



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
23 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:  
Richard Cursons 01708 432430  
richard.cursons@onesource.co.uk**

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

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

Reporting means:-

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

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

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

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

## **AGENDA ITEMS**

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

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

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

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

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

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

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

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

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 14)**

To approve as a correct record the minutes of the meeting of the Committee held on 2 February 2017 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 15 - 32)**

- 6      **P1898.16 - 60 EASTERN ROAD, ROMFORD** (Pages 33 - 46)
  
- 7      **P1390.16 - 47 SOUTHERN WAY, ROMFORD** (Pages 47 - 56)
  
- 8      **P1718.16 - 1 MARTINSTOWN CLOSE, HORNCHURCH** (Pages 57 - 72)
  
- 9      **P2032.16 - LAND R/O 37-59 WHITE HART LANE, ROMFORD** (Pages 73 - 92)
  
- 10     **P1815.16 - 92 KINGSTON ROAD, ROMFORD** (Pages 93 - 104)
  
- 11     **P0015.17 - 253 CHASE CROSS ROAD, ROMFORD** (Pages 105 - 122)
  
- 12     **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  
2 February 2017 (7.30 - 11.40 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Melvin Wallace, Ray Best, Steven Kelly and Michael White

**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

Councillors Dilip Patel, Frederick Thompson, Linda Trew, Linda Van den Hende, Michael Deon Burton and David Durant were also present for parts of the meeting.

60 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.

## 165 **DISCLOSURE OF INTERESTS**

P1626.16 - COCKHIDE FARM, BRAMBLE LANE.

Councillor Robby Misir, Personal, Councillor Robby Misir declared a personal interest in item P1626.16. Councillor Misir declared that he knew of the objector to the application in a personal manner..

P1855.16 - FISHING LAKE, BRAMBLE LANE, UPMINSTER.

Councillor Robby Misir, Personal, Councillor Robby Misir declared a personal interest in item P1855.16. Councillor Misir declared that he knew of the objector to the application in a personal manner..

P1580.16 - THE GROVE, PROSPECT ROAD, HORNCHURCH.

Councillor Steven Kelly, Personal, Councillor Steven Kelly declared a personal interest in application P1580.16. Councillor Kelly declared that he used to own a property in the vicinity of the application site..

166 **MINUTES**

The minutes of the meetings held on 8 December, 22 December 2016 and 12 January 2017 were agreed as correct records and signed by the Chairman.

167 **P1840.16 - MARKET PLACE, ROMFORD**

The proposal before Members was for a new building within the Market Place to be used primarily as a restaurant (Class A3). The application had been submitted on behalf of the Council although this had no material bearing on the planning considerations relevant to the application. Although the application was solely in respect of the proposed new building, the development formed part of a wider strategy for the rejuvenation of Romford Market. Key issues included 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.

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 the proposal would lead to unacceptable levels of noise and smells in the area. The objector also commented that the proposed building would be situated in front of a listed building and that the proposal was in breach of local, regional and national planning policies. The objector concluded by commenting that the Council was in receipt of over 900 objections to the proposal.

In response the applicant's agent commented that the proposal was part of a larger regeneration strategy for the market and had been designed in conjunction with neighbouring properties. The agent also commented that the proposal did not impact on the views of the neighbouring properties and that the building would be a high quality contemporary market house.

During the debate Members discussed the impact the proposal would have on the market place and the possible benefits it would bring to the area.

Members also sought and received clarification on access arrangements to the church and neighbouring properties.

The consensus from Members was that the market was in decline and the area was in need of regeneration to help protect it in the future.

A motion to refuse the granting of planning permission was lost by 3 votes to 7 with 1 abstention.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £4,120 and **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition requiring submission, approval, implementation and maintenance of a scheme of signage designed to advertise the presence of the premises to the north of the site including 19/21 Market Place.

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

Councillors Misir, Best, Kelly, Wallace, White, Nunn and Whitney voted for the resolution to grant planning permission.

Councillors Donald, Hawthorn and Martin voted against the resolution to grant planning permission.

Councillor Williamson abstained from voting.

168 **P1991.16 - 269A MAWNEY ROAD, ROMFORD**

The proposal before Members was 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 was provided for residents. The premises would be used for no more than 6 adults with learning disabilities and 24 hour care would be provided. Three on-site parking spaces would be provided. The proposal would also include the conversion of the garage to a habitable room and the addition of a rear conservatory.

Members noted that the application had been called-in by Councillor Linda Trew for the following reasons:

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

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 were already four other care homes in Mawney Road and that the proposal was inappropriate as it would be located in the rear garden of another property. The objector concluded by commenting that the proposal would lead to a loss of privacy for neighbouring properties.

In response the applicant commented that the proposed building was already in-situ and did not impact on neighbouring properties.

With its agreement Councillors Linda Trew and Dilip Patel addressed the Committee.

Councillor Trew commented that the building had not been used as a surgery for a number of years. Councillor Trew also commented that the proposal had a number of windows in one flank that would cause a loss of privacy to neighbouring properties. Councillor Trew concluded by commenting that the proposal would provide 24 hour care and could therefore lead to an increase in visitors and traffic to the site.

Councillor Patel concurred with Councillor Trew's comments and commented that the Council had a moral obligation to put existing resident's needs first.

During a brief debate Members discussed the benefits that the proposal could bring to the area and discussed the measures that were in place to monitor establishments such as the proposal intended.

It was **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 8 votes to 3.

Councillors Best, Wallace and White voted against the resolution to grant planning permission.

169 **P1855.16 - FISHING LAKE, BRAMBLE LANE, UPMINSTER**

The application before Members sought 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.

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

It was 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 raised a number of concerns about land ownership.

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 applicant did not own the land on which the proposal would be sited and the works would not be permitted. The

objector also commented that the works would be outside of his property and would create a loss of amenity and create noise and air pollution.

In response the applicant's agent commented that the previous works to the safety ledge had been completed and the proposed pathway would be for maintenance issues. The agent also commented that the proposed works would only require a short term disruption to the area and no additional material required importation. The agent concluded by commenting that the proposed works were not harmful to the Green Belt and there would be no breach of planning control.

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

Councillor Van den Hende commented that no previous works had been completed including works to the car park. Councillor Van den Hende concluded by commenting that the proposed works were contrary to planning policy DC61 as they were diminishing local amenity and would lead to a loss of amenity and security to the current landowner.

During a brief debate Members sought and received clarification on the issue of land ownership and the granting of planning permissions.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 8 votes to 2.

It was **RESOLVED** that planning permission be refused on the grounds that the proposal would by reason of its visual impact harm the open rural character and appearance of the Green Belt with no very special circumstances demonstrated which outweighed this. The proposal would also during its construction phase and when complete harm the amenity of Bramble Farm residents through impact of activity and reduced sense of security.

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

Councillor Wallace voted against the resolution to refuse planning permission.

170 **P1626.16 - COCKHIDE FARM, BRAMBLE LANE**

The application before Members was for mineral extraction together with the subsequent importation of inert materials to restore the land to agricultural use.

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

The application was not considered an appropriate form of development in the Green Belt; and access and highway safety issues. The site access was located on a blind corner which together with the sharp corner at the junction of Sunnings/Dennises Lane was already a hazard. With increased traffic the access would be dangerous for all. The hours of operation were also excessive and would cause increased noise for nearby residents.

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 the site access was located on a dangerous bend that had been the location for several accidents. The objector also commented that the proposal would create extra noise, pollution and traffic and would lead to damage to the verges in the approaching roads.

In response the applicant's agent commented that the proposal was brought forward to help achieve the borough's aggregate landbank target and that vehicle movements and times of operation were both controlled by conditions within the planning permission.

With its agreement Councillors Linda Van den Hende and David Durant addressed the Committee.

Councillor Van den Hende commented that the main concerns were the hours of operation and the dangerous bends in the approaching roads. Councillor Van den Hende concluded by commenting that a deferral of consideration of the report may have been beneficial to allow officers to investigate alternative access/egress arrangements.

Councillor Durant commented that the application combined with other previously agreed schemes would have a cumulative impact on the surrounding roads in the area and that this particular application should not proceed until other existing sites were complete.

During a brief debate Members discussed the impact that the proposal would have on the local area.

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

- Cumulative impact of heavy vehicle traffic on local road network would be harmful to amenity and safety of other road users.
- The proposed access would be positioned dangerously on a bend harmful to highway safety.
- Cumulative damage to road surfaces and verges harmful to safety of road users and rural character of the area.

171 **P1431.16 - 160-162 BALGORES LANE, ROMFORD**

The application before Members sought 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 162 Balgores Lane.

Members noted that the application had been called-in by Councillor Melvin Wallace who had indicated that the above premises if doubled in size would make living in the area intolerable due to the the air pollution coming from the ventilation system currently would be exacerbated 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 were reported on a regular basis currently. There would also be inconvenience to all of the residents in side roads in the area with inconsiderate parking, together with dangerous parking in Balgores Lane.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that he was surprised that the Council's Highways Department had not commented on the proposal and the additional pressure on local parking that it would attract.

During a brief debate Members discussed the harm that the proposal would cause to neighbouring residents and sought and received clarification of the ownership of the application property.

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 extension would facilitate a significantly intensified restaurant use with increased covers, the activity from which would increase demand for on street parking in nearby roads detrimental to residential amenity.

172 **P1161.16 - CROW LANE/SANDGATE CLOSE, ROMFORD**

The application before Members was 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 of five blocks of flats, up to five storeys in height, together with four blocks of terrace houses.

During the debate Members discussed the lack of parking provision within the application and the detrimental effect the neighbouring Royal Mail depot would have on resident's amenity.

Members also queried as to whether an impact assessment had been carried out on the surrounding roads to the site.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 7 votes to 4 it was **RESOLVED** that planning permission be refused on the grounds that:

- The adverse effect on living conditions for future occupiers of the development caused through unacceptably high levels of pollution and noise likely to be associated with the extent and hours of continued operation of the adjacent sorting office premises.
- Harm caused by the development would outweigh the benefits of additional housing provision.
- Cramped, excessively dense overdevelopment of the site harmful to the appearance of the streetscene and with a layout which failed to provide sufficient amenity space and parking for future residents
- Failure to secure affordable housing and education contributions through a legal agreement.

The vote for the resolution to refuse the granting of planning permission was carried by 7 votes to 4.

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

Councillors Misir, Best, Wallace and Donald voted against the resolution to refuse the granting of planning permission.

173 **P1985.16 - 39 CROW LANE, ROMFORD**

The application before Members sought planning permission for the change of use of from a single dwelling house 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 four off-street parking spaces to the front of the property would be used.

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

The objector commented that additional parking would leave very limited access in an emergency and that the property had already been extensively modified.

In response the applicant commented that several tenants had moved out of the property due to noise nuisance issues from neighbours and that the application had been made to secure a financial income from the property.

It was **RESOLVED** that planning permission be refused as per the reasons contained within the report.

174 **P1747.16 - 36 MAWNEY ROAD, ROMFORD - PROPOSED CHANGE OF USE TO FORM SIX-BEDROOM HOUSE OF MULTIPLE OCCUPATION (HMO) TO ACCOMMODATE SIX PEOPLE.**

The Committee considered the report and without debate **RESOLVED** that planning permission be granted subject to the conditions as set out in the report including the alteration of condition three to additionally refer to Class C4.

175 **P1106.16 - ROSEBERRY GARDENS (PARKING COURT) ROSEBERRY GARDENS - REDEVELOPMENT OF PARKING COURT FOR THREE 2-BEDROOM 4 PERSON RESIDENTIAL UNITS WITH ASSOCIATED CAR PARKING AND LANDSCAPING**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £5,340 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- 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.

176 **P1815.16 - 92 KINGSTON ROAD, ROMFORD - ALTERATIONS AND EXTENSIONS TO THE EXISTING GARAGE TO CREATE A SINGLE STOREY GRANNY ANNEXE**

The Committee considered the report and following a brief debate during which Members sought clarification of the future arrangements of the numbers of buildings on the site it was **RESOLVED** to defer consideration of the report to allow officers to clarify the following:

- Current use of existing outbuilding – was it used as an annex and if so for whom?
- Relationship of the outbuilding to the proposed annex
- How many annexes would result from the proposal- one or two- and for use by whom?

177 **P1474.16 - 2A GROSVENOR GARDENS, UPMINSTER - RE-SUBMISSION 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.**

The Committee considered the report, noting that Councillor Gillian Ford had called-in the application 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 streetscene.

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

178 **P1580.16 - THE GROVE, PROSPECT ROAD, HORNCHURCH - TEMPORARY USE OF A GYPSY/TRAVELLER SITE FOR A FURTHER PERIOD FOR THE STATIONING OF ONE STATIC CARAVAN AND THREE TOURING CARAVANS**

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

- 179 **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**

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

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

The proposal before Members 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 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 was presented in the 'Background' section at the start of the report.

During a brief debate Members discussed the access/egress arrangements for the site and the possibility of the proposal exacerbating traffic congestion in the area.

Members also commented on the lack of input into the report from the Council's Highways section and suggested that in future when schemes of such significance were being considered by the Committee that a representative from the Council's Highways section be present at the meeting.

It was **RESOLVED** to defer consideration of the report on the sole issue of access/egress concerns. Members advised they were otherwise satisfied with the proposal.

Members were concerned about the risk of the proposal exacerbating traffic congestion in the surrounding network especially the High Street and asked officers to seek that the applicant designed a workable and enforceable scheme to address the impact of vehicle movement into and from the High Street likely to involve a left turn in and left out only configuration. This should consider physical engineering solutions including for example reconfiguring the access layout, its detailed position, restrictions at the site entrance/ exit to restrict direction of vehicle travel and potentially highway based measures such as road markings, CCTV and signage with these to be met at the developers cost and covered by legal agreement as necessary. The Committee also wished to see potential use of signage and

promotion of restrictions to store users to optimise enforcement of the measures. Members also wished to see the chosen solution emerge from a high level option appraisal of other potential but dismissed alternatives. Members did not consider a crossing necessary due to those nearby and felt this would contribute to local traffic congestion. Members also considered that two hour duration in the car park would be most appropriate.

181 **APPLICATION FOR STOPPING UP OF HIGHWAY LAND IN MARKET PLACE, ROMFORD**

The Committee considered the report and without debate **RESOLVED** that 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:-

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

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

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

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

182 **APPLICATION FOR STOPPING UP OF HIGHWAY LAND AT BRIAR ROAD SHOP SITE, ROMFORD**

The Committee considered the report and without debate **RESOLVED** 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:-

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

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

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

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

#### 183 **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.

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**Chairman**

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## Regulatory Services Committee

23 February 2017

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P1711.16	Romford Town	265 South Street, Romford
P1966.16	South Hornchurch	209 Cherry Tree Lane, Rainham
P2013.16	Brooklands	Crowlands Café, 263 London Road, Romford

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 23rd February 2017

APPLICATION NO. P1711.16  
WARD: Romford Town Date Received: 11th November 2016  
Expiry Date: 6th January 2017  
ADDRESS: 265 South Street  
Romford  
PROPOSAL: Proposed demolition of existing single storey structure and erection of double storey 2 bedroom house  
DRAWING NO(S):  
RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

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### CALL-IN

The application has been called in to the Regulatory Services Committee by Councillor Frederick Thompson. Councillor Thompson considers that the development will improve the outlook of this area which mostly consists of ugly garages looking out onto Lennox Close.

### SITE DESCRIPTION

The application site is a large residential plot which currently consist of a two storey semi-detached dwelling fronting on to South Street and a single storey garage to the rear. The ground is relatively level. The surrounding area is residential in character and comprises of similar two storey semi-detached properties. There is a three-storey flatted development to the rear of the site on the opposite side of Lennox Close.

The subject site has a number of mature trees situated in the rear garden, however none of the trees are the subject of a tree preservation order. Access to the rear of the property can also be achieved via Lennox Close.

### DESCRIPTION OF PROPOSAL

The application seeks permission for the erection of a two bedroom, detached, two storey dwelling and internal garage in the rear garden of No. 265 South Street, Romford. The new dwelling will be constructed approximately 1.3m off the rear boundary at its closest point, 0.2m off the north-western flank boundary and 0.75m off the south-eastern flank boundary.

The new detached dwelling would measure 5.7m wide and 11.3m deep. The dwelling will be finished with a dual pitched roof measuring 4.4m in height to eaves and 7.6m to the ridge.

The proposal will provide 1 garage space to the front of the proposed dwelling. Private amenity space of 36m<sup>2</sup> would be provided to the rear of the new dwelling. The host dwelling would retain 113m<sup>2</sup> of amenity space.

The property will front onto and gain access from Lennox Close.

### RELEVANT HISTORY

P1228.03 - Conversion to 2 self contained flats  
Apprv with cons 14-08-2003

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 34 neighbouring properties and 1 letter of objection was received raising concerns regarding overlooking.

- The Fire Brigade has no objection to the proposal.
- Highways has no objection to the proposal.
- Essex and Suffolk Water has no objection to the proposal.
- Thames Water has no objection to the proposal.
- Environmental Health has no objections to the proposal.

## **RELEVANT POLICIES**

### LDF

- CP1 - Housing Supply
- CP17 - Design
- CP2 - Sustainable Communities
- DC2 - Housing Mix and Density
- DC3 - Housing Design and Layout
- DC33 - Car Parking
- DC61 - Urban Design
- DC72 - Planning Obligations
- SPD11 - Planning Obligation SPD
- SPD4 - Residential Extensions & Alterations SPD
- SPD9 - Residential Design SPD

### OTHER

- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.4 - Optimising housing potential
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 3.8 - Housing choice
- LONDON PLAN - 6.13 - Parking
- 
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

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 102m<sup>2</sup> and amounts to £2,040 (based on £20 per m<sup>2</sup>).

## **STAFF COMMENTS**

The main considerations in this case are the principle of development, the density, layout, scale, design and the impact of the development in the street scene, the impact on the amenities of adjoining residential occupiers and highways, access and parking issues.

## **PRINCIPLE OF DEVELOPMENT**

Policy DC11 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford Town Centre and the district and local centres, the Council will not normally permit their use for other purposes. As the site does not fall within any designated areas, and the surrounding use is residential, then in principle residential use is acceptable in this location.

## **DENSITY / SITE LAYOUT**

The site is located within a high ranked Public Transport Accessibility Level Zone (PTAL 6a). Within this zone, housing density of between 55-175 dwellings per hectare is anticipated. The site comprises 0.0128ha, so the proposal would produce a density of 156 dwellings per hectare, which is in line with the density for this location.

The proposal is in compliance with the Technical housing standards - nationally described space standard.

The proposed dwelling would be served by an amenity area to the rear totalling approximately 36m<sup>2</sup>. The amenity space of No. 265 South Street Road would be reduced to approximately 113 m<sup>2</sup>. The level of amenity space provision for the proposed dwelling is considered to be unsatisfactory for the size of development, given that it is a two bedroom unit capable of accommodating a family, and given the generous size of amenity space existing to established properties in the immediate area. Although a sufficient amount of privacy could be achieved the amenity space provided would be inadequate, as well as out of keeping with the spacious character of surrounding properties.

In broader layout terms, the proposed two storey dwelling in the rear garden environment, given its prominence, position close to neighbouring boundaries and small rear garden, would result in development which would appear uncharacteristic in the rear garden environment and surrounding area. Staff are of the opinion that the proposal would stand out as a separate entity and would not integrate well within this rear garden environment and surrounding area.

Consequently the dwelling would, by reason of its siting, proportions and proximity to the boundaries of the plot, appear out of keeping with the spacious character of surrounding development, visually intrusive in the rear garden environment and contrary to the provisions of policy DC61.

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

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.

The proposal is for a two storey dwelling to the rear of No. 265 South Street. The proposed dwelling will be very prominent in Lennox Close. Although there are a number of single storey outbuilding within the rear gardens of the neighbouring properties none of them are 2 -storey. The proposal will be out of keeping as its size and bulk will stand out between the single storey buildings, to the detriment of the Lennox Close streetscene and the surrounding area. It is acknowledged that there is flatted development opposite but the proposed development will be viewed in the context of the low level, outbuildings that characterise the westerly side of Lennox Close and in this context is judged to be a discordant feature.

The proposed development will be on a restricted site, with greater site coverage and would have a significantly smaller garden than the neighbouring residential properties. Due to this, it would be out of character with the more spacious development which has long and generally open rear gardens. In addition, in this location, the fact that there would be a significant development where none of this scale existed previously, would mean that it would erode the open character of this rear garden scene, in which the proposed two storey dwelling will be sited.

In light of the above, Council Officers conclude that the proposal would appear out of context with the surrounding pattern of development and would have a harmful impact on the Lennox Close streetscene.

### **IMPACT ON AMENITY**

It is noted that the application site has an open, undeveloped and spacious character. It is considered that the dwelling would, by reason of its height, combined with its position close to the boundaries of the site, give rise to a cramped appearance and appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61.

It is considered that the proposal would not result in significant levels of noise, disturbance or fumes to neighbouring properties as it would serve one dwelling. Furthermore, if minded to grant planning permission, a condition could be placed to secure the boundary treatment.

Officers do not consider the proposal to result in an unacceptable impact in terms of loss of light as there is a sufficient separation distance between the proposed dwelling and existing neighbouring dwellings.

Staff do however have concerns regarding overlooking. The proposal will have 2 no. large windows at first floor in the rear elevation which will overlook the rear gardens of the donor property and neighbouring occupiers. Staff are not convinced that the relative shallow rear garden proposed (5.4m deep) and separation distance of 22.5m between the proposed dwelling and dwellings along South Street is sufficient to address the loss of privacy concerns.

### **HIGHWAY / PARKING**

Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be 0 to 1 space per unit. The proposal provides one parking space within the

integral garage and is in line with policy guidelines.

## **SECTION 106**

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

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

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

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

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

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

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

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

reasonable when compared to the need arising as a result of the development.

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

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

## **KEY ISSUES / CONCLUSIONS**

The proposal in its current form would be uncharacteristic in the back garden environment and considered harmful to the Lennox Close streetscene and character of the surrounding area. The proposal will cause a loss of privacy to the properties situated to the rear due to the proposed first floor rear windows and is considered to be intrusive. The proposal also makes inadequate provision for residential amenity space. Staff consider the development to be unacceptable and refusal is recommended accordingly.

## **RECOMMENDATION**

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

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

The proposed development would, by reason of its bulk and mass, siting and proximity to the boundaries of the site, appear as an incongruous and visually intrusive form of development, to the detriment of local character and the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **2. Reason for Refusal - Surrounding area**

The proposed development would, by reason of its height, scale, bulk, mass, siting, combined with its position close to the boundaries of the site, give rise to a cramped appearance and appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **3. Reason for refusal - Loss of Privacy/Overlooking**

The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **4. Reason for refusal - Amenity Space**

The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **5. Reason for Refusal - Planning Obligation**

In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

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## INFORMATIVES

### 1. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £2,040. Further details with regard to CIL are available from the Council's website.

### 2. 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 the intent to take the report to the Regulatory Services Committee with a recommendation for refusal and the reason(s) for it was given to the agent by via phone.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 23rd February 2017

**APPLICATION NO.** P1966.16  
**WARD:** South Hornchurch **Date Received:** 8th December 2016  
**Expiry Date:** 2nd February 2017  
**ADDRESS:** 209 Cherry Tree Lane  
Rainham  
**PROPOSAL:** Change of use from A1 to a tanning and beauty salon (sui generis).  
Minor shopfront alterations  
**DRAWING NO(S):** PL-5533\_02  
PL-5533\_03  
PL-5533\_01  
PL-5533\_05  
PL-5533\_04  
**RECOMMENDATION** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### **SITE DESCRIPTION**

The application site comprises of a mid terrace A1 retail unit located within a parade of commercial uses which are designated as being within the Cherry Tree Corner Major District Centre.

### **DESCRIPTION OF PROPOSAL**

The proposal seeks planning permission for the change of use of the existing premises from A1 retail to a beauty salon/sun-bed shop (sui generis).

Some minor alterations are proposed to the shopfront. The entrance will be relocated from a central position, to the right hand side with a larger area of glazing.

Advertisement consent, should it be required, will be assessed in a separate application. This application relates solely to the change of use of the premises and the shopfront alterations outlined above.

### **RELEVANT HISTORY**

None relevant.

### **CONSULTATIONS / REPRESENTATIONS**

Neighbour notification letters were sent to 17 neighbouring occupiers. During the statutory consultation period, no letters of representation were received.

In addition, the following comments were received from stakeholders.

Highway Authority - No objection.

Environmental Health - No objection subject to conditions relating to noise from plant or machinery or any new mechanical ventilation systems.

## **RELEVANT POLICIES**

### LDF

- DC16 - Core and Fringe Frontages in District and Local Centres
- DC23 - Food, Drink and the Evening Economy
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design
- DC63 - Delivering Safer Places

## **MAYORAL CIL IMPLICATIONS**

The application relates to existing floor space and therefore is not liable for Mayoral CIL.

## **PRINCIPLE OF DEVELOPMENT**

The application site is situated within a Major Local Centre. Policy DC16 allows for service uses (i.e. those falling within an 'A' use class) within the retail core subject to criteria limiting the number and grouping of such uses. Non-retail uses can be supported in the fringe areas where they have an active frontage, are open during shopping hours and would not significantly harm the character, function and vitality and viability of the centre.

The proposal does not fall within any of the 'A' use classes, as it is considered to be a sui generis use. However, this is a small parade of four units, the remainder of which are primarily in A1 retail use. The proposed development is considered to have the characteristics of use expected in a shopping centre and it is judged this would continue to attract trade to the centre. The premises will have an active frontage and would be open during core trading hours. As such it is not considered any harm to the vitality or viability of the parade would be likely to occur.

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

The shop-front alterations would alter the visual appearance of the shop when viewed from the street. However it will maintain an active shop-front as is required by policy and is in keeping with local character. Therefore no objections are raised as to the visual impact of the proposed development.

## **IMPACT ON AMENITY**

With regard to the impact upon neighbouring properties, consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that there are residential properties located on the upper floors of the parade.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. The amenities of residents living within the town centre environments are not normally expected to be as high as for residents living in purely residential locations. As there is limited parking outside the premises, it is expected that

patrons would park nearby and/or arrive on foot.

Cherry Tree Lane is a busy route which would give rise to more noisy conditions than could be expected in a residential side road. It is reasonable to assume, given the location of the application site and the other late night uses which flank it (Off-license) that the ambient noise level would remain reasonably high in the evening, Sundays and Bank/Public Holidays.

The proposal seeks opening hours of 09:00 to 21:00 hours Monday to Saturday and 10:00 to 18:00 hours on Sundays, Bank and Public Holidays. From review of similar uses within the parade, the hours of operation sought by the applicant would appear to be consistent with surrounding premises and is not judged to create conditions materially harmful to residential amenity. Further detail of new plant machinery and the transmission of noise and vibration from, can be secured by condition in order to ensure that any impact on the amenity of residents is within acceptable limits.

### **HIGHWAY / PARKING**

The application premises is located within an area designated as a Major Local Centre and consequently the commercial uses which populate the area are well served by public transport and there are dedicated car-parking facilities in close proximity to the application site. It is not considered that the change of use proposed would have any materially adverse highway impacts.

No objections have been raised by the Highway Authority.

### **KEY ISSUES / CONCLUSIONS**

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

### **RECOMMENDATION**

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

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

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

Reason:-

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

**2. 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. SC27 (Hours of use)**

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 21:00 on Monday through Saturday and 10:00 and 18:00 on Sundays, Bank and Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

**4. SC41 (Noise levels)**

Before any works commence a scheme for any new plant or machinery shall be submitted to the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 Hours) when calculated at the boundary with the nearest noise sensitive premises shall not exceed La90 -10db and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

**5. SC51 (Noise & vibration )**

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:-

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

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## **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 - 23rd February 2017

**APPLICATION NO.** P2013.16  
**WARD:** Brooklands **Date Received:** 6th January 2017  
**Expiry Date:** 3rd March 2017  
**ADDRESS:** Crowlands Cafe  
263 London Road  
Romford  
**PROPOSAL:** Variation of Condition 1 of planning permission P0908.11 to change the permitted opening hours to: 06:30-17:00 on Monday-Saturday, and 07:00-17:00 on Sunday and Bank Holidays.  
**DRAWING NO(S):** Red Edged Site Location Plan (Scale 1:1250)  
**RECOMMENDATION** It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

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### **CALL-IN**

The application has been called-in to committee by Councillor Viddy Persaud on the grounds that she believes that other businesses in the area operate these hours.

### **SITE DESCRIPTION**

The application relates to the ground floor commercial unit at 263 London Road, Romford. This is a two-storey premises comprising an A3 cafe business at ground floor level currently occupied by the 'Crowlands Cafe', with residential accommodation at first floor level. The premises forms part of a terraced parade of commercial units including a hot food takeaway, convenience stores, hairdressers and a post office, all with residential accommodation above.

The site is located in the London Road Minor Local Centre and as such the surrounding area is characterised by a mixture of commercial and residential uses.

### **DESCRIPTION OF PROPOSAL**

The application is seeking a variation to Condition 1 of planning permission P0908.11 which states:

"The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 17:00 on Mondays to Saturdays and between the hours of 10:00 and 16:00 on Sundays, Bank and Public Holidays without the prior consent in writing of the Local Planning Authority."

The proposed variation is to change the opening hours of the ground floor cafe to 06:30-17:00 on Monday to Saturday, and 07:00-17:00 on Sunday and Bank Holidays.

### **RELEVANT HISTORY**

E0015.16 - Certificate of lawfulness for use as a coffee shop (A3)  
Awaiting Decision

- P0295.16 - Variation of Condition 1 of planning permission P0908.11 to change the permitted opening hours to: 07:00-16:00 on Monday-Saturday, and 08:00-16:00 on Sunday and Bank Holidays.  
Refuse 27-05-2016
- P0908.11 - Variation of condition 2 of P1124.93 to allow for opening hours from 8am to 5pm Mondays to Saturdays and 10am to 4pm on Sundays and Bank Holidays.  
Apprv with cons 28-07-2011
- P0345.11 - Variation of Condition 2 of Planning Permission P1124.93 to extend opening hours from 7am -5pm Monday to Saturday, 8am-5pm Sunday and 8am-5pm Bank Holidays  
Refuse 02-06-2011
- A0053.02 - 1 x double sided freestanding advertisement display unit - illuminated (retrospective)  
Apprv with cons 19-08-2002
- P1124.93 - Change of use to A3 Cafe, limited working hours and minimal take-away activity  
Apprv with cons 14-12-1993
- P1343.92 - Change of use from A1 retail to A3 cafe and coffee shop  
Refuse 08-01-1993

## CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 22 properties and 1 representation has been received. The comments can be summarised as follows:

- A similar proposal was refused in May 2016 due to noise and cooking smells and there has been no change in circumstances since then.
- The increased traffic, noise and cooking smells early in the morning remains unacceptable and has a detrimental impact on local residents.
- The owners have constantly disregarded the current planning permission and the cafe continues to open at 6am contravening the permissible hours.
- The cafe has advertised on various websites as opening from 6am.
- Early morning activities result in noise and disturbance to local residents.
- Residents living to the rear are often disturbed by staff and customers parking early in the morning.

Environmental Health - no objection.

Local Highway Authority - no objection.

## RELEVANT POLICIES

### LDF

- DC16 - Core and Fringe Frontages in District and Local Centres
- DC23 - Food, Drink and the Evening Economy
- DC55 - Noise
- DC61 - Urban Design
- 
- NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

There are no Mayoral CIL implications relating to the application.

## **STAFF COMMENTS**

The main considerations relate to the impact on amenity of neighbouring residential occupiers by way of noise and disturbance and the implications for parking, servicing and highway safety.

The premises at 263 London Road has been subject to a number of planning applications relating to the operating hours and the planning history can be summarised as follows:

- Planning permission (P1124.93) was granted in 1993 for an A3 cafe use subject to the following restriction on the opening hours: 9am to 5pm Monday to Saturday, with no opening on Sundays or Bank and Public Holidays, and shall not be used for the preparation or cooking of food except between the hours of 8.30am and 5pm Monday to Saturday and not at all on Sunday or Bank or Public Holidays.

- In 2011 planning application P0345.11 sought to vary this condition by extending opening hours from 7am to 5pm on Mondays to Saturdays and 8am to 5pm on Sundays, Bank and Public Holidays. However, this application was refused on the grounds of unacceptable noise and disturbance to the occupiers of the neighbouring residential properties.

- A subsequent application (P0908.11) was then approved in November 2011 allowing the premises to open between the hours of 08:00 and 17:00 on Mondays to Saturdays and between the hours of 10:00 and 16:00 on Sundays, Bank and Public Holidays. These are the currently approved operating hours.

- In May 2016 planning application P0295.16 sought to extend the opening hours to 07:00-16:00 on Monday-Saturday, and 08:00-16:00 on Sunday and Bank Holidays. Officers deemed there to be no material change in the site circumstances or the local area to alter the previous view that 7am opening would be unacceptable and this application was again refused on the grounds of unacceptable noise and disturbance to the occupiers of the neighbouring residential properties.

## **PRINCIPLE OF DEVELOPMENT**

The ground floor premises has a current A3 cafe use and consideration need only be given to the impact of the extended opening hours on local character, residential amenity and parking and servicing.

## **IMPACT ON AMENITY**

Policy DC61 states that planning permission will not be granted where the proposal has adverse effects on the environment by reason of noise impact, hours of operation and fumes.

The site is located within the London Road Minor Local Centre and the parade is adjacent to a busy main road; so it is acknowledged that those residents living above and near to the application site and those living above the other commercial premises on London Road 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 immediately adjacent A1 newsagents use at No.265 operates between the hours of 10:00 to 22:00 Monday to Sunday, however there appears to be no planning conditions controlling opening times. The A5 hot food takeaway 'Snax Fish & Chips' at No.259 is permitted to open between the hours of 11:00 to 22:00. It is acknowledged that the Post Office at No.267 operates between the hours of 06:00 to 20:00 Monday to Saturday and 07:00 to 16:00 on Sunday. Given the 6am opening hours, it can be expected that a certain amount of activity is taking place during early morning hours. However, it is noted that the activities associated with a Post office or newsagent are not particularly noisy and customers tend to come and go for short periods of time.

On the contrary, cooking and preparation of hot food associated with a cafe is potentially both noisy and can give rise to odours. Whilst there may be an amount of activity as a result of customers at the Post Office and vehicles on London Road; a Minor Local centre is generally less noisy compared to Major or District centres where earlier opening hours for similar premises are usually acceptable. Although it is not expected that a significant number of customers would visit the premises at 6:30am, cooking and preparation of food will take place and given the proximity of the application site to residential properties and the residential flat above, Staff consider opening hours at 6:30am to be unreasonable. It is considered that the potential disturbance caused by the increase in activity at the premises together with customers entering and leaving the site and the starting and manoeuvring of vehicles and the opening and shutting of doors, would be harmful to residential amenity.

Two previous proposals for 7am opening have been refused at the premises: in 2011 and very recently in May 2016, both on the grounds of unacceptable noise and disturbance to the neighbouring residential occupiers.

The current application seeks even earlier opening times from 06:30 on Monday-Saturday, which is likely to have an even greater impact on neighbouring residents. There appears to have been no change in the site circumstances or the local area since the last application was refused in May 2016 to alter the view that the early morning opening would cause unacceptable harm to the amenity of neighbouring residents.

The proposal to extend opening hours is therefore considered unacceptable and would have a materially harmful impact on the amenities of those neighbouring occupiers in the vicinity, contrary to policy DC61.

## **HIGHWAY / PARKING**

The application proposes no alteration to the existing off-street car parking arrangements.

The Local Highway Authority has raised no objection to the proposal.

## **KEY ISSUES / CONCLUSIONS**

In consistency with the two earlier refusal decisions, it is considered that the proposed early hours of opening would cause an unacceptable loss of amenity to neighbouring residents by reason of noise and disturbance from people within, entering and leaving the premises early in the morning. It is considered that there has been no material change in planning policy or site circumstances that would justify a different decision in this case from that made previously, particularly as the

application is now seeking even earlier opening hours than those that were previously judged to be unacceptable.

The development is considered to be contrary to the provisions of Policies DC61. Therefore it is recommended that planning permission be refused.

## **RECOMMENDATION**

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

### **1. Refusal non standard Condition**

The proposed extension of opening hours would by reason of the increase in activity at the premises early in the morning together with the noise and disturbance caused by customers entering and leaving the premises and the associated vehicle movements, be unacceptably detrimental to the amenities of the occupiers of neighbouring residential properties, contrary to Policies DC23, DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

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## **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 for it was given to the applicant Hacer Celik, via email on 5/1/17 and on 8/2/17.

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# REGULATORY SERVICES COMMITTEE

23 February 2017

# REPORT

**Subject Heading:**

P1898.16 - 60 Eastern Road, Romford

Conversion of a two-storey single-dwelling to 3no. 2-bed 3-person flats. Ground & first floor rear extensions (Received 21/11/16, revision received 07/12/16.

**Ward:**

Romford Town

**Lead Officer:**

Helen Oakerbee  
Planning Manager

**Report Author and contact details:**

Evert Grobbelaar  
Senior Planner  
[evert.grobbelaar@havering.gov.uk](mailto: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 report considers an application for the conversion of the existing two-storey semi-detached house into 3 no. flats with associated parking and amenity space. The application also proposes a two storey rear and single storey side and rear addition. The Site currently comprises an existing building, which fronts on to Eastern Road, and is a 2-storey, semi-detached, residential property. An area of hardstanding to the rear is being used as a car park and a detached garage.

The proposal 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.

There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject conditions on the planning permission the proposal is acceptable and it is recommended that planning permission is granted subject to conditions and completion of an agreement under s106 of the Town and County Planning Act 1990 to secure planning obligations.

## 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 additional internal gross floor area of 54m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £1080 (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 £12,000 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

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

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

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. Boundary treatment

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

**Reason:**

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

10. 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.

11. Balcony condition

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

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

12. 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

### 13. Road Noise

Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Mercury Gardens 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:** Insufficient information has been supplied with the application to judge the impact of road noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of road noise, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

### 14. Railway Noise

Prior to the commencement of any development, an assessment shall be undertaken of the impact of:

- a) railways noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995)
- b) vibration from the use of the railway lines

Upon the site. Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to, approved in writing by the Local Planning Authority, implemented prior to occupancy taking place.

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

### 15. Noise insulation

Before any development is commenced, a scheme for protecting the proposed dwelling from noise from the adjoining children's day nursery at 62 Eastern Road shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

**Reason:** Insufficient information has been supplied with the application to judge the impact of noise emanating from the neighbouring day nursery upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of noise, in accordance with

## 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 amenity space and parking provision. The amendments were subsequently submitted on 7 December 2016.
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 £1080 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
5. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
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: <https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises No.60 Eastern Road and its curtilage. The existing building, which fronts on to Eastern Road is a 2-storey, semi-detached, residential property. An area of hardstanding to the rear is being used as a car park and a detached garage.
- 1.2 The site's western and eastern boundaries adjoin neighbouring residential properties located along Eastern Road; the northern boundary lies adjacent to the public highway; whilst the southern boundary adjoins the railway.

### 2. Description of Proposal

- 2.1. This planning application proposes the conversion of a house into 3 No. 2-bedroom flats. The proposal would include five vehicle parking spaces, three to the rear of the property, and two to the front. A private amenity space of 29m<sup>2</sup> would be provided to the rear of the ground floor unit, beyond which would be a 40m<sup>2</sup> communal amenity area for the remaining units.
- 2.2 The proposal would also include a single store side addition and two storey rear addition. The single storey side addition will infill the area between the existing two storey rear projection and the attached neighbouring boundary and wrap around the rear of the proposed 2-storey rear addition.
- 2.3 The two storey rear addition will be an extension of the existing two storey element and will measure 4m in depth, 3.8m in width and 6.6m in height to the top of the hipped roof.
- 2.4 The single storey rear addition will measure between 2.1m and 5.9m in width and will measure 12.5m in depth which includes the 2m projection beyond the proposed 2-storey element. The single storey addition has a height of 2.9m to the top of the flat roof.
- 2.5 The proposal would retain the existing access to the side of the site.

### **3. Relevant History**

- 3.1 P1128.13 - Conversion of main house to 2 No 2 bed flats - Resolution for approval, subject to completion of legal agreement
- 3.2 P0658.13 - Conversion of main building to 4 flats and garage to 1 bedroom apartment - Refused
- 3.3 P1273.12 - Change of use dwelling and garage to office accommodation - Refused for the following reasons

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

- 4.1 Neighbour notification letters were sent to 49 properties and no letters of objection were received. One letter was received commenting on issues relating to refuse storage in the area and ensuring that sufficient storage arrangements are available for this development. A condition will be added requiring the developer to submit details for approval of the refuse storage in the event of an approval.
- 4.2 The following consultation responses have been received:
  - The London Fire Brigade - no objection.
  - Highways - no objection.
  - Thames Water - no objection
  - Environmental Health raised no objection provided that conditions are added for noise assessments to determine the impact from noise emanating from Mercury Gardens and the railway.

### **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD and the Planning Obligations SPD (Technical Appendices).
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.

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

## **6. Staff Comments**

6.1 The main issues to be considered by Members in this case are the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers and highway/parking issues.

### *6.2 Density Layout*

6.2.1 The proposal would provide 3 no. residential flats at a density equivalent to approximately 68 dwellings per hectare. This is within the aims of Policy DC2 which states that a dwelling density of between 55 to 175 dwellings per hectare would be appropriate in this location.

6.2.2 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.

6.2.3 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.

6.2.4 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.

6.2.5 The proposed ground floor flat to the rear (flat 3) would have its own outdoor amenity area measuring approximately 29m<sup>2</sup> in area to the rear of the application building. A communal amenity area for the remaining flats is also indicated beyond the aforementioned private space, and would measure approximately 40m<sup>2</sup> in area. The SPD does not stipulate minimum space standards for amenity space provision, but does state that such spaces should provide an acceptable level of utility for future occupiers. It is considered that the proposed level of amenity space provision would be sufficient for the enjoyment of future occupiers, particularly given the size of the proposed units and their proximity to the town centre. Staff consider access to the amenity space sufficient as the ground floor flat will have access through the back door to a private amenity area and the remaining flats would have a short distance walk from the front doors situated in the southwestern elevation and along the side access road.

### 6.3 *Design/Impact on Streetscene*

- 6.3.1 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.
- 6.3.2 The proposed extensions will be to the rear of the existing building and therefore not visible in the Eastern Road streetscene. Staff consider the proposed two storey rear addition to be acceptable as it would be similar to other generous two storey rear extensions in the immediate vicinity.
- 6.3.3 The single storey rear addition is of modest height at 2.9m to the top of the flat roof and considered to be acceptable in the rear garden environment.

### 6.4 *Impact on Amenity*

- 6.4.1 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.
- 6.4.2 Staff do not consider the proposal to have an unacceptable impact on neighbouring residential occupiers. The attached building is occupied by a Day Nursery and Pre-School. The nearest residential property is a block of flats situated to the west of the application site. Officers do not consider the two storey rear addition to have a significant impact given the nature of this neighbouring use and the separation distance of approximately 4.4m between the two storey rear addition and this neighbouring block of flats.
- 6.4.3 In order to determine and mitigate potential noise and vibration impacts from the railway line and noise impact from Mercury Gardens conditions have been attached requesting assessments to be completed prior to the commencement of any development. A condition has also been added for a scheme to mitigate any impact from the attached day nursery. Any future occupants of the development will also be aware of the next door nursery.

### 6.5 *Parking and Highway Issues*

- 6.5.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site is situated within the Romford pedshed and requires 1.5-1 parking spaces per unit for a development of this type. The development would provide a total of 5 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. The proposal would also be in keeping with the London Plan which requires up

to 1.5 spaces per unit for a development in this locality. The Highways Authority has not raised an objection to the proposal.

## 6.6 *Mayoral Community Infrastructure Levy*

6.6.1 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 54m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £1,080 (subject to indexation)

## 6.7 *Infrastructure Impact of Development*

6.7.1 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.

6.7.2 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.

6.7.3 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.

6.7.4 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.

6.7.5 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.

6.7.6 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.

6.7.7 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.

6.7.8 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 £12,000 for educational purposes would be appropriate.

## **7. Conclusion**

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

## **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement.

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

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

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

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 21 November 2016, revision received on 07 December 2016.

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 February 2017

**Subject Heading:**

P1390.16 - 47 Southern Way, Romford

Demolition of existing outbuilding and replacement with a granny annexe (Received 30/08/16, revision received 01/11/16.

**Ward:**

Brooklands

**Lead Officer:**

Helen Oakerbee  
Planning Manager

**Report Author and contact details:**

Evert Grobbelaar  
Senior Planner  
[evert.grobbelaar@havering.gov.uk](mailto:evert.grobbelaar@havering.gov.uk)  
01708 432724

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This report considers an application for the demolition of an existing outbuilding and constructing a residential annexe connected with the existing dwelling at 47 Southern Way. The Site is currently located at the end of Southern Way with a private drive to the south of the application site providing access to 3 no. dwellings to the rear. The site contains a two-storey end of terrace dwelling. The existing detached outbuilding is located to the east of the dwelling. The proposal raises a main issue of the residential unit remaining as an annexe to the main building. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject conditions on the planning permission and to the prior completion of a S106 planning obligation to ensure that the unit remains as an annexe to the main dwelling and not a separate residential unit the development would be acceptable

## RECOMMENDATIONS

That the application is unacceptable as it stands 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 47 Southern Way 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 planning permission subject to the conditions set out below:

### 1. Time Limit

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

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

### 2. In Accordance with Plans

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

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

### 3. External Materials

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

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

### 5. Porches

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.

### 6. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extension or enlargement (including additions to roofs) shall be made to the annexe 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.

### 7. Removal of permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no outbuilding, gates, walls or enclosures shall be erected, constructed or altered within the site known as No. 47 Southern Way (including the annexe) 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 annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

#### 8. Subdivision

The garden area shall not be subdivided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

**Reason:** In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

### INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with 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 reduction in the size of the annex. The amendments were subsequently submitted on 1 November 2016.
2. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.

<b>REPORT DETAIL</b>
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#### 1. Site Description

- 1.1 The subject site is located at the end of Southern Way with a private drive to the south of the application site providing access to 3 no. dwellings to the rear. The site contains a two-storey end of terrace dwelling. The existing detached outbuilding is located to the east of the dwelling.
- 1.2 The surrounding environment is an established residential area. The primary characteristics of the area are two-storey terraced dwellings.

## **2. Description of Proposal**

- 2.1. The proposal is for the demolition of the existing outbuilding and the construction of an annex which will be ancillary to the main dwelling on the site. The proposal will measure 7m in depth and 5m in width and will be finished with a dual-pitched roof measuring 2.5m in height to eaves and 3.5m to the ridge. The annex will consist of a bedroom, shower room and kitchen/lounge.
- 2.2 No additional access is proposed and the annex will be accessed through the existing dwelling.

## **3. Relevant History**

- 3.1 P0033.96 - Two storey side extensions - Approved

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 16 properties and 4 letters of objection were received. One letter was received commenting on issues relating to refuse storage in the area and ensuring that sufficient storage arrangements are available for this development. The following concerns were raised:

- Proposal would add to existing noise levels from tenants
- Footprint in excess of what would be considered acceptable for an annex
- Height of roof would be out of keeping
- Renting seems to be the real intention of the annex
- Health and safety concerns with access through the property
- Road to the south of the subject site is a private road
- Subject property does not have access right onto the private road
- Parking concerns
- Overlooking concerns

- 4.2 The applicant has revised the drawings by significantly reducing the layout of the proposed outbuilding. The recommended planning obligation would prohibit the renting of the annex to a third party. Health and safety concerns are covered through different legislation. Access to the private road is not a material planning consideration and is a private matter between the applicant and the owners of the private road. Matters regarding parking and overlooking are considered in the assessment below.

## **5. Relevant Policies**

- 5.1 The National Planning Policy Framework is relevant to this application.
- 5.2 Policies 3.5, 7.4, 7.6 and 8.3 of the London Plan are material considerations.
- 5.3 Policies CP1, CP17, DC3, DC32, DC61 and DC72 of the LDF are relevant, as is the Residential Design SPD.

## 6. Staff Comments

6.1 The issues arising from this application are the principle of development, its impact on local character and amenity, the suitability of the residential accommodation and resultant living environment, the impact on the amenity of adjoining occupiers and parking and highway issues.

### 6.2 Principle of Development

6.2.1 The Residential Extensions & Alterations SPD defines a residential annexe as accommodation that is ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The guidance states that the annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas.

6.2.2 The layout, design and physical relationship between the house and the proposed annexe are therefore important considerations, and the proposed annexe must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annexe could be used as a part of the main dwelling once any dependency need has ceased.

6.2.3 Although it is capable of independent occupation by virtue of its facilities, it is considered that the proposed annexe 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 the main dwelling and live in close proximity with, and overlooked by those in the main house. It is considered the close proximity and relationship of the proposed annexe with the curtilage of the main dwelling would limit this to use as an annexe. The applicant has confirmed that the conversion is intended to be used by the elderly parent of the applicant as residential accommodation. Staff are satisfied that the development is to be undertaken as an annexe to the main house. It is recommended that the applicant enter into a legal agreement to secure the use of the unit as an annexe to the main dwelling, as there is a concern that it would be relatively easy to sub-divide the plot in the future, given the location of the annexe building and the ability to access it from the private road to the south of the application site.

### 6.3 *Design/Impact on Streetscene*

6.3.1 Given the setback from the public highway and the location and scale of the extension the proposal will not have an adverse effect on the street scene.

6.3.2 The proposed building would result in a significant reduction in built form from that which is currently on site. The building will be to the rear and will not be readily visible from the Southern Way streetscene. There will not be any adverse effects on the street scene as a result.

6.3.3 The proposal is considered to be largely in keeping with the size and scale of other outbuildings in the surrounding area. The proposed development is not considered to be incongruous.

#### 6.4 *Impact on Amenity*

6.4.1 The proposed extension will be located within the rear garden environment of No. 47 Southern Way. Given the screening provided by the existing fence and vegetation, the size and scale of this extension will not have adverse overlooking, dominance or overshadowing effects on the adjoining site.

6.4.1 It is acknowledged that there would be comings and goings to the annexe and increased use of the garden area but an outbuilding in use as a hobby, games and garden room could generate a similar level of traffic particularly in the summer months. As such officers are of the opinion that use of an outbuilding as a residential annexe would give rise to levels of noise and disturbance that would not be substantially different to those that could arise between gardens. As such the use would be unlikely to give rise to significant adverse impacts on health and quality of life or unreasonable adverse effects on the environment by reason of noise.

#### 6.5 *Parking and Highway Issues*

6.5.1 The development is considered as an annexe to the main dwelling and is expected to share facilities, including parking with the main dwelling. The existing dwelling have on-site parking space available to the front for 2 no. vehicles which is in keeping with the requirement for this part of the Borough. The proposed annex will be ancillary to the use of the existing dwelling and would therefore not require additional parking.

#### 6.6 *Infrastructure Impact of Development*

6.6.1 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.

6.6.2 The Council's Residential Extensions and Alterations SPD states that in order for a residential annex to be defined as accommodation ancillary to the main dwelling within the residential curtilage the annex must form part of the same planning unit and share facilities, including access, parking and garden areas.

6.6.3 The applicant has provided information relating to the future use of the outbuilding, which will be used as a granny annex ancillary to the main dwelling. It will not be used as a separate unit of residential

accommodation. It is not therefore judged that the proposal requires the payment of an infrastructure contribution towards education provision.

6.6.4 It would however be necessary for the applicant to enter into a legal agreement to ensure that the building will be used as a secondary and incidental part of the main residential activity on the site and not as a separate planning unit.

## **7. Conclusion**

7.1 The proposal is considered to be acceptable in principle in terms of impact on the character of the area and not considered to have any adverse impact on neighbouring residential amenity. The proposal is judged to provide a suitable level of residential accommodation provided it is used as an annexe to the main dwelling, and thereby maintains access to the shared amenity area and to off street parking provision.

7.2 It is considered that the applicant should enter into a legal agreement to prevent independent occupation. In order to secure the use of the unit as an annexe to the main dwelling given the potential for the outbuilding to be separately occupied in the future. Staff consider that the applicant should enter into a legal agreement to prevent the sub-division and independent occupation. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable.

## **IMPLICATIONS AND RISKS**

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

None.

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

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

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

None.

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

Planning policies take into consideration equalities issues. The proposal will provide a form of accommodation that meets the particular needs of an individual

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 30 August 2016, revision received on 01 November 2016.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 February 2017

**Subject Heading:**

P1718.16 - 1 Martinstown Close,  
Hornchurch

Demolition of existing house and garage  
and construction of a replacement  
dwelling and annex (Received 03/11/16).

**Ward:**

Emerson Park

**Lead Officer:**

Helen Oakerbee  
Planning Manager

**Report Author and contact details:**

Evert Grobbelaar  
Senior Planner  
[evert.grobbelaar@havering.gov.uk](mailto:evert.grobbelaar@havering.gov.uk)  
01708 432724

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This report considers an application for the demolition of an existing dwelling and attached garage and the construction of a replacement dwelling and residential annexe connected with the replacement dwelling at 1 Martinstown Close. The site is currently occupied by a two storey detached dwelling with an attached garage to the south. The surrounding locality is predominantly residential in nature. The proposal raises a main issue of the residential unit remaining as an annexe to the main building. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject conditions on the planning permission and to the prior completion of a S106 planning obligation to ensure that the unit remains as an annexe to the main dwelling and not a separate residential unit the development would be acceptable.

## RECOMMENDATIONS

That the application is unacceptable as it stands 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 proposed dwelling at 1 Martinstown Close 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 planning permission subject to the conditions set out below:

### 1. Time Limit

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

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

## 2. In Accordance with Plans

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

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

## 3. External Materials

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.

## 4. Removal of 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.

## 5. Subdivision

The garden area shall not be subdivided at any time.

**Reason:** In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

## 8. Landscaping

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

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

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

#### 9. 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.

#### 10. Refuse and Recycling

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

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

#### 11. 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

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.

## 13. 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.

#### 14. Accessibility

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

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

#### 15. 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.

#### 16. Obscure windows

The proposed first floor/loft windows to the southern elevation of the annex serving a bedroom and en-suite shall be obscure glazed and any part below 1.7m from finished floor level shall be fixed shut and thereafter 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. Obscure windows

The proposed first floor windows to the north-eastern elevation of the main dwelling serving a bedroom and a study 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.

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. Balcony condition

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

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

20. Preserved Trees

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

**Reason:** To protect the trees on the site subject to a Tree Preservation Order and in order that the development accords with the Development Control Policies Development Plan Document Policy DC60.

## **INFORMATIVES**

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

### **REPORT DETAIL**

#### **1. Site Description**

- 1.1 The site is located at the end of 1 Martinstown Close and is currently occupied by a two storey detached dwelling with an attached garage to the south. The surrounding locality is predominantly residential in nature. Dwellings in the immediate surroundings consist mainly of two storey detached and semi-detached dwellings in a range of architectural styles. The ground is relatively level. The property is situated in Sector 4 of the Emerson Park Policy Area. There are TPO trees situated on the southern and western boundaries of the site. The site is accessed via a private road off Wingletye Lane.

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

- 2.1. The proposal is for the demolition of the existing two storey detached dwelling and attached garage and the construction of a new dwelling and linked annex. The replacement dwelling will be in a similar position to that of the existing dwelling. The proposal will increase the offset distance from

the north-eastern boundary and the western boundary, however it will be set closer to the southern boundary by the addition of the annex.

- 2.2 The main dwelling and annex will be finished with a dual pitched roof which slopes away from neighbouring boundaries. The main dwelling will consist of a kitchen/dining room, wc, utility room and living room at ground floor and three bedrooms, bathroom, study, en-suite and walk in wardrobe at first floor. The annex will consist of a dining room and play room at ground floor and two bedrooms, en-suite and bathroom at first floor. A two car attached garage will be situated to the south-eastern side of the annex. A single storey lobby area will provide a linkage between the new dwelling and the annex.

### **3. Relevant History**

- 3.1 P1545.14 - New dwelling house - Refused and Dismissed on Appeal
- 3.2 P1071.14 - Erection of a 5 bedroom dwellinghouse with associated car parking – Refused

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

- 4.1 Neighbour notification letters were sent to 29 properties and 7 letters of objection were received raising the following concerns:

- Similar to previous requests for a new dwelling
- Over-development of site
- Overlooking
- Loss of outlook
- Runoff concerns
- Loss of trees
- Disruption as a result of construction traffic
- Not adequate parking for construction vehicles
- Additional strain on sewerage

- 4.2 Officers do not consider the water runoff or impact on the sewerage would be significantly greater than what is currently experienced on site given that the proposed development will have a similar footprint than that of the existing dwelling. A landscape condition will be added in the event of an approval to address concerns relating to the loss of trees. A construction method statement condition will be added in the event of an approval in order to address concerns raised relating to the parking of construction vehicles. Noise and disruption as a result of construction traffic is not a material planning consideration which can be taken into account. The other matters raised are considered below.

### **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), 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, Emerson Park Area SPD and Landscaping SPD.
- 5.3 Policies 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character) and 7.6 (architecture) 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. Background**

- 6.1 This application for a new dwelling was refused under P1545.14 for the following reasons:
  - 1. The proposed dwelling would have a significant visual impact on the perception of openness in the rear garden setting, which is a key characteristic of the Emerson Park Policy Area,
  - 2. The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking, loss of privacy and loss of outlook which would have a serious and adverse effect on the living conditions of adjacent occupiers
  - 3. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document.
- 6.2 The planning inspector has agreed that there will be a loss of openness in the rear garden scene especially given the short rear gardens of the properties along Ferndown and Braemar Close. The inspector further concluded that the development would have an impact on the open outlook enjoyed by the properties along Ferndown but did not consider it to result in overlooking or loss of privacy.
- 6.3 The current proposal differs from the previous layout considered by the Inspectorate in that the location of the annex building is moved forward on the site. This provides a more spacious and open rear garden in keeping with the characteristic of the Emerson Park Policy Area. The arrangement of the proposed building on site has also addressed the previous concerns

related to outlook from the rear gardens of the properties along Ferndown and Braemar Close.

- 6.4 The current proposal is for a new dwelling and annex to replace the existing residential dwelling and would therefore not require an infrastructure or educational contribution.

## **7. Staff Comments**

- 7.1 The issues arising from this application are the principle of development, its impact on local character and amenity, the suitability of the residential accommodation and resultant living environment, the impact on the amenity of adjoining occupiers and parking and highway issues.

### *7.2 Principle of Development*

- 7.2.1 The proposed residential dwelling is acceptable in principle as it would replace an existing dwelling.

- 7.2.2 The Residential Extensions & Alterations SPD defines a residential annexe as accommodation that is ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The guidance states that the annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas.

- 7.2.3 The layout, design and physical relationship between the house and the proposed annexe are therefore important considerations, and the proposed annexe must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annexe could be used as a part of the main dwelling once any dependency need has ceased.

- 7.2.4 Although it is capable, with some adaptation, of independent occupation, it is considered that the proposed annexe 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 the main dwelling, and live in close proximity with, and overlooked by those in the main house. It is considered the close proximity and relationship of the proposed unit with the curtilage of the main dwelling would limit this to use as an annexe. The applicant has confirmed that the conversion is intended to be used by immediate family as residential accommodation. Staff are satisfied that the development is to be undertaken as an annexe to the main house. It is recommended that the applicant enters into a legal agreement to secure the use of the unit as an annexe to the main dwelling, as there is a concern that it would be relatively easy to sub-divide the plot in the future.

### 7.3 *Density Layout*

- 7.3.1 The proposal is for the replacement of the existing dwelling and the development of an additional of an annex and would therefore not result in an increase in the density.
- 7.3.2 The proposal will meet the internal standards as advised by Policy 3.5 of the London Plan.
- 7.3.3 The proposal will provide a suitable amount of amenity space similar to that afforded to the existing dwelling.
- 7.3.4 The proposal is centrally located within the site with a distance of 3m off the north-eastern boundary and 4m at its closest point from the south eastern boundary. The proposal has an increased offset distance of 6m from the western boundary. Staff consider the proposal to be acceptable in sitting and distances from the neighbouring boundaries.

### 7.4 *Design/Impact on Streetscene*

- 7.4.1 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.
- 7.4.2 The proposal would be located to the rear of the properties off Wingletye Lane, and would have no impact on the character of the streetscene. The design of the proposed dwelling is not out of keeping with those in the surrounding area given the variety in housing typology.
- 7.4.3 The proposal is designed with a reduced eaves height, dual pitched roof form, and two smaller linked buildings, in order to reduce the overall bulk and mass and allow for better spacing within the constraints of the site.
- 7.4.4 The proposal is considered to be largely in keeping with the size and scale of the existing residential building on site and that of the neighbour at No. 2 Martinstown Close. The proposed development is not considered to be incongruous.

### 7.5 *Impact on Amenity*

- 7.5.1 The proposal would not have a tangible detrimental impact on No.2 Martinstown Close in terms of shadowing and dominance due to the separation distance of 3m from this neighbouring boundary compared to the existing offset distance of 2.1m. The new dwelling will have a similar footprint to that of the existing dwelling in relation to this neighbouring boundary. Although the proposed main dwelling will have first floor flank

windows serving a bedroom and study, a condition will be added in the event of an approval to obscure glaze and fixed shut these windows to address any overlooking concerns. The proposed dwelling will have a reduction in the eaves height compared to the existing dwelling which will be an improvement to the perceived bulk and mass.

- 7.5.2 Two rear windows are proposed at first floor to the main dwelling and 1 rear window at first floor to the annex. These windows are not considered to result in an unacceptable impact in terms of overlooking as it will have a similar impact to the 3 no. existing first floor windows to the rear elevation of the existing house. The angle of the development would also mitigate any direct overlooking of the rear gardens of the properties along Ferndown. Any potential overlooking from the proposed ground floor windows will be mitigated by the existing high fence surrounding the subject site.
- 7.5.3 Staff do not consider any impact to result to the neighbouring occupiers to the south given the 45 degree orientation of the proposed development relative to these properties and the limited first floor windows to this elevation. A condition will be added in the event of an approval to obscure glaze and fix shut any part of the first floor windows above 1.7m to the southern elevation, to mitigate any potential overlooking.
- 7.5.4 The proposal is sufficiently set off the neighbouring boundaries and would not result in an unacceptable impact in terms of light loss, outlook loss or overshadowing.

## 7.6 *Parking and Highway Issues*

- 7.6.1 The development would replace an existing dwelling. The annex would be ancillary to the main dwelling and is expected to share facilities, including parking with the main dwelling. The proposal will be able to provide 2 no. parking spaces in the attached garage and an additional 4 no. spaces on hardstanding to the front of the proposed buildings.

## 7.7 *Infrastructure Impact of Development*

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

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

- 7.6.2 The Council's Residential Extensions and Alterations SPD states that in order for a residential annex to be defined as accommodation ancillary to the main dwelling within the residential curtilage the annex must form part of the same planning unit and share facilities, including access, parking and garden areas.

7.6.3 The applicant has provided information relating to the future use of the outbuilding, which will be used as an annex ancillary to the main dwelling. It will not be used as a separate unit of residential accommodation. It is not therefore judged that the proposal requires the payment of an infrastructure contribution towards education provision.

7.6.4 It would however be necessary for the applicant to enter into a legal agreement to ensure that the building will be used as a secondary and incidental part of the main residential activity on the site and not as a separate planning unit.

## **8. Conclusion**

8.1 The Site is currently occupied by a two storey detached dwelling with an attached garage to the south. The proposal is for the demolition of an existing dwelling and attached garage and the construction of a replacement dwelling and residential annexe connected with the replacement dwelling at 1 Martinstown Close.

8.2 The proposal is considered to be acceptable in principle in terms of impact on the character of the area and not considered to have any adverse impact on neighbouring residential amenity. The proposal is judged to provide a suitable level of residential accommodation provided it is used as an annexe to the main dwelling, and thereby maintains access to the shared amenity area and to off street parking provision.

8.3 It is considered that the applicant should enter into a legal agreement to prevent the sub-division and independent occupation. In order to secure the use of the residential unit as an annex to the main dwelling and given the potential for the annex to be separately occupied in the future, it is considered that the applicant should enter into a legal agreement to prevent the sub-division and independent occupation. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable.

## **IMPLICATIONS AND RISKS**

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

None.

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

Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied

that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

Planning policies appropriately take into consideration equality and diversity. The proposal will provide a form of accommodation that meets the particular needs of an individual.

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 3 November 2016.

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# REGULATORY SERVICES COMMITTEE

# REPORT

23 February 2017

**Subject Heading:**

P2032.16: Land r/o 37-59 White Hart Lane, Romford

Demolition of existing garage buildings at the site to the rear of nos. 37-59 White Hart Lane and erection of seven residential units, with landscaping, car parking and all associated works.  
(Application received: 19-12-2016  
Revised Plans Received: 08-02-17

**Ward**

Mawneys

**Lead officer**

Helen Oakerbee  
Planning Manager  
helen.oakerbee@havering.gov.uk  
01708 432685

**Report Author and contact details:**

Peter Fletcher  
peter.fletcher@havering.gov.uk  
01708432605  
Local Development Framework

**Policy Context:**

The London Plan  
National Planning Policy Framework  
National Planning Policy Practice  
Guidance  
Local Development 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 report considers an application for the redevelopment of land to the rear of the White Hart Lane minor local centre. The site is currently occupied by garages which are mainly unused and an area of open space. The proposal is to demolish the garages and erect two terraces consisting of seven dwellings for affordable rent. The site lies within a predominantly residential area where the redevelopment of the land for housing would be acceptable in principle. The proposal raises issues of impact on adjoining residential occupiers and the provision of an adequate standard of accommodation for future occupiers. It will also be necessary to ensure that parking on the access road is controlled. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject to the prior completion of a S106 planning obligations unilateral undertaking the development would be acceptable.

## RECOMMENDATIONS

1. That the Committee notes that, subject to the exemption that applies in respect of affordable housing, the development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £12,712 (subject to indexation). This is based on the creation of 635.6 square metres of new gross internal floorspace.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into planning obligations under S106 of the Town and Country Planning Act 1990 (as amended), to secure the following:
  - A financial contribution of £42,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
  - 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 planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions set out below.

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

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

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

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

3. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking area shown on approved drawing 1427\_PL\_120 Rev B has been completed, and thereafter, the area shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

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

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of samples prior to

commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

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

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

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

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

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

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the

development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

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

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

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

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

10. *Car parking management scheme* - No part of the development hereby permitted shall be occupied until details to show how car parking is to be managed on the service road from White Hart Lane that provides access to the development has been submitted to the Local Planning Authority for approval in writing. The submission shall include details of measures to be used to manage and maintain the service road free from obstruction by parked vehicles. The car parking management strategy shall be provided in accordance with the approved details prior to the first occupation of any dwelling. Such facilities shall be permanently retained thereafter for the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate how the service road that serves the development would be managed and parking controlled so as to avoid access for residents, service and emergency vehicles being restricted and the access to the electricity sub-station and flood water storage area being obstructed. The approval and provision of the management scheme is considered necessary prior to first occupation 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.

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

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

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

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

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

13. *Construction methodology* - The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing

by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

14. *Vehicle access* - 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 development shall not be occupied until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

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

15. *Electric charging points* - None of the residential units hereby permitted shall be occupied until provision has been made for 20% of the parking spaces for those blocks to be served by electric vehicle charging points, with the potential for this to be expanded by a further 20%.

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

16. *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:

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

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

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 LPA; 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 Development Control Policies Development Plan Document Policies DC54 and DC61.

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

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

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

Reason: In order to comply with Policy DC7 of the Local Development Framework and Policy 3.8 of the London Plan.  
At least two of the dwellings hereby approved shall be constructed to comply

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

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

20. *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

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

Reason:-

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

22. *Permitted development* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C, D or E, excepting sheds up to 10 m<sup>3</sup> in size, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

Informatives

1. *DMO Statement* - 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. *Mayoral CIL* - The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL) (subject to any exemption claimed). Based upon the information supplied with the application, the CIL payable would be £ 12,712 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

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

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

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

5. *Access* - Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. If new or amended access is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

6. *Highway works* - The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

7. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

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

9. *Sustainable development* - The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.

10. *Street naming* - Before occupation of the residential/commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone

through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The site comprises two garage blocks (six in each) with an area of grassland between. It amounts to 0.15 hectares. The garages are in a poor state of repair and largely unoccupied. The open space is currently fenced and gated, but includes benches and the grass is managed. The site lies to the rear (west) of the White Hart Lane minor district centre. To the north of the site is the Crownfield Junior School and to the west is open countryside. This includes the former flood storage area adjacent to the River Rom.
- 1.2 The site is accessed from White Hart Lane via the service road that loops round to the rear of the district centre. The centre comprises ground floor retail and other 'A' Class units with two floors of flats above. The application site and the district centre are Council owned.

### 2. Description of proposal

- 2.1 Demolition of existing garages to provide seven new dwellings in two terraces. These would be for affordable rent and comprise 5 x two bed and 2 x three-bed dwellings. The terraces would be arranged perpendicular to the service road with parking to the front. Each unit would have two parking spaces. The units would be of traditional design, constructed mainly in brick under a pitched tiled roof. Refuse storage would be provided to the front of the units with secure cycle storage within the garden areas.

### 3. Relevant History

- 3.1 None

### 4. Consultations/Representations

- 4.1 Two letters of representation received raising the following:
- Loss of outdoor space for flats above the shops;
  - Not an efficient use of the land in meeting housing need - would be better to construct flats.
- 4.2 Public Protection - contaminated land condition recommended

- 4.3 Historic England - unlikely to have significant effect on heritage assets of archaeological interest
- 4.4 Thames Water - no objections
- 4.5 Essex and Suffolk Water - no objections
- 4.6 Streetcare (Drainage) - further calculations required. Parking on northern boundary block access to flood storage area
- 4.7 Streetcare (Refuse) - parking restrictions required to ensure refuse vehicle access
- 4.8 London Fire Brigade - no additional hydrants required
- 4.9 Streetcare (Highways) - no objections subject to conditions

## 5. **Relevant Policies**

### 5.1 Local Development Framework (LDF)

- Core Strategy and Development Control Policies Development Plan Document (DPD) Policies:- CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations)
- Evidence base to the Planning Obligations SPD
- Residential Design SPD
- Designing Safer Places SPD
- Sustainable Design and Construction SPD

### 5.2 London Plan

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 3.8 (Housing Choice); 3.9 (Mixed and balanced communities); 3.11 (Affordable housing targets); 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); 3.13 (Affordable housing thresholds); 5.2 (Minimising Carbon dioxide emissions); 5.3 (Sustainable design and construction); 6.13 (Parking); 5.12 (Flood risk management); 5.13 (Sustainable drainage); 5.21 (Contaminated

land); 6.3 (Assessing effects of development on transport capacity); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking) 7.3 (Designing out crime); 7.8 (Heritage Assets and archaeology); 8.2 (planning obligations)

- Housing Standards Minor alterations to the London Plan
- Housing SPG
- Parking Standards Minor Alterations to the London Plan

### 5.3 National Policy Documents

- Technical housing standards - nationally described space standard
- National Planning Policy Framework
- National Planning Practice Guidance

## 6. **Staff Comments**

Principle of the development

- 6.1 This is a full application for the development of land within the urban area. It is undesignated in the LDF and in accordance with Policy CP1 the land is prioritised for new housing. The garages on part of the site are mainly unused and in a poor state of repair. The open space between the two garage blocks, whilst managed is stated to be unrelated to nearby development or used by local residents. The land lies behind the White Hart Lane Minor Local Centre, but separate from it.
- 6.2 The redevelopment of the site to meet housing need is considered acceptable in principle.

Scale, Density and Site Layout

- 6.3 The site has a PTAL of 1a which is very low and indicates that the site has poor public transport accessibility. The site is classified as 'rest of borough' under Policy DC2 with a density range of 30-50 units per hectare for the housing type proposed. The application site is 0.15 hectares giving a density of 47 units per hectare which lies within the indicated range. However, density is only one measure of acceptability and there are other relevant considerations. These include the need to make efficient use of the site taking account of site constraints and the site layout and its impact on the character and appearance of the area. It is also necessary to provide an acceptable level of accommodation for future occupiers, including car parking.
- 6.4 In this regard all of the proposed dwellings would meet the minimum size standards in accordance with London Plan policy 3.5 and the Technical Housing Standards. There would also be private and usable amenity space in accordance with the Residential Design SPD. Whilst the layout of the amenity

areas would be compact there would be no significant overlooking issues. Each dwelling would have two off-street parking spaces which accords with the upper limit in Policy DC2.

- 6.5 The relationship with adjoining residential properties would be acceptable in terms of the potential for overlooking. Four of the new units would have gardens backing onto properties in Vanguard Close, however, this relationship and the resultant back to back distances, which are in the region of 21 metres, are not untypical of new urban development and would not give rise to any material impacts. In respect of the other three units there would be no impacts as they would not adjoin any existing properties. However, in respect of potential overlooking of proposed garden areas from existing development there are first and second floor flats above the retail units which would overlook these to some degree. The impact would be most significant for the two units closest to the service road. Boundary fencing and landscaping would help to reduce the impact and future residents would be aware of the situation before occupation. Whilst the relationship is not ideal there needs to be a balance between providing much needed housing and providing acceptable living conditions for future occupiers. Whilst the relationship is tighter in respect of this application, there are similar relationships elsewhere in the locality. In view of these factors staff consider that, on balance, the proposed layout would be acceptable.

#### Design/Impact on the streetscene

- 6.6 The site lies behind the main residential frontage and would have no immediate impact on the streetscene. The development would be seen within its own setting and context. In terms of character and appearance, the proposed dwellings would retain the general character of the area. The new units would be of traditional design with pitched gable ended roofs and the configuration of the dwellings would be similar to those in the adjoining Vanguard Close. Consequentially Staff consider that the development would be acceptable in terms of design and impact on the area.

#### Impact on amenity

- 6.7 The development's location behind the main residential frontage in White Hart Lane would limit any wider impact on amenity. As referred to earlier in the report the proposed configuration of the development would not lead to any significant impact on the amenities of existing residential occupiers. Future occupiers of the development would be subject to some impacts from deliveries and servicing to the district centre, however, these are likely to be limited given the size of the units within the centre and frequency of any deliveries.

#### Parking and Highway Issues

- 6.8 The proposals include two parking spaces per dwelling which is considered acceptable in view of the PTAL for the site. Originally three visitor spaces were proposed, but these obstructed access to the former flood lagoon to the rear of the west of the site. Staff have been advised that the flood storage area is

likely to be improved and brought back into service. Therefore, the three spaces have now been excluded. The development would result in the loss of 12 garage spaces, but only two are stated to be in occupied. These occupiers would be offered alternative garages in the area.

- 6.9 The development would be accessed via a private service road to the rear of the shops where two-way flows currently occur. This road does not form part of the public highway. Parking on the road is subject to private management arrangements through Housing Services. There is the potential that uncontrolled parking could take place that restrict access for refuse collection, service and emergency vehicles. No objections are raised in highway terms to the increased use of the two service road junctions to serve the development. In view of the potential issues with uncontrolled parking a condition is recommended to require a parking and traffic management plan. This could include the introduction of a one-way system of the service road.

#### Contamination and ground conditions

- 6.10 Apart from the garage use of parts of the site which could have resulted in some limited contamination, the remainder of the site appears to have been undeveloped. A condition is recommended requiring a Phase 1 contamination assessment to be undertaken to assess the potential for contamination given past use of the land.

#### Infrastructure impact of the development

- 6.11 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 6.12 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.13 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.
- 6.14 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now

out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

- 6.15 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.
- 6.16 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Evidence has been provided from the Council's education service that there is a shortage of school places at both secondary and primary level in the Rainham area.
- 6.17 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, except in the London Riverside Area where a lower figure of £4,500 was agreed to reflect the increased costs of bringing sites within the area forward for redevelopment. In these circumstances it is considered that the lower figure is reasonable when compared to the need arising as a result of the development.
- 6.18 It would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6,000 per dwelling would be appropriate.
- 6.19 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. There would be 7 units and a charge of £42,000 is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

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

- 7.1 All new floorspace is liable for Mayoral CIL, subject to any exemptions. This application is for new housing that would be 100% affordable and under the CIL Regulations relief from the payment of CIL can be applied for. Subject to a claim for relief the CIL liability would be £12,712 based upon 635.6 square metres of new floorspace.

## 8. **Conclusions**

- 8.1 The site is currently occupied by garages which are mainly unused and an area of redundant open space. The proposed is to demolish the garages and erect two terraces of seven affordable dwellings. The proposed redevelopment of the site would be acceptable in principle in accordance with LDF and London Plan policies for new housing.
- 8.2 The proposal is considered acceptable in terms of impact on the character of the area, which is mainly residential and the impact on neighbouring residential occupiers. The site lies adjacent to the White Hart Lane minor district centre which includes two storeys of flats above the retail units. There are issues of potential overlooking of proposed garden areas from these properties, but on balance staff consider the impact acceptable. The site is accessed from the service road to the centre, but subject to controls over parking on the road this arrangement is considered acceptable.
- 8.3 The proposal would provide much needed affordable housing within Havering that would help meet housing need. There are matters of judgement in relation to the issues arising, but Staff consider that on balance, and subject to the prior completion of a S106 planning obligation the development would be acceptable.

## **IMPLICATIONS AND RISKS**

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

None

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

Legal resources will be required to prepare and complete the S 106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations

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

None

**Equalities implications and risks:**

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

**BACKGROUND PAPERS**

1. Application form and revised plans received 19<sup>th</sup> December 2016 and 10<sup>th</sup> February 2017.

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**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

23 February 2017

**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 and received plans received 9-02-2017).

**Lead Officer:**

Helen Oakerbee  
Planning Manager Applications

**Report Author and contact details:**

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

**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.

This application was previously considered by Committee on 2 February 2017, where it was deferred to enable staff to clarify the current use of the existing outbuilding and whether it is being used as an annexe and if so, for whom. Members also requested further information regarding the relationship of the outbuilding to the proposed annex and how many annexes would result from the proposal, one or two, and for use by whom. The report is now brought back to Members, updated with further information on the above matters.

The application is recommended for approval subject to prior completion of a S106 Legal Agreement.

## **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. Background

- 1.1 This application was previously considered by Committee on 2 February 2017, where it was deferred to enable staff to clarify the current use of the existing outbuilding and whether it is being used as an annexe and if so, for whom. Members also requested further information regarding the relationship of the outbuilding to the proposed annex and how many annexes would result from the proposal, one or two, and for use by whom.
- 1.2 The agent has confirmed in writing and submitted revised plans showing that the existing outbuilding is used as a gym and has a separate storeroom. A site visit has confirmed this. Therefore, the proposal would result in the creation of one granny annexe.
- 1.3 In terms of the relationship between the outbuilding and the annexe, the outbuilding is situated on a higher ground level than the proposed granny annexe and the agent has submitted a revised cross section drawing showing the change in ground levels. To access the granny annexe from the rear garden of the application site, future occupants would go down a set of stairs that would be located to the rear of the outbuilding.
- 1.4 The agent has provided the following information regarding the use of the proposed granny annexe. It is intended for the use by the applicant's retired father in law who suffers from poor health having undergone major heart surgery. The decline in his health is taking its toll on both him and in particular, on his wife who is suffering as a consequence of having to solely care for him alone over long periods of time. Their visit to Romford gives both parents relief and the support they need to recuperate as it is evident they are struggling to cope by themselves, therefore being close to family gives them the care and supervision they really need.
- 1.5 There would only be one annexe on the site.
- 1.6 The report below is previously unchanged from that reported to the last Regulatory Services Committee meeting, with the exception of an updated consultation paragraph.

### 2. Site Description

- 2.1 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.

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

3.1 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.

3.2 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.

### **4. History**

4.1 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.

### **5. Consultation/Representations**

5.1 The occupiers of 7 neighbouring properties were notified of this proposal. Four 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.
- Most of the garden is taken up with the conservatory and existing granny annexe.
- Queried the requirement for more living accommodation.
- Noise and disruption during construction works.
- The increase in people living in this small pod of properties.
- The application does not benefit the community as a whole.

5.2 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.

5.3 Highway Authority has no objection to the proposal as long as it is directly linked to the applicant's household.

5.4 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

5.5 Fire Brigade - No additional hydrants are required. The Brigade is satisfied with the proposals.

5.6 Environmental Health - No objection.

## **6. Relevant Policy**

6.1 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.

6.2 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.

6.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

## **7. Staff Comments**

7.1 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.

7.2 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.

7.3 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.

## **8. Principle of Development**

- 8.1 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.

## **9. Design/Impact on Street-scene**

- 9.1 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.

## **10. Impact on Amenity**

- 10.1 Staff consider that the granny annexe would provide suitable accommodation for future occupiers and would have a reasonable outlook and aspect.
- 10.2 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.
- 10.3 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.

10.4 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.

10.5 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.

## **11. Highway/Parking**

11.1 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.

## **12. Trees**

12.1 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.

## **13. Mayoral CIL**

13.1 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.

## **14. Conclusion**

14.1 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 and revised drawings received on 9<sup>th</sup> February 2017.

# REGULATORY SERVICES COMMITTEE

23 February 2017

# REPORT

**Subject Heading:**

**P0015.17: 253 Chase Cross Road,  
Romford**

**Demolition of existing building and construction of new residential block comprising 6no. flats (variation to planning permission P0191.15 - with the addition of a conservatory to the rear of the proposed block). (Application received 6 January 2017)**

**Ward:**

**Havering Park**

**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 a variation to planning permission P0191.15 for the demolition of the existing dwelling and the construction of a new detached block containing 6no. self-contained flats, which was approved in January 2016.

The variation concerns the addition a conservatory to the rear of the proposed residential block.

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

**RECOMMENDATIONS**

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 226.5 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £4530.00 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement, completed on 8 January 2016, in respect of planning permission P0191.15 by varying the definition of Planning Permission which shall mean either planning permission P0191.15 as originally granted or planning permission P0015.17 and any other changes as may be required from this, to secure the following:

- A financial contribution of £30,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of

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

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the 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

The external construction of the development shall be constructed in the materials approved under condition 3 of P0191.15; under discharge of condition reference Q0146.16.

**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.

#### 4. Landscaping

The hard and soft landscaping shall be carried out in accordance with the details approved under condition 4 of P0191.15; under discharge of condition reference Q0146.16, as shown on approved drawing no. 304-10. 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:** 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 and 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.

#### 5. Parking Provision

Before any part of the dwelling hereby permitted is first occupied the car parking provision as indicated in drawing no.304-51 shall be laid out and implemented in full and thereafter this car parking provision shall remain unobstructed and permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 6. Boundary Treatment

The boundary treatment shall be carried out in accordance with the details approved under condition 6 of P0191.15; under discharge of condition reference Q0146.16, as shown on approved drawing no. 304-10.

**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 and 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

## 7. 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.

## 8. Wheel Washing

The wheel washing and vehicle cleansing shall be carried out in accordance with the details approved under condition 8 of P0191.15; under discharge of condition reference Q0146.16, as detailed in the Demolition and Construction Statement, dated July 2016.

**Reason:** To 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.

## 9. Alterations to Public Highway

The development shall be carried out in accordance with the Local Highway Agreement and the details approved under condition 9 of P0191.15; under discharge of condition reference Q0146.16.

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

## 10. Construction Methodology

The Construction Methodology shall be carried out in accordance with the details approved under condition 10 of P0191.15; under discharge of condition reference Q0146.16, as detailed in the Demolition and Construction Statement, dated July 2016.

**Reason:** To 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. 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. Refuse and Recycling

The building hereby permitted shall not be occupied until the refuse and recycling facilities are provided in accordance with details approved under condition 10 of P0191.15, as indicated drawing no. 304-02E. The refuse and recycling facilities shall be permanently retained thereafter.

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

## 13. Cycle Storage

The building hereby permitted shall not be occupied until secure cycle storage is provided in accordance with details approved under condition 10 of P0191.15, as indicated drawing no. 304-02E. The refuse and recycling facilities shall be permanently retained thereafter.

**Reason:** In the interests of providing a wide range of facilities for non-motor car residents and sustainability, the amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC35.

## 14. Contaminated Land (1)

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

a) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site

Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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

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

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

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

## 15. Contaminated Land (2)

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

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 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 £4530.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the

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

5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
6. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The application relates to the property at 253 Chase Cross Road, Romford. This is a rectangular plot comprising in part of a detached two-storey dwelling and its domestic curtilage located towards the frontage with Chase Cross Road and a builders' storage yard and several detached single storey workshop buildings to the rear. The site is relatively flat and covers an area of 824 square metres.
- 1.2 The site frontage consists of an area of hardstanding used for parking and the yard sections of the site to the rear are enclosed by gates and fencing. Residential accommodation is located to the north and west of the site and a

parade of shops, servicing area and commercial storage units and workshops are located to the east.

- 1.3 The site is located adjacent to the Chase Cross Road Minor Local Centre and as such the surrounding area is characterised by a mixture of residential and commercial uses.

## **2. Description of Proposal**

- 2.1 Planning permission was granted under application reference P0191.15 in January 2016 for the demolition of the existing dwelling and construction of new detached block containing 6no. self-contained flats. The accommodation would comprise 4no. one bedroom units, 1no. two-bedroom unit and 1no. three-bedroom unit.
- 2.2 The current proposal is seeking to vary planning permission P0191.15 with the addition a conservatory to the rear of the previously approved residential block. In comparison to the earlier scheme the additional conservatory structure would increase the rear projection of the building by a further 3 metres, taking the overall depth of the building to 18.7 metres.
- 2.3 As with the previous planning permission the proposed building would be set back from Chase Cross Road, adopting a similar building line to the existing dwelling. To the rear the building would incorporate a 'T-shaped' footprint with a rear projecting section.
- 2.4 The block would comprise of two-storeys with an additional third floor within the roof space served by 2no. dormers to the front and an enclosed glazed gable section and 2no. dormers to the rear. The building would incorporate a hipped crown roof design with a ridge height of 8.4 metres with the eaves and roof ridge matching the height of the adjacent house at no. 251 Chase Cross Road.
- 2.5 The front elevation would feature a central pitched roof glazed section and an additional ground floor bay window to the west and an undercroft driveway to the east.
- 2.6 Off street car parking provision for 11no. vehicles would be provided within a dedicated rear car parking area. The development would utilise the existing dropped kerb driveway arrangement directly from Chase Cross Road and a driveway through an undercroft section of the proposed building adjacent to the eastern boundary.

## **3. Relevant History**

- 3.1 P0191.15 - Demolition of the existing dwelling and construction of new detached block containing 6no. self-contained flats - Approved, 8 January 2016

3.2 P1046.07 - Demolition of existing house and proposed 10 No. self contained flats consisting of 6 No. 2 bed and 4 No. 1 bed flats - Outline - Refused, 6 September 2007

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

4.1 Notification letters were sent to 31 properties and one representation has been received. The comments can be summarised as follows:

- The proposal would adversely affect the current nursery in that location, a hall that serves the community and the place of worship will be affected.

4.2 In response to the above: the principle of the development has already been established under planning permission P0191.15. The change use of the premises or any of the associated buildings to a nursery, community hall or place of worship would require planning permission. Staff can confirm that there is no planning history at the site authorising such uses.

4.3 The following consultation responses have been received:

- Essex & Suffolk Water - no objection.
- Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - no objection.
- Environmental Health - no objection, recommended conditions relating to contaminated land.
- Local Highway Authority - no objection, recommended conditions relating to vehicle access and wheel washing.

#### **5. Relevant Policies**

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC26 (Location of Community Facilities), DC27 (Provision of Community Facilities), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

- 5.2 Other relevant documents include the Residential Design SPD, Landscaping SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) and 10 (meeting the challenge of climate change, flooding and coastal change) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 When considering the previous application for the residential development, Staff took into consideration issues in relation to the principle of development, the density and layout, the design and impact on the streetscene, the impact on amenity, and the implications for parking and highways. Under the previous application these considerations were assessed and judged to be to be acceptable in all material respects, which in turn led to planning permission being granted.
- 6.2 This application concerns the addition of a conservatory to the rear of the previously approved residential block. The new material considerations with regard to the proposed variation to the scheme relate to the impact on the character and appearance of the rear garden setting and the implications for the residential amenity of occupants of the neighbouring dwellings.

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

- 6.2 The principle of the development was established under planning permission P0191.15. As with the previous application 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.
- 6.3 The site has a part residential and part commercial use and is regarded as a non-designated site in the LDF. Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential

area. Policy DC11 generally requires the redevelopment of non-designated commercial sites for housing.

- 6.4 On this basis the proposal is still considered to be policy compliant in landuse terms and its use for domestic residential purposes is therefore regarded as being acceptable in principle.

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

- 6.5 The density and layout of the scheme was assessed under planning application P0191.15 and judged to be acceptable.
- 6.6 The addition of the rear conservatory would increase the internal floor area of the two ground floor flats and result in a slight reduction in the amount of communal amenity space. However, this reduction is not to an extent that would materially alter the view that the amount of communal amenity space included in the scheme is acceptable.
- 6.7 It is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space and would be adequate for the requirements of the one, two and three-bedroom flats.

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

- 6.8 The design and impact on the streetscene was assessed under planning application P0191.15 and judged to be acceptable.
- 6.9 The conservatory would be located to the rear of the new block and as such would not be visible from the streetscene at Chase Cross Road.
- 6.10 In terms of the rear garden setting: the additional structure would be single storey in height and would be absorbed into the scale and massing of the main two and a half storey section of the building.
- 6.11 It is considered that the additional conservatory, along with the previously approved residential block, would serve to maintain the character and appearance of the area in accordance with Policy DC61.

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

- 6.12 The impact on the amenity of the neighbouring residents was assessed under planning application P0191.15 and judged to be acceptable.
- 6.13 A section of the additional conservatory would be positioned adjacent the boundary with 251 Chase Cross Road, and would project approximately 3 metres beyond the rear building line of a single storey element of the neighbouring house. This distance is compatible with Council guidelines

concerning the projection of single storey rear extensions. Given the favourable orientation and the relatively low profile sloping roof height, Staff are of the view that the additional conservatory would not result in an unacceptable degree of overshadowing, loss of daylight, or over-dominance to the neighbour at 251 Chase Cross Road.

- 6.14 On the other side of the site, the elevation of the conservatory would be positioned some 3.4 metres from the boundary with 255 Chase Cross Road. The residential accommodation at 255 Chase Cross Road is located at first floor level above a shop and given the spacing would not be affected by the additional 3 metre rear projection of the proposed new building at ground floor level.
- 6.15 The two-storey dwellings to the north of the site at Merlin Close would be located some 50 metres from the proposed development. Given this distance it is not considered that the proposed development would present any undue impact on the residential amenity of these neighbouring houses.
- 6.16 It is not considered that the additional conservatory would present undue issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

### ***Environmental Issues***

- 6.17 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended the use of standard conditions in relation to contaminated land issues.
- 6.18 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 6.19 The proposal is not considered to give rise to any significant noise issues.

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

- 6.20 The parking provision and highways implications were assessed under planning application P0191.15 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

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

- 6.21 The proposed development will create 6.no new residential units with 226.5 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4530.00 subject to indexation based on the calculation of £20.00 per square metre.

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

- 6.22 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.
- 6.23 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.24 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.
- 6.25 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.
- 6.26 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.
- 6.27 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought.

It is considered that this is reasonable when compared to the need arising as a result of the development.

- 6.28 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.29 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 £30,000 for educational purposes would be appropriate.

## **7. Conclusion**

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

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the Deed of Variation.

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

Legal resources will be needed to complete the Deed of Variation.

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

None.

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit sizes, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards.

**BACKGROUND PAPERS**

Application form, supporting statements and plans received on 6 January 2017.

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