLE STORAGE AREA**

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

139 **P1418.16 - UNIT 12A AND 12B THE BREWERY, ROMFORD - CHANGE OF USE OF UNIT 12B FROM A1 (RETAIL USE) TO A3 (RESTAURANT USE) TOGETHER WITH EXTERNAL ALTERATIONS TO PROVIDE NEW ENTRANCE DOORS TO UNIT 12A AND 12B**

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

140 **P1421.16 - 1 MOWBRAYS ROAD, ROMFORD**

The proposal before Members was for the demolition of the existing bungalow, ancillary buildings and garage block and the construction of four new dwellings plus ancillary facilities.

During a brief debate Members sought and received clarification of the parking provision and access/egress arrangements for the proposal.

The Committee noted that the proposal qualified for a Mayoral CIL contribution of £4,780 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £18,000 to be used for educational purposes
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the 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 as set out in the report and to add an additional condition requiring submission, approval, implementation and maintenance of a scheme of screening based on boundary treatment and landscaping for the four space car parking area designed to mitigate the effect of headlight disturbance and exhaust fumes on the rear garden environment and amenity of neighbouring properties.

141 **P1249.16 - HEXAGON HOUSE 5 MERCURY GARDENS, ROMFORD**

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

During a brief debate Members sought and received clarification on a number of points in relation to the proposal including whether an impact assessment had been carried out on the surrounding roads and whether there was sufficient amenity space for future residents.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 6 votes to 5 it was **RESOLVED** that the granting of planning permission be refused on the grounds of:

- The significant extension to a former office building converted to residential use would result in an overall number, mix and arrangement of flats – especially those 2 bed and larger likely to be occupied by families with children – which would represent a cramped, unduly intense occupation of the site, failing to achieve the quality of living conditions to justify a building of this height and density.
- The development's height would be materially out of keeping with the scale of adjacent buildings and thereby harmful to the townscape within Western Road.
- Failure to secure legal agreement for contributions for school places and affordable housing.

The vote for the resolution to refuse planning permission was carried by 6 votes to 5.

Councillors Kelly, Hawthorn, Nunn, Whitney, Martin and Williamson voted for the resolution to refuse planning permission.

Councillors Misir, Crowder, Wallace, White and Ower voted against the resolution to refuse planning permission.

142 **P1339.16 - ABERCROMBIE HOUSE, BRIDGWATER ROAD, HAROLD HILL - SINGLE STOREY REAR EXTENSION TO INCREASE THE SIZE OF THE EXISTING RESTRICTED RECEPTION AREA.**

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

143 **P1609.16 - MOUNTBATTEN HOUSE, ELVET AVENUE - INTERNAL MODIFICATIONS AND REAR EXTENSION TO GROUND FLOOR OF THE TOWER BLOCK TO PROVIDE A TENANTS MANAGEMENT ORGANISATION OFFICE AND ASSOCIATED FACILITIES**

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

144 **P1532.16 - CROWNFIELD JUNIOR SCHOOL, WHITE HART LANE - NEW MODULAR BUILDING TO THE JUNIOR SCHOOL, CONSISTING OF 4 NO. CLASSROOMS AND TOILETS AND A NEW NETBALL COURT WITH A CANOPY OVER**

The Committee considered the report and following a motion to defer consideration of the report which was lost by 4 to 7 **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

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

Councillors Martin and Williamson voted against the resolution to grant planning permission.

Councillors Nunn and Whitney abstained from voting.

145 **P1528.16 - CROWNFIELD INFANTS SCHOOL, WHITE HART LANE - PROPOSED SCHOOL EXPANSION WHICH WILL CONSIST OF THE FOLLOWING: A NEW STAND ALONE BUILDING TO EXPAND THE INFANTS SCHOOL CONSISTING OF 4 NO. CLASSROOMS, TOILETS AND A HALL, WIDENING OF AN EXISTING FOOTPATH, REPOSITIONING OF AN EXISTING FENCE, RE- POSITIONING OF PITCH MARKINGS, THE DEMOLITION OF EXISTING BRICK STORES, BREAKING OUT A LARGE CONCRETE SLAB AND THE FORMATION OF A NEW PLAYGROUND**

The Committee considered the report and following a motion to defer consideration of the report which was lost by 4 to 7 **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution to grant planning permission was carried by 7 votes to 3 with 1 abstention.

Councillors Nunn, Martin and Williamson voted against the resolution to grant planning permission.

Councillor Whitney abstained from voting.

146 **P1097.16 - 69 NEWTONS CLOSE, RAINHAM - PART RETENTION OF AN EXISTING OUTBUILDING TOGETHER WITH INTERNAL AND EXTERNAL ALTERATIONS TO ENABLE CONVERSION TO A GRANNY ANNEXE**

The Committee considered the report and without debate **RESOLVED** that the application was unacceptable as it stood but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 69 Newtons Close, Rainham and shall not be sub-divided or sold off separately from the main dwelling.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the 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 as set out in the report.

147 **SUSPENSION OF STANDING ORDERS**

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

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
22 December 2016 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Melvin Wallace, Ray Best, Steven Kelly, Michael White and +Carol Smith

Residents' Group Stephanie Nunn and Reg Whitney

East Havering Residents' Group Alex Donald (in the Chair) and Linda Hawthorn

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

An apology was received for the absence of Councillor Robby Misir.
+Substitute member Councillor Carol Smith (for Robby Misir)

Councillors David Durant, Jeffery Tucker and John Wood were also present for parts of the meeting.

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

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

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

149 P1715.16 - 137-151 MONTGOMERY CRESCENT LAND R/O, ROMFORD

The report before Members detailed an application that sought planning permission for the erection of three chalet bungalows. The application was a resubmission of an application (P1611.14) which was approved at the Committee on 16 July 2015. The current application sought to address the significant level changes on site which were not accurately shown on the previous submission.

The application raised 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.

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

The objector commented that the proposal was now a three storey development as there was a change in the land level which would make the building overbearing and intrusive. In concluding the Committee was requested to refuse the application as this was an overdevelopment on the site.

The applicant's agent commented that the ridge line of the proposed building was in line with the nearest property. The Committee was also informed that the building had been constructed slightly lower than what was outlined in the drawings and was of the opinion that these factors be taken in to consideration.

During the general debate Members discussed at what stage were officers made aware of the issue with the change in land level.

The Committee deliberated on the relationship of the building on the character of the surrounding area and the impact of the ground level changes on development including the privacy of the neighbouring properties.

A motion for the refusal of the application was put forward but there was no seconder to the motion.

The Committee considered the report and **RESOLVED** that planning permission be granted subject to prior completion of legal agreement as set out in the report.

The vote for the resolution to grant planning permission subject to prior completion of legal agreement was carried by 9 votes to 2 against.

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

150 **P0923.16 - RAINHAM WALL ENGINEERING, NEW ROAD, RAINHAM**

The report before Members detailed an application for the redevelopment of an existing commercial site on the north side of New Road, Rainham. The proposal was 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 report informed the Committee that site was within a predominantly residential area where the redevelopment of previously developed land for housing would be acceptable in principle.

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

Councillor David Durant commented on the scale of the development and was of the view that the development was short of adequate amenities and parking spaces. Councillor Durant suggested that the highways contribution be used to widen the road to convert the grass verge in to additional parking spaces.

Councillor Jeffery Tucker stated that he was in support of the application. He was of the opinion that the proposal was a good development. Councillor Tucker suggested that additional screening hedges be provided on the site.

During a brief debate Members sought clarification on the total parking spaces on the development, The Committee noted that 84 parking spaces would be provided. Members discussed the need for additional landscaping to screen the site away from the A1306.

The Committee considered the report and **RESOLVED** that planning permission be granted subject to prior completion of legal agreement as set out in the report and also the following:

- Submission, approval, implementation and maintenance of a parking management scheme.
- Landscaping condition to specifically require scheme of screen hedging behind the frontage fencing along the parts of the site where perpendicular parking will abut the A1306.
- Changes to plan ref numbers to reflect revised plans
- Changes to certain conditions to enable below ground works subject to conditions to proceed in advance of discharge of later conditional requirements.

151 **P1373.16 - 31 HIGH STREET, HORNCHURCH**

The report before Members detailed an application for the construction of a Lidl food store with associated car parking at 31 High Street, Hornchurch.

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

The report informed Members that the development raised 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.

It was noted that on balance the proposal was considered to be acceptable in all material respects subject to conditions and the applicant entering into a Section 106 Agreement.

During a brief debate Members raised concern on the traffic arrangements further to no objection from Highways. The Committee took the view that a traffic management scheme would be required as they were concerned with traffic flow and were of the opinion that right from the site should be restricted. Members also sought clarification on the percentage of disabled parking spaces that would be provided.

Following the discussion, it was **RESOLVED** that consideration of the report be deferred to allow staff to take up with the applicant and LBH Highways the following:

- Concise summary of main TIA conclusions, especially the anticipated impact on traffic movement within High Street not just in the immediate vicinity of the access but more widely including the effect on other junctions/traffic light queuing and concerns about gridlock, together with detailed comment from Council's Highway Engineer on the traffic flow along High Street and impact of the development.
- Consideration of additional design/signage measures to reduce risk of traffic congestion related to the site entrance/exit including, for example, left turn in/out only.
- Clarify if the provision of on-site disabled parking accord with London Plan?
- Additional condition preventing any access being formed from the site to/from Fairkytes Avenue to the rear without permission from the Council.
- Extend restricted on-site parking period from one to two hours unless there was a car park capacity reason behind this restriction in which case explain fully.
- Clarify for what and where the highway crossing contribution is to be used.

152 **P1539.16 - FORMER HAROLD WOOD HOSPITAL**

The report before Members detailed reserved matters for the approval of siting, design, external appearance, landscaping (the reserved matters) pursuant to 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.

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

The Committee considered the report and **RESOLVED** that reserved matters permission be granted subject to the conditions set out in the report.

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

Councillor Alex Donald voted against the resolution.

153 **P1820.16 - AVELON ROAD CENTRE**

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

154 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

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

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

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

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

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 20 August 2016 and 2 December 2016.

The report detailed that 48 new appeals had been received since the last meeting of the Monitoring Committee in September 2016.

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

156 **SCHEDULE OF ENFORCEMENT NOTICES**

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

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

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

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

157 **PROSECUTIONS UPDATE**

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

The Committee **NOTED** the report.

158 **SCHEDULE OF COMPLAINTS**

Members had previously been emailed a schedule which listed the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 27 August 2016 to 2 December 2016.

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

Chairman

Public Document Pack

**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Council Chamber - Town Hall
12 January 2017 (7.30 - 9.00 pm)**

Present:

COUNCILLORS:	11
Conservative Group	Robby Misir (in the Chair) Melvin Wallace, Steven Kelly, Michael White and +Carol Smith
Residents' Group	Stephanie Nunn and Reg Whitney
East Havering Residents' Group	Alex Donald and Linda Hawthorn
UKIP Group	Phil Martin
Independent Residents Group	Graham Williamson

An apology was received for the absence of Councillor Ray Best.
+Substitute member Councillor Carol Smith (for Ray Best)

Councillors Linda Van den Hende, Damian White and Ron Ower were also present for parts of the meeting.

20 members of the public were present.

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

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

159 P1549.16 - ASHBROOK NURSING HOME, 217 CHASE CROSS ROAD, ROMFORD

The application before Members proposed a Section 73 application for an extension to the nursing home that was originally granted in 2012. This provided for an extension over three floors, including a lower ground floor. Detailed plans were approved as part of the application. The development had not been constructed in accordance with these plans. This was an application under Section 73 of the Town and Country Planning Act 1990

which seeks a new planning permission with revised plans that accord with what has been constructed.

The changes involve the extension of the first floor accommodation and changes to the roof and window details. The number of new bedrooms would remain the same at 28, however there would be additional rooms for staff and other internal layout changes including relocating stairs. The plans also show other minor changes including relocation of fire escape, inclusion of entrance canopy, internal layout changes, infilling of small light well and revised parking layout that entail a minor adjustment to the footprint of the building.

During the debate Members discussed the use of the additional seven rooms by staff at the home and if more parking spaces were required. It was clarified to the Committee that the bedrooms at the home remained the same.

The report recommended that planning permission be refused however following a motion for approval of planning permission which was carried by 7 votes to 3 and 3 abstentions it was **RESOLVED** that Section 73 application be granted subject to conditions covering:

- Full accordance with approved plans;
- 10 parking spaces carried forward from previous permission;
- No flank windows;
- And (if development not completed) constructions hours; materials, method statement and , landscaping, screening for lower ground floor Avelon Road, Transport Plan, refuse storage and Secure by Design as per previous discharge of condition approvals.

160 **P1706.16 - 41 PARKLAND AVENUE, UPMINSTER**

The application before Members sought planning permission for the demolishing and replacing the existing side garage, utility room, and part of the kitchen to enable the erection of a two storey side extension together with a single storey rear extension. The proposed works also included a new front porch and replacing an existing first floor rear window with double doors together with a metal guard-rail to create a 'Juliette' balcony.

The ground floor area of the proposed side and also part of the proposed rear extension would create an annexe with self-contained facilities including a bedroom, bathroom and kitchen/lounge.

The proposal detailed that the annexe would be occupied by the applicant's father who required some degree of care and the annexe was not intended to be used as a separate unit which was not ancillary to the main house.

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

The objector commented that he had lived in his property for twenty years and raised concern on the developments that proposed to build up to his boundary wall. It was stated that this would cause a lack of space to maintain boundary wall and sense of enclosure/tunnelling effect. The objector also stated loss of light in the area there was now inadequate amenity space for residents to use.

In response the applicant's agent commented that an identical build was been undertaken down the road and that all officer and architectural guidance had been incorporated in the proposal

The Committee noted that the application had been called-in by Councillor Van den Hende on the grounds that the development raised concerns in regards to its impact upon neighbouring amenity, bulk and also its impact on the streetscene.

With its agreement Councillor Van den Hende addressed the Committee and reiterated her reasons for the call-in.

During the debate Members discussed the impact of the development on to the boundary wall of the objector. Members were of the view that the development would create a terrace effect and also considered the inability of objector to maintain his boundary wall and guttering.

Members discussed the character of the development on existing neighbouring properties, sought and received clarification on the location of the garage for the property and discussed the possible loss of light to neighbouring properties.

Following a motion to refuse planning permission which was carried lost 5 votes to 6 against, the Committee reverted to the recommendation in the report to grant planning permission, this was not carried by 5 votes to 6 votes against. Members returned to the motion to refuse planning permission which was carried by 6 votes to 5 and during the substantive vote, the motion was carried by 6 votes to 5 votes. Therefore it was **RESOLVED** that planning permission be refused on the grounds of:

- Excessive bulk, size and proximity to the boundary, unbalancing symmetry of the pair and creating a terracing effect so harm to streetscene.
- Overbearing and excessive enclosure effect on neighbouring properties (Nos.39 and 43) resulting from size and position of extension (single storey element for No.39 and single/two storey element for No.43).

161 **P1722.16 - 6 ELM PARADE, ST NICHOLAS AVENUE, ELM PARK**

The report before Members detailed an application which sought permission for a change of use from an A1 (retail) to an A5 use (hot food take-away). A new shop front was also proposed and an extraction flue would be erected to the rear of the property. The proposed A5 use would be open between 11 am and 11 pm.

The ground floor was currently occupied by a fruit & vegetable shop. The neighbouring properties within the parade consisted mainly of retail uses with residential apartment above. The parade was serviced from a lane to the rear. There were metred parking spaces outside the site and a Council run public car park opposite.

The Committee noted that the application had been called-in by Councillor John Mylod supporting the application on the grounds that if approved, the premises would add to the vibrancy of the area.

During a brief debate Members discussed the impact of an additional of the take away premises on the streetscene and parade. Members were of the view that there were too many A3/A5 uses already in the area and existing businesses. The Committee expressed concern on the impact of litter from the new business.

Following a brief debate the Committee **RESOLVED** that planning permission be refused as set out in the report.

162 **P1646.16 - HORSESHOE FARM COTTAGE, NORTH ROAD, HAVERING-ATTE-BOWER ROMFORD**

The report before Members detailed an application which sought consent for the conversion of the existing stable block into an annexe for use in association with the adjacent bungalow, known as Horseshoe Farm Cottage. In order to achieve this, the proposal would also involve the extension of residential curtilage of The Cottage to include the stable block.

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

163 **P1712.16 - 125 MUNGO PARK ROAD, RAINHAM**

The report before members sought planning permission for the change of use from A1 Retail to D2 Assembly and Leisure for the development of a soft play children's centre and a cafe.

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

164 **P1795.16 - UNIT 1 GALLOWS CORNER RETAIL PARK, ROMFORD**

The report before members sought planning permission for the erection of an internal mezzanine floor comprising 697 square metres of additional Class A1 retail floorspace.

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

Chairman

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Regulatory Services Committee

2 February 2017

Application No.	Ward	Address
P1431.16	Squirrels Heath	160-162 Balgores Lane, Romford
P1474.16	Cranham	2a Grosvenor Gardens, Upminster
P1580.16	Emerson Park	The Grove, Prospect Road, Hornchurch
P1747.16	Brooklands	36 Mawney Road, Romford
P1855.16	Upminster	Fishing Lake, Bramble Lane, Upminster
P1985.16	Brooklands	39 Crow Lane, Romford
P1991.16	Mawneys	269a Mawney Road, Romford

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2nd February 2017

APPLICATION NO. P1431.16
WARD: Squirrels Heath **Date Received:** 15th September 2016
Expiry Date: 10th November 2016

ADDRESS: 160-162 Balgores Lane
ROMFORD

PROPOSAL: Merging together of shops no. 160 and 162 to form a single restaurant and re-construction of the extension behind no. 162

DRAWING NO(S): PM/3986/001
PM/3986/002
SE/160BL/01
SE/160BL/02

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

CALL-IN

Councillor Wallace has called in this application to committee to allow Members to air their views. He indicated that the above premises if doubled in size would make living in the area a complete nightmare, the air pollution coming from the ventilation system currently would be exasperated because of the greater volume of use, the volumes of rubbish in the alley way at the back of the premises would be greater, both of these issues are reported on a regular basis now. The inconvenience to all of the residents in side roads in the area with inconsiderate parking, together with dangerous parking in Balgores Lane.

SITE DESCRIPTION

The application site is located within a two storey parade of shops on the south western side of Balgores Lane within the Balgores Lane Major Local Centre. The site comprises of 2-storey mid-terrace properties - No.'s 160 and 162 Balgores Lane comprise of 'Kervan Saray BBQ Meze Bar' and 'Brothers Fish bar' respectively with residential accommodation above.

DESCRIPTION OF PROPOSAL

The application seeks planning permission to merge together No.'s 160 and 162 Balgores Lane to form a single restaurant and the re-construction of the extension behind No. 162 Balgores Lane.

The proposed extension would be used as a seating area and two additional toilets.

RELEVANT HISTORY

- A0045.14 - Advertisement consent for 1no externally illuminated fascia sign.
Apprv with cons 07-10-2014
- A0027.14 - Advertisement consent for retention of 1no. externally illuminated fascia sign to shop front.
Refuse 22-07-2014

- Q0089.14 - Discharge of Conditions 3, 4, 6, 7 and 8 of P0666.10
Awaiting Decision
- P0618.13 - Change of use from a restaurant (A3) to a mixed restaurant/takeaway (A3/A5) use.
Awaiting Decision
- P1320.12 - Change of use from A3 to A3/A5 mixed use and an increase in opening hours.
Refuse 29-01-2013
- P0666.10 - Change of use from A1 to A3 and provision of extraction flue
Apprv with cons 16-07-2010
- P0864.08 - Change of use from A1 (retail) to A2 (financial and professional services)
Refuse 08-08-2008

CONSULTATIONS / REPRESENTATIONS

Neighbour notification letters were sent to 46 adjacent occupiers. A letter of objection was received from Councillor Thompson with concerns regarding the proposed merger and increase in size of the Turkish restaurant, as it already results in too much parking in the evenings in Balgores Lane, Fairholme Avenue, Carlton Road and Crossways. A lot of this parking is not always thoughtful and causes obstruction to residents.

Eighteen letters of objection were received with detailed comments that have been summarised as follows:

- Increasing the size of the restaurant and removing the takeaway premises will increase the number of customers who will remain on the premises for a longer period of time, rather than coming and going for shorter periods of time.
- Parking for staff and customers.
- Congestion.
- Access.
- Pedestrian and highway safety.
- Noise and disturbance.
- Noise from the emptying of commercial waste bins.
- Refuse.
- Vermin.
- The access road is used to store waste bins and parking.
- Delivery vehicles.
- It is alleged that the conditions for No.160 Balgores Lane have not been adhered to.
- Air pollution (smoke and smell).
- Lack of consultation.
- No site notices have been displayed for this application.
- Impact on neighbouring amenity.
- Impact on property value.

The Fire Brigade is satisfied with the proposals and no additional fire hydrants are required.

Environmental Health - Recommend three conditions regarding suitable equipment to remove smoke and/or disperse odours and odorous material, new plant or machinery and a scheme to

control the transmission of noise if minded to grant planning permission.

The Highway Authority has no objection to the proposal.

In response to the above, comments regarding property value are not material planning considerations. Details of refuse, hours of opening and measures to control noise from plant and machinery and odours can be secured by condition if minded to grant planning permission. A wider level of consultation of neighbouring properties took place on 26th December 2016 for 21 days. There was no requirement to display a site notice for this application. The remaining issues are addressed in the following sections of this report.

RELEVANT POLICIES

Policies DC16 (Core and fringe frontages in district and local centres), DC33 (Car Parking), DC55 (Noise) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material. The National Planning Policy Framework is also relevant.

MAYORAL CIL IMPLICATIONS

The application is not liable for Mayoral CIL, as it replaces an existing extension of less than 100 square metres.

STAFF COMMENTS

The main issues in this case are the impact on the streetscene and neighbouring amenity and any highway and parking issues.

PRINCIPLE OF DEVELOPMENT

The change of use of No. 162 Balgores Lane from a takeaway (A5 use) to a restaurant (A3 use) falls under permitted development under Class B of the Town and Country Planning (General Permitted Development) Order 2015 and as such, does not require planning permission. Therefore, the proposal to merge together No.'s 160 and 162 Balgores Lane to form a single restaurant and the re-construction of the extension behind No. 162 Balgores Lane is deemed to be acceptable in principle.

DESIGN / IMPACT ON STREET / GARDEN SCENE

It is considered that merging No.'s 160 and 162 Balgores Lane to form a single restaurant would not adversely affect the streetscene, as the works would largely be internal.

Staff consider that the reconstruction of the extension to the rear of No. 162 Balgores Lane would not result in material harm to the streetscene, as it would have the same depth (14.2 metres) as the existing extension and its width would only increase from 4.6 metres to 4.8 metres. The proposed extension would infill the gap between the existing rear extensions of No.'s 160 and 162 Balgores Lane. The proposed rear extension would have a height of approximately 4.1 metres, which is slightly higher than the existing extension at 3.7 metres. The design and roof form of the proposed extension would replicate that of the rear extension to No. 160 Balgores Lane, which Staff consider to be acceptable. Also, the rear extension would not be directly visible in the

streetscene, as its south eastern flank wall would be set in approximately 23 metres from Fairholme Avenue, which would help to mitigate its impact.

IMPACT ON AMENITY

When reviewing the merits of this application, consideration has been given to the fact that the change of use of No. 162 Balgores Lane from a takeaway to a restaurant does not require planning permission. As such, Staff consider that the amalgamation of the ground floors of No.'s 160 and 162 Balgores Lane would not be unduly harmful to residential amenity, as the works are largely internal. Furthermore, it is considered that it would be difficult to argue that the impact from a combined unit would be any greater than that arising from two individual units. In terms of odour and other issues commonly associated with restaurants, it is arguable that this should be lessened by an amalgamation where only a single source of emissions will result, rather than two as presently exists.

Staff consider that the reconstruction of the extension to the rear of No. 162 Balgores Lane would not result in material harm to neighbouring amenity, as it is single storey and it would infill the gap between the existing rear extensions of No.'s 160 and 162 Balgores Lane with an increase in width from 4.6 metres to 4.8 metres. In addition, the extension would have the same depth (14.2 metres) as the existing extension. The proposed rear extension would have a height of approximately 4.1 metres, which is slightly higher than the existing extension at 3.7 metres. Given its relatively modest increase in height and width of the proposed extension compared to the existing extension, Staff consider that it would not result in material harm to residential amenity. Also, there would be separation distance of approximately 5 metres between the rear facade of the proposed extension and the south western boundary of the application site, which would help to mitigate its impact.

The Council's Environmental Health Department has recommended several conditions regarding suitable equipment to remove smoke and/or disperse odours and odorous material, new plant or machinery and a scheme to control the transmission of noise and this can be secured by condition if minded to grant planning permission.

It is noted that planning permission was granted for a change of use from A1 to A3 and the provision of an extraction flue at at No. 160 Balgores Lane under application P0666.10 and opening hours of 08:00 to 23:00 Monday to Sunday were secured by condition and these opening hours will be secured by condition for this application if minded to grant planning permission.

HIGHWAY / PARKING

The change of use from a takeaway to a restaurant does not require planning permission and as such, this does not form part of the description of the proposal.

Staff consider that merging No.'s 160 and 162 Balgores Lane to form a single restaurant and reconstructing the extension to the rear of No. 162 Balgores Lane would, in themselves, not create any highway or parking issues. The Highway Authority has no objection to the proposal.

KEY ISSUES / CONCLUSIONS

The change of use from a takeaway to a restaurant does not require planning permission, therefore, the main issue for Members is merging together No.'s 160 and 162 Balgores Lane to

form a single restaurant including the re-construction of the extension behind No. 162 Balgores Lane to provide additional seating and toilets. The change of use, including associated internal works falls under permitted development and does not require approval . It is considered that the proposal would not be materially harmful to the streetscene and subject to some conditions regarding odours and noise, would not be unduly harmful to neighbouring amenity. Staff consider that merging No.'s 160 and 162 Balgores Lane to form a single restaurant and reconstructing the extension to the rear of No. 162 Balgores Lane would, in themselves, not create any highway or parking issues. Having regard to the above the proposal is considered to adhere to Policies DC16, DC33, DC55 and DC61 of the LDF and approval is recommended accordingly.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10C Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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. SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 23:00 on Mondays to Sundays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. SC32 (Accordance with plans)

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

Reason:-

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

5. SC58 (Refuse and recycling)

No building shall be occupied or use commenced until refuse and recycling facilities are

provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

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

6. Smoke/odours (Pre Commencement Condition)

Before the use commences suitable equipment to remove smoke and/or disperse odours and odorous materials shall be fitted to the extract ventilation system in accordance with a scheme to be designed based on Annex C of the Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Department for Environment, Food and Rural Affairs, January 2005), and certified by a competent engineer after installation to have been installed to the Heating and Ventilating Contractors' Association Specification for Kitchen Ventilation Systems - DW172. The certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

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

7. New plant or machinery (Pre Commencement Condition)

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

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

8. Mechanical ventilation system (Pre Commencement Condition)

Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: Insufficient information has been supplied with the application in relation to a scheme to control the transmission of noise and vibration from any mechanical ventilation system. Submission of details prior to commencement will ensure that a scheme to control the transmission of noise and vibration from any mechanical ventilation system information protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

1. Approval - No negotiation required

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

2. Fee Informative

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

3. Environmental Health Informatives

The applicant is advised to have regard to the following guidance provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety - www.food.gov.uk/foodindustry/
- Occupational safety & health - www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

online.havering.gov.uk/officeforms/licence_food_business.ofml.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2nd February 2017

APPLICATION NO. P1474.16
WARD: Cranham **Date Received:** 8th September 2016
Expiry Date: 3rd November 2016

ADDRESS: 2A Grosvenor Gardens
Upminster

PROPOSAL: Resubmission to P0180.16 -Single storey side and rear extension, garage conversion and changes to external finish and windows of the dwelling. Erection of a new boundary wall to the front side and rear of the property, including new front gate. The development will also include a new roof (with raised ridge) to existing house and conversion of loft to habitable space.

DRAWING NO(S): SB080-AL (P) 100
SB080-AL (P) 101 Revision A
SB080-AL (00) 102A
PON080-AL (00) 500A Revision A
SB-080-AL (00)STS
SB080-AL (00) 106A Revision A
SB080-AL (00) 105A Revision A
SB080-AL (P) 104
SB080-AL (00) 103A

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

CALL-IN

A call in has been received from Councillor Ford on the grounds of concerns received from local residents regarding the 2.2m increase in roof ridge height and that the additional height will take it beyond the height of neighbouring properties. As a consequence, it would not be in keeping with the street scene.

In addition, the applicant has already built the boundary wall at a higher height than approved under planning application P0180.16. This is therefore a retrospective application.

BACKGROUND

This application is a resubmission of a previously approved planning application P0180.16 for single storey side and rear extension, garage conversion and changes to the external finish and windows of the dwelling and the erection of a new boundary wall to the front, side and rear of property, including a new front gate. A loft extension was removed from application P0180.16 due to concerns raised regarding the roof design.

Complaints were investigated whereupon it was found that there were some differences between the development as built and those for which planning permission had been granted. This application has been submitted seeking permission to regularise those alterations and for a proposed loft conversion including an increase in ridge height, rear dormer window and roof lights.

SITE DESCRIPTION

The application site is located on the east side of Grosvenor Gardens, Upminster and is in Zone B of the Hall Lane Policy Area. The site contains a two storey detached property finished in face brick. The ground slopes from west to east within the site and also from north to south within the street.

There is a close boarded fence on either side at the rear of the property and a low wall and piers to the front. There is space for two/three vehicles within the site, one/two on the driveway and one in the garage. To the north of the site is an electricity substation.

DESCRIPTION OF PROPOSAL

The principle of substantial extensions to this property has been established by the previous consent P0180.16 and this application relates solely to the changes outlined below in relation to the previously approved scheme together with a proposed loft conversion. The details are as follows:

1. The overall height of the property would be increased from approximately 8.04m to approximately 9.07m. As a consequence of the proposed roof alteration, the angle of the roof would be increased from 30 degrees to 35 degrees and 5 no. roof lights would be inserted, three to the front and two to the rear of the dwelling, together with a dormer window to the rear.
2. The retention of the variance in height of the previously approved single storey extensions.
3. The retention of the roof lanterns over the single storey rear extension as installed (different design).
4. The retention of a higher front boundary wall and gate with no visibility splay.
5. The retention of the plant room adjacent to the sub-station.
6. The retention of the alterations to front driveway with additional paving added.
7. Higher rear boundary wall.
8. Proposed changes to the style of the fenestration and doors on the front elevation.

RELEVANT HISTORY

P0180.16 - Single storey side and rear extension, garage conversion and changes to external finish and windows of the dwelling and the erection of a new boundary wall to front, side and rear of property, including new front gate

Apprv with cons 02-06-2016

P0529.13 - Single storey rear extension

Apprv with cons 24-06-2013

CONSULTATIONS / REPRESENTATIONS

Letters of consultation were sent to neighbouring properties with 12 representations being received. Multiple letters and e-mails have been received due to the re-consultation of neighbours. The comments are summarised as below.

- The proposal is out of character with the street.
- Not objecting to a roof extension, concerned regarding the proposed additional height.
- Roof alteration would project above neighbouring properties.
- Roof alteration would overshadow neighbouring properties due to excessive bulk.
- Objecting to considerable increase in roof height, proposal would be overbearing.
- Proposal would overshadow the elegantly proportioned traditional house to the north.
- Proposal appears as a three storey building rather than a roof extension.
- All the houses in the street have their eaves immediately above the upper window.
- The internal ceiling heights are different and out of proportion.
- Gutters and fascia would be raised and result in a nasty proportion and disturbing to the eye.
- Proposal denotes a significant amount of brickwork above the windows.
- While there are houses with roof lights and dormers to the rear, there are no roof lights to the front.
- Loss of privacy from proposed roof alteration.
- The front wall is dimensioned at 0.6m high with piers to 1.525m, however, it has been built at 0.85m wall and 1.9m respectively.
- The height of wall in rear garden was shown as 5 feet but it has been built at over 6 feet.
- Difficult to match the materials on the additional brick work to the front of the dwelling.
- Debris on neighbouring land due to the site not being cleared up.
- Concerns regarding finish of brick wall to neighbouring garden. Trench on neighbouring land not filled in and the wall facing neighbour is unsightly as not finished properly, like within the site.

In response to the above comments, the Council's Planning Enforcement Team invited the submission of an application to retain the extended house as built, which wasn't in accordance with those approved under P0180.16. Any works undertaken without the relevant consent were carried out at the applicant's own risk.

The scale and alteration to the design will be assessed under the Design/Impact on Street/Rear Garden section of the report and concerns regarding loss of light, privacy and overshadowing under the impact on amenity section of the report.

Concerns regarding debris in neighbouring garden, the finish of the wall facing the adjacent neighbour and the trench are not material planning considerations.

The Highways Department has objected to the proposal as no visibility splay has been provided on site.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC61 - Urban Design
- DC69 - Other Areas of Special Townscape or Landscape Character
- SPD04 - Residential Extensions & Alterations SPD

OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

This application is not CIL liable as the single storey extensions have already been implemented and the proposed roof alteration including the additional space in the loft would not exceed 100 square metres of additional floor space. As a result, this application would not be CIL liable.

STAFF COMMENTS

DESIGN / IMPACT ON STREET / GARDEN SCENE

The Hall Lane Policy Area Supplementary Planning Document, along with Policy DC69, sets out a number of detailed and general policy criteria to apply to all forms of residential development. Where planning permission is needed for the improvement or extension of existing houses, if the new work is complementary to the existing dwelling and a useful building is to be given a further lease of life, the application will be considered sympathetically.

The application site falls within Zone B of the Hall Lane Policy Area. This area is typified by relatively large semi-detached and detached dwellings set in generous well landscaped gardens with good tree cover.

The principle of the development has already been accepted by the original approval. Therefore it is only for Members to consider the impact of the changes compared to the approved scheme, as detailed above.

Negotiations were undertaken during the planning process to minimise the impact of the proposed development on the street scene as Staff were concerned regarding the increase in roof height and the amount of brickwork above the first floor windows and the new roof. Various alterations were submitted in an attempt to bring the proposal within the realms of acceptability.

Initially, it was proposed that the increase in roof height would be 2.18m, however further to negotiations undertaken, this was reduced to 1.03m. Furthermore, the gap between the first floor windows and the roof was also reduced from 1.25m to 0.8m, therefore lessening the impact on the street scene and rear garden. A streetscene drawing has been submitted and Staff consider that the reduction in ridge height from 2.18m to 1.03m represents an improvement such that the height of the dwelling would integrate satisfactorily with neighbouring properties in the streetscene.

No objections are raised to the provision of the roof lights to the front of the property from a visual point of view. Ordinarily, these can be added to a roof through the use of householder permitted development rights. The changes to the style of the fenestration and doors on the front elevation are considered acceptable.

It is considered that the plant room adjacent to sub-station would largely comply with the character and aspirations for this area and be within the spirit of Council guidelines. The plant room as constructed is visible from the street but it is considered the proposal would relate acceptably to the existing property.

The boundary wall and gates are widely visible from the public highway and consideration must be given to the impact of this part of the development upon the character and quality of the street scene. It is noted that there are various boundary treatments of varying heights on neighbouring properties fronting Grosvenor Gardens. The materials used are predominately face brick with some providing railings above. Planning permission is however only required for boundary treatment fronting the highway which is above 1m in height.

It is considered that the proposed 0.95m high plinth and railings above, to a height of 1.53m with the overall height of the piers varying between 1.75m and 1.9m high, would on balance, be acceptable. It is noted that the wooden gate originally proposed would be replaced with a sliding black wrought gate to the front of the property and staff consider that the proposed gates would therefore also integrate satisfactorily with the street scene. The overall front boundary treatment would maintain some visual permeability through it. The agent was asked to provide some landscaping behind the brick wall, but this was declined. There are other examples of full extent hardstanding in the front gardens of properties in the surrounding area and as a matter of judgement it is not considered that the omission of landscaping could form a substantive basis for refusing the application. Furthermore, the paving of the front garden could have been undertaken under permitted development, and the provision of a soakaway will be secured by condition.

The proposed increase in roof height, the rear dormer window and roof light would be visible from the rear garden environment. Staff consider the proposed development when viewed from the rear garden would not unacceptably impact on the area from a visual point of view. The proposed rear dormer window would be contained well within the extended roof of the dwelling to comply with Council guidelines.

The 'as built' extensions relate acceptably to the existing property and no objections are raised from a visual point of view. There appears to be a variance of approximately 20cm on the height of the single storey rear extension (compared to that approved) and the agent has advised via email that the slight difference is because the level of the new terrace has been constructed slightly lower than originally shown on the plans. Therefore, the height of the extension has not changed from that originally approved, it is just that the terrace is at a lower level than originally drawn.

Overall, Staff consider the alterations to the previously approved application P0180.16 to be within the realms of acceptability and it is considered the other proposed alterations which also form part of this application as revised would not unacceptably impact upon the character of the streetscene or rear garden environment.

IMPACT ON AMENITY

No objections are raised to the front boundary treatment, the plant room or the single storey rear extension to be retained from a neighbourliness point of view. The plant room would be located adjacent to the sub-station and the separation distance between this part of the proposal and the

neighbours would be sufficient to mitigate any potential impact. The changes to the style of the fenestration and doors on the front elevation are also considered acceptable.

The roof lights to the front of the dwelling would face the street, which is a public area, but it is not envisaged that there would be any loss of privacy from this part of the development.

It is considered that the roof alteration including the increase in roof height would not result in a significant loss of amenity to No. 2 Grosvenor Gardens due to the separation distance between the properties.

No.2b Grosvenor Gardens lies to the south of the application site and although the roof alteration would increase the pitch of the roof and its overall height, given the orientation of this property relative to the application site, the resultant impact is not considered to be harmful.

In response to the comments raised regarding the potential overlooking from the rear dormer window and roof lights, it is noted that the first floor windows along this section of Grosvenor Gardens already afford views over the rear garden areas of surrounding neighbouring properties. Additionally, these areas are already overlooked by the existing first floor windows of the subject property and by other neighbouring properties. Furthermore, albeit for the increase in ridge height, a rear dormer window and roof lights could be added under permitted development. In these circumstances, it is considered that any additional loss of privacy will not be of a degree to warrant a refusal of this application.

In all, Staff consider the proposal causes little or no impact on the amenity of surrounding or neighbouring properties.

HIGHWAY / PARKING

The application site has a PTAL of 3 and the proposal would provide sufficient off street parking to the front elevation. No parking issues would arise from the proposal.

The lawn area to the front of his house has been removed and paved over, which is similar to other front gardens in the local neighbourhood.

Following the enforcement issues raised, the applicant considers that the previously approved scheme and in particular, the chamfered visibility splay, would not provide adequate space to park and manoeuvre vehicles on his driveway.

The applicant considered that there were a number of various boundary wall treatments to the front of neighbouring properties in the immediate area that do not feature a visibility splay and therefore was of the view that the previously approved scheme would not be in keeping.

The applicant has provided four examples within the street at Nos. 2, 9 and 40 Grosvenor Gardens and No. 45 Courtenay Gardens. Staff have reviewed the above addresses but there are no planning records for these examples.

Staff consider that changing the wooden gate to a wrought iron gate would represent an improvement and allow a greater visual permeability. The Highway Authority has objected to the

proposal as a pedestrian visibility splay has not been provided, which is considered to be harmful to pedestrian and highway safety. On balance, Staff consider that it would be difficult to uphold a refusal on appeal on this ground alone. Any driver exiting the driveway would clearly need to exercise care in doing so. This is a matter of judgement and Members are invited to consider whether the lack of a visibility splay is acceptable in this case.

In addition, although the landscaping has been removed from the front of the property, the submitted plans state that the paved area would be connected to a soak away to drain naturally.

KEY ISSUES / CONCLUSIONS

Staff appreciate that Members will be concerned that changes to the approved extensions to this property were made during construction without the necessary consent. However, none of the alterations will have such a significant impact upon the street scene or the amenity of neighbouring properties to render them unacceptable thus warranting a refusal. The retention of the 'as built' elements together with the proposed loft conversion are considered to be in accordance with the above-mentioned policies and guidance and approval is recommended.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC10C Materials as per application form

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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. SC32 (Accordance with plans)

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

Reason:-

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

4. SC45 (Standard Porch Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no porches shall be erected to the front or side of the extension hereby permitted, without the express permission in writing of the Local Planning

Authority.

Reason:-

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

5. SC46 (Standard flank window condition)

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

Reason:-

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

6. SC48 (Balcony condition)

The roof area of the single storey side/rear extensions shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

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

7. Non Standard Condition 1 (Pre Commencement Condition)

Notwithstanding the details shown on the submitted drawings, the development hereby permitted should provide a soakaway on the front driveway to allow for surface water to drain naturally within the site and to prevent surface water dispersing into drainage system or onto the public highway.

Reason-

To avoid dispersal and drainage of surface water into the public drainage system or onto the highway and to comply with Development Control Policies Development Plan Document Policy DC48

INFORMATIVES

1. Non Standard Informative 1

The applicant is advised that this planning permission does not grant permission for any part of the development to encroach onto any property not within the applicant's ownership.

2. Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr O'Neill (Agent) by e-mail and phone. The revisions

involved reducing the overall height of the proposed roof alteration and providing a street scene. The amendments were subsequently submitted on 19/10/16, 12/12/16 & 17/01/17.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2nd February 2017

APPLICATION NO. P1580.16
WARD: Emerson Park **Date Received:** 24th October 2016
Expiry Date: 19th December 2016

ADDRESS: The Grove
Prospect Road
Hornchurch
Romford

PROPOSAL: Temporary use of a gypsy/traveller site for a further period for the stationing of 1no. static caravan and 3no. touring caravans.

DRAWING NO(S): 001 Location Plan
004 Block plan
003 Proposed Site plan

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

SITE DESCRIPTION

The application site is approximately 0.07 hectares and lies within the Green Belt on a bend on Prospect Road which is an unmade road that serves a number of residential units. The site is currently occupied by a single mobile home and two touring caravans. The site is enclosed by a close boarded fence of about 1.8 metres with metal entrance gates and includes areas of hardstanding.

DESCRIPTION OF PROPOSAL

The temporary use of the site by the existing family for a further temporary period.

RELEVANT HISTORY

P1824.03 - use of land as gypsy caravan site - refused.

P0971.05 - continued use of land as private gypsy caravan site for one family and retention of boundary fence and hardstanding - refused; subsequent appeal granted temporary planning permission 20/3/07.

P1427.07 - 1 No. detached day room - refused

P0367.10 Continued use of land as private gypsy caravan site for one family, retention of boundary fence and hardstanding - approved for 3 years

Planning Enforcement and Stop notices had been served in respect of the unauthorised use of the site as a gypsy caravan site.

CONSULTATIONS / REPRESENTATIONS

The application was advertised by way of site and press notices as well as through the notification of neighbouring occupiers. No representations have been received,

Streetcare (Highways) - no objections

Public Protection- no objections

RELEVANT POLICIES

Planning Policy for Traveller Sites, in particular Policies E (Traveller Site in the Green Belt; H (Determining Planning Applications for Traveller Sites) and I (Implementation).

LDF

- CP02 - Sustainable Communities
- DC08 - Gypsies and Travellers
- DC45 - Appropriate Development in the Green Belt

OTHER

LONDON PLAN - 7.16 Green Belt

-

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application concerns a change of use and no new floorspace is being created, therefore, there is no CIL liability.

STAFF COMMENTS

The issues arising from this application are: i) whether it is an appropriate use in the Green Belt; ii) whether there are acceptable impacts on visual and residential amenity, iii) whether there are acceptable access and parking arrangements and iv) whether there are any material considerations that could represent the very special circumstances by which development may exceptionally be permitted in the Green Belt.

BACKGROUND

This is a retrospective application for the further occupation of the site by a traveller family following the grant of a number of temporary permissions on previous occasions, the most recent expiring in 2013. The application details state that the site has been occupied for a period of 16 years. There is an enforcement history to the site for the occupation by a traveller family, including successful prosecution, however, a temporary permission was subsequently granted on appeal in 2007. The appeal was considered in a different local and national policy context. Current national policy emphasises the importance of protecting the Green Belt from inappropriate development, however, it also introduces the concept of the 'best interests of the child'. This is not defined in the guidance, but would include access to education and health facilities. The definition of traveller now includes reference to the family having ceased to travel temporarily for reasons such as health needs and education.

The 2010 permission was granted for the benefit of Mr and Mrs O'Conner, their children and resident dependents. At the time of the 2007 appeal decision the married sons of Mr and Mrs O'Connor living at the site had very young children. There were also other children of school age on the site. The inspector took account of the interests of the children living on the site and considered that a temporary permission would give time for the appellant to search for alternatives

and the Council to allocate sites. The current application details state that the site would continue to be occupied by the same traveller family. There are currently four children living on the site who are the grandchildren of Mr and Mrs O'Connor. The ages of the children mean that none of them currently attend school. No information is provided with regard to any health needs.

PRINCIPLE OF DEVELOPMENT

The site lies within the area identified on the Havering Local Development Framework proposals map as Green Belt. LDF Policy DC45 and government guidance in the National Planning Policy Framework set out what development is appropriate in Green Belts which does not include gypsy and traveller sites. The most up to date guidance on the provision of traveller sites is the DCLG's Planning Policy for traveller sites (PPTS). LDF Policy DC8 sets criteria for the establishment of traveller sites, including those in the Green Belt. and LDF Policy CP2 sets out the need for a specific document that identifies sites to meet identified need.

The Council had previously commenced a traveller local plan which identified potential sites for permanent traveller occupation. The public examination of the plan was commenced, but later suspended by the inspector pending the submission of additional information. It was subsequently decided not to progress the public examination. The draft plan has, therefore, been withdrawn and there are currently no published proposals for traveller sites. A new site allocations document is being prepared as part of the Havering Local Plan which is due to be published later in the year. However, there is currently no published up to date assessment of traveller needs. The intention is, however, to identify a 5-year supply of site in accordance with the PPTS.

The guidance in Planning Policy for Traveller Sites is that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Therefore, a proposal for the stationing of the caravans for a further period at the site would be unacceptable in principle.

The PPTS goes on to say that subject to the 'best interests of the child', personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

GREEN BELT IMPLICATIONS

Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in 'very special circumstances'. The guidance in the NPPF is that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Policy E of the PPTS states that temporary traveller sites in the Green Belt are inappropriate development. Subject to the 'best interests of the child', personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt

Policy H of the PPTS sets out the main considerations for new traveller sites, but in the Green Belt these would still need to amount to 'very special circumstances' if permission is to be granted. The relevant matters identified in the policy include the existing level of provision and need for sites; the

availability (or lack) of alternative accommodation and other personal circumstances and locally set criteria for traveller site identification.

LDF Policy DC8 also sets out criteria for the consideration of gypsy and traveller sites. These include meeting identified need and criteria where sites might be acceptable in the Green Belt. However, these criteria have been largely superseded by the PPTS.

Notwithstanding that there is currently no needs assessment or site allocations document the adverse impact the development would have on the Green Belt is a material factor that carries significant weight and it is judged that any unmet need would not outweigh the harm that would be caused in this case. The further occupation of the site would only be acceptable in this case if it can be demonstrated that there are very special circumstances, including the 'best interests of the child' that clearly outweigh the harm.

In terms of 'very special circumstances' in this case the applicant has put forward the identified need for accommodation and the needs of the children living on the site, a position that has been accepted when earlier temporary permission were granted. At other Green Belt sites in Havering temporary permissions have been granted pending adoption of a traveller local plan, having regard to the needs of children living on the site. In this case the children living on the site are all under school age and no specific health needs have been identified.

IMPACT ON AMENITY

The site is set well away from the main urban area, although it is close to other residential properties, including some containing mobile homes. When considered previous applications for the site it was judged that in view of the temporary nature of any permission on the site's relative isolation there would be no material impacts on the amenities of the nearest residential occupiers. No objections have been received to the application.

The impact on the rural character of the area would be limited and is considered acceptable. The mobile homes have been on the site for 16 years and there would be no increase in the impact as a result of this proposal. However, given the material impact on openness and the circumstances set out above staff consider that only a short term temporary permission could be justified.

HIGHWAY / PARKING

There is adequate space within the larger site for the parking of vehicles associated with the development. The access from Prospect Road is considered acceptable and there have been no highway objections.

OTHER ISSUES

With regard to the criteria referred to in Policy H of the PPTS details of the need for traveller sites in Havering and the level of provision required, including the retention of existing temporary sites, has not yet been formally established as part of the new local plan.

Need should be assessed against the definition of Travellers in the PPTS. This includes those of a nomadic habit of life which have temporarily "ceased to travel on grounds only of their own or their family's or dependants' educational or health needs or old age". The 2007 and 2011

permissions were granted having regard to personal circumstances of the occupants, including the education needs of the children living on the site. However, the information provided by the applicant is that the children on site are all below school age, so that those previously at school have either left the site or no longer attend school. The best interests of children can coincide with the those of their families as a whole and lies in remaining on site, because of the general advantages of a settled home and having continuity of educations and access to healthcare. All of the four children are under three and some could attend nursery or pre-school in the near future. The best interests of these children could be in remaining on site until a decision is made on where permanent sites in Havering should be located. This indicates that a temporary permission to allow the continued occupation of the site until the Council formally identifies site could be in the best interests of the children there and their families. this would be similar to the position established in 2007.

In addition the retention of the single mobile home and the remainder of the layout does not increase the impact on openness of the Green Belt any further and would not materially prejudice the purposes of including land within it, subject to it not becoming permanent. The absence of any alternative sites in the area is also a material factor. In recent appeal decisions at other sites in Havering inspectors have granted temporary permission taking into account the needs of the children on site and the lack of identified alternatives. a further temporary permission at this site would allow the Council to progress a new gypsy and traveller site allocations document , and possibly allow the suitability of the site to be tested against others, subject to the result of the search for sites.

To date there have been two temporary permissions for a mobile home and three touring caravans for Mr and Mrs O'Connor and their extended family. The site is claimed to have been occupied for a period of 16 years, part of which was covered by the temporary planning permissions. The guidance in the National Planning Policy Guidance is that it will rarely be justifiable to grant a second temporary permission as permission should normally be granted permanently or refused, as the reasons for a temporary permission will no longer apply. However, in this case the circumstances could justify a further temporary permission. While the children on site are below school age a further temporary permission would provide a settled existence until the Council's formal assessment is published and translated into site allocations, which could include the application site.

KEY ISSUES / CONCLUSIONS

The main issues in this case are the principle of the development and its impact upon the character, appearance and openness of the Green Belt. The proposed retention of the mobile homes constitutes inappropriate development. Staff consider that the retention of the caravans on the site would be prejudicial to the openness of the Green Belt. However, in this case there are judged to be very special circumstances that would justify an exception from established policy and outweigh any harm to the Green Belt in the short term. There is no published traveller needs assessment or site specific allocations. However, it is anticipated that these details will be published later in 2017 with adoption in early 2018. This will provide the basis for future site provision. Existing sites that are not allocated would need to be closed and cleared to protect the Green Belt and the countryside generally. There is an existing enforcement notice in force for this site that would enable this to happen if the site is not allocated.

Given the current position over the identification of traveller needs and the formal site allocation process, including whether this site would be identified staff consider that a temporary permission of 18 months would be justified. Account also needs to be taken of the interest of the very young children on the site and the continuation of a settled home at least until the long term future of the site is settled. The grant of permission for this period would not materially add to the impact on the Green Belt and the position would be subject to review in the near future when the situation regarding site allocation is much clearer.

However, should members give different weight to these matters and consider the very special circumstances identified, including the best interests of the children on site, do not clearly outweigh the harm to the Green Belt then there would be a case for refusing planning permission and pursuing enforcement action.

RECOMMENDATION

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

1. Non standard condition

This permission shall be for a limited period only expiring on 30th June 2018 on or before which date the use hereby permitted shall be discontinued, any buildings and works carried out including but without limit the gates, boundary treatment and hardstanding areas shall be removed and the site reinstated to open grass.

Reason:

The grant of a permanent permission would not be appropriate until such time as a five year supply of sites has been formally identified to meet Havering's needs and adopted as part of the Havering Local Plan and a permanent change of use considered in light of its policies and in accordance with Policies CP2 and DC8 of the LDF Core Strategy and Development Control Policies Development Plan Document and the guidance in the Planning Policy for Traveller Sites.

2. Non standard condition

The permission hereby granted shall be personal to Mr and Mrs John O'Connor, their children and resident dependants only and shall not inure for the benefit of the land or any other person.

Reason:

Permission is granted for a limited period pending the consideration of sites for formal allocation for travellers as part of the Havering Local Plan due to be published in 2017 and in recognition of the particular circumstances of the applicants in accordance with Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the guidance in the Planning Policy for Traveller Sites.

3. Non standard condition

No more than 1 mobile home and 3 touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Act 1968 as amended shall be stationed on the land at any one time.

Reason:

To protect the amenities of the area and maintain the open character of the Green Belt.

4. Non standard condition

No additional buildings or external lighting shall be erected without the prior consent in writing

of the local planning authority.

Reason:

To protect the amenities of the area and the openness of the Green Belt.

5. Non standard condition

No commercial activities or business use(s) shall take place on the land, including the storage of materials.

Reason:

To protect the amenities of the area and the openness of the Green Belt.

6. Non standard condition

When the premises cease to be occupied by those named in condition (2) above, or at the end of 18 months, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to grassland.

Reason:

Permission is granted for a limited period pending the consideration of sites for formal allocation for travellers as part of the Havering Local Plan due to be published in 2017 and in recognition of the particular circumstances of the applicants in accordance with Policy DC45 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the guidance in the Planning Policy for Traveller Sites.

7. Non Standard Condition 38

No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason:

To protect the amenities of the area and the openness of the Green Belt.

INFORMATIVES

1. Approval - No negotiation required

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2nd February 2017

APPLICATION NO. P1747.16
WARD: Brooklands **Date Received:** 15th November 2016
Expiry Date: 10th January 2017

ADDRESS: 36 Mawney Road
Romford

PROPOSAL: Proposed change of use to form six-bedroom house of multiple occupation (HMO) to accommodate six people.

DRAWING NO(S): SSCD8391/H03
SSCD8391/H01
SSCD8391/H02
SSCD8391/H04

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

SITE DESCRIPTION

The application relates to the property at 36 Mawney Road, Romford. This is a two-storey end terrace house located on the junction with Mawney Road and Olive Street. The property is set back from the road within a garden area which wraps around the front, side and rear.

The site is located adjacent to residential properties with a parade of commercial units located on the opposite side of Mawney Road.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use the property to form a six-bedroom house of multiple occupation (HMO) to accommodate six people.

A certificate of lawfulness was granted in March 2016 for a loft conversion with rear dormer and hip to gable roof alterations. These works have now been completed externally.

As such the proposed HMO would comprise six en-suite bedrooms set out over three floors, and a shared kitchen and a utility room at ground floor level.

The rear section of garden area would be utilised to form communal amenity space providing approximately 280 square metres of private garden shared by the occupants.

A new vehicular access would be formed onto Mawney Road and a residents car park created with a permeable hard surface, providing off street parking provision for 4no. vehicles.

RELEVANT HISTORY

D0375.16 - PROPOSED CERTIFICATE OF LAWFULNESS FOR HMO FOR 6 BEDROOMS

AND UP TO SIX PEOPLE -WITH INTERNAL ALTERATIONS - SHOWER UNIT
IN EACH ROOM

Awaiting Decision

P1073.16 - Demolition of existing rear storage building and construction of two bedroom chalet bungalow, with private amenity space and vehicle access from Olive Street.

Refuse 14-09-2016

D0008.16 - Certificate of lawfulness for proposed loft conversion with rear dormer and hip to gable alterations

PP not required 09-03-2016

D0316.15 - Change of Use to HMO for Six People

PP not required 17-12-2015

D0154.12 - Certificate of lawfulness for detached outbuilding

PP not required 03-10-2012

P0729.07 - New detached house with integral garage

Refuse 11-06-2007

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 37 properties and 1 representation has been received. The comments can be summarised as follows:

- Another large HMO in the Brookland area.
- Concerns as to whether six unrelated tenants could cook safely together in the kitchen.
- Concerns in relation to anti-social problems.

In response to the above: the issues in relation to the amenity of the surrounding residents as well as the amenity of future occupiers is discussed in the following sections of the report.

Environmental Health - no objection, recommended a condition in relation to noise insulation to protect future occupiers from road noise emanating from Mawney Road.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

DC33 - Car Parking

DC35 - Cycling

DC4 - Conversions to Residential & Subdivision of Residential Uses

DC5 - Specialist Accommodation

DC61 - Urban Design

DC72 - Planning Obligations

OTHER

LONDON PLAN - 6.13 Parking

-

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application does not result in the creation of any additional floorspace and is therefore not liable for a charges under Mayoral CIL legislation.

STAFF COMMENTS

This application is for a change of use to a house in multiple occupation (HMO), which is defined in the Housing Act 2004 as including a building which has been converted entirely into flats or bedsits which are not wholly self-contained and which are let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.

The applicant has not stated who would use the building other than providing accommodation for six persons. However, the only requirement is that in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Therefore, as long as the occupants have a tenancy agreement and the property is their main or only residence then it would qualify as an HMO. If planning permission is granted for a change of use to an HMO then in theory tenants could come from any category. It would be a matter for the landlord to let to tenants they deemed appropriate. This would be the same as with any property that is let, such as fully self-contained flats.

Changes of use between a dwelling house (Class C3) and a smaller HMO (Class C4) and vice versa, are usually permitted development subject to the HMO being occupied by no more than six persons. In December 2015 a certificate of lawfulness was granted to change the use of the property to a HMO for Six People. However, this was not implemented and the Council has since issued an Article 4 Direction withdrawing permitted development rights and restricting the change of use of dwellings to houses in multiple occupation.

PRINCIPLE OF DEVELOPMENT

Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria. Policy DC4 concerns the conversion to a residential use and requires, amongst other things that the property is detached and well separated from neighbouring dwellings, and that the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling.

The criteria in policy DC5 which relate to specialist accommodation, include location within a residential area, good accessibility to services and public transport and adequate parking for residents and visitors.

Subject to meeting these criteria the use of the building as an HMO would be in accordance with the Council's policies.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The proposal would involve the creation of a new vehicular access and parking area along the

property frontage adjacent to Mawney Road and the junction with Olive Street to provide 4 no. new off street car parking spaces. This work would remove some of an existing garden lawn. Although the lawned area provides some amenity value in terms of the visual appearance of the streetscene, given its relatively small size and that planting is also proposed around the site perimeter, it is not considered that the introduction of the parking area would unduly harm the overall character and appearance of Mawney Road/Olive Street.

On balance it is therefore considered that the proposal would be in accordance with policy DC61.

IMPACT ON AMENITY

Policies DC4 and DC5 set criteria that seek to ensure a change of use to an HMO would not be out of character with the locality and would not be likely to give rise to unacceptable levels of noise and disturbance to residential occupiers nearby. Policy DC4 requires that the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining dwellings by reason of overlooking and that it would not be likely to give rise to significantly greater levels of noise and disturbance compared with an ordinary single family dwelling.

In terms of the amenity of future occupants: each of the bedrooms would demonstrate a reasonable outlook and aspect, and would include an en-suite bathroom. It is considered that the shared kitchen would be adequate in terms of size and sufficiently spacious to accommodate a dining table for six people. Future residents would also benefit from a large communal garden area to the side and rear. Generally the house would be set out to ensure safe and secure access from the street.

It is, however, acknowledged that the third floor bedroom in the attic space would be located more than one floor from the kitchen located at ground level - which, would not comply with the aspirations of the HMO licensing standards. Nevertheless, any persons living in the third floor attic room would be aware of the situation prior to taking up a tenancy. Generally, the layout and functionality of the dwelling would be to a good standard.

The nearest residential accommodation to the site is located at the adjoining property 38 Mawney Road. Prior approval was granted for use as a six person HMO in February 2016. Whilst this property is currently occupied it is not clear if the HMO consent was implemented prior to the introduction of the Article 4 Direction.

The site is located on a relatively busy road and opposite a parade of commercial units; so it is acknowledged that those residents living near to the application site and those within it could reasonably expect a certain amount of background noise on a day to day basis as well as a different type of environment from that which would be found in an entirely suburban housing area.

The main impact on the adjoining residents at 38 Mawney Road would be likely to arise from activities in the rear garden and front parking area with vehicles, manoeuvring and residents coming and going. The application building is located on a spacious corner plot and the site can be regarded with a degree of separation within this setting. Whilst it is recognised that the level of occupancy of six adults is likely to be greater than for a single family dwelling, again, given the size of the house this is unlikely to give rise to a significantly greater potential for additional harm. The

proposed HMO would be restricted by condition to accommodate up to 6 persons (one per bedroom if all of the rooms are fully occupied). Under these circumstances it is not considered that the intensification of use would cause harm to neighbouring occupiers to such a degree as to justify a refusal.

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

HIGHWAY / PARKING

Policy DC33 sets out the appropriate level of parking for this type of development with Annex 5 setting a maxima of 1 no. space per two habitable rooms. The proposal would provide six bedrooms and four resident parking spaces, which is in excess of this requirement.

The Local Highway Authority consider this level of provision to be acceptable and have raised no objections to the proposal.

KEY ISSUES / CONCLUSIONS

A house in multiple occupation (HMO) is a recognised form of residential use that is acceptable in a residential area, subject to there being no significant adverse impacts. In this case whilst there could be some additional impact on neighbours compared with the former use as a single dwelling house, it is considered that, as a matter of judgement the likely impact on adjoining residents would not be materially harmful to an extent to justify the refusal of planning permission. In reaching this conclusion staff have also taken account of the amount off street car parking provision to the front of the site.

It is therefore considered that the scheme complies with the relevant policies of the Core Strategy and Development Control Policies DPD and it is recommended that planning permission be approved subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the

development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. House in Multiple Occupation

The use of the building shall be as a House in Multiple Occupation (HMO) as defined in the Housing Act (2004) and shall not be occupied by more than six persons at any time.

Reason:-

In order to ensure that the use of the building and level of occupancy does not give rise to an unacceptable level of impact on adjoining residential occupiers or have an adverse impact on the character and appearance of the area in accordance with policies DC4, DC5 and DC61 of the Core Strategy and Development Control Policies DPD.

4. SC06 (Parking provision)

The area to the front of the site as indicated on drawing no.'SSCD8391/H03' shall be set aside for car parking and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

5. SC11 (Landscaping) (Pre Commencement Condition)

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

Reason:-

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

6. SC58 (Refuse and recycling)

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

Reason:-

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

7. SC59 (Cycle Storage)

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

Reason:-

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

8. Non Standard Condition 48

Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Mawney Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason:-

To protect future residents against the impact of road noise.

INFORMATIVES

1. Approval - No negotiation required

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

2. No self-containment of rooms

The applicant should note that this planning permission relates to the use of the building as a (sui generis) house of multiple occupation (HMO), providing communal living accommodation for six persons. Any self containment of the rooms to create separate residential units or studio flats would require planning permission in its own right.

3. Highways Informatives

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

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

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2nd February 2017

APPLICATION NO. P1855.16
WARD: Upminster **Date Received:** 29th November 2016
Expiry Date: 10th February 2017

ADDRESS: Fishing Lake
Bramble Lane
Upminster

PROPOSAL: Variation of condition 4 (approved details) attached to planning permission reference: P0585.15 (landscape improvement works to existing fishing lake) to enable widening of eastern bank to create grassed pathway

DRAWING NO(S): Plans As Proposed + Location Plan, drawing no. 202/01/04 (Rev G)

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

CALL-IN

This application has been called-in by Councillor Van den Hende on the basis that it is considered that the variations proposed would have further impact on the Green Belt; and impact on the amenity of nearby residential properties. The call-in also raises a number of concerns about land ownership.

BACKGROUND

Planning permission was granted in October 2013 for the importation of inert material and engineering operations to create a safety ledge and island within the existing lake (reference: P0206.13). In order to create the proposed safety ledge and island, the applicant proposed to use material dredged from the bottom of the lake, and also to import up to 1,000 tonnes of material.

In 2014, following the commencement of the development, the applicant applied for permission to import a further 3,000 tonnes of material to complete the project - as there was less (quantity) suitable material at the bottom of the lake than originally estimated (reference: P0507.14). This permission was then subsequently varied by application ref: P0585.15 and it is this which is the current planning permission for the development. Conditions, as part of this planning permission, require completion by July 2018.

SITE DESCRIPTION

The application site, which consists of a lake, covers an area of approximately 0.4ha, located on the northern side of Bramble Lane. The site's western boundary adjoins an access track, which leads to Bush Farm to the north, whilst the northern boundary adjoins an agricultural field (the field to which planning application ref: P1578.15 relates). The eastern boundary adjoins the residential curtilage of Bramble Farm and the southern boundary adjoins Bramble Lane.

The site forms part of a wider area of land which, it is understood, was the subject of sand and gravel extraction in the 1950s. In subsequent years, the sand and gravel workings were back filled with various types of waste overlaid with topsoil. The lake to which this application relates is a man-made feature resulting from the former gravel workings and restoration.

The site is not located within a conservation area but does form part of the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The application before the Local Planning Authority seeks to vary the approved plans for the fishing lake and construct an access pathway along the eastern bank. In order to create the pathway, the existing eastern bank would be extended outwards into the water by 2m. The pathway would be landscaped with grass to tie in with the appearance of the existing bank. In terms of levels, the extended bank would sit above the average water level by 15cm / 6 inches, but below the existing bank.

The applicant has suggested that no further material would need to be imported to facilitate the works; and no other changes are proposed to the site use or operation (i.e. the bank would not be used by anglers). In terms of justification, the applicant has suggested that maintaining the eastern bank, and this part of the lake, is not practical and/or safe from boat and the pathway would allow such maintenance to occur in a more effective manner.

To confirm, all other details of the development and restrictions imposed by way of conditions would remain as currently approved.

RELEVANT HISTORY

- P1578.15 - Continuation of landscaping works to landfill site without compliance with condition 5 (hours of operation) and condition 8 (completion date) attached to planning permission reference: P0115.14
Apprv with cons 11-01-2016
- P0585.15 - Variation of Conditions 3, 11 and 12 of P0507.14 -
3 - to permit Hours of Use to 21.00 - 08.00 hours
11 - to permit parking for 3 cars
12 - number of persons fishing to decrease to 6
Apprv with cons 09-07-2015
- P0507.14 - Landscape improvement works to existing fishing lake
Apprv with cons 12-09-2014
- P0115.14 - Landscaping works to Landfill Site
Apprv with cons 25-04-2014
- P0206.13 - Inert material importation and engineering operations to create safety ledge and island within the lake together with excavation to increase average lake depth from 3m to 3.8m
Apprv with cons 11-10-2013

CONSULTATIONS / REPRESENTATIONS

Nine properties were directly notified of this application. The application was also advertised by way of press advert and site notice. Two letters of representation have been received. The letters of representation received raise objection, questioning the need/justification for the variations sought; the lack of detail on the proposed construction/phasing; concerns about amenity impacts from additional machinery and plant; health and safety; loss of privacy; ecological implications; and

that neither this or the adjacent land improvement project has been completed on time or in accordance with the approved plans. These issues are discussed in the body of this report in context of relevant planning policy and guidance.

Both letters received also raise the issue of land ownership with one party having provided detailed comments, and supplementary documents, on the site history and current land ownership position. Please see 'Other Issues' section of this report for staff comment in this regard.

Environment Agency - No comments to make.

London Borough of Havering Environmental Health - No objection.

RELEVANT POLICIES

LDF

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

DC22 - Countryside Recreation

DC32 - The Road Network

DC33 - Car Parking

DC42 - Minerals Extraction

DC45 - Appropriate Development in the Green Belt

DC51 - Water Supply, Drainage and Quality

DC52 - Air Quality

DC53 - Contaminated Land

DC54 - Hazardous Substances

DC55 - Noise

DC56 - Light

DC58 - Biodiversity and Geodiversity

DC61 - Urban Design

W1 - Sustainable Waste Management

W4 - Disposal of inert waste by landfilling

W5 - General Considerations with regard to Waste Proposals

OTHER

LONDON PLAN - 5.14 - Water quality and wastewater infrastructure

LONDON PLAN - 5.16 - Waste net self-sufficiency

LONDON PLAN - 5.17 - Waste capacity

LONDON PLAN - 5.19 - Hazardous waste

LONDON PLAN - 5.21 - Contaminated land

LONDON PLAN - 6.12 - Road network capacity

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.13 - Safety, security and resilience to emergency

LONDON PLAN - 7.14 - Improving air quality
LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes
LONDON PLAN - 7.16 - Green Belt
LONDON PLAN - 7.19 - Biodiversity and access to nature
NPPF - National Planning Policy Framework
NPPW - National Planning Policy for Waste
PPG - Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Given the proposed type of development, this application is exempt from CIL contributions.

STAFF COMMENTS

It is considered that the key issues for consideration in the determination of this application are the Green Belt and any impact on openness; landscape impact; and any potential impacts on nearby amenity. The aforementioned issues are considered in the below sections of this report, in context of the principle of the development.

PRINCIPLE OF DEVELOPMENT

There is an extant planning permission to create a safety ledge and island within the lake, via the importation of material, and to utilise the lake for fishing. This is an established position and accordingly it is not considered that the Council could seek to refuse the variations proposed by this application as principally contrary to land-use policy.

In respect of this, the variation proposed by this application, as previously outlined in this report, relates to the proposed design and layout of the lake (i.e. its engineered shape). Accordingly, whilst due assessment of the variations is required it is not considered that the principle of the development is fundamentally in question.

Staff note that questions have been raised in terms of justification for the works. However, staff acknowledge the applicant's requirements to maintain the lake and potential issues from an operational perspective with having to undertake this from boat. The benefits realised from an enlarged bank therefore need to be weighed in the planning balance in context of any identified impacts and/or implications as a potential result of implementation.

GREEN BELT IMPLICATIONS

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. At paragraph 80 of the NPPF it is detailed that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 of the NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on detailing that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 80 of the NPPF identifies certain forms of development which are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do no conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
 - engineering operations;
 - local transport infrastructure that can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction;
- and
- development brought forward under a Community Right to Build Order.

The variations proposed by this application, in the form of changes to the overall shape of the lake through the widening of the eastern bank, are considered to represent engineering operations. Accordingly it is not considered that the variations proposed are inappropriate by definition and/or harmful to the purposes of the Green Belt. The NPPF nevertheless suggests that any such development must preserve openness. Design and landscape impact is discussed in greater detail in the next section of this report. That being said, in principle, it is not considered that the variations proposed would unduly impact on the openness of the Green Belt. Although, through increasing the width of the eastern bank, the overall size of the lake (water body) would decrease, it is not considered that character and sense of openness would be significantly changed as a result.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

Staff note that adjacent to the eastern bank land levels slope towards the lake. With regard to this, the proposal would see the bank extended into the lake by an additional 2m. The bank would be created at approximately 15cm / 6 inches above the average water level, which would provide a stepped appearance to the bank on this aspect. In terms of the visual impact of this, it will be noted that the safety ledge previously approved, around the western perimeter of the lake, was contained well below the water level and accordingly hidden. Whilst staff acknowledge this, and that the widening would introduce a non uniform stepped embankment around the eastern bank, it is not considered that the proposed re-engineering works would appear so incongruous to warrant or justify refusal. Staff note that the bank would be grassed, with the existing reed bank retained, and overall it is considered that the landscape character and quality of the site would be maintained.

With regard to Bramble Farm, it is noted that as existing the bank slopes down to the water level from land forming part of this property. The changes proposed would amend this, and introduce a

larger grassed bank. However, it is not considered that visually the impact would be so significant or detrimental to warrant refusal, subject to suitable conditions to ensure the development is grassed and maintained as per the detailed submitted. Accordingly, it is considered that the development would maintain the character and appearance of the area and comply with policy DC61 of the LDF.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

Staff previously, when planning permission was first granted for the engineering, acknowledged that the operations would result in noise and disturbance. It was however recognised that this impact would only be during the construction phase and conditions were duly imposed to limit such impacts.

In respect of this and how the current proposal differs, from what has planning permission, no additional material is proposed to be imported and accordingly the variations would not result in any additional vehicle movements. Staff however note that the variations, to which this application relates, are proposed to the eastern bank - which is the closest bank to Bramble Farm (and its associated Annexes).

Mindful of the nature of the works already permitted and how from an operational perspective, the development is being undertaking, it is not nevertheless considered that the variations would give rise to any amenity impacts of a nature more severe than previous assessed and deemed acceptable for a temporary period (i.e. during the construction phase of the development).

In terms of privacy, whilst the bank would be enlarged it would not be used by anglers and there would be no change to the permitted number of anglers on-site at one time. Accordingly, it is not considered any loss of privacy during the construction phase of the development would warrant refusal on such grounds.

With regard to the above, and the site history, the Council acknowledges local frustration that this and the adjacent site have not yet been completed. Staff however have to assess applications on their individual merits noting that planning permission sits with the land rather than a particular individual or company.

HIGHWAY / PARKING

No changes are proposed to the site access; the number of vehicle movements associated with the development; and/or the proposed car parking provision. It is not therefore considered that the development would give rise to any highway implications requiring further discussion.

OTHER ISSUES

Land Ownership: As will be noted from the 'Consultation' section of this report, the letters of public representation received also raised concern about land ownership - with it being suggested that the applicant is obliged to transfer legal ownership of land up to the eastern shoreline of the lake (i.e. where the water in the lake meets the bank) once outstanding restrictions imposed by CEMEX

(the former mineral operator) have been released. It is therefore suggested that the applicant is holding the land to the east of the bank on trust for the transferee who is actually the beneficial owner.

Land ownership is not a material planning consideration and therefore this has not been discussed within the body of this report. Staff note that the applicant's agent has signed Certificate A of the planning application form which suggests the applicant is the sole owner of the land and the application was validated in this regard in good faith. It is accepted that the papers provided, by the individual in respect of this concern, supported by the Land Registry document, demonstrate that there is an agreement/contract in place for the sale of land. Staff however have not seen the actual contract and although it is understood that this is worded as per the above (i.e. the land from where the water in the lake meets the bank), staff note the variations proposed by this application whilst changing the position of the bank would not actually encroach on to the aforementioned land (albeit adjoining it). It is acknowledged that it has been suggested that implementation of the variations would increase the land to which the agreement/contract covers but it is considered that this, in any event, would be a civil issue.

Environmental Impact Assessment: The development is not representative of a Schedule 1 project as detailed within the Town and Country Planning (EIA) Regulations 2011 (as amended). However, potentially the development does fall within Schedule 2 under Section 11 (Other Projects), Class b (Installations for the disposal of waste). The screening threshold for such projects is the disposal is by incineration; the area of the development exceeds 0.5ha; or the installation is to be sited within 100m of any controlled waters. An EIA was not submitted or required with the parent permission to which this variation of condition application relates. Section 13 (Changes and extensions), Class b of the Regulations relates to any change to or extension of development of a description listed, where that development is already authorised, executed or in the process of being executed. The screening thresholds for such development is the development as changed or extended results in significant adverse effects on the environment; or the changes result in the development, as proposed, exceeding the thresholds of the relevant Section of the Regulations. In this case, it is considered that the variations proposed would not result in any impacts of more than local significance and as such EIA is not required.

KEY ISSUES / CONCLUSIONS

In the absence of significant amenity impacts and that the variations are considered acceptable from a landscape perspective, it is recommended that planning permission be granted subject to the conditions previously imposed as part of planning application ref: P0585.15 (albeit updated as appropriate).

RECOMMENDATION

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

1. Planting, Seeding and Turfing

All planting, seeding or turfing comprised within the drawing titled 'Plans As Proposed + Location Plan', drawing no. 2012/01/04 (Rev G), dated August 2016, 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:-

In accordance with Section 197 of the Town and Country Planning Act 1990, to enhance the visual amenities of the development and that the development accords with the Development Control Policies Development Plan Document Policy DC61

2. Hours of Use

Use of the lake by anglers shall only take place between the hours of 08:00 and 21:00 on any day.

Reason:-

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

3. Approved Details

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

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. Wheel-washing Details

The development shall be undertaken in accordance with the wheel-washing details approved under condition 5 of planning permission P0206.13.

Reason:-

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

5. Hours of Construction

No construction works or deliveries into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

6. Unused Spoil

No heaps of soil or clay shall be left on the site after the completion of the development other than those approved under this consent. Any unused spoil left at the site shall be removed within one month of the completion of the development, in accordance with the details approved as part of condition 8 of planning permission P0206.13.

Reason:

To ensure that operations take place with minimum harm to the character of the amenity of the site and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Vehicle Movements

No more than 170 HGV deliveries associated with the development shall take place in total. No more than 10 HGV deliveries associated with the development shall take place per day in accordance with the scheme of vehicle monitoring received on 8th September 2014. Up to date information about the total numbers of HGVs accessing the site shall be kept on record at the site at all times, and shall be made available to the Local Planning Authority in writing within 7 days of a request being made.

Reason:

In the interests of highway safety and residential amenity and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

8. Contamination

The development shall be implemented in accordance with the approved scheme for soil testing as partly approved under Q0215.14. This condition will be fully discharged following the Council's approval of a validation/verification report, which shall be submitted to the Local Planning Authority following completion of the development.

Reason:

To ensure that those engaged in construction and future uses of the site are not subject to any risks from soil contamination, in accordance with Development Control Policies Development Plan Document Policy DC53.

9. No Processing / Inert Material Only

No waste processing or recycling activities shall take place and no waste material shall be imported to the site at any time with the exception of inert material.

Reason:-

To ensure that material with no beneficial use to the site is not imported or processed on site, that the site use does not develop beyond that assessed, that waste materials outside of the aforementioned would raise alternate and additional environmental concerns and to comply with Development Control Policies Development Plan Document Policies DC45, DC51, DC52, DC55, DC58 and DC61 and Joint Waste Development Plan Policies W1, W4 and W5.

10. Car Parking Provision

The 4 car parking spaces hereby permitted shall be provided prior to the first use of the upgraded lake and shall thereafter be kept permanently available for the parking of vehicles.

Reason:-

In the interest of amenity and highway safety and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

11. Number of Anglers

The number of persons using the fishing lake shall be limited to 8 at any one time.

Reason:-

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

12. Timeframe for Completion

The development hereby approved shall be completed by 09 July 2018.

Reason:-

To ensure that the development is completed in a timely fashion and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1. Highways Informatives

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

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

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

2. Approval - No negotiation required

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2nd February 2017

APPLICATION NO. P1985.16
WARD: Brooklands **Date Received:** 20th December 2016
Expiry Date: 14th February 2017
ADDRESS: 39 Crow Lane
ROMFORD
PROPOSAL: The change of use of from a single dwellinghouse to a House of Multiple Occupancy (HMO) for seven residents, plus the addition of dormer roof extensions.
DRAWING NO(S): PL06, PL07, PL08,
PL01, PL02, PL03, PL04, PL05,
RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

SITE DESCRIPTION

The application relates to the property at 39 Crow Lane, Romford. This is a two-storey detached house set back from the road with a parking area to the front and garden to the rear.

The site is surrounded by residential properties within a predominantly residential section of Crow Lane.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use of from a single dwellinghouse to a House of Multiple Occupancy (HMO) for seven residents, plus the addition of dormer roof extensions.

The proposal would involve the addition of two pitched roof dormer windows on each roof slope as part of an attic conversion.

The proposed HMO would comprise seven en-suite bedrooms set out over three floors, and a shared kitchen/dining area at ground floor level.

The rear garden area would be utilised to form communal amenity space providing approximately 37 square metres of private garden shared by the occupants.

The existing vehicular access from Crow Lane and 4no. off-street parking spaces to the front of the property would be used.

RELEVANT HISTORY

P1045.88 - Two-storey rear extension - Approved, 28 June 1988.

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 19 properties and 4 representations have been received. The comments can be summarised as follows:

- Unsuitable location for a HMO.
- Existing outbuilding is already being used as a separate unit of accommodation.
- Insufficient car parking and additional congestion on Crow Lane. The existing parking spaces are already over subscribed.
- Concerns over future noise and disturbance.
- Concerns over future anti-social behaviour.

In response to the above: the application relates to the change of use of the house and the proposal does not include the use of the outbuilding as residential accommodation. Planning Enforcement have been notified of the allegation and will investigate this matter further. Issues in relation to car parking and residential amenity are discussed in the following sections of the report.

Environmental Health - no objection.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC35 - Cycling
- DC4 - Conversions to Residential & Subdivision of Residential Uses
- DC5 - Specialist Accommodation
- DC61 - Urban Design
- DC72 - Planning Obligations

OTHER

LONDON PLAN - 6.13 Parking

-

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application does not exceed the threshold for additional floorspace and is therefore not liable for a charges under Mayoral CIL legislation.

STAFF COMMENTS

This application is for a change of use to a house in multiple occupation (HMO), which is defined in the Housing Act 2004 as including a building which has been converted entirely into flats or bedsits which are not wholly self-contained and which are let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.

The applicant has not stated who would use the building other than providing accommodation for

seven persons. However, the only requirement is that in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Therefore, as long as the occupants have a tenancy agreement and the property is their main or only residence then it would qualify as an HMO. If planning permission is granted for a change of use to an HMO then in theory tenants could come from any category. It would be a matter for the landlord to let to tenants they deemed appropriate. This would be the same as with any property that is let, such as fully self-contained flats.

Changes of use between a dwelling house (Class C3) and a smaller HMO (Class C4) and vice versa, are permitted development subject to the HMO being occupied by no more than six persons, however, in this case permission is required as the proposal is for a larger HMO for seven persons.

PRINCIPLE OF DEVELOPMENT

Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria. Policy DC4 concerns the conversion to a residential use and requires, amongst other things that the property is detached and well separated from neighbouring dwellings, and that the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling.

The criteria in policy DC5 which relate to specialist accommodation, include location within a residential area, good accessibility to services and public transport and adequate parking for residents and visitors.

Subject to meeting these criteria the use of the building as an HMO would be in accordance with the Council's policies.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

It is noted that a two-storey extension was added to the property in the late 1980s, and the addition of the proposed dormers would take the total volume of roof extensions to 47 cubic metres. This is below the 50 cubic metre capacity allowance that could be achieved under residential permitted development rights for roof extensions. It is therefore acknowledged that the applicant could in theory build the dormer windows under householder permitted development rights, prior to changing the use of the property to a HMO. However, as the dormers form a fundamental element of the proposed change of use of the property and facilitate the internal reconfiguration of it to provide seven bedrooms, they are a material consideration in assessing the current application.

Staff consider that the proposed 4no. dormer windows would form prominent features in terms of their visual impact, particularly with regard to views of the flank elevations east and west along Crow Lane. It is also considered that the installation of the third floor window in the front gable elevation would give the dwelling a unusual appearance and would help to emphasise the incongruous nature of the proposed dormer extensions.

It is acknowledged that the surrounding area is characterised by a variety of dwelling types differing in appearance but predominately two storey detached properties. As such there is no dominant house type. Effectively the second floor extension would serve to increase the overall scale, bulk and massing of the building and in particular the prominent and visible flank elevations. As a result, the scale, design and position of the dormers, would appear as overly dominant and intrusive, creating an incongruous and unsympathetic feature in the streetscene harmful to the character and appearance of the surrounding area.

In this regard it is considered that the extended dwelling would conflict with the provisions of Policy DC61.

IMPACT ON AMENITY

Polices DC4 and DC5 set criteria that seek to ensure a change of use to an HMO would not be out of character with the locality and would not be likely to give rise to unacceptable levels of noise and disturbance to residential occupiers nearby. Policy DC4 requires that the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining dwellings by reason of overlooking and that it would not be likely to give rise to significantly greater levels of noise and disturbance compared with an ordinary single family dwelling.

In terms of the amenity of future occupants: each of the bedrooms would demonstrate a reasonable outlook and aspect, and would include an en-suite bathroom. It is considered that the shared kitchen would be adequate in terms of size and sufficiently spacious to accommodate a dining table for seven people. Future residents would also benefit from a communal garden area to the rear. Generally the house would be set out to ensure safe and secure access from the street.

It is, however, acknowledged that the third floor bedrooms in the attic space would be located more than one floor from the kitchen located at ground level - which, would not comply with the aspirations of the HMO licensing standards. Nevertheless, any persons living in the third floor attic rooms would be aware of the situation prior to taking up a tenancy. Generally, the layout and functionality of the dwelling would be to a good standard.

The main impact in terms of residential amenity would be on the occupants of the neighbouring dwellings at 35 & 41 Crow Lane. This would arise from activities in the rear garden and front parking area with vehicles, manoeuvring and residents coming and going.

Whilst it is recognised that the level of occupancy of up to seven adults is likely to be greater than for a single family dwelling, given the size of the house, this is unlikely to give rise to a significantly greater potential for additional harm. The proposed HMO is a detached property and could also be restricted by condition to accommodate a maximum of 7 persons (one per bedroom if all of the rooms are fully occupied). Under these circumstances it is not considered that the intensification of use would cause harm to neighbouring occupiers to such a degree as to justify a refusal.

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

HIGHWAY / PARKING

Policy DC33 sets out the appropriate level of parking for this type of development with Annex 5 setting a maxima of 1no. space per two habitable rooms. The proposal would provide seven bedrooms and four resident parking spaces in excess of this requirement.

The Local Highway Authority consider this level of provision to be acceptable and have raised no objections to the proposal.

KEY ISSUES / CONCLUSIONS

A house in multiple occupation (HMO) is a recognised form of residential use that is acceptable in a residential area, subject to there being no significant adverse impacts. In this case whilst there could be some additional impact on neighbours compared with the former use as a single dwelling house, it is considered that, as a matter of judgement the likely impact on adjoining residents would not be materially harmful to an extent to justify the refusal of planning permission. In reaching this conclusion staff have also taken account of the amount off street car parking provision to the front of the site.

However, the proposed dormer windows would appear overly dominant and intrusive within the streetscene contrary to the character of the surrounding area.

It is therefore recommended that planning permission be refused.

RECOMMENDATION

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

1. Refusal - Streetscene

The proposed dormer windows, by reason of their scale, design and position, would appear overly dominant and intrusive, creating an incongruous and unsympathetic feature in the streetscene harmful to the character and appearance of the surrounding area. The proposal is therefore contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Mr Asad Durrani, via email on 19/1/17.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 2nd February 2017

APPLICATION NO. P1991.16
WARD: Mawneys **Date Received:** 22nd December 2016
Expiry Date: 16th February 2017

ADDRESS: 269A Mawney Road
ROMFORD

PROPOSAL: Change of use Class from D1 (Health Centre (Surgery) to C3(b).
Supporting scheme for people with Learning disability. Change the use of
garage to habitable room. Internal changes to accommodate the above.
Addition of Conservatory.

DRAWING NO(S): OS Map
2016-24-01
2016-24-02
2016-24-03
2016-24-04

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

CALL-IN

The application was called in by Councillor Linda Trew for the following reasons:

Incorrect request for change of use as the property has not been used as a surgery for a significant amount of time. Parking facilities would be inadequate. Unsuitable location as there are already too many of these uses in the area.

SITE DESCRIPTION

The subject site is occupied by a two storey detached building that was formerly used as a doctors surgery. The premises has not been in used for the past 10 years. The surrounding area comprises two storey terrace and semi detached dwellings. A 3m wide pedestrian walkway separates the subject property from the northern residential neighbour.

DESCRIPTION OF PROPOSAL

The proposal is for a change of use from D1 (doctor surgery) to C3 (b) which is for not more than six residents living together as a single household where care is provided for residents.

The premises will be used for no more than 6 adults with learning disabilities and 24 hour care will be provided. Three on-site parking spaces will be provided.

The proposal will also include the conversion of the garage to a habitable room and the addition of a rear conservatory. The conservatory will measure 3m in depth, 3.9m in width. The conservatory will consist of lightweight materials with a mono-pitched roof measuring 3m in height to eaves and 3.2m overall.

RELEVANT HISTORY

None

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 29 neighbouring occupiers and 3 letters of objection were received raising the following concerns:

- site unsuitable for multiple occupation in middle of private houses
- potential for people with unsociable behaviour moving into the property

The Highway Authority did not object to the proposal

It should be noted that the consultation period only expires on 26/01/17. Any letters received after the finalisation of the Regulatory Services Committee agenda will be presented to members on the night.

RELEVANT POLICIES

LDF

- CP01 - Housing Supply
- DC02 - Housing Mix and Density
- DC03 - Housing Design and Layout
- DC27 - Provision of Community Facilities
- DC33 - Car Parking
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD
- SPD09 - Residential Design SPD

OTHER

- LONDON PLAN - 3.8 - Housing choice
- LONDON PLAN - 6.13 - Parking
-
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.5 - Public realm
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is not CIL liable as it will not increase the floor area by more than 100m²

PRINCIPLE OF DEVELOPMENT

Policy DC27 of the LDF only allows for the redevelopment of a community facility where it can be demonstrated that there is no longer a need for the facility affected, either in its current use or any alternative use, or where suitable alternative provision is made.

Officers are satisfied that the doctors surgery has not been in use for the last 10 years and this has been acknowledged by neighbouring occupiers. This extended vacancy is sufficient proof that

there is no longer need for the surgery.

The proposed C3(b) use is considered appropriate as it is classed as a dwellinghouse within the use class order and therefore appropriate in a residential area.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The only external changes proposed are the replacement of the garage door with brickwork and the addition of a conservatory to the rear elevation. Staff do not considered these changes to have a harmful impact on the streetscene or surrounding area. The conservatory is of lightweight construction and not considered to look out of place in the rear garden environment.

IMPACT ON AMENITY

It is acknowledged that the proposed use will result in some comings and goings which would generate a degree of noise and disturbance, however it will not be dissimilar to that of a large family of six members living in this residential dwelling. Furthermore as stated earlier, the proposed use is considered to be an appropriate one within a residential area as it falls within the residential use class for a dwellinghouse.

HIGHWAY / PARKING

The proposed use falls within the classification of a dwellinghouse and requires onsite parking provision of 1.5 to 2 spaces. The subject site can accommodate a minimum of 2 spaces to the front of the building and therefore complies with parking requirements.

OTHER ISSUES

Concerns raised regarding a significant amount of other similar facilities within the area are not a material planning consideration as every application need to be determined on its own merits.

Neighbouring concerns relating to the potential for people with unsociable behaviour moving into the property is also not a material planning consideration as Staff can only make a determination on whether the proposed use would be acceptable within the residential environment.

KEY ISSUES / CONCLUSIONS

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

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

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

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

Reason:-

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

4. SC45B (Restriction of use) ENTER DETAILS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the premises shall only be used for the purposes specified under C3(b) in the Use Class Order and shall be used for no other purpose(s) whatsoever including any other type of use in Class C3 of the Order, unless otherwise agreed in writing by the Local Planning Authority

Reason:-

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

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.

REGULATORY SERVICES COMMITTEE

2 February 2017

REPORT

Subject Heading:

P1106.16 Roseberry Gardens (Parking Court) Roseberry Gardens, Cranham

Redevelopment of Parking Court for 3 no. 2 bedroom 4 person residential units with associated car parking and landscaping at Roseberry Gardens, Cranham (Received 01/07/16, revision received 11/10/16 and 19/12/16)

Ward:

Cranham

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 proposal is for the construction of 3 no. two storey terraced dwellings with associated parking and private amenity space, and landscaping. The application has been submitted on behalf of the Council although this has no material bearing on the planning considerations relevant to this application

It 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.

RECOMMENDATIONS

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 267m² which, at £20 per m², equates to a Mayoral CIL payment of £5,340 (subject to indexation).

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

- A financial contribution of £18,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.

- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the 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 plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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

3. Parking Provision

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

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

4. External Materials

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development

accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Landscaping

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

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

6. Refuse and Recycling

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

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

7. Cycle Storage

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

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

8. Hours of Construction

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

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

9. Construction Methodology

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

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

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

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

10. Wheel washing

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

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

The submission will provide;

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

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

12. Boundary treatment

The development hereby permitted shall be implemented in accordance with the boundary treatment details as shown on drawing No. 120 Revision D

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

13. Accessibility

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

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

14. 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.

15. 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.

16. Obscure windows

The front part (facing west) of the proposed oriel windows to the western elevation at first floor as well as the first floor window to the southern elevation shall be permanently glazed with obscure glass and shall remain permanently fixed shut and thereafter be maintained.

Reason:-

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

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 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. 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

19. Highway Agreements

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

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

20. Lighting

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

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

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. Car Parking Management Strategy

No part of the development hereby permitted shall be occupied until details to show the car parking management strategy has been submitted to the Local Planning Authority for approval in writing. The details shall include the details of measures to be used to manage the car parking areas and the allocation of spaces. The car parking management strategy shall be provided in accordance

with the approved details prior to the first occupation. Such facilities shall be permanently retained thereafter for use by residents for the lifetime of the development.

Reason: In the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC33.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email at various stages through the application process. The revisions involved a revision to the internal layout and position of the dwellings in order to limit overlooking. The amendments were subsequently submitted on 15 July 2016.
3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council
6. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5,340 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else

who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

7. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
8. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
9. Please note that by virtue of Condition(s) 13, you are required to notify the relevant Building Control body of these conditions as part of any application.
10. 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 an empty piece of land which is located to the rear of No's. 111-117 Roseberry Gardens, Cranham and is currently used as a parking area. The site is surrounded by a wooded area to the east and the rear gardens of residential dwellings to the north, south and west. The ground is relatively level. The site has an overall area of approximately 1044m².

1.2 Development in the vicinity is characterised by 2-storey residential dwellings which predominantly have brick and render finishes.

1.3 Access to the plot is via an existing access road to the south of no. 117 Roseberry Gardens.

2. Description of Proposal

2.1. The application seeks permission for the erection of 3 no. two-storey dwellings with associated parking and amenity. The dwellings will be arranged in a terrace of 3. The dwellings will be developed by the Council's Housing Service for the provision of affordable housing.

2.2 The dwellings would measure 18.9m in width and 8.1m in depth. They would each have a pitched roof to the front and part side elevations and a flat roof section to the rear. From the front elevation the roof heights measures 5.3m to eaves and 8.5m to the ridge. The dwellings will be centrally located within the site.

2.3 The proposal would retain the existing access to the site measuring 4m in width at its narrowest section.

2.4 A bin collection point will be available along the access road, within an acceptable distance from the highway to facilitate refuse pickup. This will only be a collection point on the day of collection and will not function as a permanent refuse storage area.

2.6 Parking provision for 5 vehicles will be provided; 3 no. on a hardstanding to the side of the dwellings and 3 no spaces along the access road, adjacent no. 119 Roseberry Gardens. Provision is made for the storage of cycles in the rear gardens.

2.7 The dwellings would have an east - west orientation with garden spaces towards the rear, measuring 30m², 29m² and 31m² respectively. Amenity provision in the form of terraces will be provided at roof level to each of the dwellings measuring between 23m² and 24m².

3. Relevant History

3.1 None

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 31 properties and 5 letters of objection were received. A second round of notification letters were sent out and 1 letter of consultation was received requesting additional information. The objection raised can be summarised as follows:

- Added noise and disturbance
- Not enough on-site parking spaces

- Site is too small for the size of development
- Fire engines would not be able to access the site
- Overlooking rear gardens of neighbouring properties
- Refuse area would be a dumping ground for rubbish and would lead to smells and rats
- No enough space to manoeuvre out of existing rear garden garages
- Loss of outlook
- Noise dust and disturbance as a result of building works

These issues are dealt with within the report below

4.2 The following consultation responses have been received:

- The London Fire Brigade - no objection provided that a domestic sprinkler system is installed.
- Highways - no objection subject to the addition of a visibility splay, vehicle access and vehicle cleansing conditions.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (affordable housing), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), 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, Planning Obligations SPD (Technical Appendices) and Havering's Affordable Housing Development Strategy 2014-2017.

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.11 (affordable housing targets), 6.1, 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 This proposal is put before the Committee owing to Council's interest as applicant and land owner. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity

space, impact on the surrounding area, amenity implications, and parking and highways issues.

6.2 *Principle of Development*

6.2.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

6.2.2 On this basis the proposal is considered to be policy compliant in land use terms and its ongoing use for residential purposes is therefore regarded as being acceptable in principle.

6.3 *Density Layout*

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

6.3.2 The proposal would provide 3 no. residential dwellings at a density equivalent to approximately 29 dwellings per hectare. This is only marginally below the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.

6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

6.3.4 The proposal would provide residential units with varying floor space sizes all of which would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.

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

6.3.6 Amenity provision in the locality is generally arranged towards the rear of dwellings. The proposal will provide garden areas of 30m², 29m² and 31m² respectively. The amenity space proposed for each dwelling is significantly smaller than which is characteristic within the surrounding area. However Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. In order to supplement the proposed garden areas the applicant will be providing roof terraces of 24m², 23m² and 24m² respectively.

6.3.7 The proposed dwellings will be centrally located in the site with a separation distance of approximately 6.9m from the rear boundaries of the residential properties to the west and approximately 5m from the boundary of the wooded area to the east. Staff are mindful that the quality of garden space provision will be affected by the close proximity of large trees situated on the eastern boundary, however the provision of additional amenity areas in the form of roof terraces is considered sufficient to mitigate the impact of the high trees on the ground floor amenity areas.

6.3.8 The developments relationship to the surrounding area should be balanced against the need for affordable housing as required within policy 3.11 of the London Plan and DC6 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. On balance, Staff consider that the delivery of affordable housing should be attributed greater weight in the overall balance. However, this is a matter of judgement and Members are invited to consider whether smaller gardens and a lack of setting within the site are so harmful as to justify a refusal of permission.

6.4 *Design/Impact on Streetscene*

6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

6.4.2 The proposal would not form part of the Roseberry Gardens street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment. Any view along the drive is also considered acceptable given the width of the driveway leading up to the proposed dwellings and the central location of the proposed dwellings.

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

6.4.4 In terms of design and visual appearance, Staff are of the opinion that the development of terraced dwellings in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area.

6.5 *Impact on Amenity*

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or

have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

- 6.5.2 Neighbouring dwellings to the north are separated from the nearest proposed dwelling by approximately 12.7m at the nearest point and 6.4m to the nearest rear garden boundary. These distances are considered acceptable as the proposed dwellings have no flank windows to the northern elevation at first floor. Any potential impact to these properties in terms of overlooking or light loss is therefore considered acceptable.
- 6.5.3 Neighbouring dwellings to the south are separated from the proposed dwellings by approximately 35m at the nearest point and 6m to the nearest rear garden boundary. These distances are also considered acceptable as the proposed dwellings will only have a landing window at first floor which will be conditioned to be obscure glazed and fixed shut in the event of an approval. Any potential impact to these properties in terms of overlooking or light loss is therefore considered acceptable.
- 6.5.4 Neighbouring dwellings to the west are separated from the proposed dwellings by approximately 23.5m at the nearest point and 6.9m to the nearest rear garden boundary. The proposed dwellings will have 1 high level window at first floor and a cladded oriel window to the western (front) elevation. The southern aspect of the oriel windows situated in the western elevation will be conditioned to be obscure glazed and fixed shut to limit any overlooking to the rear gardens of the properties at No's. 111-117 Roseberry Gardens. Any potential impact to these properties in terms of overlooking or light loss is therefore considered acceptable.
- 6.5.5 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings.
- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff acknowledge that there will be some impact as a result of vehicle movement close to neighbouring dwellings however this would not be that different from the current use of the site for parking.
- 6.5.7 Neighbouring concerns were raised relating to the loss of outlook. Staff considers the separation distances of 22.7m between the rear building lines of the residential properties along Roseberry Gardens and the proposed development to be sufficient not to have an unacceptable harm on the outlook of these residential occupiers.
- 6.5.8 A construction methodology condition and the limiting of construction hours will be added in the event of an approval to address concerns relating to noise and dust during construction.
- 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 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 surrounding area 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 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2-1.5 parking spaces per unit for a development of this type. The development would provide a total of 6 parking spaces. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 The Housing Department has confirmed that the existing parking court is used for parking on an informal basis and is not a formal parking area. The use of the subject area for parking has been very limited with one car at the most at the time of site visits conducted by Housing officials. It is further anticipated that the approved Lexington Way garage court development would provide more parking spaces than the agreed 30 spaces which would sufficiently accommodate any need that may arise from the loss of the subject parking court.

6.6.3 Provision is made for cycle storage by providing a cycle box in the rear garden area of each dwelling.

6.6.4 The access road would not have sufficient width for Fire Brigade vehicles to access the subject site, however the Fire Brigade have no objection subject to a condition requiring domestic sprinklers to the proposed dwellings.

6.7 *Mayoral Community Infrastructure Levy*

6.7.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 267m² which, at £20 per m², equates to a Mayoral CIL payment of £5,340 (subject to indexation)

6.8 *Infrastructure Impact of Development*

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

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.8.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.8.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.8.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.8.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.8.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.8.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

6.8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £18,000 for educational purposes would be appropriate.

6.9 *Other*

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

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. There is a judgement in relation to amenity space provision and the setting of the wider site and Members are invited to consider this. Overall, Staff consider the development to be acceptable and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

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

Legal implications and risks:

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

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

The application has been submitted on behalf of the Council. However, this has no material bearing on the consideration of this planning application, which is considered independently from the Council's role as applicant.

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 1 July 2016, revision received on 11 October 2016 and 16 December 2016.

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REGULATORY SERVICES COMMITTEE

2 February 2017

REPORT

Subject Heading:

P1844.16 - Broadford Primary School, Faringdon Avenue - Two storey block with a nursery and six classrooms, fenced external play area for the nursery and a canopy, ramps, a new car park, relining of current main visitor car park, the demolition of 1950's block of two refitted classrooms and a new canopy link between the existing school and the new block (received 5/12/16).

Lead Officer:

Helen Oakerbee - Planning Manager Applications

Report Author and contact details:

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01708 432727

Ward

Gooshays

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the application site is Council owned. The application seeks planning permission for a two storey block with a nursery and six classrooms, fenced external play area for the nursery and a canopy, ramps, a new car park, relining of current main visitor car park, the demolition of 1950's block of two refitted classrooms and a new canopy link between the existing school and the new block. Staff consider the application to be acceptable and recommend approval subject to conditions.

RECOMMENDATIONS

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

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

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

2. Materials - The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

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

4. Vehicle Cleansing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the

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

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

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

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. Review of parking restrictions - Within 18 months of the development being bought into use a review of parking restrictions in the area around the school shall be carried out and submitted to and approved by the Local Planning Authority. The review shall be aimed at reducing the impact of parent parking in the area to ensure that pedestrian desire lines across junctions and at other desire line locations are not unduly impeded.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32. To ensure the interests of pedestrians and address desire lines and to accord with Policy DC34. To manage the impact of parent parking in the streets surrounding the site and to accord with Policy DC33.

7. School Travel Plan - Prior to the occupation of the development hereby permitted, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall consider measures to reduce vehicular trips and proposals for monitoring and reporting progress to the Local Planning Authority and include a timetable for its implementation and review. The approved Travel Plan as revised shall remain in force permanently and implemented in accordance with the agreed details.

Reason: To help bring about a reduction in private car journeys, to minimise the potential for increased on street parking in the area, to mitigate the impact of increased private car journeys at peak times and to accord with Policy DC32.

8. Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed $L_{A90} - 10\text{dB}$ and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the technical specifications of any plant or machinery to be installed. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policies DC55 and DC61.

9. Parking provision - Before the proposed classrooms hereby permitted are first occupied, the proposed car park shown on Drawing No. B08600BC/A/P910.002 shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

10. Construction Method Statement - No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:
 - a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;

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

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

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

- 11. The development hereby permitted shall be undertaken in accordance with the details outlined in the submitted Detailed Flood Risk Assessment dated November 2016.

Reason: In the interests of ensuring that foul and surface water is effectively managed, that underground storage water capacity is created and that the development does not give rise to additional flood risk in the locality. To furthermore comply with policies CP15, DC48, DC49, DC51, DC58, DC59 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 5.12, 5.13, 5.14, 7.13 and 7.19 of the London Plan.

INFORMATIVES

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

REPORT DETAIL

- 1. **Site Description:**

- 1.1 The application site is Broadford Primary School, which is accessed from Faringdon Avenue and Chatteris Avenue. The site is bounded by residential properties with associated front and rear gardens. There are various changes in ground level across the site and in the locality. It is noted that the

ground level slopes downhill from south east to north west. Faringdon Avenue slopes downhill from north east to south west.

2. Description of development:

- 2.1 The application seeks permission for a two storey block with a nursery and six classrooms, fenced external play area for the nursery and a canopy, ramps, a new car park, relining of current main visitor car park, the demolition of 1950's block of two refitted classrooms and a new canopy link between the existing school and the new block.
- 2.2 The building would have a maximum width of approximately 23.6 metres, a maximum depth of 44.7 metres and a maximum height of 7 metres. The proposed materials include facing brickwork, render, rainscreen cladding, curtain walling, aluminium standing seam pitched roofs and a single ply membrane flat roof.
- 2.3 A teaching block that was not fit for use was demolished in August 2016. The proposed two storey block will have a 214 square metres nursery at the front of the school site to facilitate a 60 place nursery provision. The lower ground floor will have a multi-purpose hall with a store, 3 classrooms (with additional pupil storage and toilet facilities), 1 staff room, 1 SEN group room and one accessible toilet. There would be 3 no. classrooms, a cleaner's store and a wheelchair bay located on the first floor. There will be a new fenced external play area for the nursery and a canopy located directly off the nursery.
- 2.4 A new car park is proposed to the south of the site (with access from Chatteris Avenue) providing 28 new vehicle parking spaces. The main visitor car park (central east of the site) will be relined to provide 15 car spaces (two of which would be disabled spaces). There will be 13 more spaces in comparison with the existing provision for vehicle parking, totalling 43 parking spaces, once both development phases are completed.
- 2.5 Broadford Primary School is currently operates as a 2 form entry school with a 30 FTE (full time education) place maintained nursery providing educational requirements for approximately 509 children aged from 3-11 years from the surrounding local areas. The proposal seeks to expand the school from 2 to 3 forms of entry from September 2017 raising the primary intake from 420 to 630 children. This will be done on a phased increase starting with the implementation by September 2017.
- 2.6 The permanent expansion of Broadford Primary School from 2 to 3 forms of entry is necessary to ensure that the school can fulfil its statutory duty of securing sufficient school places to meet the needs of children and families in Havering. The additional classrooms required to accommodate the expansion are designed to be in permanent buildings with enhanced facilities suitable for the increased pupil numbers.
- 2.7 The nursery will also be expanded from 30 FTE places to 60 FTE places by September 2018 to cater for the potential shortfall of places projected in the Gooshays Ward. The expansion of Broadford nursery will help meet the

projected demand for early education places in the Harold Hill area from September 2018 and will support the delivery of the 30 hour free childcare offer when it comes into force by September 2017.

- 2.8 The expansion would be in two phases. Phase 1 consists of a new replacement two storey block and a car park with 28 no. vehicle spaces. Phase 2 consists of the demolition of the mid-1950's block of refitted 2 no. classrooms, relining the current main visitor car park (providing 8 no. vehicle spaces) and external works to the north of the site and a new canopy link between the existing school and the new block.

4. **Relevant History:**

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

P0800.16 - Proposed erection of a 6m high rope climbing pyramid with safety play surface below, on area of existing playing field - Approved.

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

P0174.14 - Single storey extensions - Approved.

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

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

5. **Consultations/Representations:**

- 5.1 The occupiers of 134 neighbouring properties were notified of this proposal. Three letters of objection (two were from the same address) and one letter of representation were received with detailed comments that have been summarised as follows:

- Flooding and contaminated water.
- Drainage.
- Increased surface water as a result of the proposal.
- A flood risk assessment could be carried out on the site.
- Impact on neighbouring amenity, noise, disturbance and mess during construction works.
- Loss of privacy.
- Visual impact on the streetscene.
- The height of the proposed development.

- 5.2 Emergency Planning & Business Continuity - Owing to the geography of the surrounding site, the following recommendations for this development are:

- A Sustainable Urban Drainage System to manage the surface water on site, which will offer some protection from run off to surrounding properties.

- The introduction of Rain Water Harvesting so allowing the management of water on site.
 - A Resilient Maintenance regime to ensure all surface water management systems introduced continue to maintain effectiveness.
 - Resilient flood protection including electrics from first floor non return valves to drainage systems, flood resilient materials e.g. plaster, floor membrane, etc and height of the building to surrounding land to be increased.
- 5.3 Fire Brigade - It is not clear from the plans if adequate access for fire brigade vehicles is provided. In the case of buildings with a floor area up to 2,000m² and with a top storey up to 11m above ground level, access for fire brigade vehicles should be provided to 15 percent of the perimeter of the building; or to within 45m of every point on the projected plan area (or footprint of the building) whichever is less onerous. For buildings between 2000 and 8000m² with a floor up to 11m above ground level, access should be provided to 15 percent of the perimeter of the building. In both cases, every elevation to which vehicle access is provided should have a suitable door(s) not less than 750mm wide, giving access to the interior of the building. Access roadways should have a minimum width of 3.7m between kerbs and be capable of supporting a vehicle with a minimum carrying capacity of 14 tonnes. Any dead end access roads in excess of 20m in length should be provided with adequate turning facilities. Gateways should have a minimum clear width of 3.1m. No new fire hydrants are required.
- 5.4 Environmental Health - Recommend a condition regarding any new plant or machinery if minded to grant planning permission.
- 5.5 The Highway Authority has no objection to the proposal and recommends three conditions if minded to grant planning permission.
- 5.6 In response to the above, comments regarding drainage are not material planning considerations. Flooding is covered in section 8 of this report. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. The remaining issues are covered in the following sections of this report.
6. **Relevant policies:**
- 6.1 Policies CP8 (Community Facilities), CP15 (Environmental Management), CP17 (Design), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC48 (Flooding), DC49 (Sustainable Design and Construction), DC51 (Water supply, drainage and quality), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in new developments) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 5.12 (Flood risk management), 5.3 (Sustainable design and construction), 5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 6.13 (Parking), 7.13 (Safety, security and resilience to

emergency), 7.19 (Biodiversity and access to nature) and 7.4 (Local character) of the London Plan and Chapters 7 (Requiring good design), 8 (Promoting healthy communities) and 10 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework are relevant.

7. Staff Comments

7.1 This proposal is put before the Committee owing to the land being Council owned and objections being received. The issues arising in respect of this application will be addressed under the headings principle of development, impact on the streetscene, amenity issues, parking and highways implications and flooding.

7.2 Principle of Development

7.2.1 The proposal is for the extension of an existing school site, which is acceptable in principle and complies with LDF Policy DC29.

7.3 Impact on the streetscene

7.3.1 There is no objection to demolishing the 1950's block of two refitted classrooms. The roof of the nursery has a saw tooth design with a larger flat roof two storey element to the rear. It is considered that the two storey block with a nursery and six classrooms would integrate satisfactorily with the streetscene, as its flank wall would be set in approximately 30 metres from the north eastern boundary of the site, which would help to mitigate its impact. Staff consider that the fenced external play area for the nursery and canopy would not adversely affect the streetscene, as they would be set back between approximately 13 and 19 metres from the south eastern boundary of the site. It is considered that the creation of a new car park accessed from Chatteris Avenue would not be materially harmful to the streetscene, as it would be located adjacent to an existing vehicular service/staff access road and hardstanding area, which is used to park vehicles. Staff consider that the new canopy link would integrate satisfactorily with the streetscene, given its proportions and as it would be located between the existing school and the new two storey block.

7.4 Impact on amenity

7.4.1 It is considered that the creation of a new car park accessed from Chatteris Avenue would not be materially harmful to residential amenity, as there would be a separation distance of approximately 13 metres between the south eastern boundary of the nearest residential property at No. 6 Chatteris Avenue and north western boundary of the proposed car park, which would help to mitigate its impact. Also, the existing access road would be used to access the proposed car park. The existing access road currently provides access for staff and servicing. It is considered that there would be a material increase in the use of this access road, although this is not deemed to be materially harmful to residential amenity, as it would be mainly used during the day time, (as opposed to very early morning or late evening). In addition,

the access road would be used during term time, which minimises the potential for noise and disturbance during the school holidays.

7.4.2 Staff consider that the new canopy link would not be harmful to residential amenity, given its proportions and as it would be located between the existing school and the new two storey block. It is considered that the two storey block with a nursery and six classrooms would not be materially harmful to residential amenity, as its flank wall would be set in approximately 30 metres from the north eastern boundary of the site, which would help to mitigate its impact. Staff consider that the fenced external play area for the nursery and canopy would not adversely affect the amenity of adjacent occupiers, as they would be located approximately 14 and 19 metres from the south eastern boundary of the site.

7.4.3 It is recognised that an additional two hundred and ten pupils and 30 full time education places for the nursery would increase noise and disturbance, although this would be balanced against pupils and children utilising the whole of the school and nursery site. Given the existing use of the site as a school and nursery it is not considered the increase in pupil numbers would result in a material change in the character or use of the site sufficient to justify refusal on grounds of noise and disturbance.

7.5 Highway/parking issues

7.5.1 Broadford Primary School presently has 420 full time education pupils and 65 staff (of which a proportion has part-time hours). The proposals seek to provide six new classrooms and expand the school to a 3 form entry. Therefore, there would be 210 additional pupils and 12 additional staff. The nursery will also be expanded from 30 to 60 full time education places. There is a current main visitor car park with 8 spaces, which are not marked out. The proposal involves the relining of this car park with 8 spaces (two of which would be disabled car parking spaces). As part of Phase 1, a new car park is proposed to the south of the site providing 28 new vehicle parking spaces, which Staff consider would greatly improve the existing car parking arrangements.

7.5.2 The application site has a PTAL Rating of 1b. Annex 5 of the Development Plan Document sets a maximum staff car parking standard of 1 space per member of teaching staff. The proposal would provide 36 car parking spaces for 77 staff. The Highway Authority considers the staff parking element to be acceptable. Although the provision would be below 1 space per member of teaching staff, the level of overall provision would be significantly better than existing, which equates to 65 staff and 8 spaces.

7.5.3 The Highway Authority has no objection to the proposal. Parking and road safety impacts have been identified and require mitigation. Two mitigation measures have been suggested by Highways, namely a review of parking restrictions in the area around the school and the submission of a school travel plan to consider measures to reduce vehicular trips. Staff are satisfied that the measures proposed, which can be secured by planning condition, would be sufficient to mitigate against any adverse highways issues likely to

arise from the development and that the proposal would be acceptable in this respect.

8. **Flooding**

- 8.1 A preliminary review of flood risk has indicated that the site is situated in an area classified as 'Zone 1 Low Probability' (i.e. outside the 1000 year fluvial floodplain of the nearby Paines Brook and Ingrebourne River). As the overall development site is greater than one hectare in area, a Flood Risk Assessment was carried out to assess both the risk of flooding to the proposed development and the potential impact that this may have upon the localised flooding regime. The proposal to provide "More Vulnerable" development within "Zone 1 Low Probability" has passed the Sequential Test in accordance with the NPPF. In accordance with the NPPF, the potential impacts of Climate Change have been considered in the assessment of flood risk. The outcome of this assessment determined it is not necessary to undertake a detailed Climate Change analysis of flows in the local rivers as the development plot is significantly outside the flood plain.
- 8.2 Storm Water Drainage Design for the new staff car park includes the provision of a 16m³ attenuation tank and a hydro brake to limit the discharge from this area to the Greenfield Run-off Rate. The car park will therefore have a neutral effect on storm water drainage from the site. The redevelopment of the Broadford Primary School site will provide a net reduction in the impermeable surface area discharging into the local sewerage network. This stage of redevelopment will contribute a net reduction of 526m² of impermeable surface, which will revert to soft landscaping. This will therefore reduce the pressure on the local sewerage network and potentially reduce problems elsewhere.
- 8.3 The likelihood and consequence of flooding within the proposed site has been comprehensively and carefully considered. This analysis has shown that the risk of flooding to the site is minimal and the development will have a neutral effect on Regional Flood Risk and following the implementation of the Storm Water Drainage Design for the new staff car park will have a beneficial effect on Local Flood Risk. This robust management strategy has been developed to fully meet the intent of the NPPF.

9. **Conclusion**

- 9.1 Staff are of the view that a two storey block with a nursery and six classrooms, fenced external play area for the nursery and a canopy, ramps, a new car park, relining of current main visitor car park, the demolition of a 1950's block of two refitted classrooms and a new canopy link between the existing school and the new block to Broadford Primary School would not adversely impact on the streetscene or result in a significant loss of amenity to neighbouring occupiers. It is considered that the proposal would not create any highway, parking or flooding issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application forms and plans received 5/12/2016.

REGULATORY SERVICES COMMITTEE

REPORT

02 February 2017

Subject Heading:

P1626.16 Cockhide Farm, Bramble Lane

Mineral extraction and importation of inert material, to enable restoration to agriculture, including ancillary plant and buildings

Ward:

Upminster

Lead Officer:

Simon Thelwell
Planning Manager, Projects and Regulation

Report Author and contact details:

Tom McCarthy
Minerals & Projects Planning Officer
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01708 431883

Policy context:

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

Financial summary:

Not relevant

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

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

SUMMARY

This is an application for mineral extraction together with the subsequent importation of inert materials to restore the land to agricultural use.

It is proposed that 75,000 tonnes of sand and gravel would be extracted from the site and processed at the nearby Rainham Quarry, Launder Lane. The site is not proposed to be worked in a phased manner so after all mineral has been extracted the applicant proposes to import inert material to fill the void created. The restoration proposed, as part of the application, is back to existing levels and agricultural use. The project is proposed to take place over a 12 month period (six months for extraction; and six months for restoration).

This application has been assessed on its individual merits, but in context of potential accumulation, and it is considered that the development could effectively occur without significant impacts to the environment or locality. Mindful of this and that the Council does not currently have a sufficient landbank it is recommended that planning permission be granted, subject to conditions and appropriate legal agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to a planning obligation under Sections 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Adherence to a lorry routing agreement, to be approved in writing by the Local Planning Authority;
- The payment of £12,500 (subject to indexation) towards the cost of highway maintenance;
- A requirement to enter into an Creation Order under the Highways Act 1980 to secure improvements to the local footpath network, in accordance with a scheme first approved in writing by the Local Planning Authority; and
- The Council's reasonable legal fees for completion of the agreement shall be paid prior to the completion of the agreement irrespective of whether or not it is completed; and
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

It is therefore recommended that the Assistant Director of Regulatory Services be authorised to negotiate and agree 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/Commencement – The development to which this permission relates must be commenced no later than three years from the date of this permission. In this regard:

- a) Written notification of the commencement date shall be sent to the Local Planning Authority for waste and minerals within seven days of commencement.

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. Compliance with Submitted Details – The development hereby permitted shall be carried out in complete accordance with the plans, particulars and specifications submitted and hereby approved (as per page one of the decision notice).

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

3. Duration and Cessation – The development hereby permitted shall be limited to a period of 12 months, from the notified date of commencement, by which time all operations shall have ceased and the site restored in accordance with the approved scheme and subject to an aftercare period of five years.

Reason: To ensure that the development is carried out in accordance with the submitted details, to minimise the duration of disturbance, ensure restoration within a timely manner and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC47 and DC61 of the Development Control Policies Development Plan Document and policies 2.7, 5.18, 5.20, 7.4, 7.15, 7.16 and 7.22 of the London Plan.

4. Removal of Ancillary Development – Any buildings, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 12 months from the date of notified commencement.

Reason: To enable the planning authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC51, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 5.12, 5.13, 5.14, 7.4, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

5. Early Restoration in the Event of Suspension of Operations – In the event that operations are terminated or suspended for a period in excess of six months, the excavated area and other operational land shall be restored in accordance with a restoration scheme as approved in writing by the Local Planning

Authority within six months of the expiry of the six month period to be advised by the Local Planning Authority for minerals and waste.

Reason: To enable the planning authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use in the event of suspension and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 5.12, 5.13, 5.14, 5.18, 5.20, 7.4, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

6. Export/Import Throughput Restriction – No more than 75,000 tonnes of mineral shall be exported during the life of the development. Furthermore, no more than 45,000 cubic metres of infill material shall be imported during the life of the development.

Reason: To ensure the development is carried out in accordance with the submitted details, to minimise the harm to the environment and to comply with policies CP10, CP12, CP13, CP14, CP15, CP16, CP17, DC32, DC39, DC41, DC42, DC43, DC45, DC48, DC52, DC55, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policies W1, W4 and W5 of the Joint Waste Development Plan and policies 2.8, 4.1, 5.12, 5.13, 5.14, 5.15, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

7. Importation Restriction – Only inert waste material, as defined at paragraph 3.6.1 of the Supporting Statement, dated October 2016, submitted with the planning application, shall be imported to the site for the purposes of infilling and restoration.

Reason: To ensure that material with no beneficial use to the site is not processed on site, that the site use does not develop beyond that assessed, that waste materials outside of the aforementioned would raise alternate and additional environmental concerns and to comply with policies CP12, CP13, CP14, CP15, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC53, DC59 and DC61 of the Development Control Policies Development Plan Document; policies W1, W4 and W5 of the Joint Waste Development Plan and policies 5.12, 5.13, 5.14, 5.16, 5.18, 5.20, 5.21, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

8. Records of Throughput – From the date of commencement the operator shall maintain records of their monthly output and imports and such records shall be made available to the Local Planning Authority for minerals and waste, upon request, within 14 days.

Reason: To allow the planning authority to adequately monitor activity at the site and to comply with policies CP13, DC41, DC42 and DC45 of the Development Control Policies Development Plan Document; policies W1 and W4 of the Joint Waste Development Plan and policies 5.16, 5.18 and 5.20 of the London Plan.

9. Vehicle Movements – The total number of heavy goods vehicle movements associated with the development hereby permitted shall not exceed the following limits:

68 movements (34 in and 34 out) per day Monday to Friday

No vehicle movements shall take place outside the hours of operation authorised under Condition 11 and/or on Saturdays, Sundays and Public and Bank Holidays.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies CP10, CP12, CP13, CP14, CP15, DC32, DC39, DC41, DC42, DC43, DC45 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12 and 6.14 of the London Plan.

10. Records of Vehicle Movements – A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles. Such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available to the Local Planning Authority for minerals and waste, upon request, within 14 days.

Reason: To allow the planning authority to adequately monitor activity at the site and to comply with policies CP10, CP12, CP13, CP14, CP15, DC32, DC39, DC41, DC42, DC43, DC45 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.16, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12 and 6.14 of the London Plan.

11. Hours of Working – Except in emergencies, when it is expected that the Local Planning Authority for minerals and waste would be notified as soon as possible, operations authorised by this permission shall only be undertaken during the following times:

08:00 hours to 18:00 hours Monday to Friday

And at no other times including Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policies CP12, CP13, CP14, CP15, DC41, DC42, DC43, DC45, DC52, DC55, DC56 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.16, 5.18, 5.20, 7.4, 7.14, 7.15 and 7.16 of the London Plan.

12. Archaeology – No development shall take place until an archaeological written scheme of investigation has been submitted to and agreed in writing by the Local Planning Authority for minerals and waste. The scheme shall include:

- a) A written scheme of investigation for further archaeological evaluation to identify any significant areas of archaeological remains within the application area;
- b) If heritage assets of archaeological interest are identified then for those parts of the site, a stage 2 written scheme of investigation shall be submitted to and agreed in writing by the Local Planning Authority for minerals and waste. The stage 2 scheme shall include:
 - i. A statement of significance and research objectives, the programme and methodology of site investigations and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - ii. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until all work identified in the stage 2 investigation has been fulfilled.

Reason: To ensure that the site is fully investigated prior to extraction, appropriate measures can be put in place to retain features of high importance and to comply with policies CP13, CP18, DC42, DC61 and DC70 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.20, 7.4, 7.8 and 7.20 of the London Plan.

13. Land Contamination – No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority for waste and minerals:
- a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority for minerals and waste 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 minerals and waste for written approval.

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

- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the Local Planning Authority for minerals and waste; and
- e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

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

Reason: Insufficient information has been supplied with the application to judge the risk arising from contamination. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with policies CP13, CP15, CP16, CP17, DC42, DC47, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.14, 5.20, 5.21, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

14. Land Contamination Monitoring - No development shall take place until a long-term monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports before the end of the first year of aftercare. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The Desk Study submitted with this planning application indicates that polluting substances are present as a result of the previous use of the site. The site is located within close proximity to the residential development and the aforementioned will seek to ensure that ground-waters are protected from pollution and/or further deterioration, in compliance with policies CP13, CP15, CP16, CP17, DC42, DC47, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the

Joint Waste Development Plan and policies 5.14, 5.20, 5.21, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

15. Infiltration Drainage – No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority for minerals and waste, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrations SuDs such as soakaways through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution. This restriction is in line with good practice and to comply with policies CP13, CP15, CP16, CP17, DC42, DC47, DC53, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.14, 5.20, 5.21, 7.19, 7.20, 7.21 and 7.22 of the London Plan.

16. Retention of Soils – All topsoil and subsoil indigenous to the site shall be retained on the site and used as part of the approved restoration scheme.

Reason: To prevent the loss of soil, ensure that material imported is minimised and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC41, DC42, DC43, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policies W1, W4 W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.16, 5.18, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

17. Soil Handled in a Dry and Friable Condition – No topsoil or subsoil shall be stripped or handled unless it is a dry and friable condition and no movement of soils shall take place during the months of November to March (inclusive); when the moisture content of the upper level of the soil is equal to or greater than at which the soil becomes plastic; and when there are pools of water on the soil surface.

Reason: To minimise soil compaction and structural damage, to assist in the final restoration and to comply with CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

18. Soil Movement Scheme – No stripping or handling of topsoil or subsoil shall take place until a scheme of soil movement and scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The scheme shall be submitted at least three months prior to the expected commencement of soil stripping; and clearly identify the origin, intermediate and final location of soils for use in agricultural restoration together with details of

quantities, depths and areas involved. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the potential damage to soils, to minimise the impact of the development on the locality and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

19. Stripping of Top and Subsoil – No excavation shall take place nor shall any of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and subsoil has been stripped from that part of the site and stored in accordance with the approved details.

Reason: To minimise soil compaction and structural damage, to assist in the final restoration and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

20. Fauna Management Plan – No stripping of topsoil or subsoil shall take place until a Fauna Management Plan has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. The scheme shall detail how activities, during construction, operation and restoration, will be undertaken to minimise the risk of disturbance to, and provide future habitat for, Protected and Priority species identified in the Updated Preliminary Ecological Appraisal, dated October 2015, submitted with the application, including badgers, bats, dormouse, owls, reptiles and great crested newts. The development shall be implemented in accordance with the approved plan.

Reason: To ensure that the development does not adversely impact on local habitat and that the restoration proposed seeks to maximise the potential for future habitat in compliance with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

21. Final Soil Coverage – The uppermost 0.5m of the infill material shall be free from rubble and stones greater than 150mm in diameter and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery. The infill material shall be covered with a minimum of 0.8m of even depth subsoil and 0.4m of top soil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

Reason: To ensure that the site is properly restored, can effectively be brought into a beneficial restoration use and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

22. Final Landform – Final landform and surface restoration levels shall accord with the landform, and contours shown on the approved restoration plan.

Reason: To ensure proper restoration of the site and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

23. Aftercare Scheme – An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural use shall be submitted to and approved in writing by the Local Planning Authority for minerals and waste prior to commencement of infilling. The submitted Scheme shall:

- a) Provide an outline strategy in accordance with paragraph 57 of the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b) Provide for a detailed annual programme, in accordance with paragraph 58 of the Planning Practice Guidance to be submitted to the planning authority not later than two months prior to the annual Aftercare meeting¹.
- c) Unless the Local Planning Authority for minerals and waste approve in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

Reason: To ensure the satisfactory restoration of the site for agriculture and to comply with policies CP13, CP14, CP15, CP16, CP17, DC42, DC45, DC47, DC48, DC51, DC58, DC59, DC60 and DC63 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.12, 5.14, 5.20, 5.21, 7.4, 7.15, 7.16, 7.19, 7.21 and 7.22 of the London Plan.

24. Operations Method Statement - No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority making provision for an Operations Method Statement to control the potential adverse impacts of the development on the amenity of the public,

¹ An annual Aftercare meeting is a meeting held on site with a representative of the Council to assess site conditions, review restoration actions taken during the year and compliance with the approved aftercare strategy.

nearby occupiers and the environment. The Operations Method Statement shall include details of:

- a) Parking of vehicles of site personnel and visitors;
- b) Storage of plant, materials, chemicals, oil and hazardous substances;
- c) Measures for minimising the impact of noise, dust and vibration arising from extraction and infilling activities;
- d) Siting and design of temporary buildings;
- e) A scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and
- f) Details of the disposal of waste arising from the operational programme, including from any buildings with the burning of waste on the site, at any time, to be specifically precluded.

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

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

25. Vehicle Visibility Splays – The proposals shall provide a 2.4 by 90 metre forward visibility and 2.4 by 90 metre visibility splay on either side of the proposed access, set back to the boundary of the public footway. No development shall take place until a scheme to achieve the aforementioned, outlining measures necessary to facilitate the visibility splays, together with aids proposed to enhance safety has been submitted to and approved in writing by the local planning authority for minerals and waste. The visibility splays shall be provided and maintained in accordance with the approved scheme for the duration of the development hereby permitted.

Reason: Insufficient information has been supplied with the application in relation to how the required visibility splays would be achieved. Submission of details prior to commencement will ensure that appropriate visibility is achieved in the interests of highway safety and the amenity of the surrounding area and to comply with policies CP10, CP15, DC32, DC39, DC42, DC43 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14 and 7.4 of the London Plan.

26. Wheel Washing – Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during operations shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority for minerals and waste. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission shall 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; and
- f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements or evidence that approved practices are failing.

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area and to comply with policies CP10, CP15, DC32, DC39, DC42, DC43 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 2.8, 5.18, 5.20, 6.1, 6.3, 6.11, 6.12, 6.14 and 7.4 of the London Plan.

27. Noise Limits and Monitoring – Noise levels from operations undertaken in association with the development hereby permitted, except those deemed temporary, shall not exceed 55dB(A)LAeq, 1h (free field) when measured at the noise sensitive properties defined in the submitted Noise Assessment. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the aforementioned noise sensitive properties to demonstrate compliance with the above acceptable level. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least two separate durations during the working day and the results shall be submitted to the Local Planning Authority for minerals and waste within one month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Local Planning Authority for minerals and waste. In the event of an identified exceedance in noise levels, a mitigation strategy shall be submitted to the Local Planning Authority for minerals and waste in writing for approval outlining the measures which will be taken to reduce noise levels within the acceptable parameters.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with polices CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies

Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

28. External Lighting – No external lighting shall be erected or installed until a scheme for any such lighting has been submitted to and approved in writing by the Local Planning Authority for minerals and waste. Any such scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights together with proposed hours of operation. The installation of any external lighting shall be undertaken in accordance with the approved scheme.

Reason: In the interests of public amenity, ensuring that the development does not result in significant environmental impacts and to comply with policies CP12, CP13, CP14, CP15, CP16, CP17, DC42, DC43, DC45, DC52, DC55, DC56, DC58, DC59, DC60 and DC61 of the Development Control Policies Development Plan Document; policy W5 of the Joint Waste Development Plan and policies 5.18, 5.20, 7.4, 7.14, 7.15, 7.16, 7.19 and 7.21 of the London Plan.

29. Permitted Development Restriction – Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Local Planning Authority for minerals and waste.

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area and landscape.

Informative

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the

requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

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

3. The proposed inert landfilling activity will require an Environmental Permit under the Environmental Permitting Regulations 2010 (as amended) from the Environment Agency. The applicant is advised to contact the Environment Agency to discuss the permitting requirements and any issues that are likely to be raised during this process.
4. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.
5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
6. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Information to allow an appropriate assessment of the proposal and improvements required to make the proposal acceptable were negotiated and submitted, in accordance with paragraph 186-187 of the National Planning Policy Framework 2012, during the course of determination of this application.

REPORT DETAIL

1.0 Call-In

- 1.1 This application has been called in by Councillor Van den Hende on the basis that this is not considered an appropriate form of development in the Green Belt; and access and highway safety issues. The site access is located on a blind corner which together with the sharp corner at the junction of Sunnings/Dennises Lane is already a hazard. With increased traffic the access would be dangerous for all. The hours of operation are also excessive and will cause increased noise for nearby residents.

2.0 Site Description

- 2.1 Cockhide Farm is located in the south of the Borough, south of Upminster, north of Aveley, to the east of Rainham and to the west of the M25 and South Ockendon. The site immediately adjoins Belhus Woods Country Park, where there are a network of footpaths and bridleways. No footpaths nevertheless dissect the site and views of it, from public vantage points, are relatively limited.
- 2.2 There is an access track to the farm, located in the north-west corner of the site that extends approximately 735m north from the farm buildings to the junction with Bramble Lane.
- 2.3 The farmhouse itself, on-site, is derelict and in a poor state of repair. There are a number of outbuildings across the 5 acre / 2ha site similarly derelict and in poor condition.
- 2.4 In terms of background, the application area originally formed part of a quarry known as Baldwins Farm, which was operated by Redland Aggregates in the 1970/80s. This site is the only part of that former site not worked, given the presence of the farmhouse.
- 2.5 The site forms part of the Metropolitan Green Belt but is not designated for any landscape or ecological merit at local, national or international level. The locality, and landscape, shows obvious signs of the former quarry use with the surrounding fields in a mix of arable and woodland use with a number of water bodies. The application area does however form part of the outer Ingrebourne Marshes SSSI Impact Risk Zone.

3.0 Description of Proposal

- 3.1 This is an application to work an area of land for sand and gravel with restoration proposed to existing levels, and agricultural use, through the importation of inert materials.
- 3.2 It has been suggested that the on-site reserve is circa 75,000 tonnes and it is proposed to work the site as one phase, with extraction programmed over a six month period. All materials extracted are proposed to be processed off-site at Rainham Quarry, Launders Lane.
- 3.3 The void created from the extracted mineral would require the importation of approximately 45,000 cubic metres of material, with the applicant again suggesting that this would take place over a six month period. No on-site processing of material to be imported is proposed with infill material simply being used to bring the land back up to level.
- 3.4 With regard to vehicle movements, the extraction process would result in 60 movements per day (30 in and 30 out); and the restoration activities would result in 68 movements per day (34 in and 34 out). As the applicant does not however propose to work the site in a phased manner, there would be no

duplication of movements as extraction and restoration would not occur simultaneously. The applicant proposes the use of the existing access off Bramble Lane.

3.5 The site is proposed be operational during the following hours:

07:00-18:00 Monday to Friday

With no working on Saturdays, Sundays or Public holidays.

4.0 Consultations/Representations

4.1 On receipt of the formal planning application, the Council directly notified 25 properties. The application was also advertised by way of site notice and press advert. Five letters of public representation have been received in response to the consultation. The main areas of concern and objection raised are:

- The access point and the junction of Bramble Lane to Aveley Road are already considered awkward and dangerous. Lorries and cars are unable to pass each other on the bend of Bramble Lane, where the site access is, and this is a safety concern;
- Traffic – should planning permission be granted at least a vehicle movement plan should be required;
- Concerns about potential damage to the highway and highway verges;
- Concerns about the proposed timeframe and if the development would actually be completed within 12 months;
- Concerns about fly-tipping should the entrance be re-opened;
- Amenity impacts – noise, vibration and dust;
- Questions about bunding and noise attenuation; and
- Excessive hours of operation.

4.2 Comments have also been received from the following consultees:

Anglian Water – No comments received.

EDF Energy – No comments received.

Environment Agency – No objection subject to conditions covering contamination; drainage and site management (the storage of materials, chemicals, oil and/or any other hazardous substances).

Essex and Suffolk Water – No objection.

Havering Friends of the Earth – Object on the basis that this is considered an inappropriate development in the Green Belt and very special circumstances have not been justified to outweigh the potential harm by reason of inappropriateness.

The development has the potential to impact on wildlife and whilst the surveys submitted suggest the number of creatures utilising the land is low, it is

considered that we should be doing everything not to threaten habitat. We should be working to improve and increase biodiversity, not disrupt it. An invertebrate survey should have also been undertaken.

The applicant is commercial-led and concerns are raised that there appears no set limit on the amount of infill material proposed to be imported. A dome shaped landscape, as a result of excessive infilling is not inappropriate. Concerns are also raised in respect of nearby public footpaths and interaction with the proposed development; as well as additional air pollution from vehicle movements.

Highway Authority – No objection subject to a financial contribution towards the maintenance of Bramble Lane.

Historic England – No objection subject to conditions requiring a stage 1 written scheme of investigation (WSI) for archaeological work to be submitted and approved in writing by the LPA. If heritage assets of archaeological interest are identified by the stage 1 then a stage 2 WSI shall be submitted for such areas.

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

National Grid – Due to the presence of National Grid apparatus the contractor should contact National Grid before any works are carried out to ensure that the aforementioned apparatus are not affected.

Natural England – No objection subject to conditions to mitigate the potential adverse effects of the development. In this regard a fauna management plan should be secured by condition.

Thames Chase – The Thames Chase Community Forest covers a 40 square mile area extending from Dagenham in the west to the Mardyke River in the east, and from North Stifford in the south to Brentwood in the north. The Forest was designated by National Government in 1990 with the intention of delivering strategically significant environmental improvements through tree planting, pond, hedgerow and meadow creation with associated links for people and wildlife. The designation followed recognition that the landscape had suffered extensive damage through quarrying, landfilling, previous road building and urban growth. The Thames Chase Community Forest project has since planted 1.3 million trees, increasing woodland cover by 70%, as well as creating or restoring almost 50km of hedgerows and creating or restoring nearly 1000 hectares of non-woodland habitat. Quarry sites make up 20% of Thames Chase – a total of 20 square kilometres.

The delivery of the Thames Chase Community Forest is guided by the Thames Chase Plan 2014. This is the third Plan to have been produced since 1990, with each Plan setting out a decade long window of delivery. Baldwins Farm (2.19) and the adjacent Aveley Forest (3.02) are projects included in the Thames Chase Plan (Area 2 Ingrebourne Valley and Quarry Landscapes). Baldwins Farm is a Priority Project within Area 2. The vision for the Community Forest is simply “by 2030, Thames Chase Community Forest will be recognised as an

inspirational example of landscape regeneration where enhanced, connected woodland and green space has made a clear difference to wildlife and peoples' lives.”

The Thames Plan is closely aligned with the All London Green Grid Framework and the London Plan and as such the Thames Chase Community Forest would want to see due consideration given to the delivery of the following in relation to this Planning Application:

- Tree planting and woodland creation;
- Habitat creation (woodland and non-woodland);
- Community engagement / promotion of volunteering;
- Carbon offsetting;
- Biomass & energy;
- Sustainable transport and access;
- Green Infrastructure and landscape connectivity;
- Air Quality;
- Biodiversity and wildlife; and
- Culture and Heritage

Thames Water – No comments received.

Thurrock Council – No comments received.

UK Power Networks – No comments received.

5.0 Policy Context

5.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and set out the Government's planning policies for England and how these are expected to be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11, states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 For decision-taking the Framework states that this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

5.3 In respect of the above, paragraph 215 of the NPPF, which is considered applicable to the London Borough Of Havering LDF, states due weight should

be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The opinion of the London Borough of Havering is that the LDF is broadly compliant with the NPPF and therefore full weight can be given to policies in the determination of applications, subject to appropriate assessment where conflict does exist.

5.4 Specifically with regard to mineral development, the NPPF at paragraph 142 states that minerals are essential to support sustainable economic growth and our quality of life. At paragraph 144 it is detailed that when determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

5.5 With regard to waste policy and guidance, the NPPF does not contain specific policies, since national waste planning policy will be published as part of the National Waste Management Plan for England (NWMP). The NWMP was adopted in December 2013 and sets out where we are now in terms of waste generation and how we manage such waste. It sets out where we are and the

policies we currently have in place to support the economy, protect our environment and prevent and manage waste streams. In October 2014 the National Planning Policy for Waste was published, replacing Planning Policy Statement 10: Planning for Sustainable Waste Management.

- 5.6 The following policies of the LDF Core Strategy and Development Control Policies Development Plan Document are considered relevant to this development: CP10 (Sustainable Transport), CP12 (Use of Aggregates), CP13 (Minerals Extraction), CP14 (Green Belt), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), CP18 (Heritage), DC22 (Countryside Recreation), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC39 (Freight), DC41 (Re-use and Recycling of Aggregates), DC42 (Mineral Extraction), DC43 (Ready Mixed and Processing Plant), DC45 (Appropriate Development In The Green Belt), DC47 (Agriculture), DC48 (Flood Risk), DC51 (Water Supply, Drainage and Quality), DC52 (Air Quality), DC53 (Contaminated Land), DC55 (Noise), DC56 (Light), DC58 (Biodiversity and Geodiversity), DC59 (Biodiversity in New Developments), DC60 (Trees and Woodlands), DC61 (Urban Design), DC67 (Buildings of Heritage Interest), DC70 (Archaeology and Ancient Monuments) and DC72 (Planning Obligations).
- 5.7 In addition to the above, the following policies of the Joint Waste Development Plan for the East London Waste Authority Boroughs are considered relevant: W1 (Sustainable Waste Management), W4 (Disposal of Inert Waste by Landfill) and W5 (General Consideration with regard to Waste Proposals).
- 5.8 The following policies of the London Plan are considered relevant to this development: 1.1 (Delivering The Strategic Vision And Objectives For London), 2.1 (London In Its Global, European and United Kingdom Context), 2.2 (London And The Wider Metropolitan Area), 2.3 (Growth Areas And Co-Ordination Corridors), 2.7 (Outer London: Economy), 2.8 (Outer London: Transport), 4.1 (Developing London's Economy), 5.12 (Flood Risk Management), 5.13 (Sustainable Drainage), 5.14 (Water Quality and Wastewater Infrastructure), 5.15 (Water Use and Supplies), 5.16 (Waste Net Self-Sufficiency), 5.18 (Construction, Excavation and Demolition Waste), 5.20 (Aggregates), 5.21 (Contaminated Land), 6.1 (Strategic Transport Approach), 6.3 (Assessing Effects of Development on Transport Capacity), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing Traffic Flow And Tackling Congestion), 6.12 (Road Network Capacity), 6.13 (Parking), 6.14 (Freight), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.8 (Heritage Assets and Archaeology), 7.14 (Improving Air Quality), 7.15 (Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes), 7.16 (Green Belt), 7.19 (Biodiversity And Access To Nature), 7.20 (Geological Conservation), 7.21 (Trees And Woodlands), 7.22 (Land for Food), 8.2 (Planning Obligations) and 8.3 (Community Infrastructure Levy).

6.0 Appraisal

Principle of Development

- 6.1 The London Borough of Havering, as per policy 5.20 of the London Plan is required to maintain a sand and gravel landbank of at least 1.75 million tonnes throughout the plan period (until to 2031). The Council last produced a Local Aggregate Assessment (LAA) in October 2014. The conclusion of this was that the Council's landbank was approximately 2.5 years on the basis of a permitted reserve of 700,000 tonnes. Since October 2014, planning permission has however been granted for mineral extraction at East Hall Farm. This site has a reserve of 1.1 million tonnes and adding this to the existing permitted reserves within Havering it is considered that the landbank is currently around 1.6 million tonnes or 6.4 years (factoring an approximate additional 2 years of working from the 700,000 tonne figure suggested within the LAA).
- 6.2 Detailed below is a table which shows Havering's landbank over the last 5 years together with an indication on how the landbank will reduce over the coming years. The reduction per year has been calculated on the basis of 0.25mtpa usage, as suggested within the London Plan although it is noted that the most recent data available to the Council, as detailed within the latest Annual Monitoring Report, suggests extraction has recently been occurring at a reduced rate.

Year	Required landbank (7 year figure) ²	Permitted landbank ³	Landbank in years
2011*	1.75mt	0.4mt	1.6
2012*	1.75mt	0.4mt	1.7
2013*	1.75mt	0.5mt	2.0
2014	1.75mt	0.7mt	2.8
2015	1.75mt	1.6mt	6.4
2016	1.75mt	1.35mt	5.4
2017	1.75mt	1.1mt	4.4
2018	1.75mt	0.85mt	3.4
2019	1.75mt	0.6mt	2.4
2020	1.75mt	0.35mt	1.4
2021	1.75mt	0.1mt	0.4
2022	1.75mt	Reserves exhausted	0

² Required landbank = the seven year landbank apportionment detailed within the London Plan. On the basis of Havering having an apportioned seven year landbank of 1.75mt, this equates to a requirement of a 0.25mtpa yield. In respect of the above and the calculations, taking 2011 as an example a 0.4mt reserve divided by 0.25 equates to a landbank of 1.6 years.

³ Permitted landbank = the reserve within the Borough to which planning permission has been granted to extract. In respect of the above and the calculations, the landbank (post 2016) has been calculated to reduce at a rate of 0.25mtpa as per that suggested within the London Plan.

**The figures from 2011-2013 are that of London and not just Havering. Until 2014, Havering was not required to produce a Local Aggregate Assessment and therefore provided data to the GLA to produce the Assessment for London as a whole.*

6.3 On the basis of the above it is clear that the current permitted reserve within the Borough is insufficient to support a seven year landbank throughout the plan period. Indeed even if planning permission is granted for extraction at this site and 75,000t added to the landbank at the end of 2016/start of 2017, the landbank in Havering would not be as per that required by the London Plan.

Year	Required landbank (7 year figure)	Landbank with reserve at Cockhide	Landbank in years
Start of 2017	1.75mt	1.425	5.7

6.4 There are no formal sanctions against the Council if the landbank apportionment is not met. Similarly there are no sanctions if the landbank is exceeded. The NPPF requires mineral planning authorities to plan for a steady and adequate supply of aggregates and when determining applications as far as practical, provide for the maintenance of landbanks. Policy CP13 of the LDF details that the Council recognises the strategic need to supply the construction industry with aggregates and will seek to ensure it makes an appropriate contribution towards the apportionment in the London Plan.

6.5 Although planning authorities can allocate or safeguard areas for mineral development, such development is market-led and there is little a mineral planning authority can actually do to ensure a sufficient landbank which is the reason why there is no formal sanction for a deficit. That being said this lack of sanction should not in any way be seen a reason to presume mineral development and the provision of landbanks is not important. The NPPF states that great weight should be given to the benefits of mineral extraction when determining planning applications. Expanding on this, the NPPF at paragraph 142 states that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

6.6 The London Borough of Havering, even with the recently permitted reserve at East Hall, does not have a sufficient landbank to comply with the apportionment figure detailed in the London Plan. Whilst the landbank position has improved with the granting of planning permission for East Hall Farm, it is considered that planning policy dictates that the Council (as the mineral planning authority), in the circumstances, should generally supports proposals for mineral bearing development subject to no significant adverse environmental impacts.

6.7 The Council does not have an adopted Minerals Plan and until such a time, when preferred sites for mineral extraction to achieve a seven year sand and

gravel landbank during the plan period are identified, applications for mineral development have to be assessed on their individual merits, as per policy CP13 of the LDF. In terms of the principle of development, it is therefore considered that in providing additional mineral reserve broad policy support exists for the development coming forward as the sand and gravel landbank in Havering is currently below seven years.

Green Belt

- 6.8 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. At paragraph 80 of the NPPF it is detailed that the Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.9 Paragraph 87 of the NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on detailing that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.10 Paragraph 80 of the NPPF identifies certain forms of development which are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:
- mineral extraction;
 - engineering operations;
 - local transport infrastructure that can demonstrate a requirement for a Green Belt location;
 - the re-use of buildings provided that the buildings are of permanent and substantial construction; and
 - development brought forward under a Community Right to Build Order.
- 6.11 In context of the above, it is considered that mineral extraction is not inappropriate development in the Green Belt. Policy DC45 of the LDF states that the Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives. Mineral extraction is detailed as a potentially appropriate development in the Green Belt subject to compliance with the other relevant policies in the LDF. Of particular note in this regard is policy DC42.

Accepting that mineral extraction is not inappropriate development this suggests that ancillary buildings, structures, plant and/or equipment should be essential to the operation and preserve the open nature of the Green Belt. Materials should be sympathetic to the landscape and impact minimised by appropriate siting and screening where necessary.

- 6.12 As detailed previously in this report, no on-site processing is proposed as part of this application. As part of the development an office; foul drainage tank; and weighbridge would however be installed. The office would be of modular design, 12.1m long by 2.4m wide and 2.7m high. The modular building would be finished in a painted dark green colour. Such development would be installed adjacent to the existing site access road and to the north of the extraction area.
- 6.13 With regard to screening, it is proposed that the office and weighbridge area would be screened by a 2m high earth bund. The bund on the western side, being the other side of the access road. The extraction site, is also proposed to be screened with bunding up to 3m in height. The bunding would run around the eastern, southern and western boundaries of the site. The northern boundary is not proposed to be screened.
- 6.14 From a Green Belt and policy DC42 perspective, it is considered that the development proposed as part of this development is the minimum necessary to facilitate the development. With regard to this and openness the office and weighbridge would not be overly visible from public vantage points and would be removed in their entirety following completion of the development. Accordingly, it is considered the extraction activities and associated buildings and plants are not representative of inappropriate development or likely to undermine the purpose of the Green Belt. As such it is considered that the development complies with relevant Green Belt guidance within the NPPF and policies within the LDF and London Plan.

Landscape and Visual Impact

- 6.15 Mineral extraction by its very nature can be visually intrusive. As existing this is an agricultural field, which has previously been used for grazing, and largely blends into the adjacent landscape setting. The site however appears to have a rather neglected appearance, which is compounded by the condition of the property on-site. The site is considered of neutral value in the landscape setting.
- 6.16 Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Of note in respect of this development, it is detailed that proposals should harness the topographical and ecological character of the site and complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

- 6.17 Staff note the existing land levels of this site and that the site slopes down to the south-east. Mindful of this, views across the site are limited from the south although partial views from the east, along footpaths FP1 and FP259, do exist.
- 6.18 The provision of bunds between 2m and 3m high would be visible from nearby areas and accordingly appear as an incongruous landform in the landscape. Given the proposed timeframe for the development it is also considered that it is unlikely that the bunds would be able to be grassed, as by the time such a mix has established the bunds would be being removed. That being said, for a temporary period staff do not consider that the landscape impact would be so significant as to justify a refusal. The bunds whilst incongruous would screen the development and provide noise attenuation. The bunds would also be formed from indigenous top soils and subsoil removed to facilitate the extraction of the underlain sand and gravel. If the top soil and subsoil was not stored or stockpiled on site such material would have to be removed from the site, only to be replaced as part of the restoration. The proposed use of soil bunds, whilst performing a function, also therefore limits the amount of material required to be imported as part of the development. From a restoration perspective such a process also seeks to ensure the existing top soil is kept on-site and re-incorporated as part of the end development.
- 6.19 Mindful of the site topography, it is considered that machinery would be visible from nearby areas, above the screening bunds, and in the case of vehicles when these are travelling down the access road. The extent of views of the actual working area would however reduce as material is extracted and the working shelf reduces below existing ground level. As alluded previously, views of the site are nevertheless relatively limited and although it is accepted that the nature of the site together with amount of on-site activity would increase it is not considered that for a 12 month period that such impacts would be significant and warrant refusal on such grounds.
- 6.20 The site would be restored to existing levels, mirroring the current gradient of the site towards the south-west. The development would not require the removal of any boundary planting and accordingly once complete from a landscape perspective the site would appear as existing, maintaining the current character and appearance of the locality. It is therefore considered that the development complies with policy DC61 of the LDF.
- 6.21 With regard to farmhouse and outbuildings (the built form) at Cockhide Farm, as existing, no works are proposed to this area, as part of this application, with the applicant suggesting that once works pursuant to the mineral extraction have been completed an application seeking to re-develop this farmhouse will be submitted to the Local Planning Authority for consideration. At this stage, the Local Planning Authority is unaware as to the re-development likely to be proposed and therefore can offer no further comment on this other than to say that the restoration for this site would return the landscape setting for this site to that as currently exhibited.

Ecology

- 6.22 Policy CP16 of the LDF states that Council will seek to protect and enhance the Borough's rich biodiversity and geodiversity, in particular priority habitats, species and sites. This is a position supported by policy DC42 and DC58.
- 6.23 The submitted Phase 1 Ecological Assessment suggests that the site comprises habitats that are common and widespread. The site is considered to be of medium ecological value overall with habitats present suitable for use by a range of protected species. It is also noted that the development could give rise to off-site impacts due to hydrological changes. Further Phase 2 Assessments in respect of water voles, reptiles and great crested newts have been submitted with suggested mitigation measures incorporated as part of the development plans to limit potential impact.
- 6.24 Comments received from Friends of the Earth in respect of the commercial nature of the development are accepted however as discussed previously in this report, the Borough has a mineral landbank apportionment which it is currently not delivering. Whilst this need does not override all potential impacts, it does have to be weighed in the balance when impact is likely to be relatively limited or can be suitably mitigated or offset. Contrary to that suggested by Friends of the Earth, mineral extraction is furthermore not inappropriate development in the Green Belt.
- 6.25 Natural England has been consulted on the application and has suggested that the development has the potential to damage or destroy habitat for protected or priority species. To mitigate such impact it is nevertheless suggested that a fauna management plan should be secured by condition. The management plan would detail how activities during construction, operation and restoration will be undertaken to minimise the risk of disturbance to, and provide future habitat for protected and priority species identified within the submitted Phase 1 and 2 Assessments. Subject to a suitably worded condition being imposed should planning permission be granted, together with appropriate restoration conditions discussed later in this report, it is not therefore considered that ecological impacts associated would render the development unacceptable and, in principle, contrary to policy DC58 of the LDF.

Geology, Hydrology and Flood Risk

- 6.26 Policy CP15 of the LDF, in-part, details that new development should reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; have a sustainable water supply and drainage infrastructure; and avoid an adverse impact on water quality. Expanding on this policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Policy DC51 goes on detailing that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater,

surface water or drainage systems unless suitable mitigation measures can be secured through conditions attached to the planning permission or a legal agreement.

- 6.27 It has been suggested that the local geology comprises of superficial Lynch Hill Gravels overlying London Clay at a depth of between 2.2m and 4m below ground level. The London Clay is classified as unproductive strata but the Gravel band is representative of a secondary aquifer. Aquifers can be locally important in terms of ground permeability and flow and often provide local abstraction points. Given the site locality and that much of the surrounding area has previously been worked and infilled it is suggested that this development would likely adversely impact upon groundwater flow.
- 6.28 The Environment Agency has raised no objection in principle to the development coming forward. However, given the extent of extraction and infilling which has occurred in this area have suggested that, should planning permission be granted, a condition should be imposed requiring the submission of a scheme prior to commencement of the development that would identify all potential contaminants associated with former uses and a conceptual model indicating sources, pathways and receptors of any such contamination, as existing. The scheme shall detail how such sources and pathways may be affected and in turn the impact of this on receptors with a remediation strategy submitted if required.
- 6.29 Turning to flood risk and drainage, the site is located within Flood Zone 1 at low probability to flooding. The site is proposed to be worked wet and accordingly there would be no excess discharge from dewatering during the course of operations. The site is proposed to be restored to existing levels and agricultural use. Surface water run, post restoration, would be controlled by a perimeter drain which would collect surface run-off from the field and route it to a soakaway (pond) in the south-west corner of the site. An overflow pipe would then connect this to the existing pond on site and control discharge at the pre-development greenfield rate.
- 6.30 With suitable conditions attached to any planning permission granted to ensure the above, it is not considered that flood risk represents a reason to refuse the application. It has been demonstrated that suitable mitigation measures could be implemented and accordingly it is considered that the development complies with policies CP15, DC48 and DC51 of the LDF

Heritage and Archaeology

- 6.31 The site is located on an area of the Lynch Hill/Corbetts Tey terrace gravels, to the north of the River Thames that is known to have a significant prehistoric and Roman landscape. Extensive cropmarks have been identified in the vicinity and investigations have revealed an arrangement of late Bronze Age to early Iron Age settlements and enclosures nearby. However Cockhide Farm appears to have remained as fields or pasture between farms or manorial sites until at least the 16th Century.

6.32 The proposed development would result in total disruption of any archaeological remains if they are present. A geophysical survey has however been undertaken which involved a magnetic survey of the site and this found no clear evidence of anything significant beneath. Historic England, in view of the above results, have raised no objection in principle to the development coming forward subject to appropriate further investigation being undertaken prior to commencement. The development, subject to such a condition being secured, is therefore considered to be compliant with policy DC70 of the LDF.

Highway Impact and Lorry Routeing

6.33 Access to the site is proposed off the Bramble Lane, from the existing albeit currently obstructed access to Cockhide Farm. The access track that runs from here towards the site is proposed to be graded and slightly widened to 3m in width to facilitate safe access and exit. As detailed this application principally involves two stages – the extraction and the restoration (infilling). The estimated vehicle movements associated with the extraction would be 60 per day (30 in and 30 out) and the estimated vehicle movements associated with the restoration is 68 per day (34 in and 34 out).

6.34 As the extraction and restoration would not occur simultaneously, the above movements represent daily maximums. On the basis of an eleven hour working day (07:00am-18:00pm), the development would result in roughly six movements per hour – roughly one movement every 10 minutes. Vehicles would arrive at the site via the A13, Launder's Lane and Warwick Lane. Vehicles leaving the site would follow the same route, with the exception of those leaving the site loaded with mineral which would divert/stop at Rainham Quarry on Launder's Lane to drop off the material for processing.

6.35 In respect of existing use of these roads, Members will be aware of some similar developments which have recently been granted in the locality. Below is a table showing these developments with the other main existing mineral and waste sites in the locality together with an indication on their lifespan.

Site	Development Description	Proposed/Permitted No. of Vehicle Movements	Update / End Date
Rainham Quarry, Launder's Lane (most recent application ref: P1323.11)	Phased extraction of sand and gravel	180 movements a day (90 in and 90 out) was the basis of the Transport Assessment submitted. However, this is not formally controlled by condition.	Permission for extraction expired in 2015. That being said consent exists for continued processing at the site – most recently granted as part of planning application ref:

			P0271.14.
Arnolds Fields, New Road (most recent application ref: P0941.00)	Land raising to facilitate community woodland	None – no planning permission exists for vehicles to access site	Enforcement Notice issued in 2004 on grounds that sufficient material was on-site to facilitate approved restoration. Enforcement Notice upheld but site still has not been restored in accordance with approved details.
Spring Farm, New Road (application ref: P2098.04)	Phased extraction of sand and gravel	70 movements a day (35 in and 35 out) was the basis of the Transport Assessment submitted. However, this is not formally controlled by condition.	Site restoration expected 2017.
Southall Farm, New Road	Phased extraction of sand and gravel	n/a	Restoration complete.
Moor Hall Farm, New Road (parent application ref: P0319.09)	Construction of a 'links' style golf course	400 movements a day (200 in and 200 out) was the basis of the submitted Transport Assessment. However, this is not formally controlled by condition.	The importation of material to complete this project is substantially complete.
Mardyke Farm, Dagenham Road (most recent application ref: P0455.14)	Landscaping and re-contouring	190 movements a day (95 in and 95 out) was the basis of the submitted Transport Assessment. However, this is not formally controlled by condition.	Importation to be completed by 11/04/2017.

The Paddocks, Moor Hall Farm, New Road (application ref: P1578.14)	Re-restoration of site following differential settlement	500 loads per calendar month for a period of 18 months.	Works commenced on-site January 2016.
Little Gerpins 2, Berwick Pond Lane (application ref: P1637.14)	Engineering earthworks to provide managed woodland	200 movements a day (100 in and 100 out) over a two year period – controlled by condition.	Site restoration required by 2018.
Land adjacent to Bramble Farm, Bramble Lane (application refs: P0507.14 + P1578.15)	Landscaping works to landfill and fishing lake	20 movements a day (10 in and 10 out) – controlled by condition.	Site restoration of landfill required by July 2017; and restoration of fishing lake required by September 2017.
East Hall Farm, New Road (application ref: P0271.14)	Phased extraction of sand and gravel	192 movements a day (96 in and 96 out) – controlled by condition. No processing of material is permitted at this site with all extracted material duly transported to Rainham Quarry.	Site restoration required by 2026.
Pinch site + Ahern Compound, Gerpins Lane (application ref: P1601.15 + P1605.15)	Importation and spreading of inert soil materials to provide managed woodland and grassland for amenity afteruse	260 movements a day (130 in and 130 out) – controlled by condition.	Resolution to approve subject to s106. Discussions ongoing in this regard and therefore formal decision yet to be issued and/or development commenced.
Wennington Hall Farm (application ref: P1407.13)	Phased extraction of sand and gravel	270 movements a day (135 in and 135 out) over a nine year period	Application refused but appeal lodged. Informal hearing to held in due course.

- 6.36 Policy DC32 of the LDF details that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. A Transport Statement has been submitted with the application which concludes that the development would not have a detrimental impact on the highway network, given the limited number of vehicle movements associated. Staff nevertheless note the location of the access, on the bend, and the concerns raised by the public in terms of the existing safety of this junction.
- 6.37 Furthermore, staff note concerns previously expressed as part of other applications of this nature about potential impact on the structural condition of the roads and their suitability for HGV movements. Noting the contents of the above table, it is clear that the A1306, Launders Lane and Warwick Lane support a number of quite vehicle heavy developments. Specifically looking at the end dates of the above developments it is considered at least either Little Gerpins 2 or Pinch together with East Hall Farm would be operational at the same time as this development, should planning permission be granted.
- 6.38 The Highway Authority has assessed the information submitted with the application and undertaken an independent assessment in context of known site conditions and available data. In respect of this, the Highway Authority has raised no objection to the development in terms of safety, trip generation and/or impact on the road network. The applicant as part of the submitted Transport Statement has assessed the suitability of access and through adopting a cautious approach i.e. a two second driver reaction time and a 'g' deceleration rate of 0.25, has suggested a 90m visibility splay would need to be provided at the access junction. Additionally a 90m forward visibility would need to be provided to ensure safe sight stopping distance from vehicles travelling from the north. To facilitate the above visibility, the applicant proposes to trim all overgrown vegetation and remove any vegetation which currently restricts this.
- 6.39 Staff having driven along this road acknowledge local concern about safety and the position vehicles would have to be at to secure the appropriate forward visibility, when turning into the site. Accepting the no objection received from the Highway Authority and that the details submitted suggest the required visibility would be achieved, it is not considered that highway safety could be a reason to specifically refuse the application. To nevertheless ensure an appropriate visibility is achieved, it is considered that a scheme to increase visibility could be secured by way of planning condition.
- 6.40 With regard to mud and debris on the road, suggested condition 26 requires the submission of a detailed scheme to prevent mud being deposited onto the public highway. In the event that planning permission is granted it is likely that measures including the provision of a wheel spinner and wheel wash would be put forward by the applicant in terms of minimising the potential of mud being brought onto the public highway. The use of a water bowser to clean the public highway is also something which may be proposed. It will be noted that the last point of the suggested condition is for a contingency plan in the event of a break-down of any agreed measures or evidence that such measures are failing to prevent mud from being traversed on to the public highway. It is expected that the contingency proposed would be to suspend all vehicle

movements to and from the site until measures are implemented to ensure that mud and debris is no longer deposited from the site. The offending material shall also be cleared from the public highway as soon as practically possible. As this contingency plan would form part of the approved details of the application, should any issues arise the mineral planning authority would be able to pursue enforcement action and issue temporary stop notices should it be considered expedient to do so.

- 6.41 The mineral planning authority has the option to undertake up to eight paid site monitoring visits within a 12 month period to monitor mineral and landfill permissions. A charge of £331 per visit can be imposed on the site owner under Regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 and the visit allows officers to duly check compliance with the planning permission and relevant conditions. Following each inspection, a report would be produced by the officer undertaking the inspection and this shall be forwarded to the site owner and operator identifying any breaches of planning control; issues to be rectified; and a time frame to complete such works before more formal enforcement action may be pursued.
- 6.42 In the event that mud is distributed on the public highway and sufficient evidence exists to demonstrate that the operations from the site are responsible there are a number of enforcement options which would be available to the Council. Initially if the wheel washing measures had not been installed or were not being used, as approved, a Breach of Planning Condition Notice could be issued requiring such measures to either be installed and/or used. Should such measures however have been installed and an issue still remain powers do exist under section 151 of the Highways Act 1980 to serve a Community Protection Notice on the operator. The issuing of such an Order would be under the operator's failure to comply with duties imposed under Section 3 of the Health and Safety at Work etc Act and this would require the operator to cease operations until the problem has satisfactorily been resolved.
- 6.43 The Highway Authority has raised no concerns in respect of mud and debris, subject to appropriate conditions. However, concerns on the impact on the overall surface and structural condition of the highway have been highlighted. In context of the additional HGV traffic a financial contribution towards the maintenance and repair of Bramble Lane is suggested (£12,500), should planning permission be granted. Members may recall that a similar type of contribution has been sought on a number of mineral and waste related applications recently. The Highway Authority in this regard apply a set formula to calculate the amount applicable - the carriageway area affected (length of road x an average carriageway width) x an average cost of re-surfacing (£35 per m²) x the proportion of development against a 10 year average re-surfacing cycle x the % increase in HGV movements against baseline data. In this instance the amount is comparably small given the proposed life of the development is only 12 months.
- 6.44 Overall, it is considered that the vehicle movements associated with this development, when assessed in isolated and collectively with other approved

development in the locality, would not adversely impact on highway safety or efficiency. The Highway Authority have raised no objection to the proposed use of the existing access and therefore subject to the adherence of a lorry routing plan and a financial contribution towards the maintenance of the Bramble Lane secured by legal agreement it is considered that the development complies with policy DC32 of the LDF.

Amenity Impacts

- 6.45 Policy DC61 of the LDF, in addition to that detailed previously in this report, states that planning permission will not be granted where the development has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and with developments. This position is furthermore supported by policy DC42. The nearest residential properties to the site are those to the west on Aveley Road, circa 600m from the area of extraction as the crow flies. The access point to the site from Bramble Lane is however only 140m from entrance to Bramble Farm. Given the distance from nearby residential properties to the actual extraction area it is not considered that the development would likely give rise to excess noise impacts. That being said it is considered that the vehicle movements associated could give rise to additional noise; air quality; and vibration impacts all of which have been expressed in some form as areas of concern in the letters of public representation received. Accordingly an assessment of these factors can be found below:

Noise

- 6.46 The Technical Guidance to the NPPF expands on the minerals policies outlined in the NPPF. At paragraph 20 of the Technical Guidance it is acknowledged that residents living close to mineral workings may be exposed to a number of environmental effects. With regard to noise emissions the NPPF makes it clear that mineral planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. At paragraph 30 it is stated that subject to a maximum of 55dB(A)LAeq, 1h (free field), mineral planning authorities should aim to establish a noise limit at noise sensitive properties that does not exceed background level by more than 10dB(A).
- 6.47 The Noise Assessment submitted with the application suggests background noise levels for the properties along Bramble Lane and Aveley Road of 45dB LA90 and 47dB LA90, respectively. Noting that suggested in the NPPF, the maximum 55dB(A)LAeq, 1h (free field) standard would therefore apply in this case.
- 6.48 The Noise Assessment submitted with this application suggests that the maximum working (noise) level of machinery and vehicles, likely to be experienced along Bramble Lane and Aveley Road, would be 38dB(A)LAeq, 1h. As this is below the existing background noise level, it is not considered that the development operations would significantly impact on the residential properties along Bramble Lane or Aveley Road. With regard to noise levels experienced from the Country Park, during the construction phase of the bunds

an exceedance of the 55dB threshold would be likely but once the bund is complete the assessment suggests a working noise level of 51dB, which again in context of that detailed in the NPPF is considered acceptable.

- 6.49 In terms of noise from vehicles on Bramble Lane and Aveley Road, the average background noise (LA90) has been calculated on the assumption of 10 HGV movements per hour, as existing. As discussed in the Highways section of this report, this development would result in approximately six HGV movements per hour and accordingly would increase the frequency of a HGV movement in the locality. Mindful that Bramble Lane and Aveley Road are public roads, and the Local Planning Authority have no control over the number of vehicles which may use these on a daily basis – whilst staff are keen to ensure that there is no significant increase in the noise environment, staff have to be mindful of this position – and it is considered that substantiating a refusal on noise associated with the vehicles when on a public highway would be difficult on appeal.
- 6.50 That being said, where possible, it is considered appropriate for staff to limit any such impacts through conditions. In respect of this, and hours of working, it is noted that the applicant has applied for hours of working commencing at 07:00am. Staff consider this obsessive and likely to exuberate noise impact, as use of the roads is likely to be less in the early hours of the morning. In respect of this, it is noted that the landscaping and remediation works currently occurring at land adjacent to Bramble Farm (application refs: P0507.14 and P1578.15), which also includes the importation of material, are only permitted to occur between 08:30am and 16:30pm for this reason. Whilst this site (Bramble Farm) is located directly adjacent to residential properties, staff consider a restriction which does not allow operations to commence before 08:00am appropriate in this instance (Cockhide), to comply with policy DC55 and the noise aspect of policy DC42 of the LDF.

Air Quality and Dust

- 6.51 Policy DC52 of the LDF details that planning permission will only be granted where new development, both singularly and cumulatively, does not cause significant harm to air quality and does not cause a breach of the targets set in Havering's Air Quality Management Area Action Plan. An air quality assessment has been provided with the application in which it is suggested that indicated air quality impacts were not predicted to be significant at any sensitive location within the vicinity of the site. Subject to a condition imposed ensuring the suggested mitigation measures outlined in the aforementioned Assessment are implemented and maintained it is considered that the development would comply with the stipulations of policy DC52 of the LDF.

Vibration

- 6.52 Staff note that no assessment of likely vibration emanating from the site and/or increased HGV use of Bramble Lane has been provided. Subsidence and vibration has been raised in a number of the public letters of representation and policy DC55, in addition to covering noise, states that planning permission should not be granted if a development would result in exposure to vibration

above acceptable levels, affecting a noise sensitive development. Given the distance of actual extraction from nearby sensitive uses it is not however considered that vibration from the activities would likely result in detrimental impacts.

- 6.53 Whilst concerns about increased HGV use of Bramble Lane is noted, Bramble Lane is an unrestricted public highway and the Local Planning Authority therefore has limited control over the use of it. As discussed in the highway impact section of this report, should planning permission be granted the applicant would be required to make a highway maintenance contribution that would provide the Highway Authority with additional funds to ensure Bramble Lane and other roads utilised are maintained in a suitable condition and of a suitable surface to limit the potential for vibration nuisance.

Restoration & Public Rights of Way

- 6.54 Site restoration would be back to existing levels, achieved through the importation of inert materials. No processing of material is proposed as part of the restoration, with the applicant suggesting all material to be imported would be strictly inert, sourced from the excavation sector of the construction market. With regard to this, once the imported material has brought the surface up to the base of the soil, the indigenous soils stored in the screening bunds would be re-spread. Following this, it is proposed that the site would be returned to an agricultural use.
- 6.55 In respect of mineral development, the NPPF at paragraph 144 suggests the local planning authorities should seek to ensure restoration is undertaken at the earliest opportunity and to high environmental standards. The Technical Guidance to the NPPF details that applicant's as part of reclamation schemes should demonstrate that the site can be reclaimed to an acceptable standard and after use. It is suggested that appropriate conditions should be imposed by the local planning authority to ensure that the restoration and after use is achieved. It is nevertheless detailed within the NPPF and the Technical Guidance that bonds or other financial guarantees to underpin restoration and aftercare conditions should only be sought in exceptional circumstances.
- 6.56 Policy DC42 of the LDF in respect of restoration states that sites should be restored to the highest standard and to a beneficial and acceptable after use in line with Green Belt objectives. Policy W4 of the Joint Waste Development Plan in this regard states that disposal of inert waste by landfill or as part of reclamation should be essential and involve the minimum quantity of waste necessary. The restoration scheme proposed as part of this application would see the site returned to its former levels and an agricultural use. In respect of this, it is therefore considered that the restoration profile has been designed to utilise the minimum amount of inert material, in accordance with policy W4 and not result in a restoration profile incongruous to the existing landscape. A five year aftercare period, to ensure that the site is returned to an equivalent agricultural quality could furthermore be secured by planning condition.

- 6.57 In terms of footpaths, staff note that there are number of public footpaths in the vicinity of the site. Strangely however none of these connect with FP258 simply running southwards from Bramble Lane; FP259 stopping at the access road to Cockhide Farm; and FP264 stopping within Bellhus Country Park. Given the extent of the applicant's land ownership it is considered that this application could be used as an opportunity to improve the connectivity of the footpaths. Such works would however require a Creation Order to be made and staff are mindful that should objections be received to the Order there is no guarantee that the applicant would be able to implement any such works. Accordingly, it is considered appropriate to simply require the applicant to submit a scheme of footpath improvements works for approval with the s106 duly requiring, post acceptance of the scheme, that an application for an Order be made.
- 6.58 The potential improvement to the footpath network is considered an environmental and social benefit to the development. Whilst mineral extraction is not an inappropriate form of development in the Green Belt and very special circumstances to render the development acceptable are not required it is considered that such benefits would help counter the amenity impacts, albeit not deemed significant, caused by the development during operation.

6.0 Conclusion

- 6.1 The London Borough of Havering is required, by the London Plan, to maintain a sand and gravel landbank of 1.75 million tonnes (or 250,000 tonnes per annum). The Council does not currently have a sufficient landbank and it is therefore considered that principle policy support, as per the NPPF, needs to be given to this application in providing additional mineral reserve.
- 6.2 Mineral extraction is appropriate development within the Green Belt and whilst this development would involve a number of temporary buildings and structures to facilitate operations, such development is considered ancillary and it is not considered that for a temporary period (the life of the operations) that these would significantly impact on the openness of the Green Belt.
- 6.3 With regard to restoration, it is proposed to that the site would be restored, via the importation of inert material, back to existing levels and an agricultural use. Staff, mindful of this, consider that the site could be worked in a sustainable manner without significant impact to the local amenity; the environment or highway efficiency. The application has been assessed in context of other approved and planned development in the area and is deemed to comply with National planning guidance and the relevant policies of the development plan subject to the completion of a legal agreement and adherence to the recommended planning conditions.
- 6.5 This conclusion is the opinion of staff based on a balancing exercise of planning considerations. It is accepted that Members may reach a difference conclusion.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources would be required for the completion of the legal agreement. The legal agreement is nevertheless required to mitigate/offset potential harms and impacts associated with the development. Staff are satisfied that the contribution required is compliant with the statutory tests set out in the Community Infrastructure Levy Regulations and NPPF in respect 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

Application form, plans and associated documents (application reference: P1626.16), validated by the mineral planning authority 13/10/2016.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

02 February 2017

Subject Heading:

P1161.16

Land at the junction of Crow Lane/Sandgate Close, Romford

Re-development of the site to provide 150 dwellings, together with new access junctions, associated car parking, landscape and infrastructure works (Application received 10th August 2016)

Ward:

Brooklands

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

Tom McCarthy
Minerals & Projects Planning Officer
tom.mccarthy@havering.gov.uk
01708 431883

Policy context:

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

Financial summary:

Not relevant

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

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

SUMMARY

This is an application for the re-development of land at the junction of Crow Lane and Sandgate Close. The development would provide 150 dwellings together with new accesses, associated car parking, landscaping and infrastructure works. The development would comprise five blocks of flats, up to five storeys in height, together with four blocks of terrace houses.

This site forms part of a secondary employment area however the Employment Land Review undertaken by the Council in 2015 identified an over-provision of such land and suggested that this site was potentially suitable for a change of use. Accordingly, no principle land-use objection is raised to a residential led re-development of the site.

The application has been assessed in context of material planning considerations including design and layout, amenity and local character, highways and environmental impacts and, on balance, staff consider that the development complies with relevant policy and guidance and recommend that planning permission be granted subject to conditions and appropriate legal agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL), in accordance with policy 8.3 of the London Plan, and that the applicable levy, based on the creation of 13,700m² new floorspace, would be £274,000 (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:

- The provision of 16 affordable units in intermediate forms of tenure - block E as shown on the approved drawings;
- A management and maintenance plan for the public open spaces; non-adopted roads; car parking areas; and sustainable urban drainage; and
- A financial contribution of £900,000 to be paid prior to the commencement of development to be used towards education and projects required as a result of increased demand for school places in the Borough.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement, prior to the completion of the agreement, irrespective of whether the agreement is completed; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

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

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

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

3. Before the development hereby approved is first occupied, a car parking plan shall be submitted to the Local Planning Authority for review and approval in writing. The parking plan shall clearly identify which spaces within the development would be assigned to each unit and/or as visitor, servicing and delivery spaces, together with those with electric charging points. All car parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority, in the interests of highway safety, and that the development accords with policies DC2, DC33 of the Development Control Policies Development Plan Document and policies 6.3 and 6.13 of the London Plan.

4. 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 would 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 to comply with policy DC35 of the Development Control Policies Development Plan Document and policy 6.9 of the London Plan.

5. A Travel Plan shall be developed in accordance with details outlined in the document titled 'Residential Travel Plan', produced by Motion and submitted with the application. With regard to this, a travel survey shall be undertaken once the development is 75% occupied. Within six months of this survey being undertaken a detailed Travel Plan for the site outlining targets, monitoring and review mechanisms shall be produced and this shall be submitted to the Local Planning Authority for approval in writing. The Travel Plan shall be implemented as approved.

Reason: The applicant as part of this application has submitted a Framework Travel Plan which includes a number of initiatives and mitigation measures to ease potential impact on the highway. Ensuring that the applicant promotes, monitors and updates the Travel Plan, throughout the life of the development, will seek to ensure the development accords with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 6.1 and 6.3 of the London Plan.

6. The proposals shall provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed accesses, set back to the boundary of the public footway. There shall 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 policy DC32 of the Development Control Policies Development Plan Document.

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

Reason: In the interests of ensuring good design, public safety and to comply with policies CP10, CP17 and DC61 of the Development Control Policies Development Plan Document.

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

- a) the phasing of the build programme;
- b) vehicle routeing and how construction vehicle movements would be optimised to avoid the am and pm traffic peaks;
- c) parking of vehicles of site personnel and visitors;

- d) storage of plant and materials;
- e) dust management controls;
- f) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- g) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- h) a scheme for monitoring noise and, if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- i) siting and design of temporary buildings;
- j) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and
- k) 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 with policy DC61 of the Development Control Policies Development Plan Document.

9. 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 policy DC61 of the Development Control Policies Development Plan Document.

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

The submission shall provide:

- a) A plan showing where vehicles would be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show

where construction traffic would access and exit the site from the public highway.

b) A description of how the parking area would be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;

c) A description of how vehicles would 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 would be cleaned.

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

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

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

- 11.No development shall take place until a scheme/details of how principles and practices of the Secured by Design award scheme are proposed to be adopted within the development. The scheme shall include, but not be limited to, details on proposed boundary treatments and site security measures and shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to determine whether the proposals meet Secured by Design standards. Submission of such details is in the interest of crime prevention and community safety and guidance contained in policies CP17, DC49 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 7.3, 7.4 and 7.5 of the London Plan.

- 12.No development shall take place until a Delivery and Servicing Plan is submitted to and approved in writing by the Local Planning Authority. The Plan shall seek to identify ways in which deliveries and collections (to in-particular occupiers of the flats), servicing, and waste removal would be organised and managed. The Plan shall include details of refuse and recycling facilities, where safe and legal loading would be permitted to take place, and any communal storage areas for deliveries or collections (inclusive of the management of such areas). The development shall be carried out in accordance with the approved Plan.

Reason: Insufficient information has been supplied with the application in respect of how deliveries and servicing would be managed. Submission of details prior to commencement will ensure due consideration of such issues and that the development accords with policies DC32 and DC61 of the

Development Control Policies Development Plan Document and policies 6.1, 6.3 and 7.3 of the London Plan.

13. The development hereby permitted shall be undertaken in accordance with the details outlined in the submitted Energy Statement, dated June 2016, inclusive of the details of the proposed location of the solar panels as shown on the approved drawings referred as part of this decision notice.

Reason: In the interests of sustainable development, achieving aspirations for a reduction in carbon dioxide emissions and to ensure that the development accords with policies CP15, CP17, DC49, DC50, DC52 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 5.7 and 7.14 of the London Plan.

14. 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 development. Submission of this detail prior to occupation will protect residential amenity and ensure that the development accords with policies CP15, CP16, CP17, DC58 and DC61 of the Development Control Policies Development Plan Document and policies 7.3, 7.4 and 7.5 of the London Plan.

15. No development shall take place until details of a scheme for protecting potential occupiers from road and railway noise is submitted to the Local Planning Authority for approval in writing. Such a scheme shall be based upon the details and technical specifications outlined within the Noise Assessment, dated June 2016, submitted with the application, and cover the type of glazing proposed for each unit; together with passive acoustic ventilators where an exceedance in standards may result from the opening of windows, patio or balcony doors in living rooms or bedrooms. The development shall be implemented in accordance with the details approved.

Reason: Insufficient information has been supplied with the application to demonstrate that the outlined noise mitigation measures would be employed across all potentially impacted units. Submission of the scheme prior to commencement will prevent noise nuisance to the development and subsequent complaints against established employment uses in the locality, in accordance with policies CP17, DC49, DC50, DC55 and DC61 of the Development Control Policies Development Plan Document and policies 3.5, 5.3, 5.7 and 7.15 of the London Plan.

16. No development shall take place until details of the sustainable urban drainage system proposed to be installed on-site has been submitted to the Local Planning Authority for approval in writing. The drainage scheme shall follow the principles as outlined in the Flood Risk Assessment, dated July 2016, submitted

with the application, and that shown on drawing titled 'Proposed Surface Water Drainage Strategy Plan', drawing no. C6712/SK1.

Reason: In the interests of ensuring that sufficient permeability and underground storage water capacity is created and that the development does not give rise to additional flood risk in the locality. To furthermore comply with policies CP15, DC48, DC49, DC51, DC58 and DC61 of the Development Control Policies Development Plan Document and policies 5.3 and 5.13 of the London Plan.

17. The development hereby permitted shall be undertaken in accordance with the tree protection measures outlined in Appendix 5 of the submitted Arboricultural Impact Assessment, dated July 2016.

Reason: To ensure that the trees to be retained, many of which are subject of Tree Preservation Orders, are not harmed during the course of the development and to comply with policies CP16, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 7.4 and policies 7.21 of the London Plan.

18. At least 15 of the units hereby approved shall be constructed to comply with Part M4 (3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the units hereby approved shall be constructed to comply with Part M4 (2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to accord with policy DC7 of the Development Control Policies Development Plan Document Policy and policy 3.8 of the London Plan.

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

Reason: In order to accord with policy 5.15 of the London Plan.

20. No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until a verification report has been submitted to the Local Planning Authority for approval in writing, demonstrating that the remediation works identified in the Geotechnical and Geoenvironmental Interpretative Report and Remediation Strategy, dated May 2016, submitted with the application, have been carried out satisfactorily and any longer-term monitoring, maintenance and contingency actions necessary identified.

Reason: Insufficient information has been supplied with the application to demonstrate no unacceptable risk arising from contamination. Submission of a verification report prior to commencement will ensure the safety of the occupants of the development and the public generally. It will also ensure that the development accords with policies CP15, DC53, DC54 and DC61 of the Development Control Policies Development Plan Document and policies 5.19 and 5.21 of the London Plan.

21. 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 submitted assessment, then revised contamination and remediation proposals shall be submitted to the Local Planning Authority for approval in writing. The remediation strategy shall be implemented as approved. Following completion of any such remediation works a verification report shall be submitted demonstrating that the works have been carried out satisfactorily and remediation targets achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed, in order to protect those engaged in construction and occupation of the development and to comply with policies CP15, DC53, DC54 and DC61 of the Development Control Policies Development Plan Document and policies 5.19 and 5.21 of the London Plan.

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

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

Informative(s)

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

3. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus are not affected by the development.
4. As this site is adjacent to Network Rail's operational railway infrastructure, the applicant is advised to contact Network Rail at assetprotectionanglia@networkrail.co.uk, prior to undertaking any works on site. Network Rail recommends that the developer agrees an Asset Protection Agreement with Network Rail to enable approval of detailed works. Further information can be obtained from www.networkrail.co.uk/asp/1538.aspx.
5. In aiming to satisfy the secure by design condition of this permission, the applicant should seek the advice of the Police's Designing Out Crime advice service. This service is available free of charge and officers can be contacted on 02082173813 or at docomailbox.ne@met.police.uk.
6. 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: www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx
7. 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 £274,000 (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.
8. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.

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

REPORT DETAIL

1.0 Site Description

- 1.1 The application site lies on the northern side of Crow Lane, circa 1km to the south-west of Romford town centre and the railway station. The site can be accessed from Crow Lane and Sandgate Close, as existing, and forms a rough rectangle, measuring 1.5ha in size. The site is currently vacant although previously was used by National Grid in association with the gas works.
- 1.2 The site is bound to the north by an embankment to the railway line and its associated infrastructure. To the east of the site lies Sandgate Close, beyond which is the Royal Mail Romford Sorting Office. To the south is Crow Lane, beyond which is Romford cemetery. And, directly west of the site, separated by a row of trees and shrubs, lies the rear gardens of the residential properties in Beechfield Gardens.
- 1.3 The application site does not form part of a conservation area, and is not located within the immediate vicinity of any listed buildings. The site is however located within the buffer zones for the Romford/Baker Street pipeline; Chigwell/Romford pipeline; Romford/Stagg Hill pipeline; and Romford Holder Station.
- 1.4 The site forms part of a secondary employment area although it is noted that, as part of the Employment Land Review undertaken by the Council in 2015, this site was identified as potentially being suitable for de-designation and a residential led re-development.

2.0 Description of Proposal

- 2.1 The proposal is for the re-development of the site to provide 150 dwellings, together with new access junctions, associated car parking, landscaping and infrastructure works.
- 2.2 The development would comprise five blocks of flats, up to five storeys in height, together with 17 dwellings formed from four terrace rows. In terms of layout, it is proposed that along Crow Lane the development would be three storeys, rising to five storeys as it moves into Sandgate Close, and adjacent to the Royal Mail sorting office. The two further blocks to the north of the site would fall to four storeys, with the row of terraces proposed to the west the site, in an attempt to form a relationship with those along Beechfield Gardens.

- 2.3 The proposed mix of units is as follows:
- 18 x one bed, two people flats;
 - 19 x two bed, three people flats;
 - 74 x two bed, three people flats;
 - 22 x three bed, four people flats; and
 - 17 x four bed, six people houses.
- 2.4 225 car parking spaces are proposed, facilitated by two underground or basement car parking areas, together with 282 cycle spaces.
- 2.5 In terms of access, vehicular access has principally be confined to Sandgate Close, to avoid possible conflict with the Crow Lane roundabout. However, additional entry/exits points are proposed to be created. With regard to this, the first entry point to the site, from Sandgate Close, would provide access to a ground parking area and the underground car park below block B. The second access to the site forms one end of a loop road within the site providing access to the parking areas in front of the terrace houses and the underground car park beneath block C. This road loops around block D to come out just south of the bend in Sandgate Close as the road sweeps around the Royal Mail building. A pedestrian access point to the site would be created from Crow Lane and a new footpath installed along Sandgate Close to provide safe public access into the site.
- 2.6 In terms of design, and proposed building treatments, a brickwork façade is proposed to match the surrounding vernacular. Window bays, on the building blocks, are proposed to be articulated, with subtle changes in brick type, colour and detail to add interest. Cladding panels are nevertheless proposed at fifth floor level, and on corner junctions, to add interest and prominence. In terms of brick colour, it is proposed that blocks A, C and E and the terrace blocks 2 and 4 would be constructed in a handmade red brick, whereas blocks B and D and terrace blocks 1 and 3 would be constructed in a cream buff brick. Each flat is proposed with either a private terrace or garden (ground floor) or a self-supporting or free standing balcony. The terrace houses would all be supported by private rear gardens. Three communal plays areas are furthermore proposed within the development.

3.0 Relevant History

- Application ref: P0989.14 - Change of use to provide a temporary car park for up to 290 spaces to serve Queen's Hospital employees, together with revised access and associated infrastructure - Approved 03/10/2014
- Application ref: P0607.11 - Change of use of land and positioning of 100 containers plus open storage for individual and business users - Approved 10/06/2011
- Application ref: P1521.10 - Proposed site remediation works - Approved 14/01/2011

4.0 Consultations/Representations

61 properties were directly notified of this application. The application was advertised in the local press and by way of site notice. Four letters of representation have been received including one submitted on behalf of Royal Mail. Taking the comments received from Royal Mail separately, the three letters of public representation raised concerns about the suitability of the site (from a contamination perspective) for residential use and potential implications from ground interference to nearby properties; traffic, parking and the efficient operation of the Crow Lane mini-roundabout; loss of privacy and light; amenity (dust and odour) impacts; and the loss of TPO trees along the boundary with the properties on Beechfield Gardens. Questions were also asked about the provision of affordable housing within the development; and the quality of life, mindful of the 24 hour nature of Royal Mail, occupiers would experience.

The representation submitted on behalf of Royal Mail was quite detailed and technical. Principally the objection nevertheless raised concerns about the balconies proposed on the blocks facing Royal Mail. Royal Mail is concerned of complaints arising, should planning permission be granted, about noise from vehicles and the 24 hour nature of the site. An Acoustic Report, commissioned by Royal Mail, was submitted in support of their concerns. Royal Mail is furthermore concerned about the location of the accesses and one of the play areas, for the same reason and safety. In addition to the aforementioned - comments in respect of congestion, density, parking, refuse and construction were all raised.

Anglian Water - No comments received.

EDF Energy - No comments received.

Environment Agency - The proposed development appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters. Where necessary, we advise that you seek appropriate planning conditions to manage both the risks to human health and controlled water from contamination.

Essex and Suffolk Water - No objection.

Highway Authority - No objection, in principle, subject to conditions. The applicant has reviewed the operation of the junction of Oldchurch Road and Oldchurch Rise which shows that this is currently running beyond capacity. The development would therefore put added pressure on this junction. This pressure has been deemed negligible, in the evening peak, by the assessment submitted by the applicant. The Highway Authority consider this opinion reasonable but believe it appropriate that Members should be aware of the capacity issues in this area and that this is a limiting factor to development coming forward.

Sandgate Close is a private road and therefore the Highway Authority has no control over its use of management. Any parking which may or may not have

historically taken place are not within the Authority's legal interest. To confirm, the Highway Authority are not in a position to adopt Sandgate Close and accordingly would not adopt the roads forming part of this development.

HS1 - No comments received.

London Borough of Havering Environmental Health/Public Protection:

Contamination - No objection subject to conditions.

Noise - It is the opinion of the Environmental Protection Officer that the balconies proposed, as part of the development, should be considered amenity space and subject to the 55dB(A) design criteria which they fail to meet. It is accepted that this only a guideline but the failure is nevertheless raised to be considered in the planning balance, mindful of relevant design policies and guidance and the potential for noise nuisance complaints from the nearby Royal Mail use.

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

London Borough of Havering Waste & Recycling - No objection.

London Fire Brigade - One additional fire hydrant would be required to be installed on-site. This would be arranged and installed by Essex and Suffolk Water. Access for vehicles should comply with Section 11 of Volume 1 of Approved Document B of the Building Regulations 2010, and in the case of flats, 16.3 or Note 1, if applicable, of Volume 2 of ADB. Access roads should be a minimum 3.7m in width and any dead-ends provided with adequate turning facilities.

Metropolitan Police (Designing Out Crime) - No objection subject to the imposition a condition requiring the submission of how the principles and practices of the Secured by Design Scheme are to be incorporated into the development. Additional conditions with regard to boundary treatment, lighting, vehicle and cycle parking are furthermore supported.

National Grid - Due to the presence of National Grid apparatus in proximity to the application area, the applicant should contact National Grid before any works are carried out to ensure that apparatus are not affected by the development.

Network Rail - The applicant must ensure, both during construction and completion that the site does not:

- encroach onto Network Rail land;
- affect the safety, operation or integrity of the company's railway and its infrastructure;
- undermine its support zone;
- damage the company's infrastructure;
- place additional load on cuttings;

- adversely affect any railways land or structure;
- over-sail or encroach upon the airspace of any Network Rail land;
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

The applicant is strongly encouraged to contact Network Rail prior to commencement, should planning permission be granted.

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

Transport for London - No objection in principle although clarification of the status of Sandgate Close with regard to Royal Mail customer parking is sought; it is recommended that the total number of spaces be reduced to no more than one space per unit; that the small area of car parking to the north-west be removed to increase the size of the play space; and that conditions in respect of a site travel plan, delivery and service plan and construction logistics plan be secured by condition.

UK Power Networks - No comments received.

5.0 Relevant Policies

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP01 - Housing Supply, CP02 - Sustainable Communities, CP09 - Reducing The Need To Travel, CP10 - Sustainable Transport, CP15 - Environmental Management, CP16 - Biodiversity and Geodiversity, CP17 - Design, DC02 - Housing Mix and Density, DC03 - Housing Design and Layout, DC06 - Affordable Housing, DC07 - Lifetime Homes and Mobility Housing, DC10 - Secondary Employment Sites, DC21 - Major Developments and Open Space, Recreation and Leisure Activities, DC29 - Educational Premises, DC30 - Contribution of Community Facilities, DC32 - The Road Network, DC33 - Car Parking, DC35 - Cycling, DC36 - Servicing, DC40 - Waste Recycling, DC48 - Flood Risk, DC49 - Sustainable Design and Construction, DC50 - Renewable Energy, DC51 - Water Supply, Drainage and Quality, DC52 - Air Quality, DC53 - Contaminated Land, DC54 - Hazardous Substances, DC55 - Noise, DC58 - Biodiversity and Geodiversity, DC60 - Trees and Woodlands, DC61 - Urban Design, DC72 - Planning Obligations

The Council's Landscaping SPD, Protection of Trees during Development SPD, Residential Design SPD, Residential Extensions and Alterations SPD, Sustainable Design and Construction SPD and Planning Obligation SPD

London Plan: 3.3 - Increased Housing Supply, 3.4 - Optimising Housing Potential, 3.5 - Quality and Design of Housing Developments, 3.8 - Housing Choice, 3.9 - Mixed and Balanced Communities, 3.11 - Affordable Housing Targets, 3.13 - Affordable Housing Thresholds, 5.3 - Sustainable Design and Construction, 5.7 - Renewable Energy, 5.13 - Sustainable Drainage, 5.15 - Water Use and Supplies, 5.19 - Hazardous Waste, 5.21 - Contaminated Land,

6.1 - Strategic Approach, 6.3 - Assessing Effects Of Development On Transport Capacity, 6.9 - Cycling, 6.13 - Parking, 7.2 - An Inclusive Environment, 7.3 - Designing Out Crime, 7.4 - Local Character, 7.5 - Public Realm, 7.6 - Architecture, 7.14 - Improving Air Quality, 7.15 - Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes, 7.21 - Trees and Woodlands, 8.2 - Planning Obligations and 8.3 - Community Infrastructure Levy

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

6.0 Mayoral CIL Implications

The application seeks planning permission for 150 residential units. In consideration of the net amount of residential accommodation which would be created, as detailed on the CIL liability form submitted by the applicant, a Mayoral CIL contribution of £274,000 (this figure may go up or down subject to indexation) would be required should planning permission be granted.

7.0 Appraisal

Principle of Development

- 7.1 Policy CP1 of the LDF states, as a headline objective, that a minimum of 535 new homes will be built in Havering each year. Table 3.1 of the London Plan supersedes this target and increases it to a minimum ten year target for Havering (2015-2025) of 11,701 new homes or 1,170 new homes each year. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.
- 7.2 As outlined previously in this report, this site forms part of a secondary employment area. Policy DC10 of the LDF states that within secondary employment areas, planning permission for non B use classes will only be granted in exceptional circumstances and when the applicant has demonstrated the following:
- the site is not needed to meet future business needs with regard to the difference between the current supply of employment land and the demand for employment land over the plan period;
 - the site is not considered fit for purpose when assessed against the economic, planning and property market criteria provided in Appendix A of Havering's Employment Land Review 2006; and
 - the site has proved very difficult to dispose of for B1 (b) (c), B2 and B8 uses.
- 7.3 The Employment Land Review undertaken by the Council in 2015 assessed the Crow Lane designation and suggested that all but the 2.4ha Royal Mail site

could be released from industrial/employment use. The Employment Land Review concluded that there was an over-provision of employment land in the Borough and suggested releasing this site for such purposes as there is limited prospect of the site being re-developed for industrial uses. The position is confirmed in the marketing evidence submitted by the applicant in support of the application.

- 7.4 This site has been vacant for approximately four years, since the open storage use ceased, and staff consider the proposed residential led re-development would help meet housing and wider regeneration objectives. Accordingly, no principle objection is raised to the development coming forward. This is nevertheless subject to the proposal meeting and satisfying all relevant policy and guidance in respect of design, highways, amenity and any specific individual site constraints. An assessment of the aforementioned can be found below.

Density, Scale, Mass and Design

- 7.5 Policy DC2 of the LDF states that planning permission will only be granted for new housing if a design led approach is adopted in determining the type, size and form of new development with regard to:
- the type and size of new housing required to meet local and sub-regional housing needs and create mixed and balanced communities; and
 - the densities detailed within the density matrix outlined in the policy which considers the Public Transport Accessibility Zone (PTAL) for the area.
- 7.6 This site has a PTAL rating of between 1b (very poor) and 2 (poor). The recommended density for development coming forward in such locations is between 30-50 units per hectare together with a parking provision of 2-1.5 spaces per unit.
- 7.7 On the basis that this site has an area of 1.5ha, the development of 150 units represents an over-development of the site in context of the density matrix outlined as part of policy DC2 - at 100 units per hectare. With regard to this, the policy suggests that densities higher than 30-50 units outside the PTAL zones identified may be acceptable, but only when:
- on a large development site;
 - where the existing use is non-conforming or 'bad neighbour';
 - on sites which are adjacent to higher PTAL zones; or
 - the development is intended for permanent occupation by the elderly.
- 7.8 Staff consider that at 1.5ha this is a relatively large or major development site. Staff also note that adjacent industrial/employment use (Royal Mail) which although not non-conforming, in terms of the employment designation, could potentially fall within the 'bad neighbour' bracket - refer to section on amenity for further comment. The site is also located within 400m of an area with a 6a PTAL. Mindful of this, staff consider that the higher density proposed could

potentially be acceptable noting that density in any respect is only one measure of acceptability.

- 7.9 The supporting text to policy DC3 of the LDF details that the Council requires good design in all new housing developments in order to create attractive, safe, secure and high quality living environments which are sustainable and where people will choose to live. Expanding on this, policy DC61 seeks to ensure that development proposals maintain, enhance or improve the character and appearance of the local area.
- 7.10 Staff note that as existing the vacant nature of this site aids the transition from the more residential character and make-up of the area to the west from the more employment/industrial nature to the east. That being said the previous type and scale of development on-site must be remembered and the vacant appearance, as existing, accordingly not seen solely as the starting point or basis to define any visual impact or character change moving forward.
- 7.11 Given that the employment uses to the east do not form part of this application, a key objective identified by the applicant in formulating the proposed site layout was to design a development which positively responded to both characters/areas. With regard to this, the applicant has sought to create a new active frontage to Crow Lane and Sandgate Close in an attempt to add character and street interest but keep the taller elements of the proposal to the corner junction with Crow Lane and adjacent to the Royal Mail building, with the terrace housing to the west of the site to mirror the street form along Beechfield Gardens.
- 7.12 Staff concur with this approach adopted and consider that the rationale for locating the higher/taller elements of the development towards the east and Royal Mail logical. At five storeys it is acknowledged that the development would be higher than that surrounding it however it is considered that the scale and nature of the Royal Mail building renders a block of flats more logical than say detached, semi-detached and terraced dwellings, given the interaction likely between the two sites and juxtaposition a lower form of development would create from a street scene perspective.
- 7.13 In terms of Crow Lane and the existing street scene, as one travels from the town centre, the residential nature of the street scene changes from the roundabout with Dagenham Road. For a circa 330m stretch of road, there is very little active frontage on the northern side of the road, with Romford cemetery to the south. Looking at this stretch of road in more detail, on the northern side of the road you first come to the gas holders; then the Royal Mail building; and then the site to which this application relates. None of the aforementioned have a significant street appeal and a key objective of any re-development of this site, for staff, was achieving this and seeking to create more interaction. The proposed development achieves this through the creation of private entrance doors to the ground floor units, new pedestrian footways through the site and new footways along Crow Lane and Sandgate Close.

- 7.14 In terms of building heights, part of block B and block C would be the tallest elements of the development, extending to five storeys. Whilst it is accepted that this would be relatively tall development, in context, staff are of the opinion that height in this case, instead of seeking to maximise the number of units, has been used in a positive manner to help define the site. The applicant has not sought to seek five storey blocks of development across the site and instead through appropriate variation of form and spacing in the opinion of staff been able to come forward with a site layout which can be both read in isolation and as part of the wider locality. Accordingly, staff do not consider that the development as a whole would appear over-bearing and/or detrimental to the existing character of this area.
- 7.15 Staff, in support of this, note that the proposed material palette seeks to be traditional in form with a bit of a modern twist with the use of cladding on the taller elements and projecting aluminium balconies to break up the extent of the brick facades. The development would furthermore be broken up by additional landscaping with three communal play areas, a cumulative provision which complies with the London Plan.
- 7.16 In terms of private amenity space, the Council's Residential Design SPD suggests that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. In this instance, all of the ground floor units proposed as part of this development would have a defensible garden or patio area; and above ground flats would be supplied with a balcony area. The terrace dwellings, to the west of the site, are all proposed with private rear gardens, circa 60m² in size. In terms of unit size, staff have also assessed the development against the Technical housing standards - nationally described space standard and confirm that each unit complies with the appropriate standard for the intended level of occupation.
- 7.17 With regard to accessibility at least 10% of the dwellings proposed would be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. With the remainder of the dwellings constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings, in compliance with that required by the London Plan.
- 7.18 From a sustainability perspective, it is proposed that enhanced insulation would be installed in all walls, floors, roofs and windows to reduce thermal leakage; with all units proposed to be heated by individual gas combi-boilers with mechanical heat recovery ventilation. Photovoltaic panels would furthermore be installed throughout the development to realise a policy compliant 35.12% reduction in CO2 emissions relative to Building Regulations.
- 7.19 For the aforementioned reasons it is considered that the development complies with policies DC2, DC3, DC7, DC36, DC40 and DC61 of the LDF and policies 3.5, 5.3, 5.15, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan with regard to density, scale, mass and design.

Residential Mix and Affordable Housing

- 7.20 Policy DC2, expanding on the above, details that the Council will, as part of any major residential development coming forward be seeking an indicative housing mix of: 24% one bedroom units; 41% two bedroom units; 34% three bedroom units; and 1% five+ bedroom units.
- 7.21 Policy DC6 states that the Council will aim to achieve 50% affordable housing provision as part of new major housing development in the Borough. In applying this target the Council, will through negotiation and agreement with the applicant, assess the suitability of on-site or off site provision for affordable housing the subsequent percentage that is sought with regard to:
- site, size, suitability and viability;
 - the need to achieve and deliver a successful housing development;
 - availability of public subsidy; and any
 - other scheme requirements.

In determining planning applications for private residential schemes, including sheltered housing, the Council will seek the maximum reasonable amount of affordable housing having regard to the borough-wise target and tenure need.

- 7.22 Although the indicative mix of units does not comply with that outlined in policy DC2, staff consider that the mix at 12% one bedroom units; 62% two bedroom units; 15% three bedroom units; and 14% four bedroom units is acceptable in principle and sufficient to allow a mixed balanced community to form.
- 7.23 With regard to affordable housing, the applicant has submitted a viability appraisal which suggests that the development cannot support any affordable housing. Following independent review of this by two parties, the Council has negotiated that offer with the applicant following disagreement over suggested build costs. 16 affordable units have subsequently been offered on an ex gratia basis, which the Council's independent appraiser is content with as an offer. In respect of this, the applicant intends to offer block E in its entirety and has suggested all units would be offered in intermediate forms. The Council's preference is for a 50:50 split between affordable rent and shared ownership (intermediate), as outlined in the Housing Strategy 2014-17, but the applicant has suggested that Registered Providers spoken to would not accept such a split from one core (i.e. in one block). There is also added financial implications with affordable rent, when compared to shared ownership, which on the basis that the offer is ex gratia the applicant considers is unwarranted and not justifiable.
- 7.24 The Council's Housing department considers it important that any affordable housing provided meets Havering's needs. However, in context that Havering's identified need is not currently supported by policies in the LDF and recent guidance from the Mayor is only in draft, it is considered that there would be a significant risk in refusing the application solely on this basis (tenure split). Staff therefore are content, in this instance, to accept the offer as presented. In

coming to this conclusion, staff have been mindful of negotiations which have already occurred, the basis (ex gratia) on which the units are coming forward and the actual number of units being created.

Impact on Amenity

- 7.25 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 7.26 Staff note that of the letters of public representation received, amenity impacts and the amenity likely to be experienced by potential occupiers of the development are raised as concerns. With regard to this, block A, along Crow Lane, at three storeys has been set in by approximately 2.5m from the site boundary and the residential property adjacent (number 4 Crow Lane). Whilst the height of the development would be taller than that adjacent by circa 0.5 of a storey (the residential property being 2.5 storey - pitched roof), given the separation distance, the fact that the building line along Crow Lane would be maintained and that that the block has no flank windows staff do not consider that the development would result in amenity impacts, to number 4 Crow Lane, at a level to warrant refusal.
- 7.27 The terrace houses along the western boundary of the site would back onto the gardens of the properties on Beechfield Gardens. These gardens are approximately 25m in length which when combined with the rear gardens proposed for the terraces would result in a 35-40m distance between habitable room windows. The existing tree line along the boundary would also provide further screening.
- 7.28 At the northern end of the development, staff note that block E would be located approximately 20m from the western boundary. In terms of potential impact to numbers 46 and 48 Beechfield Gardens, mindful of the rear gardens of these properties, a separation of distance of approximately 45m would exist and staff accordingly do not consider the development would appear overbearing or result in a significant loss of privacy.
- 7.29 In terms of living conditions for potential occupiers, the applicant has submitted an internal daylight and sunlight study. The study demonstrates that the terrace houses, which was the area of staff concern in context of the five storey block adjacent, would enjoy good levels of internal sunlight, with all living rooms meeting the 25% Annual Probable Sunlight Hours standard. Approximately 70% of the units, across the site, would furthermore be dual aspect which would increase natural ventilation and levels of sunlight and daylight for the flats.
- 7.30 Turning to noise and air quality, the applicant has submitted assessments in respect of both of these issues and during the course of determination also submitted an additional noise statement following concerns raised by Royal Mail. The applicant considers that the dominant noise source for the site, at all times, is road traffic and the railway. The assessment submitted nevertheless

suggests that with appropriate glazing the development would be able to comply with the appropriate standard for internal noise levels. It is accepted that internal noise standards would be breached with windows or balcony doors opened for ventilation; and the 55dB standard (for amenity areas) would be breached on the balconies facing onto Crow Lane and Sandgate Close. However, it is suggested that this is not an uncommon issue and reference is made to guidance associated with BS8233 which states that these guideline values (the 55dB level) are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.

- 7.31 Staff note the concerns raised by Royal Mail and the fears that, should the development come forward, noise complaints may arise from residents. On balance, staff however consider that the benefits of a useable balcony area needed to be weighed against the quality of that provision. In this instance, staff consider that the benefits of having the provision outweigh the fact that the quality of it may not be to that standard normally associated with amenity space. It is noted that many balconies overlook busy roads and it is ultimately the occupiers choice as to how they choose to use that space. It is considered that this is nevertheless a matter of judgement and Members may take a different view.
- 7.32 In terms of air quality, it has been identified that during construction the development has the potential to result in dust emissions of medium significance. However, subject to suitable management and mitigation which could be secured by condition it is not considered that such impacts would give rise to impacts to warrant refusal, in isolation.

Car Parking Provision & Highway Impact

- 7.33 Sandgate Close becomes a private road just beyond the junction with Crow Lane. Sandgate Close is a two-way single carriageway that has double-lines either side of the road. It is understood that Royal Mail as part of their leasehold is not permitted to park along Sandgate Close although as a private road this is not managed or controlled by the Highway Authority.
- 7.34 Vehicular access to the site is proposed at five points, as part of the development proposals:
- one from Crow Lane; and
 - four from Sandgate Close.

The Crow Lane access would only serve four car parking spaces and would provide no permeability to the rest of the site. Of the four accesses proposed from Sandgate Close; one provides access to a ground parking area behind block A and B and the underground parking area beneath block B; one is an

access to a car parking area to the north of the site; and the final two are the access/egress junctions for the main loop road serving blocks C, D and E and the terrace houses and associated car parking areas.

- 7.35 A total of 225 car parking spaces would be provided across the site. Of the spaces provided, 15 would be disabled bays and 20% would be provided with electric charging points; with a further 20% capable of being upgraded in the future. In addition 282 secure bicycle spaces would be provided.
- 7.36 In terms of the quantum of vehicle and bicycle spaces proposed, at a ratio of 1.5 vehicle spaces and 1.88 cycle spaces per unit, this represents a compliant provision in respect of policies DC2 and DC33 of the LDF, albeit at the low end of the vehicle parking range. In terms of the London Plan, that proposed represents also represents a compliant provision as per that detailed in policies 6.2 and 6.3. The vehicle parking ratio, at 1.5 spaces per unit, for reference, is representative of the maximum possible provision which would be compliant with the London Plan for a development of this density in an area with a PTAL of between 1b and 2.
- 7.37 With regard to the above, staff nevertheless note that limited details have been provided in terms of management of spaces; and how spaces would be assigned to units and/or as visitor spaces. It is therefore considered that should planning permission be granted, whether by condition or legal agreement, a parking management plan and strategy should be secured.
- 7.38 Looking at highway impact and congestion, it is noted that the Transport Assessment submitted by the applicant suggests that at weekday morning peak (8:00-9:00am), 24 vehicles would arrive at the site and 102 depart. In terms of evening peak (17:00-18:00pm), it is suggested 76 vehicles would arrive and 33 depart. With regard to impact, it is suggested that once traffic has passed through Sandgate Close and the junction with Crow Lane, the impact on the highway network would be negligible. In terms of the actual junction (roundabout), it is suggested that the development would add to congestion but the junction would remain within theoretical capacity - peaking at 79% with a queue of four vehicles estimated from the eastern Crow Lane approach in morning peak. For reference, the baseline, for the eastern approach is currently three vehicles in the morning peak so in simple terms the development would increase the queue length by one vehicle.
- 7.39 The Highway Authority has not objected to the proposal although has sought to express that Sandgate Close is not adopted and therefore the existing parking issues on this road are outside the scope of consideration. The Highway Authority acknowledge that the highway impact as a result of the development and associated vehicle movements is likely to be negligible. However, many of the junctions to the east and towards Romford are as existing operating at or over capacity and accordingly, albeit negligible, the development would put further strain on these junctions.
- 7.40 Staff whilst mindful of the above consider the development, on balance, acceptable from a highway perspective. It is considered that substantiating a

reason for refusal when the additional impact is likely to be negligible would be difficult at appeal, in context of that detailed at paragraph 32 of the NPPF.

Other Considerations

Contaminated Land

- 7.41 Given that this site is noted as potentially contaminated, and mindful of the former site use, the applicant has submitted a full geotechnical and geo-environmental report and remediation strategy. The report submitted through the results of the site investigation indicate that any re-development of the site has the potential for unacceptable risks to human health given the concentrations of hydrocarbons, PAH and asbestos within shallow soils.
- 7.42 To mitigate such risks it is proposed to install a ventilated subfloor void or vapour resistant membrane in the buildings to the north of the site; install placement capping in soft landscaped areas; use appropriate water supply pipe material; and use an appropriate concrete mix for buried concrete to protect against sulphate attack. The Council's Environmental Health/Public Protection department has assessed that submitted and offered in terms of mitigation and are content that subject to verification of the aforementioned being completed on-site that contamination and/or human risk is not a reason to withhold the granting of planning permission.

Flood Risk

- 7.43 Policy CP15 of the LDF, in-part, details that new development should reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; have a sustainable water supply and drainage infrastructure; and avoid an adverse impact on water quality. Expanding on this policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Policy DC51 goes on detailing that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems unless suitable mitigation measures can be secured through conditions attached to the planning permission or a legal agreement.
- 7.44 This site is located within flood zone 1 with a low risk of fluvial flooding. There are no historical records of flooding on the site. With regard to run-off, assessments undertaken by the applicant suggest that the developed site would increase peak run-off rates and volume by around 4%. This would however be off-set by the larger permeable area of garden/landscaping proposed as part of the development when compared to the hardstanding as existing. Given the known site contamination issues, sustainable urban drainage in the form of soakaways and/or trenches are not appropriate in this instance. However, to off-set the increased run-off rate, permeable paving and

cellular storage tanks are proposed to achieve a storage capacity of 167m³ for a 1 hour storm. This although not representative of greenfield run-off rates is an improvement compared to the existing situation. Subject to suitable conditions to ensure the drainage strategy is implemented and maintained it is considered that the development complies with policy DC51.

Trees & Ecology

- 7.45 Policy CP16 of the LDF states that Council will seek to protect and enhance the Borough's rich biodiversity and geodiversity, in particular priority habitats, species and sites. This is a position supported by policy DC42 and DC58. Policy DC60 furthermore details that the amenity and biodiversity value afforded by trees and woodland will be protected and improved. Policy 7.21 of the London Plan expanding on this states that existing trees of value should be retained and any loss as a result of development should be replaced following the principle of 'right place, right tree'.
- 7.46 The Council's Protection of Trees during Development SPD states that aged or 'veteran' trees found outside ancient woodland are particularly valuable for biodiversity and their loss should be avoided. An Arboricultural Assessment has been submitted with the application which notes the TPO on the 26 x Poplar trees and one Silver Birch along the western boundary of the site. The Assessment submitted has reviewed the quality of these and all other trees on-site and identified works necessary to facilitate the development and general good management. Whilst staff note that the Assessment suggests the removal of six trees - these are identified as of a condition that any existing value would be lost within 10 years and which should be removed irrespective of the development. Accordingly no objection is raised to this work occurring. In terms of the other works proposed, it is noted that many of the Poplars would receive a crown lift however such works is considered in good practice and accordingly would not seek to unduly open up views to the rear gardens of the properties along Beechfield Gardens. Suitable conditions to ensure adequate tree protection measures during the development would nevertheless be necessary should planning permission be granted.
- 7.47 In terms of ecology, whilst the site itself is not designated for any ecological interest or merit, it is noted that railway verge and Romford cemetery are sites of local ecological importance. Given the existing site conditions; and mindful of the additional landscaping proposed as part of the development it is not considered that subject to acceptable mitigation during the course of the construction that the proposals would have significant ecological impacts.

8.0 Section 106

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

- 8.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 8.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 8.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 8.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 8.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 8.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in

accordance with CIL legislation. It is considered that a contribution equating to £6,000 per dwelling for educational purposes would be appropriate.

- 8.9 In the event that planning permission is granted, this application as such would be liable for a £900,000 education contribution, in addition to any contribution under the Mayoral CIL. Should a recommendation for refusal be made, as there would be no mechanism for securing this contribution, this could form an additional reason for refusal.

9.0 Conclusion

- 9.1 The Council is under increasing pressure to find additional housing stock and as evidenced as part of the Employment Land Review undertaken in 2015 have identified this site as potentially representing a suitable re-development site. Whilst the proposed density of development exceeds that suggested within the LDF for a site such as this, the circumstances advanced in terms of the size of the site; the proximity of the site to areas with higher PTALs; and the adjacent land use no principle objection is raised to the density proposed.
- 9.2 Staff consider that the development is of an acceptable scale, mass and form to integrate within the immediate context and it is considered that the building design and material palette would positively contribute to the local area. Staff have assessed the application from an amenity perspective and are content with the site layout and the provision of play space. Although it is accepted that the balconies facing Crow Lane and Sandgate Close would not meet the 55dB standard for amenity areas, it is considered that the benefits of having a balcony or larger useable balcony outweighs such concerns. The concerns raised by Royal Mail in context of likely noise nuisance complaints are noted but staff are of the opinion that this would be a situation where buyer beware would apply.
- 9.3 A policy compliant quantum of car parking spaces is proposed across the site and whilst the development would add to local congestion it is not considered that any such impact would render the development unacceptable in principle. Accordingly, mindful of all other material planning considerations, staff recommend that planning permission be granted subject to conditions and legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks: None

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

Human Resources implications and risks: None

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

BACKGROUND PAPERS

1. Application form, plans and associated documents submitted with planning application ref: P1161.16, validated by the Local Planning Authority 20/08/2016.

REGULATORY SERVICES COMMITTEE

2 February 2017

REPORT

Subject Heading:

P1815.16 - 92 Kingston Road, Romford - Alterations and extensions to the existing garage to create a single storey granny annex (received 10-11-2016).

Lead Officer:

Helen Oakerbee
Planning Manager Applications

Report Author and contact details:

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Senior Planner
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Ward

Romford Town

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 Council are in receipt of an application seeking planning permission for alterations and extensions to the existing garage to create a single storey granny annex at 92 Kingston Road, Romford.

The development proposed is considered to be acceptable in all material aspects and it is recommended that planning permission is granted. Due to the potential for the annexe to be accessed independently of the main dwelling, a legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to that of the main dwelling and to ensure that the annexe and main dwelling operate as a single planning unit.

RECOMMENDATIONS

That the application is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement to secure the following:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 92 Kingston Road, Romford and shall not be sub-divided or sold off separately from the main dwelling.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Assistant Director of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant 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. External Materials

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To 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. Standard Flank Window Condition

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

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

5. Removal of Permitted Development Rights - Gates, Walls or Enclosures

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 2, Class A the front and rear gardens shall not be subdivided and no gates, walls or enclosures shall be erected or constructed within the existing boundaries of the site as indicated by red line on the approved Location Plan on Drawing No. GA902 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 order that the granny annexe approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

6. Garage - restriction of use

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

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

7. Hours of construction

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

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

8. Boundary treatment

Notwithstanding the terms of condition 5, prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment, including adjacent to the south western boundary of the site to the rear of No. 88 Kingston Road, 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.

9. Balcony Condition

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

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

10. Site levels

The site levels of the application site shall be lowered in accordance with Drawing No.'s GA901, GA903, GA904, GA905 and GA906 and all soil and spoil materials shall be removed from site prior to the construction of the external walls of the granny annexe hereby permitted.

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

INFORMATIVES

1. Approval - No negotiation required

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

2. Fee Informative

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

REPORT DETAIL

1. Site Description

1.1 The application site comprises of a two storey detached dwelling located on the junction of Kingston Road and Main Road, Romford.

There is a detached single storey outbuilding in the rear garden. There is a detached double garage to the rear of the site and there is an access road to the south east of the site adjacent to No. 84 Kingston Road. There is an area of open space to the rear of the site that is enclosed by railings. There are two storey semi-detached properties located to the south east of the site. To the rear of the site, ground levels fall on a north west to south east axis.

2. Description of Proposal

2.1 The application seeks permission for alterations and extensions to the existing garage to create a single storey granny annexe. The granny annexe would comprise of an open plan living/kitchen/dining room, a garage, a bedroom and bathroom. The entrance to the annexe would be located to the rear of the existing outbuilding in the rear garden of the site. The materials consist of cedar cladding, render, brickwork and a felt roof.

2.2 The building would have a flat roof with a height of 3.2 metres. At present, there is slope uphill to the front of the double garage and the proposal would involve excavating the site by approximately 0.9 metres, so the building would be sited at a lower ground level.

3. History

3.1 P0663.16 - Alterations and extensions to the existing garage to create a two storey granny annexe - Refused.

P1205.11 - Demolition of existing outbuildings and boundary treatment. Construction of a detached rear outbuilding, rear extensions and a front extension - Approved.

4. Consultation/Representations

4.1 The occupiers of 7 neighbouring properties were notified of this proposal. Three letters of objection were received with detailed comments that have been summarised as follows:

- The proposal appears to be a one bedroom house, not a granny annexe.
- According to the deeds, the garages are not intended for residential use.
- The property already has an extension and conservatory.
- Overbearing, out of scale and character compared with existing nearby developments.
- Access.
- Loss of natural greenery and trees.
- Reference was made to the previous comments made for the previous planning application P0663.16.
- Loss of residential amenity.

- Overlooking, loss of privacy, visual impact, noise, disturbance, overshadowing.
- Reference was made to the Human Rights Act.
- High density and overdevelopment of the site.
- Design, scale, bulk, mass, detailing and materials.
- Loss of views.
- Loss of light.
- Reference was made to the granny annexe being two storeys.
- Requested conditions regarding the construction works if minded to grant planning permission.
- Would restrict the ability for neighbouring vehicles to turn around near the garages to the rear of No.'s 84-90 Kingston Road.
- The property already has a granny annexe extension, which comprises of a building at the end of a conservatory.

4.2 In response to the above comments, the application has been recommended for approval subject to the applicant entering into a Section 106 Legal Agreement to ensure that the residential annexe shall be permanently retained as an annexe to the existing dwelling at 92 Kingston Road, Romford and shall not be sub-divided or sold off separately from the main dwelling. Hours of construction can be secured by condition if minded to grant planning permission. Comments regarding deeds and that the garage must not be used for any other purpose incidental to the dwelling house are not material planning considerations, as a planning application has been submitted. Comments regarding loss of views are not material planning considerations. The proposal does not involve the loss of any greenery or trees. Planning permission was granted under application P1205.11 for the demolition of existing outbuildings and boundary treatment, construction of a detached rear outbuilding, rear extensions and a front extension. The plans for P1205.11 show that the outbuilding would provide a gym and garden store and does not include any reference to a granny annexe. Each planning application is determined on its individual planning merits. The proposed granny annexe is single storey. The remaining issues are addressed in the following sections of this report.

4.3 Highway Authority has no objection to the proposal as long as it is directly linked to the applicant's household.

4.4 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

4.5 Fire Brigade - No additional hydrants are required. The Brigade is satisfied with the proposals.

4.6 Environmental Health - No objection.

5. Relevant Policy

- 5.1 Policies CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking) and DC61 (Urban Design) the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document.
- 5.2 Policies 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (Housing choice), 6.13 (parking), 7.1 (building London's neighbourhoods and communities) and 7.4 (local character) of the London Plan are relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. Staff Comments

- 6.1 This application is a resubmission of an earlier application (P0663.16) which was refused planning permission for the following reason:
- 1) The proposed development would, by reason of its height, scale, bulk, siting and position close to the boundaries of the site, appear incongruous in the rear garden environment and be an overbearing, intrusive and unneighbourly development and result in a loss of amenity to No.'s 84-90 Kingston Road, as well as undue overlooking and loss of privacy to No.'s 84-86 Kingston Road, including their rear gardens, 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.
- 6.2 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:
- The granny annexe has changed from a two storey building to a single storey building and therefore, its height has reduced from 5.2 metres to 3.2 metres.
 - The pitched, flat and lean to roof has been changed to a flat roof.
- 6.3 The main issues in this case are the principle of the alterations and extension to the existing garage, the impact on the streetscene, the amenity of neighbouring occupiers and highway and parking issues.

7. Principle of Development

- 7.1 There is no objection in principle to the alterations and extensions to the existing garage to create a granny annexe. There is pedestrian

access to the annexe from within the application site. Although the proposed annexe is entirely self-contained in respect of the facilities within and has pedestrian and vehicular access from the road to the south east of the site adjacent to No. 84 Kingston Road, Staff consider its use would be ancillary to No.92 Kingston Road. Although it is capable of independent occupation by virtue of its facilities and siting, it is considered that it would be unlikely to be occupied by anyone other than people closely associated with the occupants of the main house and who would therefore be content to share the remaining curtilage area to No. 92 Kingston Road and live closely overlooked by those in the main house. In any event the issue of occupancy and future subdivision could be satisfactorily controlled by conditions and the obligation contained within the recommended legal agreement.

8. Design/Impact on Street-scene

- 8.1 It is considered that the proposed alterations and extensions would not adversely affect the streetscene, as there are limited views of the garage from Main Road, as it is partly screened by the existing outbuilding in the rear garden of the site and the existing dwelling. Also, the garage is set back approximately 16 metres from Main Road. There are numerous trees and soft landscaping in the land to the north east of the site, as well as a row of conifers on the north eastern boundary of the site, which provide some screening.

9. Impact on Amenity

- 9.1 Staff consider that the granny annexe would provide suitable accommodation for future occupiers and would have a reasonable outlook and aspect.
- 9.2 Staff consider that changing the granny annexe from a two storey to a single storey building combined with replacing the pitched, flat and lean to roof with a flat roof and thereby reducing its height from 5.2 to 3.2 metres, represents significant improvements and has brought the scheme within the realms of acceptability. It is considered that these changes have substantially reduced the height, scale, bulk and mass of the granny annexe. It is considered that excavating the site by 0.9 metres would help to mitigate the impact of the proposal.
- 9.3 Staff consider that the proposal would not result in a significant loss of amenity to No.'s 84-90 Kingston Road, as it is relatively low in height at 3.2 metres and its flat roof minimises its bulk. Also, the rear gardens of No.'s 84-90 Kingston Road have a depth of between approximately 11 and 13 metres, which would help to mitigate the impact of the proposal.
- 9.4 It is considered that the proposal would not create any undue overlooking or loss of privacy, as its single storey. Details of boundary treatment, including adjacent to the south western boundary to the rear of No. 88 Kingston Road, will be secured by condition to prevent any

undue overlooking or loss of privacy to neighbouring occupiers from the bedroom window.

- 9.5 It is considered that the proposed granny annexe would not generate significant levels of noise and disturbance from pedestrian and vehicular movements over and above the use of the existing double garage on the site.

10. Highway/Parking

- 10.1 The proposal involves the conversion of the double garage to create a granny annexe, which includes a single garage. A condition could be placed to ensure that the garage is made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business if minded to grant planning permission. There is space for two to three vehicles on hardstanding to the front and side of 92 Kingston Road, which is sufficient. The Council's Highway Authority has no objection to the proposal and it is considered that the proposal would not create any parking, highway or access issues.

11. Trees

- 11.1 There is a Tree Preservation Order on the site - TPO 3-74, which covers 10 trees of the following species - Sorbus, Prunus Pissardi and Chamaecyparis Lawsoniana. It is considered that these trees would not be adversely affected by the proposal, as they are located to the north west and south west of the application dwelling adjacent to Main Road and the junction with Kingston Road.

12. Mayoral CIL

- 12.1 The proposal involves alterations and extensions to the existing garage to create a single storey granny annexe, which will remain ancillary to the main dwelling and as such, is not liable for Mayoral CIL.

13. Conclusion

- 13.1 There is no objection in principle to the alterations and extensions to the existing garage to create a granny annexe. It is considered that the proposed alterations and extensions would not adversely affect the streetscene or result in material harm to neighbouring amenity. The proposal would not create any highway or parking issues. The application is recommended for approval subject to the completion of a legal agreement to ensure that the annexe shall be used only for living accommodation ancillary to that of the main dwelling and to ensure that the annexe and main dwelling operate as a single planning unit.

IMPLICATIONS AND RISKS

Financial Implications and risks:

None.

Legal Implications and risks:

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

Human Resource Implications:

None.

Equalities and Social Inclusion Implications:

The Council's planning policies are implemented with regard to equality and diversity. The proposal will provide a form of accommodation that meets the particular needs of an individual.

BACKGROUND PAPERS

Application form and drawings received 10-11-2016.

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REGULATORY SERVICES COMMITTEE

2 February 2017

REPORT

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 432655**

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.

The application was deferred from the 22 December 2016 meeting for staff to clarify a number of points in relation to the traffic impact, car parking, access and mitigating highways measures. This information is presented in the 'Background' section at the start of the report.

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 an 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 provide a flexible maximum length of stay for customers of between 60 and 120 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.

35. No access from Fairkytes Avenue

Fairkytes Avenue shall not be used by any development traffic during the construction of the development hereby approved, nor shall it be used at anytime by customer vehicles or vehicles associated with the operations of the food store as a means of entering or leaving the site.

Reason: To protect the amenity of neighbouring residents and in the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £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.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Background

1.1 The application was deferred at the Committee meeting on 22 December 2016, in order for staff to clarify the points listed below:

i) Include in re-presented Committee Report a fuller, concise summary of main Traffic Assessment (TA) conclusions, especially the anticipated impact on traffic movement within High Street not just in the immediate vicinity of the access but more widely including the effect on other junctions/traffic light queuing and concerns about gridlock, together with detailed comment from Council's Highway Engineer on the traffic flow along High Street and impact of the development.

- The main findings of the applicant's supporting TA concludes that the site benefits from good access on foot and cycle, as well good public transport links. The TA also states that the redevelopment of the site would not result in a material increase in vehicle movements on the surrounding highway network in each of the assessed peak periods. In addition, it states that the capacity modelling of the surrounding road network demonstrates that the proposal would not have a material impact on delay through the network.
- In respect of increases in traffic along High Street, the applicant's Transport Consultant has provided an addendum to the initial Transport Impact Assessment report, which states that there will be very few new vehicle trips on the network since a new food store largely results in a transfer of trips from another food store (such as the nearby Sainsbury's) as opposed to new trips.
- The addendum statement also suggests that the junction modelling exercise makes use of queue surveys recorded at each junction to ensure that an accurate assessment as possible is undertaken. It goes on to state that by calibrating the base model to accurately reflect queuing, it is apparent that the development proposals would have a minimal impact on queuing at the High Street/Billet Lane junction.
- In addition, the addendum report also states that the junction modelling shows queuing at capacity at the Abbs Cross Lane junction during the base model. The report outlines that customers are likely to alter their travel habits to ensure they avoid peak time periods when traffic flow on the network is at its worst. The report goes on to state that the store is likely to attract an even higher percentage of pass-by or diverted trips than that accounted for in the model as opposed to new or transferred trips during this time period. Finally, it contends that this is traffic that is already on the network, and is typical for food store operations.

- The view of the Council's Highways Officer is that the Traffic Assessment (TA) goes into a great deal of detail to justify the modal split. This relates to method of transport people use and the 'modal split' is the portion of different modes of transport. However, that modelling doesn't necessary reflect the observed queues on site (suggested to be shorter) and that modelling an urban traffic control (UTC) situation can be variable. For clarity, a UTC is a system where by traffic signals are linked together and report back to a central computer, ensuring that the traffic signal network operates as efficiently as possible.
- Contrary to the Transport Consultant's view, Highways advise that the local road network is extremely sensitive now and that the TA demonstrates that the development is likely to create an increase in traffic using High Street and therefore more congestion.
- The Highway Officer's view is that the statement regarding customers altering their habits to avoid peak times is speculation and no mitigation is offered if the assumption is proved to be incorrect. The reality is that this part of Hornchurch does suffer from congestion at peak times and this proposal is likely to make the situation worse. As well as general traffic flow, there is the potential to impact bus passengers in terms of increased journey times. There may also be knock-on effects where people choose to drive in streets not designed for significant traffic flows to the detriment of residents and those walking or cycling in quieter streets.
- One of the problems identified by Highways is that the adjacent traffic signal controlled junctions are currently operating close to capacity, and an increase in capacity can only be provided by making the junctions larger with longer lengths of multiple lanes; however this solution does not appear practical or solely related to the impact stemming from this proposal.
- The Council's Highway Officer also notes that the applicant's consultant relies on the assumption that there will be very few new vehicle trips on the network as the scheme will see a transfer of trips from another food store such as Sainsbury's as opposed to new trips - and this is also the justification for the modelling assumptions. From the Highway Officer's point of view, they are concerned that unless this assumption is correct, then there could be more congestion on the wider network. However in the wider sense, there are no comprehensive demand-management projects proposed in the area and little prospect of increases in traffic capacity.
- The Council's Highway Officer notes that the applicant acknowledges there are issues now, but their assumptions on how people will travel is essentially the mitigation. This approach is considered to have limitations: because once the store is built, there will be limited ability to deal with the issues. On the other hand, Hornchurch is already suffering from congestion issues which will only get worse with predicted traffic growth, irrespective of whether the store is built. If the store is built, it is accepted that some of traffic growth would stem from it.

- Staff acknowledge that the applicant has outlined an approach whereby the traffic impacts from the store could be closely monitored over the first twelve months of operation, in order to get a clearer understanding of the full extent of any traffic issues. On the surface this could be a practical approach, however, as Highways point out: should issues arise it is not clear what mitigation measures could realistically be put in place after the 12 month period of monitoring. Highways advise that if simple road capacity solutions were available then they would be apparent and implementable now.
- The Officer perspective is that comprehensive junction remodelling and widening works would need to be undertaken across the Hornchurch road network to address the existing saturation and capacity issues in the town centre. The traffic problems are a wider strategic issue across Hornchurch town centre and have resulted from increased car users on the network as well as car dependent development. Highways have advised that this is an issue that has built up over several years and a problem that has multiple contributory factors. It should not therefore necessarily be pin-pointed to the impact of one particular development, including the proposal.
- In summary, it would appear that the traffic impacts are difficult to fully establish and are dependent on a variety of factors, as well as transport modelling approaches. In short, there are no simple solutions to the road capacity issues. What should be recognised is that High Street and Hornchurch town centre already experiences traffic congestion and that the nearby junctions are operating close to capacity. Given the comments from Highways, Staff are of the view that the new food store would inevitably result in an increase in some traffic using High Street and the surrounding network.
- Staff therefore advise that a careful judgement is required in relation to the traffic impacts of this development. Traffic issues already exist in this area and the proposal should be balanced against a judgement of the potential wider economic benefits: which include employment opportunities, increasing footfall, supporting the vitality and viability of Hornchurch town centre, as well as that the proposal would deliver the regeneration of a large vacant town centre site. Members are therefore invited to make a balanced judgement in respect of the traffic impacts of the development.

ii) *Consideration of additional design/signage measures to reduce risk of traffic congestion related to the site entrance/exit including, for example, left turn in/out only.*

- The applicant's Transport Consultant states that junction modelling for the site access junction has been undertaken for the 2021 scenario (5 years post-application submission) for robustness. It goes on to state that the modelling shows that the junction works well within capacity, with queuing not exceeding two vehicles even during the busier Saturday period. The report contends that queuing exiting the site would not exceed one vehicle at any time, with a maximum delay of 32 seconds. The applicant's Transport

Consultant states that this indicates that there is no capacity concern with vehicles turning right out of the site.

- The addendum statement suggests that at no time would queuing for vehicles turning right into the site exceed one vehicle, with driver delay as low as six seconds. As a result the applicant's Transport Consultant states that this indicates that there are always gaps to allow vehicles to turn into the site.
- The addendum statement goes on to suggest that the model of the site access junction includes Abbs Cross Gardens to ensure that the store would not adversely affect its operation. The applicant's Transport Consultant states that the modelling results show a negligible increase in delay on Abbs Cross Gardens, with no increase in the number of queuing vehicles.
- The addendum statement outlines that the Safety Audit will not consider the capacity of the junction, but whether it is safe in design terms. In explaining this approach the applicant's Transport Consultant outlines that if any concerns are raised in the audit then they can be addressed in the design, and that the design is considered to be appropriate, and typical of a Lidl store operation.
- The applicant's Transport Consultant highlights that Lidl UK would support implementing a yellow box junction to replace the current 'keep clear' road markings. The Transport Consultant also states that Lidl UK would be content to fund any such works in advance of them being implemented.
- The Council's Highway Officer advises that a left in/left out arrangement would require the appropriate signage and traffic orders (i.e. a pair of banned right turns). It would be best for a physical measure, but High Street is not wide enough and so this would have to be a camera-enforced arrangement. The applicant's consultants have stated that this access would not create issues. From a Highways point of view, the operation of the access is not the concern, it is the traffic on the network. Banned turns might lead to some displaced traffic and locations where people might U-turn to come back to gain access. The applicant's consultant has suggested a yellow box rather than the current keep clear marking. In terms of a solution, the Officer position is that the yellow box should be employed for junctions rather than private accesses. Highways also advise that the Council does not enforce yellow boxes at this time.

iii) Does the provision of on-site disabled parking accord with London Plan?

- The London Plan (Table 6.2) states that developments should achieve a standard of one accessible space for each employee (which is not currently known) and 6% for visitors. With 104 spaces, 6% would be 6 spaces which is less than the 4 proposed. The applicant has modelled the provision on the usage of other stores and have stated that they will monitor usage of the

blue badge bays, and if appropriate recommend an increased provision at a later date.

iv) *An additional condition preventing any access being formed from the site to/from Fairkytes Avenue to the rear without permission from the Council.*

- The following condition has been added (condition 30):

Fairkytes Avenue shall not be used by any development traffic during the construction of the development hereby approved, nor shall it be used at anytime by customer vehicles or vehicles associated with the operations of the food store as a means of entering or leaving the site.

Reason: To protect the amenity of neighbouring residents and in the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

v) *Extend restricted on-site parking period from one to two hours unless there is a car park capacity reason behind this restriction in which case explain fully.*

- The applicant's Transport Consultant states that a maximum stay of 60 minutes could affect the ability for town centre shoppers to utilise the car park, restricting use largely to Lidl customers. However, the applicant accepts that on occasion the restriction may be necessary in order to manage use of the car park.
- The Transport Consultant goes on to state that providing flexibility ensures that the car park can be utilised by non-Lidl shoppers when demand for parking associated with the store is low. Therefore Lidl contend that allowing the maximum stay to increase beyond 60 minutes (such as 90 or 120 minutes) is necessary for their business purposes. The applicant's Transport Consultant contends that maximising the use of the car park ensures that unnecessary parking stress and potential congestion is not shifted to other town centre car parks.
- As a result of the above the applicant has suggested amending the wording in condition 29 to the following:

"The proposed retail store shall not open to customers until a car parking management strategy to provide a flexible maximum length of stay for customers of between 60 and 120 minutes per visit has been implemented in accordance with details that have previously submitted to and agreed in writing by the local planning authority. The approved management strategy shall be implemented throughout the lifetime of the development."

On balance, Staff consider this flexible approach to be reasonable, however, should Members take a different view the condition can be amended to restrict length of stay to a maximum of 120 minutes.

vi) Clarify for what and where the highway crossing contribution is to be used.

- The Highway contribution would be used in part to fund a new pedestrian crossing which would be installed adjacent to the new store entrance on High Street. Highways recognise that the food store would create new pedestrian desire lines from Abbs Cross Lane and the south of High Street. The new crossing would be intended as a safe pedestrian route across this part of High Street.

1.2 The report set out below is the same as that previously presented to Committee on 22 December 2016.

2. Site Description

2.1 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.

2.2 The premises has been vacant since late 2015, and planning permission to demolish the building was granted in August 2016.

2.3 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.

2.4 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.

3. Description of Proposal

3.1 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.

- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.

4. Relevant History

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

5. Consultations/Representations

- 5.1 Notification letters were sent to 269 properties and 10 letters of objection and 1 letter of support have been received.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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.

6. Relevant Policies

- 6.1 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).
- 6.2 Other relevant documents include the Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 6.3 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).
- 6.4 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant to these proposals.

7. Staff Comments

- 7.1 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.
- 7.2 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

- 7.3 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.
- 7.4 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.
- 7.5 The site is designated in the Local Development Framework as being within the fringe area of the Hornchurch Major District Centre.
- 7.6 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.
- 7.7 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

- 7.8 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.
- 7.9 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.

- 7.10 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.
- 7.11 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.
- 7.12 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.
- 7.13 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

- 7.14 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.
- 7.15 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.
- 7.16 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.

- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 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.

- 7.21 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.
- 7.22 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.
- 7.23 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

- 7.24 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.
- 7.25 The site is not located within a flood zone and as such presents no issues in relation to flood risk or sustainable urban drainage.
- 7.26 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

- 7.27 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.
- 7.28 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.

- 7.29 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.
- 7.30 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.
- 7.31 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.
- 7.32 The proposed cycle parking would meet the London Plan and LDF requirements.

Mayoral Community Infrastructure Levy

- 7.33 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.

8. Conclusion

- 8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a section 106 legal agreement.

- 8.2 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.
- 8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement 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

2 February 2017

Subject Heading:

P1840.16: Market Place, Romford

New A3 restaurant including a roof terrace for customer use, together with ancillary facilities for restaurant and to support daily operation of the market (application received 21 November 2016)

Ward

Romford Town

Lead Officer

Helen Oakerbee
Planning Manager

Report Author and contact details:

Suzanne Terry
Planning Team Leader
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01708 432755

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 a new building within Market Place to be used primarily as a restaurant (Class A3). The application has been submitted on behalf of the Council although this has no material bearing on the planning considerations relevant to this application. Although the application is solely in respect of the proposed new building, the development forms part of a wider strategy for the rejuvenation of Romford Market. Key issues include the wider context of regeneration of the market and the impact of the development on the character and appearance of the Romford Conservation Area and on the setting of nearby listed buildings. Other material issues include the acceptability of a new restaurant use in principle, impact on amenity, parking and servicing issues.

The material planning considerations are addressed in the report below and it is recommended that planning permission be granted, subject to conditions.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £4,120.00 (subject to indexation). This is based on the creation of 206m² of new gross internal floor space.

That planning permission is granted subject to the following conditions:

1. Time Limit

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

Reason:-

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

2. Accordance with Plans

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

Reason:-

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

3. 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, and details of the durability and long term maintenance arrangements, are submitted to and approved in writing by the Local Planning Authority. In submitting the details it is expected that they will accord fully with the details set out in Sections 3.7 and 3.8 of the Design & Access Statement/Planning Statement/Heritage Statement, dated November 2016, prepared by DK-CM Ltd. They shall also include the provision of a 1 square metre minimum sample panel of the proposed cladding to be erected on site for inspection and assessment by the Local Planning Authority. 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. Archaeology

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

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

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

Reason:-

The planning application lies in an area of archaeological interest. Submission of the WSI prior to commencement of development will ensure that the archaeological interest of the site is conserved.

5. Plant and Machinery

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

Reason:-

Insufficient information has been submitted regarding the potential noise from plant and machinery. Submission of this information before the equipment is installed will prevent noise nuisance to adjoining/adjacent properties.

6. Playing of Music

The playing of amplified music shall not take place at any time within either the external first floor roof terrace or the ground floor external seating area. The playing of non-amplified recorded or live music shall not take place within the external first floor roof terrace until details of noise levels and measures to control and verify the noise levels have been submitted to and approved in writing by the Local Planning Authority. The playing of non-amplified music shall then operate in accordance with the approved details at all times thereafter.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

7. Hours of Use (ground floor of restaurant)

The ground floor of the restaurant hereby approved (excepting the first floor terrace and outdoor seating area referred to under conditions 8 and 9 below) shall not be used outside the hours of 08:00 to 23:30 hours on any day without the prior consent in writing of the Local Planning Authority. The folding doors to the premises, shown on the approved drawing nos. 1606-S3P-005; 008; 009; 010 and 011, shall be kept in a closed position after 21.30 on any day.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

8. Hours of Use (roof terrace)

The first floor roof terrace area shall not be used outside the hours of 08:00 to 21:30 hours on Sundays to Wednesdays and on Bank and Public Holidays; and the hours of 08:00 to 22.30 hours Thursdays to Saturdays without the prior consent in writing of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

9. Hours of Use (ground floor outdoor seating area)

The ground floor outdoor seating area of the restaurant shall not be used outside the hours of 08:00 to 21:30 hours on Sundays to Wednesdays and on Bank and Public Holidays; and the hours of 08:00 to 22.30 hours Thursdays to Saturdays without the prior consent in writing of the Local Planning Authority. The external seating shall be removed from the pavement outside of these hours.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

10. Refuse Storage

The refuse storage area shown on drawing number 1606-S3P-004 shall be provided before the use hereby approved first commences and shall be permanently retained thereafter for the storage of refuse connected with the operation of the restaurant hereby approved.

Reason:-

In order to protect local amenity and to ensure the development accords with Policies DC61 and DC56 of the Development Control Policies Development Plan Document.

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; 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. Construction Methodology

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

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

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.

13. Wheelwash

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

The submission will provide;

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

Reason:-

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

14. Ventilation/Extraction Equipment

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as:

Extractor on window

Not window extract but below eaves, discharge at or below 10 m/s.

Discharging 1m above eaves at 10 -15m/s.

Discharging 1m above ridge at 15 m/s.

Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

Reason:-

Insufficient information has been provided with the application to determine the suitability of the equipment proposed. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises.

15. Interpretation Boards

Before the development hereby approved is first brought into use, heritage interpretation boards shall be installed on site (either within the building or on adjacent land within the control of the applicant), in accordance with details that shall have been previously submitted to and agreed in writing by the Local Planning Authority and retained permanently thereafter for the life of the development or unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In order to better reveal the historic significance of the market place and to enhance the wider public benefits of the development.

16. Highways Stopping Up

Prior to the commencement of development hereby permitted an application to stop up that part of the application site which comprises adopted highway shall be submitted to the Council as Highway Authority and no development pursuant to this planning permission shall be carried out on that part of the application site which comprises adopted highway until and unless a stopping up order is confirmed by the Council as Highway Authority or the Secretary of State (on appeal) as appropriate.

Reason:-

To ensure that the impact of the proposed development in respect of public highway has been fully considered prior to any development commencing.

INFORMATIVES:

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

2. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,120 (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. Further details with regard to CIL are available from the Council's website.
4. In satisfying condition 4 above, the applicant is advised that the written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
5. Pursuant to condition 14 above, the applicant is advised that:

Guidance is provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety – www.food.gov.uk/foodindustry/
- Occupational safety & health – www.hse.gov.uk

Applicants have found it beneficial to consider the items below before final detailed plans are produced

1. provision of suitable outside bin storage
2. provision of a grease trap on the foul drainage
3. proper storage and disposal of waste oil
4. vehicle and pedestrian routes when loading and unloading
5. vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

online.havering.gov.uk/officeforms/licence_food_business.ofml .

REPORT DETAIL

1. Site Description

- 1.1 The application site is part of Romford Market Place. The proposal specifically relates to land at the western end of Market Place, to the west of Market Link. The site functions as part of Romford market on Wednesdays, Fridays and Saturdays and, at other times, is utilised primarily as a car parking area. The site is within the Romford Major District Centre
- 1.2 Market Place is situated within the Romford Conservation Area and the application site lies close to a number of historic buildings, including three listed buildings: the Church of St. Edward the Confessor (Grade II*), Church House (Grade II) and the Lamb public house (Grade II). Aside from the listed buildings, there are predominantly commercial premises fronting on to the northern and southern sides of the Market Place.

2. Description of Proposal

- 2.1 The application is for the construction of a single, stand-alone building to be used primarily as a restaurant (use class A3). The ground floor of the building would provide restaurant floorspace, together with ancillary food preparation facilities, as well as a secure room with separate access, which provides storage for emergency items and similar equipment, to be used only by market staff and traders. The upper floor of the building would be effectively open-air and utilised as a roof terrace. There would be an overhanging upper floor element that covers a ground floor external dining area. Access to the first floor is via an external staircase or through-floor lift.
- 2.2 Externally, the building has been designed to follow the traditions of historic market houses. It will be of timber construction with hardwood-framed double glazed folding doors. The roof terrace will be enclosed by hardwood pre-fabricated rainscreen panels, perforated by a series of openings with steel, powder-coated balustrades. The building would be fitted with an overhead framework which would be capable of supporting a retractable fabric canopy roof.
- 2.3 The proposal has been submitted as part of a wider initiative to regenerate Romford market, although it is only the proposed building which forms part of this planning application.

3. History

- 3.1 There is no previous planning history of direct relevance to this planning application. Members will however note that a planning application has recently been made for a mixed commercial/residential development on a nearby site, 17-19 Market Place (LBH reference P1483.16). This has a

resolution to grant planning permission subject to conditions and the prior completion of a legal agreement. The implications of this for the proposed development will be assessed later in this report.

4. **Consultation/Representations**

4.1 Prior to the submission of the application, the applicant undertook a range of consultation activities. This has included engagement with market traders through meetings, presentation and events and undertaking public consultation through staffed exhibitions in the Liberty shopping centre and in the market. These activities are summarised in the Statement of Community Involvement submitted with the application. Of the three alternative designs for the building shown at the public exhibitions, the scheme forming the current application was the preferred option of the majority of respondents.

4.2 The application has been advertised on site and in the local press as development affecting a conservation area and the setting of listed buildings. Neighbour notification letters have also been sent to occupiers of nearby property. At the time of writing this report 198 letters of objection have been received, together with a petition containing some 177 signatures, and a petition from the Romford Civic Society containing approximately 250 signatures, as well as some 77 pro-forma objections, raising the following issues:

- Will harm the character of the area and not in keeping with Market Place
- Siting harmful to setting of church and church house
- Harmful to the character of the conservation area
- Will obscure view of existing buildings
- Will harm the open character of the Market Place
- This open space should be protected
- Development out of scale with Church House
- Detrimental to a locally important view
- Should have been sited at the end of the market
- Building too big and high in front of existing commercial premises and recently approved residential development
- Restaurant will harm residents of proposed new residential development by way of overlooking, noise and disturbance, light loss and cooking smells
- Will obstruct views from planned residential development
- Development will harm existing commercial property by obscuring view and obstructing light
- Will block view of market place and shops from existing premises and proposed development
- Unlikely to be a commercial success
- Has financial viability of development been explored?
- What happens if development fails?
- Reduces parking
- Reduces value of properties

- There has never been a permanent building in the Market Place
- Not being considered consistently as Historic England objected to another (objectors own) application and concerns raised about impact on Church House
- Proposed building should be re-sited
- Will affect existing parking and already difficult to park in town centre
- Nearby business will suffer loss of passing trade
- Does this breach the Royal Charter
- Should use other vacant buildings locally, such as former Littlewoods store
- No need for a further restaurant
- How is it being funded?
- It is the market itself that will bring viability, not this development
- Makes a busy area more congested
- There are alternative ways of improving the market
- Should spend money on a new pedestrian bridge across A12 at Rise Park
- What consultation has taken place?
- Will set a precedent for more buildings
- Detrimental to the quality of the environment
- Will impede motor vehicle access to church
- Will it affect disabled access to the church and Church House?
- Will affect the functioning of the Church
- Wind turbulence
- Disruption caused by the construction works
- Money needs to be spent on Romford but not in this manner.
- Outlook from the terrace would be ugly.
- No need for more buildings and is a waste of TfL money.

Staff Comments:

Those issues that are material planning considerations will be addressed in the report below. A number of comments have been made that are not material to the consideration of this planning application.

Comments regarding alternative ways of regenerating the market place are not matters to be considered as assessment of this application as planning staff may only consider the application before them, although it should be noted that the Council has looked a number of different options for regeneration of Romford Market, and the proposals form only part of that wider strategy. Whether there has been a building in the Market Place previously is not grounds to refuse this application, the acceptability of the proposed building must be considered on its merits having regard to all material considerations. The cost of the development and nature of funding, or alternative ways of spending the funding also are not a material planning consideration, neither is the Royal Charter as this is not a planning matter. Devaluation of property is not a material planning consideration. Disruption during construction work is not a material planning consideration, although conditions can be imposed to manage the construction methodology and timing of works. The building is not of

sufficient scale to cause material harm through wind turbulence. Whether there is a need for a further restaurant or the vacancy of other buildings is not relevant to the consideration of this application as the proposal must be considered on its merits, nor can the likely viability of an additional restaurant be taken into consideration, although market research has been undertaken and it is understood that soft market testing of the likely demand from operators to run the restaurant has been undertaken by the Council. Devaluation of property is not a material planning consideration. Each planning application is considered on its own merits as one development proposal is rarely identical to another and the views of planning staff and also of consultees, such as Historic England, will therefore necessarily reflect the specific issues raised by each individual application. This is not indicative of any inconsistency of approach.

10 letters of support, including 7 from local businesses, making the following comments:

- Will enhance visitor experience to the town centre
- Positive contribution to wider proposals to revitalise the market
- Increases footfall and generates increased spending
- Anything will improve the market place
- Market needs an improvement and this will help
- People can enjoy views of church from new roof terrace

4.3 Historic England (HE) advise they do not wish to comment in detail but offer general observations. HE note the proposals form an important component of the proposed market renewal and wider aspirations for the market square. It is acknowledged this is a sensitive part of the Romford Conservation Area and will affect the setting of several designated heritage assets. HE supports the vision for the market square and notes the extensive design process undertaken and aspiration for a high quality modern building which will enhance local character, whilst respecting key views and integrate with wider proposals for the market place. HE consider the quality of design finish and materials to be fundamental to securing a high standard of design and this should be ensured through submission of details if the scheme is approved, as failure to deliver a high quality scheme could harm the character of the conservation area. The development should not set a precedent for further development in the market square.

4.4 The Greater London Archaeological Advisory Service (GLAAS) advises that the site is within an area of archaeological interest. Although it may cause some harm to archaeological interest it is not sufficient to justify refusal providing a condition is applied to require an investigation to be undertaken to advance understanding.

4.5 LBH Heritage Advisors note the Romford Conservation Area is currently on Historic England's Heritage at Risk Register and the proposed building forms part of a wider council-led initiative to regenerate Romford Market. The logic of placing a pavilion in the proposed location is accepted in

principle, however it remains a highly prominent and sensitive site with the potential to cause significant harm to the character and appearance of the conservation area and the setting of St. Edwards Church. It is considered the building needs to appear as a modern intervention and will need to be considered as an exception and not precedent for further built structures. The building is substantial in terms of height so will cause a degree of harm, although it has some permeability and is subservient in height to surroundings. The proposed materials are accepted but it is important to minimise maintenance and promote longevity. The wider landscaping is an enhancement and the holistic approach to improving public realm is welcomed. The degree of harm caused in this instance is considered less than substantial and must be weighed about public benefits or secure the heritage assets optimum use. The conservation area is on the 'At Risk' Register and significant investment is required in public realm and high quality modern architecture, both issues being addressed by the proposed scheme.

- 4.6 The Metropolitan Police Designing Out Crime Advisor has no concerns from a community safety point of view.
- 4.7 Essex and Suffolk Water raise no objection to the application.
- 4.8 Highways raise no objections but advise that the highway in which the building will sit will need to be stopped up and the process successfully completed before works can commence.
- 4.9 The Fire Brigade (water office) confirm no new fire hydrants will be required.
- 4.10 The London Fire and Emergency Planning Authority confirm that the fire brigade is satisfied with the proposals.
- 4.11 Environmental Health recommends conditions relating to noise from plant and machinery and opening times for the proposed first floor roof terrace. There are no objections in respect of contaminated land or air quality issues. Conditions will be required in respect of new ventilation and extraction equipment.

5. **Relevant Policy**

- 5.1 National Planning Policy Framework (NPPF), specifically Sections 1, 2, 7 and 12.
- 5.2 Planning (Listed Building and Conservation Areas) Act 1990.
- 5.3 Policies 2.15 (town centres), 4.7 (retail and town centre development), 6.13 (parking), 7.2 (an inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.5 (public realm), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.9 (heritage-led regeneration) of the London Plan.

- 5.4 Policies CP4 (Town Centres), CP5 (Culture), CP10 (Sustainable Transport), CP17 (Design); CP18 (Heritage), DC15 (Locating Retail and Service Development), DC23 (Food, drink and the evening economy), DC33 (Parking), DC34 (Walking), DC36 (Servicing), DC55 (noise), DC61 (Urban design), DC62 (Access), DC63 (Delivering Safer Places), DC67 (Buildings of Heritage Interest), DC68 (Conservation Areas), DC70 (Archaeology) of the Core Strategy and Development Control Policies Development Plan Document.
- 5.5 Policies ROM6 (Respecting the Historic Environment), ROM7 (Market Place), ROM8 (Day and Evening Economy), ROM9 (Romford Metropolitan Centre), ROM20 (Urban Design), ROM21 (Public Spaces) of the Romford Area Action Plan, as well as the Heritage SPD and the Romford Development Framework

6. Staff Comments

- 6.1 The issues arising from this application are the impact of the development on the special character and appearance of the Romford Conservation Area, as well as the impact on the setting of Grade II* listed St. Edward the Confessor's Church and Grade II listed Church House. Other material planning considerations are the acceptability of a proposed new restaurant in retail impact terms and having regard to the potential impact on local amenity, as well as parking and highway issues, including servicing.

6.2 Background

- 6.2.1 The development under consideration is solely that for a new restaurant building within the Market Place. However, the context within which the application is made, which is as part of wider regeneration proposals for the market place as a whole, is relevant to a detailed assessment of the proposals.
- 6.2.2 Romford Market is a key part of the identity of Romford. The existence of a market here dates back hundreds of years and the location of Market Place, in the historic core of the Romford Conservation Area, is a key focal point of the town. However the market has been in steady decline for some time, with the number of licensed traders falling, a lack of unique product offer and competition from the value chain stores. If this trend continues, it has been identified that there is a real risk the market will decline irrevocably. In July 2015, the Council approved the Romford Development Framework which, whilst not fully adopted planning policy, does carry some weight as regards the Council's intentions for future development within Romford Town Centre. The Framework sets out the Council's aspirations and commitment to rejuvenation of Market Place, to bring new vibrancy and activity whilst respecting and capitalising on its heritage.
- 6.2.3 The Framework identifies opportunities within the 'historic core' of Market Place to provide a civic space within Romford, which combined with consolidation of car parking and reorganisation of the market space, can

enable the creation of a high quality public square. Part of this would include new restaurant/café space that would encourage visitors to spend more time within the market area.

6.2.4 In November 2015 a report was considered by (LBH) Cabinet that focussed on proposals for the transformation of Romford Market. This followed on from a detailed review of the challenges currently facing the market and future potential. The report identified a number of changes that could be made, including better market stalls, better operational management, encouraging additional traders, the creation of an improved public space and introduction of high quality food and beverage options.

6.2.5 Details submitted with the application demonstrate the wider environmental improvements that are now proposed, together with the proposed new restaurant building, aimed at rejuvenating Romford Market. These proposals include new public realm works, including new hard and soft landscaping and development of children's play space, together with changes to the siting and design of market stalls and a rationalisation of parking within the market. The wider public realm works are not part of this application and Members are required only to assess the acceptability of the proposed new restaurant. However, the proposal must be judged in the wider context of the regeneration proposals for the Market Place which, in Staff's opinion, do provide justification for the principle of a new building in this location. As such, the proposal should not be seen as setting a precedent for any further new buildings within Market Place.

6.3 Principle of Development

6.3.1 The site is situated within the retail core of Romford Town Centre. As such, and given also it is the creation of new floorspace (as opposed to a change of use of existing premises) there is no objection in principle in land use terms to the provision of a new A3 use in this location. The proposal also has the potential to improve commercial viability within the town centre. As such it is considered to be consistent with the NPPF, as well as policies 2.15 and 4.7 of the London Plan, Policies CP4 and DC15 of the LDF and Policy ROM9 of the Romford Area Action Plan.

6.3.2 In terms of the heritage implications, as mentioned above, the principle of the building is considered acceptable in the context of the wider regeneration aspirations which underpin this proposal, subject to detailed consideration of the impact of the development on heritage assets. In terms of the Romford Area Action Plan, this was adopted in 2008 and to some extent will have lesser relevance strategically than the 2015 Romford Development Framework. Nevertheless, there is judged to be no material conflict with Policy ROM6, which aims to protect the historic environment. Policy ROM7 relates more to the creation of a public space at the eastern end of the market but does also require any new development with a frontage to Market Place to respect the scale and massing of existing buildings. The issue of scale and massing will be considered later in this

report. The proposal is compliant in principle with Policy ROM8, which seeks to secure more restaurants in the town centre.

6.4 Impact on Designated Heritage Assets

- 6.4.1 Romford Conservation Area is a designated heritage asset. The proposed building is within a sensitive part of the conservation area and is also judged to affect the setting of Grade II* St. Edward's Church and Grade II listed Church House, which are also designated heritage assets.
- 6.4.2 Paragraph 129 of the National Planning Policy Framework (NPPF) requires local authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset). They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise the conflict between heritage assets conservation and any aspect of the proposal.
- 6.4.3 Paragraph 132 of the NPPF states that great weight should be given to the assets conservation and, the more important the asset, the greater the weight should be. Paragraph 133 advises that where a proposed development will lead to substantial harm or total loss of significance to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the harm or loss is outweighed by substantial public benefit or specified criteria apply. Paragraph 134 advises that where less than substantial harm will occur, this should be weighed against the public benefits of the proposal.
- 6.4.4 The Planning (Listed Building and Conservation Area) Act 1990 requires a local planning authority, where considering applications affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In considering development that affects a conservation area the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.4.5 LDF Policy DC68 sets out criteria for new development in conservation areas. The main issues are that it should not involve demolition of a building that makes a positive contribution to the conservation areas and that new buildings should preserve or enhance the existing character and are well designed.
- 6.4.6 LDF Policy DC69 relates to development involving Listed Buildings and/or their setting. Such development will only be allowed where it does not involve the demolition of a Listed Building or it does not adversely affect a Listed Building or its setting.
- 6.4.7 The significance of the heritage asset is documented in the heritage statement submitted with the planning application. The Romford

Conservation Area was designated in 1968 and the Romford Conservation Area Character appraisal comments that the main purpose of designation was to protect a group of historic buildings at the western end of the Market Place, which include the Church and Church House. The reason for extending the conservation area to adjoining streets was to protect the setting of this principal group. The Appraisal sets out that the principal special interest continues to be as originally defined: the existence of a group of high quality historic buildings at the western end of the Market Place, some of which are listed, which focus on the parish church. The Appraisal notes how the character of the market place changes on market days, from an 'otherwise relatively negative and diffuse urban space' to something which 'acquires logic and relevance'. On non-market days the area is described as dominated by parked and moving traffic.

- 6.4.8 The Grade II* listed St. Edward's Church was built in 1849. Its distinctive spire and the open setting to the building are particularly notable. The Grade II Church House dates back to the 15th-16th century and together with the adjacent Church and frontage trees creates an attractive enclosed group.
- 6.4.9 In considering the proposed siting for the building, the proposals have been through a significant design process. The intention is to create a more focussed 'market square'. Given that the heart of the conservation area lies around the cluster of historic buildings at its western end, it is judged appropriate that the development seeks to focus this market square around the historic core, meaning that the new building is more rightly situated towards the western rather than far eastern end of the Market Place. Consideration was given to locating the building close to the historic crossroads, close to the historic location of the former (demolished) Market House, but the spatial constraints were deemed too tight and this was not judged to help to define the proposed Market Square as a welcoming civic space. The building's scale and location has also been determined such that all required turning circles, deliveries and emergency access can be facilitated, and in a way that can co-exist with market stalls on market days.
- 6.4.10 The siting of the building has been deliberately positioned to the east of the Church and its open, tree-lined frontage, so that this frames a new space in front of the church, creates a pedestrian route (rather than simply a pavement) along the frontage of Church House and its neighbours, and aligns with the new layout of market stalls, reinforcing the 'central route' which is inherited from the former roadway and which is judged important to the feel of the market.
- 6.4.11 The intention of the selected location is partly to create positive pedestrian relationships with its historic neighbours, and create meaningful public spaces to its north, west and south elevations, whilst somewhat enclosing the proposed 'market square' and making a distinctive, enclosed pedestrian environment at the west end, shielded from cars.

6.4.12 Historic England has provided advice in respect of the wider masterplan and supports the vision for the market square. They have been involved with the evolving design process. Historic England comment that the proposals form an important component of the proposed market renewal and the wider aspirations for the better management and the promotion of greater vibrancy within the market square. As such Historic England has raised no objection to the principle of the proposed development or the intended siting of the building. The Council's heritage advisors accept the proposal is sited to allow for the continued use of the Market Place whilst defining a new public space in front of the church and, as such, the logic of the siting is accepted.

6.4.13 In terms of the appearance of the building, the design has been developed to emulate the traditions of market houses and staff consider this to be an acceptable design approach. The scale of the building has deliberately been kept low, with the first floor used as an open roof terrace, and it is lower than other buildings in the locality. As a matter of judgement, the proposal could be considered to cause some harm as it alters the existing spatial arrangement, reducing the current openness. However, the roof terrace design of the upper floor helps to lessen the mass of the building and it remains subservient in height to other buildings. The proposal would introduce a roof terrace that would also provide new perspective on the historic market place from a different vantage point. As a matter of judgement, Staff do not consider the scale and massing of the building to be such that it would visually overwhelm nearby Church House. The building is sited over 10m from the frontage of Church House and it is judged that, in the context also of the wider public realm improvements - the enhanced surfacing works and the removal of car parking from this part of the market place - that whilst the proposals would have some impact on views of Church House and St. Edwards Church this would not be to an extent that results in substantial harm.

6.4.14 The proposals have been through an extensive design process and the building, whilst based on traditional market house design and materials, is considered to be a suitably, high quality but modern addition to Market Place. This is judged to be an acceptable approach to development within a historic setting. Historic England comment that the aspiration is for a high quality modern pavilion building, which will enhance local distinctiveness through reflecting local character, whilst respecting key views, and integrating with the wider proposals for greater activity and better market management.

6.4.15 Historic England also comment that the quality of design finish and materials are fundamental to the success of any such project and in the event permission is given urge the local authority to ensure that the development is delivered to the highest standards of design. Staff share this view. The proposal is intended to be constructed with a timber frame with hardwood frames and treated rainscreen panels, which staff are satisfied would be durable and hard wearing. It is however imperative that the quality of all external materials and finishes are maintained in the

eventual construction and conditions would be applied to ensure this is the case.

6.4.16 Having regard to all material factors, Staff are satisfied that the proposals are for a high quality development of a suitable design and that the siting of the building is such that key views within the conservation area would be protected and the character of this ensemble of historic buildings would not be materially harmed. Staff consider, as a matter of judgement, that the proposals do not lead to substantial harm or total loss of significance to a designated heritage asset. In accordance with the NPPF, where harm is considered to be less than substantial, it should be weighed against the public benefits of the proposals. The view is taken that the proposal forms part of significant wider regeneration proposals for Market Place and given the documented decline of Romford Market, the public benefits arising from the proposal do outweigh the impact on the heritage assets. Historic England is supportive of the wider regeneration proposals for the market. The proposal is part of a significant investment into the public realm and to the provision of a high quality modern building. It is judged to contribute to local distinctiveness and will give potential to better reveal the special interest of the area, which could be supplemented through the use of heritage interpretation boards, which will add to the public benefit of the proposals. The character and appearance of the Romford Conservation Area and the setting of nearby listed buildings is judged not to be materially harmed. As such, the proposal is considered to comply with Policies DC68 and DC69 of the LDF and there is no material conflict with the Heritage SPD. The proposal is considered to comply with Policy ROM20 as it is judged to respect the scale and massing of existing buildings in the Market Place and preserve the view of the spire of St Edward the Confessor and add to a sense of place. Having regard to all key issues it is therefore judged that the proposal is acceptable in terms of its heritage impact.

6.5 Impact on Amenity

6.5.1 With regard to the physical impact of the proposed building, the siting of the building within the market square, is such that it is set well away from the majority of existing developments with a frontage onto Market Place. The building will be sited just over 10m from the front façade of 15 Market Place (Church House) and 17-19 (Upper Cut hair salon). Representations have been made, particularly from the hair salon, that the development would adversely affect the existing businesses, as it would obstruct the view of the premises from passing trade, it would obstruct light received into the premises and would adversely affect views out of the premises onto Market Place. Consideration has been given as to whether there is any scope to alter the siting or size of the proposed building to alleviate the concerns of the salon owner. However, the location of the building is constrained by below-ground services, notably a gas main to the south which limits the building from being moved any further south than it already has been (following earlier consultation the building already moved south from earlier iterations). As previously explained, moving the building east beyond Market Link, would disconnect the new building from the new public space,

several limiting its viability and potential to play a role in the public life of the town and would cause issues with vehicular access to Market Place at Market Link.. Moving the building further west would encroach upon the open churchyard frontage of St Edward the Confessor which is not supported in design terms. To reduce the floorspace of the building could adversely affect its viability as a restaurant.

6.5.2 With regard to impact on passing trade, this is a subjective judgement. Whilst the building would lie parallel to the frontage of both buildings, both would still remain visible from within Market Place, although this would be an angled view rather than direct on. The proposals would see the removal of the vehicle parking that takes place in front of the premises on non-market days and allow for proper pedestrian routes to be created around the building and in front of the adjacent premises, thereby arguably improving accessibility and prominence of the buildings to local shoppers. The wider aim of the regeneration proposals is to increase customer footfall and encourage people to spend longer in the market place, benefitting local traders and staff do not consider the potential for harm to passing trade is of sufficient weight to outweigh the merits of the application. With regard to impact on views out of neighbouring property, there is no protected right to a view and given the views in question are from non-residential property it is not considered this represents material grounds for refusal. With regard to obstruction of light, there is potential for some impact as the proposed building lies to the south of these properties. However, the impact is mitigated by the low height of the building and the 10m separation distance. Although natural light may be beneficial for the operation of a hair salon staff are not convinced it has such a material bearing on the ability of the business to function that it would constitute material grounds for refusal.

6.5.3 Staff are also aware that the Committee has also recently resolved to grant planning permission for a mixed use development on the site at 15-17 Market Place. Planning permission has not yet been given, pending the agreement of planning conditions and the completion of a S106 legal agreement, nevertheless the resolution to approve does carry some weight as a material planning consideration. It should be noted that the resolution to approve was given post-submission of the Market Place application. The mixed use development comprises an A1 retail unit (intended to continue as a hair salon) on the ground floor with flats above. Staff have considered the impact of the proposed new building in relation to the proposed development. The impact on the A1 ground floor retail unit would be no different to that set out in the paragraph above. The proposed building would lie to the south of the nearest first floor flat. This flat will have two windows directly facing towards the proposed new building. It is noted however, that both windows serve an open-plan lounge/kitchen and that this room has a third light source, comprising a set of patio doors that open out onto the flat's east facing balcony. Having regard to the internal layout and the arrangement of the fenestration and balcony it is not judged that the proposed building would materially harm the privacy and amenity of the proposed nearest first floor flat. The situation with regard the nearest second floor flat would be very similar, although this flat benefits from two

balcony areas, one to the south elevation and one to the east, and the impact compared to that on the first floor unit, is lessened by the greater height of the second floor flat. Whilst the outlook from the south facing balcony would be more limited by the proposed development, this would be compensated by the existence of the east facing balcony.

- 6.5.4 In respect of the impact of the proposed use on amenity, the site lies within Romford Town Centre, where a reasonable balance must be struck between commercial interests and an acceptable degree of residential amenity. It is acknowledged that if the recently approved development at 15-17 Market Place goes ahead there will be residential units in relatively close proximity to the application site. However, residents in town centre environments must reasonably expect a greater degree of late night activity than can be anticipated in purely residential areas. The use proposed is as a restaurant, which is judged to be acceptable in principle in this location. The proposal does however include an upper floor outdoor terrace and it is accepted that this could give rise to greater levels of noise and disturbance than if this were a fully enclosed area. Mindful of the balance between residential amenity and town centre living, Environmental Health have raised no objection on noise grounds subject to conditions which prohibit the hours of use, particularly of the roof terrace and external seating, controls over the playing of music and also limit noise from any new plant or machinery. Subject to these conditions, Staff consider that the proposal would not result in a materially harmful impact on nearby residential amenity.
- 6.5.5 The proposal has been designed so as to make provision for the inclusion of ventilation and extraction equipment without harm to the visual appearance of the building. The extraction system has not been designed in detail as the end occupier of the building is not known but such details can be required by condition to ensure the development acceptably deals with issues of cooking odours.
- 6.5.6 The proposed development also includes the option of outdoor seating at street level. There are no objections to this in principle although conditions would need to be imposed to ensure outdoor seating is removed at a suitable time to protect amenity. The premises has been designed so that the ground floor entrance area to the building and external staircase can be closed off at night through the use of sensitively designed shutters, which will help protect from anti-social behaviour. The Metropolitan Police Designing Out Crime Advisors has confirmed the proposals are acceptable from a community safety perspective.
- 6.5.7 Staff therefore conclude, having regard to all material considerations, that neither the proposed building or its intended use would have a materially harmful impact on local amenity that would warrant refusal, subject to the imposition of appropriate planning conditions.

6.6 Highways and Servicing

- 6.6.1 The proposed development is located within Romford Town Centre where, given its excellent levels of public transport accessibility and availability of town centre car parks, there is no requirement to provide dedicated parking for the proposed restaurant.
- 6.6.2 Members will however note that the proposal, partly owing to its siting and partly owing to the wider regeneration proposals, will significantly alter the existing non-market day parking provision that currently exists in Market Place. This is an issue that has been considered in detail but removal of parking and traffic generally from the western end of the Market Place is considered fundamental to the aims of creating a pedestrianised market square that will create a welcoming public space, encouraging visitors, particularly families, to spend time there. At present there are approximately 160 parking bays in Market Place. As part of the wider regeneration proposals, the Market Place to the east of Market Link will be re-designed and re-surfaced and parking will be more clearly marked and laid out. Different options for car parking as part of the wider regeneration are still being considered - one option is for providing parking on non-market days only, which would still retain 160 parking bays; the alternative is to provide parking on market days also, around 58 bays, with slightly less parking on non-market days, around 143 bays. It should be noted that the precise arrangements for parking can be determined as part of the wider regeneration proposals, and are not within the scope of this application. However, Staff are confident that the proposals would not materially affect town centre parking provision to an extent that would give rise to material grounds for refusal.
- 6.6.3 Provision for refuse storage is made within the building and the proposals have been designed so as to ensure suitable access for servicing and deliveries. There are delivery and servicing options for both market and non-market days and, as part of the Council's overall strategy for the functioning of the west end of the Market Place, there will be clearly defined times for loading and unloading to take place. Although outside the scope of this application, the wider public realm improvements are intended to improve pedestrian access and suitability of surfaces for disabled users, and would maintain necessary levels of access, including to St. Edward's Church. Highways raise no objection to the proposals although it should be noted that there will be a requirement for stopping up for the public highway and this process will need to be completed before the development can proceed.
- 6.6.4 Having regard to the above, it is considered that the proposal is acceptable in terms of highway issues and makes acceptable provision for deliveries and servicing.

6.7 Mayoral CIL

- 6.7.1 The proposed development would create 206 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will

incur a charge of £4,120.00 (subject to indexation) based on the calculation of £20.00 per square metre.

7. Conclusion

- 7.1 The proposed development has been submitted as part of a package of regeneration measures, aimed at halting the decline of the historic Romford Market and improving the character and quality of the Romford Conservation Area. In the context of the wider improvement proposals, of which this forms part, it is considered that the erection of a building within Market Place can be acceptable in principle, without setting a precedent for future development, providing it is a development of sufficiently high quality design and external appearance.
- 7.2 The proposals have been developed in full consultation with Historic England, as well as other stakeholders. The proposals aim to create a public square within Market Place, to reverse the harm to its character caused by the dominance of vehicle parking, and to restore a sense of place. Options for siting have been considered and staff accept, in principle, that the proposed siting is sufficiently well reasoned and justifiable and will not adversely impact on the key open area in front of St. Edwards Church. Staff are satisfied that the proposed building is well designed and sensitive in terms of scale, mass and character and, as a matter of judgement, consider that the proposal maintains the special character and appearance of the Romford Conservation Area and does not harm the setting of nearby listed buildings. As such, the proposal is considered to be compliant with the requirements of the NPPF, as well as policies forming part of the LDF.
- 7.3 The proposed restaurant use is acceptable in principle within the town centre and staff are satisfied that measures are included in the development to ensure it functions properly, such as adequate ventilation provision, servicing and delivery arrangements, refuse storage and community safety features. The proposal is judged acceptable in parking and highway respects. It is judged that the proposal will not materially harm the functioning of nearby businesses nor cause harm to amenity, either of existing occupiers or likely residents of proposed future development, subject to the use of appropriate planning conditions.
- 7.4 Having regard therefore to all material planning considerations, it is judged that the proposal is acceptable and it is recommended that planning permission is granted, subject to conditions.

IMPLICATIONS AND RISKS

Financial Implications and risks:

There are cost implications for the Council arising from the capital investment required to carry out the regeneration proposals, although the proposal also benefits from some GLA funding. These issues do not have any material bearing on the consideration of the planning application.

Legal Implications and risks:

There will be legal implications arising from the regeneration proposals. These include the requirement for a stopping up order to be made. The application has been submitted on behalf of the Council. However, this has no material bearing on the consideration of this planning application, which is considered independently from the Council's role as applicant.

Human Resource Implications:

None arising.

Equalities and Social Inclusion Implications:

Planning applications are determined with full regard to equalities and diversity implications. The proposal is designed to meet accessibility requirements, ensuring it can be used by all sectors of the community.

BACKGROUND PAPERS

1. Application received 21 November 2016.

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REGULATORY SERVICES COMMITTEE

REPORT

2 February 2017

Subject Heading:

Application for the Stopping Up of
Highway Land at Market Place, Romford

Ward:

Romford Town

Report Author and contact details:

Mark Philpotts, Principal Project Leader,
StreetCare – Tel: 0170843751
Email: mark.philpotts@havering.gov.uk

Policy context:

Section 247 Town and Country Planning
Act 1990 (as amended)

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 relates to an application received on 11 November 2016 for the stopping up of highway to enable the full implementation of development of land pursuant to a planning permission (planning reference P1840.16) for the construction of a commercial (A3 restaurant use) and civic building including a roof terrace, together with ancillary facilities ("Planning Permission").

The developer has applied to the Council under s.247 of the Town and Country Planning Act 1990 (as amended) (the "Act") to stop up the area of highway shown zebra hatched on the plan entitled Romford Market House - Site Plan for Stopping Up annexed to this report (the "Plan") so that the development can be carried out. The Council's highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to the Planning Permission.

RECOMMENDATIONS

Subject to the grant of Planning Permission, the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 and subject to the lawful implementation of Planning Permission that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAIL

- 3.1 On 21 November 2016 the Council received an application for the construction of a commercial (A3 restaurant use) and civic building including a roof terrace, together with ancillary facilities (planning reference P1840.16)
- 3.2 The stopping up is necessary in order that development pursuant to the Planning Permission can be implemented and it involves the stopping up of a section of existing public highway.
- 3.3 The section of public highway to be stopped up measures approximately 10.1 meters in length and 24.5 meters in width The boundary points of this section of land are: (a) OS grid reference point 551229, 188935 (top left); (b) OS grid reference point 551254, 188944 (bottom right)
- 3.3 The development involves building on land which includes areas of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

Legal implications and risks: Human Resources implications and risks:

Section 247 of the Town and Country Planning Act 1990 gives the power to the London Boroughs to make stopping up orders for highways within their Boroughs if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the planning permission granted. (Outside London the power is in the hands of the Secretary of State). The responsibility was devolved to the London Boroughs through the Greater London Authority Act 1999.

The process for the making of the order is as follows. Following the Council's resolution, notices of the proposed order are advertised and served on relevant authorities, principally the statutory undertakers, and displayed on site. Following the objection period of 28 days if there have been no objections the Council may make the order.

In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker the application is referred to the Mayor for London for determination. In the event of objections by a Statutory Undertaker or Transport Undertaker application is referred to the Secretary of State for determination.

Legal resources will be required to draft the stopping up order and notices as well as carry out the Consultation process and mediate any negotiation with objectors.

Equalities implications and risks:

None directly attributable to the proposal.

BACKGROUND PAPERS

1. Regulatory Services Committee Report dated 2 February 2017
2. Plan entitled Romford Market House - Site Plan for Stopping Up annexed to this report



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PROJECT
Romford Market House

DRAWING CHECKED
GL/DK

SCALE
1:200 @ A3

STATUS
Planning



DRAWING NUMBER
1606-S3-SK27

CREATION DATE
24.11.2016

NOTES

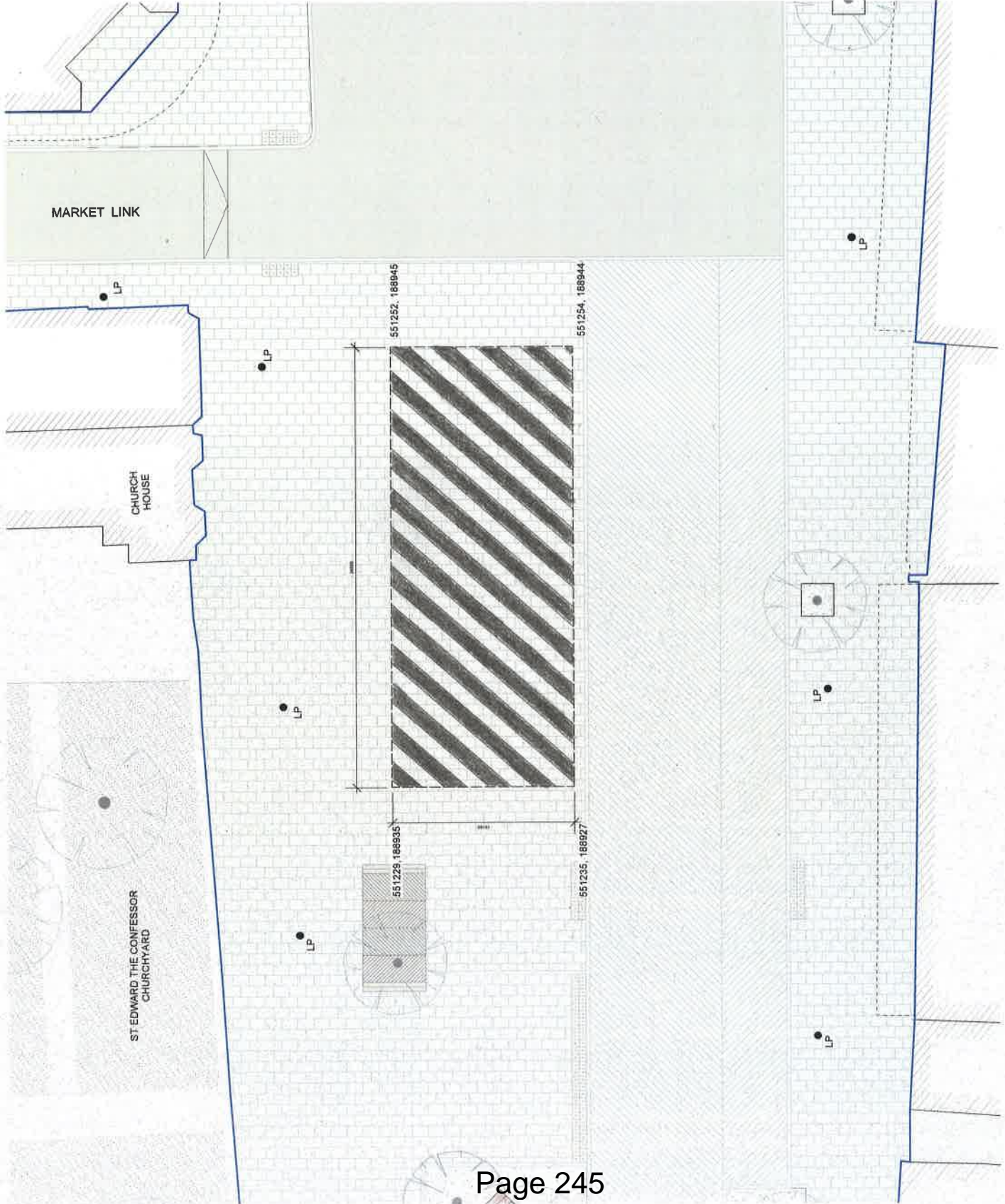
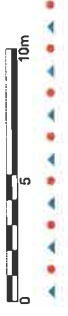
1. All dimensions and levels to be checked on site before commencing work
2. This drawing to be read in conjunction with all relevant contract documents
3. This drawing to be read in conjunction with all engineer's drawings
4. Do not scale from this drawing, use figured dimensions
5. Report any errors, contradictions, and omissions to the architect as soon as possible

KEY



Building Footprint

REVISIONS



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REGULATORY SERVICES COMMITTEE

REPORT

2 February 2017

Subject Heading:	Application for the Stopping Up of Highway Land at Briar Road Shop Site, Romford
Ward:	Heaton
Report Author and contact details:	Mark Philpotts, Principal Project Leader, StreetCare – Tel: 0170843751 Email: mark.philpotts@havering.gov.uk
Policy context:	Section 247 Town and Country Planning Act 1990 (as amended)
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 relates to an application received on 7 December 2016 for the stopping up of highway to enable the full implementation of development of land pursuant to a planning permission (planning reference P0382.15) for the demolition of existing buildings and redevelopment of site to provide 46 affordable residential and 2 commercial units, with new roads associated parking, a three storey block comprising 36 residential units (“Planning Permission”).

The developer has applied to the Council under s.247 of the Town and Country Planning Act 1990 (as amended) (the “Act”) to stop up the areas of highway shown zebra hatched on the plan entitled Briar Road Shop Site Highways Stopping Up – Area to be Stopped Up annexed to this report (the “Plan”) so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to the Planning Permission.

RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 and subject to the lawful implementation of Planning Permission that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the attached Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAIL

- 3.1 On 8 April 2016 the Council granted Planning Permission for the demolition of existing buildings and redevelopment of site to provide 46 affordable residential and 2 commercial units, with new roads associated parking, a three storey block comprising 36 residential units.
- 3.2 The stopping up is necessary in order that development pursuant to the Planning Permission can be implemented and it involves the stopping up of sections of existing public highway being footway.
- 3.3 The sections of public highway to be stopped up (labelled A – L on the Plan) measure approximately 2,381 square meters in total:
- Area A – between Ordinance Survey grid reference points 553379, 191425; 553379, 191404
 - Area B – between OS grid reference points 553392, 191414; 553360, 191390
 - Area C – between OS grid reference points 553374, 191390; 553417, 191338
 - Area D – between OS grid reference points 553429, 191450; 553429, 191408
 - Area E – between OS grid reference points 553432, 191406; 553402, 191406
 - Area F – between OS grid reference points 553400, 191404; 553400, 191411
 - Area G – between OS grid reference points 553447, 191389; 553446, 191389
 - Area H – between OS grid reference points 553414, 191404; 553448, 191405; 553450, 191408; 553451, 191401; 553447, 191396; 553447, 191363; 553431, 191363; 553429, 191361; 553429, 191359; 553429, 191358
 - Area I – between OS grid reference points 553417, 191338; 553417, 191359
 - Area J – between OS grid reference points 553440, 191363; 553447, 191363; 553448, 191352; 553440, 191352
 - Area K – between OS grid reference points 553441, 191352; 553428, 191312
 - Area L – between OS grid reference points 553448, 191301; 553411, 191326

- 3.3 The development involves building on land which includes areas of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

Legal implications and risks: Human Resources implications and risks:

Section 247 of the Town and Country Planning Act 1990 gives the power to the London Boroughs to make stopping up orders for highways within their Boroughs if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the planning permission granted. (Outside London the power is in the hands of the Secretary of State). The responsibility was devolved to the London Boroughs through the Greater London Authority Act 1999.

The process for the making of the order is as follows. Following the Council's resolution, notices of the proposed order are advertised and served on relevant authorities, principally the statutory undertakers, and displayed on site. Following the objection period of 28 days if there have been no objections the Council may make the order.

In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker the application is referred to the Mayor for London for determination. In the event of objections by a Statutory Undertaker or Transport Undertaker application is referred to the Secretary of State for determination.

Legal resources will be required to draft the stopping up order and notices as well as carry out the Consultation process and mediate any negotiation with objectors.

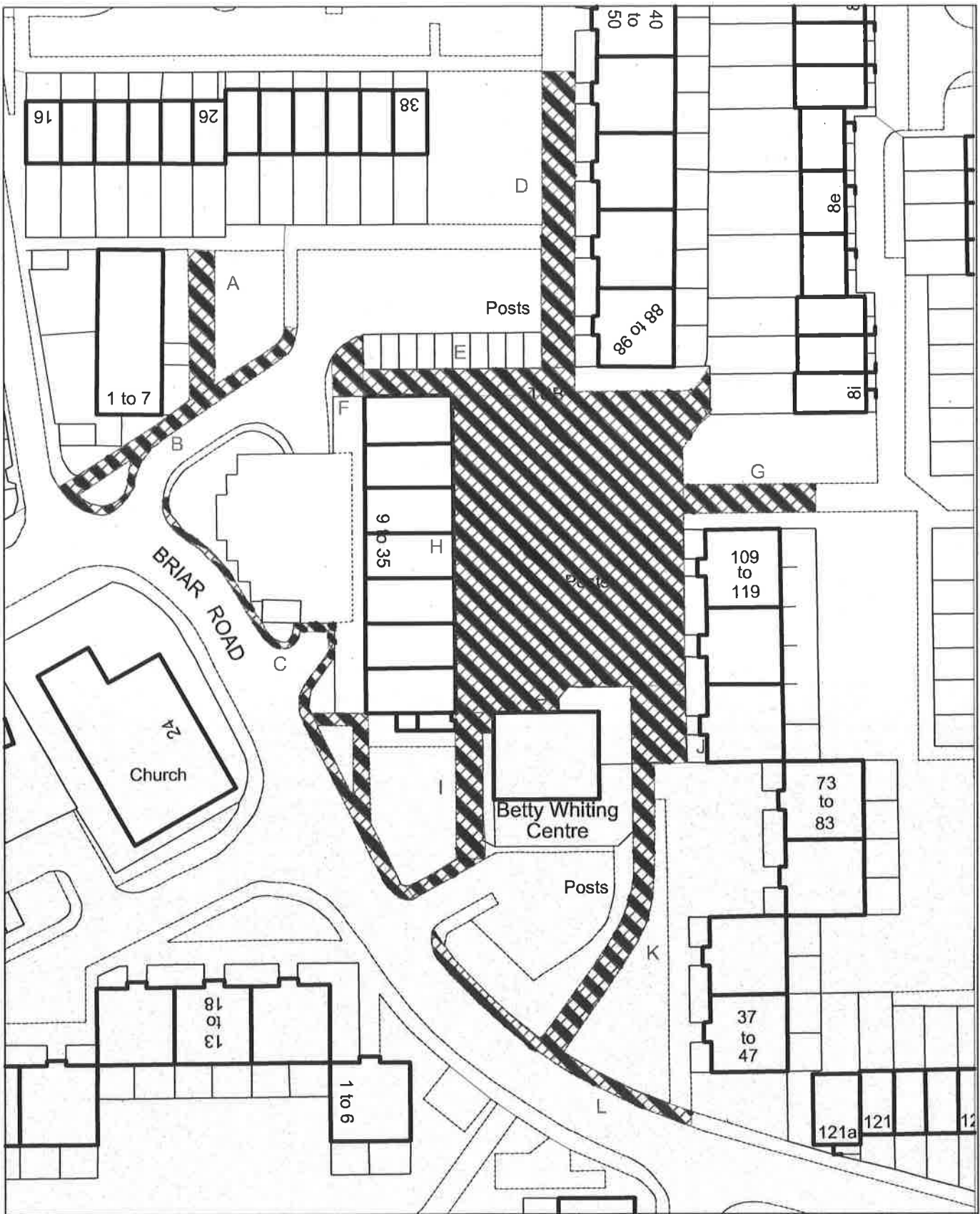
Equalities implications and risks:

None directly attributable to the proposal.

BACKGROUND PAPERS

1. Regulatory Services Committee Report dated 30 July 2015
2. Plan entitled Briar Road Shop Site Highways Stopping Up – Area to be Stopped Up

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		PURPOSE		INFORMATION	
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JOB TITLE BRIAR ROAD SHOP SITE HIGHWAYS STOPPING UP		DRAWN BY MN		CHECKED BY MLP	
DRAWING TITLE AREA TO BE STOPPED UP		APPROVED BY MLP			
SCALE (AT A4 SIZE) NTS	DATE DEC 16	<input type="checkbox"/> DRAFT <input checked="" type="checkbox"/> ISSUE	ACAD REF: Sheet Size: A4 (210x297)	DRAWING No QL040/083/10	REV REVISION AMENDMENT
					DATE

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