



Haverling

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

| | | |
|--|---|--|
| 7.00 pm PLS NOTE START TIME | Thursday 16 March 2017 | Council Chamber - Town Hall |
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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 Haverling Residents'
(2)

Alex Donald (Vice-Chair)
Linda Hawthorn

UKIP
(1)

Phil Martin

Independent Residents
(1)

Graham Williamson

For information about the meeting please contact:
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Protocol for members of the public wishing to report on meetings of the London Borough of Havering

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

Reporting means:-

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

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

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

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

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

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

4 MINUTES (Pages 1 - 8)

To approve as a correct record the minutes of the meeting of the Committee held on 23 February 2017 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 9 - 52)

- 6 **P1858.16 - DURYFALLS, 35 UPMINSTER ROAD** (Pages 53 - 66)
- 7 **P2030.16 - HEXAGON HOUSE, 5 MERCURY GARDENS** (Pages 67 - 84)
- 8 **P1373.16 - 31 HIGH STREET, HORNCHURCH**
- 9 **P1965.16 - TARA, SOUTHEND ARTERIAL ROAD**
- 10 **P1815.16 - 92 KINGSTON ROAD, ROMFORD** (Pages 85 - 96)
- 11 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 97 - 100)
- 12 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 101 - 114)
- 13 **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 115 - 120)
- 14 **PROSECUTIONS UPDATE** (Pages 121 - 122)
- 15 **SCHEDULE OF COMPLAINTS** (Pages 123 - 124)
- 16 **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
23 February 2017 (7.30 - 9.00 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Melvin Wallace,
+John Crowder, +Carol Smith and +Damian White

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Linda Hawthorn and Alex Donald

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

Apologies were received for the absence of Councillors Steven Kelly, Michael White and Ray Best.

+Substitute members: Councillor John Crowder (for Steven Kelly), Councillor Carol Smith (for Michael White) and Councillor Damian White (for Ray Best).

Councillors Frederick Thompson and Viddy Persaud were also present for parts of the meeting.

25 members of the public were present.

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

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

184 **DISCLOSURE OF INTERESTS**

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

Councillor Damian White, Personal and Prejudicial, Councillor Damian White declared a personal and prejudicial interest in application P2032.16 Land r/o 37-59 White Hart Lane, Romford

Councillor White advised that he was the Cabinet Member for Housing.

Councillor White left the room and took no part in the consideration or voting of the application..

185 **MINUTES**

The minutes of the meeting held on 2 February 2016 were agreed as a correct record and signed by the Chairman.

186 **P1815.16 - 92 KINGSTON ROAD, ROMFORD**

Consideration of the report was deferred at officer's request to confirm neighbour notification.

187 **P1711.16 - 265 SOUTH STREET, ROMFORD**

The application before Members sought permission for the erection of a two bedroom, detached, two storey dwelling and internal garage in the rear garden of 265 South Street, Romford.

Members noted that the application had been called-in by Councillor Frederick Thompson. Councillor Thompson considered that the development would improve the outlook of the area which mostly consisted of garages looking out onto Lennox Close.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the proposal was a nice development which would improve a tatty and unkempt area. Councillor Thompson also commented that some of the reasons for refusal were vague and lacked merit in his opinion.

During a brief debate Members discussed possible access issues to the site and the impact that the proposal would have on the streetscene.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission. It was **RESOLVED** to delegate to the Assistant Director of Regulatory Services to grant planning permission contrary to recommendation subject to the applicant being willing and entering into a legal agreement to secure an education contribution. If the applicant wouldn't agree to the legal agreement then the application would be brought back to the Committee for decision. It was also delegated to the Assistant Director of Regulatory Services to impose relevant planning conditions.

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

Councillors Nunn, Martin and Williamson voted against the resolution to delegate the granting of planning permission.

Councillor White abstained from voting.

188 **P2013.16 - CROWLANDS CAFE, 263 LONDON ROAD, ROMFORD**

The report before Members sought the 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.

Members noted that the application had been called-in by Councillor Viddy Persaud as she believed there were other businesses in the area operating similar hours.

With its agreement Councillor Viddy Persaud addressed the Committee.

Councillor Persaud commented that other commercial properties in the area were operating similar hours and did not attract any neighbour nuisance problems or anti-social behaviour. Councillor Persaud concluded by commenting that the Council needed to be encouraging small businesses going forward.

During a brief debate Members discussed the current opening hours of the business and previous refusals of applications for the extension of trading hours.

The report recommended the refusal of planning permission however the vote for refusal was lost by 3 votes to 8. Following a motion to grant permission it was **RESOLVED** that planning permission be approved but subject to a condition revising the permitted hours to:

7am to 5pm – Mondays to Saturdays
8am to 5pm – Sundays, Bank and Public Holidays.

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

Councillor Whitney voted against the resolution to grant planning permission.

189 **P1390.16 - 47 SOUTHERN WAY, ROMFORD**

The proposal before Members was for the demolition of the existing outbuilding and the construction of an annex which would be ancillary to the main dwelling on the site.

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

The objector commented that there had been instances of noise nuisance emanating from the existing outbuilding which affected neighbour's amenity and which had remained unsolved even though complaints had been made.

During a brief debate members discussed the access/egress arrangements for the occupiers of the proposed annex and whether they would be family members.

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 proposed building, due to its degree of detachment and functional isolation from the main dwelling, would be tantamount to a separate, self-contained dwelling, the activity associated with which, including noise and disturbance would cause material harm to neighbours' rear garden enjoyment and amenity.

190 **P1718.16 - 1 MARTINSTOWN CLOSE, HORNCHURCH**

The proposal before Members was for the demolition of the existing two - storey detached dwelling and attached garage and the construction of a new dwelling and linked annex.

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 be harmful to the privacy and amenity of neighbouring properties. The objector also commented that the existing drainage and trees on the site could suffer during the construction works.

In response the applicant commented that the design of the proposal had been amended in response to previous objections and would allow for more openness in the garden area.

During a brief debate Members sought and received clarification regarding the distance between the proposal and the neighbouring property.

It was **RESOLVED** that the application was unacceptable as it stood but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following:

- That the residential annexe hereby approved should be permanently retained as an annexe to the proposed dwelling at 1 Martinstown Close and should not be sub-divided or sold off separately from the main dwelling.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement was completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

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

Councillor Nunn voted against the resolution to grant planning permission.

Councillor White abstained from voting.

191 **P1966.16 - 209 CHERRY TREE LANE, RAINHAM - CHANGE OF USE FROM A1 (CLASS USE) TO A TANNING AND BEAUTY SALON (SUI GENERIS) AND MINOR SHOPFRONT ALTERATIONS**

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

192 **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**

The Committee considered the report noting that the proposal qualified for a Mayoral CIL contribution of £1080 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 £12,000 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.

193 **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.**

The Committee considered the report noting that subject to the exemption that applied in respect of affordable housing that the proposal qualified for a Mayoral CIL contribution of £12,712 and without debate **RESOLVED** that the proposal was unacceptable as it stood 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 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 to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- 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 as set out in the report.

194 **P0015.17 - 253 CHASE CROSS ROAD, ROMFORD - DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW RESIDENTIAL BLOCK COMPRISING OF SIX FLATS (VARIATION TO PLANNING PERMISSION P0191.15 - WITH THE ADDITION OF A CONSERVATORY TO THE REAR OF THE PROPOSED BLOCK).**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £4,530 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement, completed on 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 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 to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.

- 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 as set out in the report.

Chairman

Regulatory Services Committee

16 March 2017

| Application No. | Ward | Address |
|------------------------|----------------------|--|
| P1538.16 | Havering Park | 17-19 Clockhouse Lane, Romford, RM5 3PH |
| P1990.16 | Emerson Park | Mount Pleasant Farm, Southend Arterial Road, Hornchurch, RM11 3UJ. |
| P2017.16 | Rainham & Wennington | 188 Upminster Road South, Rainham, RM13 9BH |
| P2041.16 | Pettits | 7 Glenton Way, Romford, RM1 4AF |
| P2060.16 | Emerson Park | Exchange House, 107 Butts Green Road, Hornchurch, RM11 2LD |

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th March 2017

APPLICATION NO. P1538.16
WARD: Havering Park **Date Received:** 30th October 2016
Expiry Date: 25th December 2016

ADDRESS: 17-19 Clockhouse Lane
ROMFORD

PROPOSAL: Change of use from a shop (A1) to a restaurant (A3) at 17 Clockhouse Lane, a new seating area to the existing restaurant at 19 Clockhouse Lane, new shop fronts and the amalgamations of the ground floors at 17-19 Clockhouse Lane

DRAWING NO(S): S 100
P 101
P 102
P 103
P 104 - Existing street scene use class classification
P 104 - Proposed ground floor plan
P 105 - Proposed street scene use class classification
P 105 - Proposed front and rear elevations
P 106

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

CALL-IN

This application has been called in by Councillor Best in the event that it is recommended for refusal, as there is sufficient public interest generated, confirmed by the petition and numerous letters in support of the application.

SITE DESCRIPTION

The subject site comprises of units 17-19 Clockhouse Lane, Romford, which is located in the Retail Core of Collier Row Minor District Centre. Both units are occupied by Veyso's Turkish restaurant. There are other commercial uses in this parade of shops with residential accommodation on the first and second floors.

DESCRIPTION OF PROPOSAL

The proposal seeks retrospective consent for a change of use from a shop (A1) to a restaurant (A3) at 17 Clockhouse Lane, a new seating area to the existing restaurant at 19 Clockhouse Lane, shop fronts and the amalgamations of the ground floors at 17-19 Clockhouse Lane.

The opening hours are 09:00 to 23:00 Monday to Saturday and 11.30 to 23:00 on Sundays.

RELEVANT HISTORY

P0265.15 - The part change of use of the existing retail (Use Class A1) unit to a Restaurant / Cafe (Use Class A3) in the rear part of the unit (used in connection with 19

Clockhouse Lane) and internal alterations will be made to accommodate the new layout.

Apprv with cons 07-08-2015

P1353.14 - The part change of use of the existing retail (Use Class A1) unit to a Restaurant / Cafe (Use Class A3) in the rear part of the unit (used in connection with 19 Clockhouse Lane) and internal alterations will be made to accommodate the new layout.

Refuse 20-02-2015

P2133.05 - Change of use from retail (A1) to office (B1) for Metropolitan Police Safer Neighbourhood Office. New office front facade & extraction unit to rear

Refuse 20-01-2006

P0893.03 - Alterations and change of use to class A3 sale of hot food and drink

Refuse 03-07-2003

P0746.99 - Change of Use from retail shop (A1) to restaurant and take- away (A3)

Refuse 13-08-1999

P0734.99 - Change of use to A2 for Estate and Letting Agent

Refuse 13-08-1999

P1293.93 - Amendment to hours of business to permit opening to the public between 1130 & 2300 Sun days & Bank Holidays together with the installation of extra ction ducting

Apprv with cons 26-01-1994

P0557.93 - Amendment to hours of business to permit opening to the public between 11.30 & 23.00 S undays & Bank Holidays, together with the installation of extraction ducting

Refuse 12-07-1993

A0024.92 - Shop & projecting sign

Withdrawn 27-11-1992

CONSULTATIONS / REPRESENTATIONS

A total of 16 consultation letters were sent out as part of the planning application process. The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan.

16 residents and customers of the restaurant support the proposal. A petition with 38 signatures was submitted supporting the proposal.

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

- Too many food places in Collier Row.
- The noise generated from the existing restaurant is too loud.
- Residents parking is used by staff and visitors of the restaurant.
- Too much smoke from the existing restaurant and extractor.
- Work has commenced prior to this application being determined.
- Loss of retail.
- Planning permission has previously been refused for this site.

Highway Authority - No objection.

Environmental Health - Recommend various conditions regarding plant and machinery, odours and noise and vibration and informatives.

RELEVANT POLICIES

Policies DC16 (Core and fringe frontages in district and local centres), DC23 (Food, drink and the evening economy), DC33 (Car Parking), DC55 (Noise) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material. The National Planning Policy Framework is also relevant.

MAYORAL CIL IMPLICATIONS

The proposal is not liable for CIL as it does not increase the gross internal floor area of 17-19 Clockhouse Lane.

STAFF COMMENTS

It is noted that application P1353.14 for the part change of use of the existing retail (Use Class A1) unit to a Restaurant / Cafe (Use Class A3) in the rear part of the unit (used in connection with 19 Clockhouse Lane) was refused planning permission for the following reason:

1)The proposed A3 use would give rise to a concentration of non-retail uses within the relevant retail core, thereby significantly harming the character and function of the area and undermining the vitality and viability of this area of the Collier Row Minor District Centre. The proposal is therefore contrary to Policies DC16 and DC23 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

Planning application, P2133.05, for the change of use from retail (A1) to office (B1) for Metropolitan Police Safer Neighbourhood Office, new office front facade & extraction unit to rear was refused planning permission for the following reason:

1)The proposed change of use, by reason of the loss of an existing Class A1 retail unit, would result in an over-concentration of non-retail uses in this part of the parade, as well as introducing a use which does not add to the vitality or viability of this part of Clockhouse Lane, and which would undermine the retail vitality of the Collier Row Minor District Centre. The proposal is therefore contrary to Policies SHP1 and SHP3 of the Havering Unitary Development Plan.

The main issues in this case are the principle of the retrospective change of use, the impact on the streetscene and neighbouring amenity and any highway and parking issues.

PRINCIPLE OF DEVELOPMENT

The application site is located within the Retail Core of Collier Row Minor District Centre.

Policy DC16 of the LDF states that in the district centres and major local centres:

- planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail core and fringe areas) at ground floor level.
- planning permission for service uses (A2, A3, A4, A5) will only be granted within District and Neighbourhood Centres throughout the retail core at ground floor level where:

- the use provides a service appropriate to a shopping area
- the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses.
- within the retail core of Collier Row the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 33% of its total length.

The proposal would provide an A3 restaurant use at No. 17 Clockhouse Lane, which would provide a service appropriate to a shopping area.

In determining the relevant frontage for the purposes of the above, it is considered that the frontage begins at No. 1 Clockhouse Lane- 'Time 2 Tan' and ends at 'Boots' at No.'s 21 and 23 Clockhouse Lane. This frontage has a total length of approximately 65 metres. There are 12 units within this parade. The six non-retail uses comprise No.'s 1 (Time 2 Tan - Sui Generis), No. 7 (Baker Estates - A2), No. 13 (Keystones Property - A2), Churchill's fish and chips (A5), No. 19 (Veyso's Turkish restaurant - A3) and the application site at No. 17 Clockhouse Lane.

These six non-retail uses including the change of use at No. 17 Clockhouse Lane with a combined frontage measuring 32.5 metres, would result in 50% of the total length of the parade in non-retail use, which fails to meet the 33% given in policy. This is contrary to the requirements of Policy DC16 for the Retail Core of Collier Row Minor District Centre and the change of use is therefore, unacceptable in principle.

No. 15 Clockhouse Lane is a fish and chip shop (A5) and No. 19 Clockhouse Lane is Veyso's Turkish restaurant (A3). Therefore, the change of use results in a group of three or more adjoining A2-A5 uses, which comprise of the application site at No. 17 and No.'s 13 and 19 Clockhouse Lane, which is contrary to Policy DC16.

The A3 use gives rise to a concentration of non-retail uses within this part of the retail core, thereby significantly harming the character and function of the area and undermining the vitality and viability of this area of the Collier Row Minor District Centre. The proposal is therefore contrary to Policies DC16 and DC23 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

It should be noted that a proposed change of use of these premises to an A3 use was refused in 2014. In Staff's opinion there has been no material change in policy or in site circumstances that would warrant reaching a different decision in this case.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The new seating area to the existing restaurant at 19 Clockhouse Lane is an internal change and as such, does not affect the streetscene. It is considered that the shop fronts and the amalgamations of the ground floors at 17-19 Clockhouse Lane integrate satisfactorily with the streetscene.

IMPACT ON AMENITY

Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

The application site comprises of two ground floor units with residential accommodation on the first and second floors. It is considered that the seating area to the existing restaurant at 19 Clockhouse Lane, shop fronts and the amalgamations of the ground floors at 17-19 Clockhouse Lane have not resulted in material harm to residential amenity, as these largely comprise of internal works and external changes to the front facade of the building.

The opening hours for the A3 use are 09:00 to 23:00 Monday to Saturday and 11.30 to 23:00 on Sundays. It is noted that Topgrill Ltd at No. 3 Clockhouse Lane is open from 7am to 11pm every day (under application P0096.11). As the opening hours are similar to another A3 use within this parade of shops, Staff consider that the opening hours are acceptable and do not result in material harm to residential amenity.

The application did not make specific provision for new extract ducting on the basis that the proposal would utilise the existing extract ducting to the rear of the building. Some objections have been received regarding smoke and other impacts from the extract ducting. Based on these objections and comments from the Council's Environmental Health Department, Staff consider that the existing extract ducting for no.19 cannot be relied upon for this proposal. As a result, if permission is granted, it is recommended that conditions regarding plant and machinery, odours and noise and vibration should be imposed regarding the change of use from a shop to a restaurant at No. 17 Clockhouse Lane to protect neighbouring amenity. In doing so, it should be noted that as the use has already commenced, the condition will be required to be worded in such a manner that the use will be required to cease if appropriate measures have not been approved and carried out within a specified timeframe.

HIGHWAY / PARKING

The Highway Authority has no objection to the proposal. There is on street parking in Clockhouse Lane. It is considered that the proposal has not created any highway or parking issues.

KEY ISSUES / CONCLUSIONS

The change of use results in a group of three or more adjoining A2-A5 uses, which comprise of the application site at No. 17 and No.'s 13 and 19 Clockhouse Lane, which is contrary to Policy DC16 of the LDF.

The A3 use gives rise to a concentration of non-retail uses within the relevant retail core, thereby significantly harming the character and function of the area and undermining the vitality and viability of this area of the Collier Row Minor District Centre. The proposal is therefore contrary to Policies DC16 and DC23 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and it is recommended that planning permission is refused.

RECOMMENDATION

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

1. Refusal non standard

The A3 use gives rise to a concentration of non-retail uses within the relevant retail core, thereby significantly harming the character and function of the area and undermining the vitality and viability of this area of the Collier Row Minor District Centre. The proposal is

therefore contrary to Policies DC16 and DC23 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

2. Refusal non standard

The proposed development has failed to demonstrate that adequate arrangements will be put in place for the provision of extract ducting that will adequately serve the expanded restaurant (A3) use at No.'s 17-19 Clockhouse Lane, Romford, harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Mr Kara via email on 6th March 2017.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th March 2017

APPLICATION NO. P1990.16
WARD: Emerson Park **Date Received:** 5th January 2017
Expiry Date: 2nd March 2017
ADDRESS: Mount Pleasant Farm
Southend Arterial Road
Hornchurch
PROPOSAL: Proposed removal of industrial buildings and the development of 9 residential properties and garages.
DRAWING NO(S): Existing Site Plan F519/01 Rev A
Proposed Site Plan F519/02 Rev D
Proposed Plot1 F519/03
Proposed Plot 2 F519/04
Proposed Plot 3 F519/05
Proposed Plot 4 F519/06
Proposed Plot 5 F519/07
Proposed Plot 6 F519/08
Proposed Plot 7 F519/09
Proposed Plot 8 F519/10
Plans and Elevations Plot 9 F519/11
Location Plan F519/12
Proposed site Plan F519/13
Garage Designs F519/14

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

BACKGROUND

This application is brought before the committee for determination as it raises important issues of judgement in respect of impact on the Green Belt which it is considered appropriate for members to make. The application is for the redevelopment of brownfield land which is acceptable in principle, but the main determining factor is whether the proposal would have a greater impact on openness compared with the current commercial use and whether it would cause any other harm. Most of the site is covered by a lawful development certificate for commercial use, including unrestricted open storage.

The application proposes development which is of "potential strategic importance" due to the scale of the proposal. Should members give different weight to the matters raised in the report and judge the application acceptable then it would need to be referred to the Mayor of London who could either let the decision stand or direct refusal. A decision to refuse would not require referral.

SITE DESCRIPTION

The site lies to the north of a petrol filling station on the A127 Southend Arterial Road through which it takes access. It comprises an area in commercial use for open storage, including a number of small scale industrial buildings and other structures. There is a bungalow with

associated curtilage adjoining which is the only residential property in the vicinity of the site. The main residential areas lie to the south of the A127. The site lies within the Green Belt and the area of the Thames Chase Community Forest. Pages Wood which forms part of Thames Chase adjoins to the east. In addition to Pages Wood the land around the site is generally well vegetated. To the west is the former Palms Hotel.

DESCRIPTION OF PROPOSAL

This is a full application involving the removal of all commercial uses, including buildings and the redevelopment of the site for residential purposes. The existing dwelling would be retained with nine chalet style dwellings erected to the east, served by a new access roadway from the site entrance. This will continue to be accessed from the A127 via the adjoining petrol filling station over which there is a right of access to the site.

The dwellings would all be detached five-bedroom properties of traditional design. Each would have a detached garage accessed from the new road and rear amenity areas. The dwellings would be constructed in brick, render and timber cladding under pitched tiled roofs. The site has an area of 0.97 hectares.

RELEVANT HISTORY

E0001.05 - lawful development certificate for the commercial use. This certified that the use of land and buildings for industrial purposes (Class B1) and the use of other land for open storage (Class B8) was lawful. The open storage area is located on the southern and eastern parts of the site.

P2210.07 - Demolition of industrial buildings and the erection of 9 no.bungalows and garages - outline. The decision on this application was not issued as the necessary legal agreement was not completed. The application has now been treated as lapsed.

CONSULTATIONS / REPRESENTATIONS

Essex and Suffolk Water - no objections

Public Protection - recommends conditions in relation to traffic noise and land contamination

Thames Water - no objections

Streetcare (Refuse) - would wish to see access road widened and turning head made larger

London Fire and Emergency Planning Authority - turning head should be of sufficient size to enable pump appliance to turn within the site.

London Fire Brigade - an additional fire hydrant needs to be installed

Streetcare (Highways) - no objections. Recommends condition on vehicle cleansing

Transport for London and Thames Chase - an update will be given at the meeting.

Greater London Authority - in view of the scale of the development in the Green Belt the application is referable to the Mayor in the event of recommendation for approval.

No representations have been received.

RELEVANT POLICIES

Local Development Framework (LDF):-

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

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

London Plan:-

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

National Policy Documents:-

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

MAYORAL CIL IMPLICATIONS

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

The proposals would result in a net increase of 980 square metres of floorspace giving rise to a CIL contribution of £19,600.

PRINCIPLE OF DEVELOPMENT

The site is located within the Green Belt where new buildings would normally be considered inappropriate development which by definition would cause material harm. Such development should not normally be permitted unless that harm would be clearly outweighed by other considerations.

The guidance in the NPPF is that there are some exceptions to this where new development may not be inappropriate, including:

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development." The application site is brownfield land and most of the site area benefits from a lawful development certificate for B1 and B8 use, therefore redevelopment is acceptable in principle subject to impact on openness and the purpose of including land in the Green Belt.

An outline planning application for nine bungalows on the site was considered by the Committee in 2008 when it was resolved that development would be acceptable subject to the prior completion of a legal agreement that covered remediation of the land and the cessation of commercial use of the parts of the site not being redeveloped and the land being landscaped as open space. The agreement was not completed so the permission was not issued. The application is now considered as having lapsed. Nevertheless, the decision that redevelopment of the site for residential purposes is acceptable in principle remains a material consideration. However, the development was smaller in scale and covered a smaller area of the site. It was also considered under different development plan policies and government guidance. In these circumstances the decision carries limited weight.

The site is brownfield land where the erection of new buildings may be acceptable subject to Green Belt considerations as set out in the NPPF and there being no other material harm to the character and appearance of the area. Should, upon assessment the development be judged not to meet the criteria in the NPPF and cause material harm, then it would be inappropriate development in the Green Belt. Very special circumstances would need to be demonstrated that clearly outweighed this harm for it to be considered acceptable. These matters are addressed below.

GREEN BELT IMPLICATIONS

The guidance in the NPPF is that the redevelopment of previously developed land (brownfield land) need not be inappropriate development, provided the new development does not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. LDF Policy DC45 sets out similar criteria, but seeks a substantial decrease in the amount of buildings on the site and improvements to the local Green Belt environment.

In this case the volume of the existing buildings on site is stated to be in the region of 4,000 cubic metres with a footprint of 1,200 square metres. The proposed development would have a volume of 7,318 cubic metres with a footprint of about 1,700 square metres, including garages. In terms of the scale of the built development proposed compared with the existing there would be a

significant increase which would have a materially greater impact on the openness of the Green Belt. The existing buildings/structures are generally single storey and some are considered to be 'temporary', which should be excluded from the comparison of impact with the proposed development. However, there is also significant amounts of close boarded fencing and panelling around parts of the site, which together with the vehicle parking reduces the appearance of openness of the site. This is a material consideration. The proposed residential layout would give the site a more open feel, especially if the boundary treatment is less prominent and replaced with landscaping. However, compared with the existing situation the dwellings would be permanent, that would have a greater impact compared with the temporary structures and open storage which would change over time.

Taking these matters into account Staff consider that the mass, scale and bulk of the new dwellings would have a materially greater impact on the openness and consequently the proposal is judged to be inappropriate development in the Green Belt in accordance with the guidance in the NPPF. The proposal would also be contrary to the requirements of Policy DC45. There would also be other harm caused in terms of the impact of the development on the character and appearance of the countryside.

The applicant has put forward other factors in support of the application which together could amount to the very special circumstances necessary to outweigh the harm identified. The new dwellings would help to meet an identified housing need as it is stated that currently Havering cannot identify a five year supply in accordance with the guidance in the NPPF. It is also stated that there would be other benefits comprising:

- * a 54% reduction in traffic generated;
- * an improvement to the visual appearance of the site;
- * energy efficient and accessible houses;
- * a 60% reduction in hard services;
- * reduced flood risk; and
- * additional planting with native species
- * removal of commercial uses over which there is limited control

All these matters are material considerations which together carry some weight. In particular the possible impact of an open storage use over parts of the site. The lawful development certificate allows a B8 use without any restriction. The LDC allows the use of six buildings for light industrial use (Class B1) and the use of open land ancillary to that use. It also allows the remainder of the site (about 75% of the total area) to be use for storage (Class B8). The storage use is not restricted in the certificate, however, there are no buildings. Permitted development would allow limited extensions to the existing buildings but no new buildings could be erected on the Class B8 part of the site. The height of any storage is unrestricted, therefore, items such as skips or containers could be stored well above the existing fencing, which could have a significant impact on openness and on the appearance of the area. Notwithstanding this the storage would not be permanent and the degree of impact would change. The level of impact would be different from that of permanent buildings. However, the potential for some adverse impact from storage is material and carries some weight.

Parts of the site which are in commercial use, mainly storage of materials and vehicle parking, are

not covered by the lawful development certificate or any planning permission. The evidence available from aerial photographs indicates that whilst the land has been in commercial use for many years it is not conclusive on whether this exceeds 10 years and makes the use immune from any enforcement action. The applicant has been advised that should evidence exist to support a lawful use then an application for a certificate should be made. However, no application has been made. Accordingly the improvements that would be brought about through the removal of the commercial uses and new landscaping can be afforded limited weight as the lawfulness of that development and its immunity from enforcement action remains in doubt.

In terms of housing need the most recent annual report does show a deficiency in the five year supply. However, the Mayor of London has recently designated two 'housing zones' in Havering, in Romford and Rainham which are not reflected in the supply figures. Sites within the two zones will bring forward significant housing development. The allocation of housing sites within the two zones is being brought forward through the new draft local plan due for publication later in the year. In these circumstances and given the small number of new dwellings being proposed any shortage of supply carries little weight.

Overall Staff consider that the factors put forward as amounting to very special circumstances do not carry sufficient weight to overcome the significant harm to the Green Belt and the more general harm to the character and appearance of the area.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The application site lies within the open countryside and the area of the Thames Chase Community Forest. It is located on higher ground on the edge of the Ingrebourne valley and has a degree of visual prominence. Whilst parts of the site boundaries are already well landscaped the increase in the scale of development on the site would mean that it would be more visually dominant in the landscape. This would be particularly true when viewed from open area of Pages Wood to the east. However, the redevelopment of the site would provide the opportunity for further landscaping around the site which would make a positive contribution towards the objectives for Thames Chase. However, in view of the scale of development proposed Staff consider that on balance the proposals would have an adverse impact on the character and appearance of the area.

IMPACT ON AMENITY

There is only one residential property within the vicinity of the application site. This is a bungalow owned by the applicant. The dwelling is set within a large plot that would adjoin one of the new dwellings and share the upgrade access with the rest of the development. While the proposal would have some impact on the occupiers of the bungalow, compared with the commercial uses it would represent a significant improvement.

HIGHWAY / PARKING

There would an acceptable level of parking on site for the proposed development. The site takes access from the A127 via that for the petrol filling station. The amount of traffic that would access the development is stated to be significantly less than the existing commercial uses. Streetcare has not objected to the development, however, as the A127 is a strategic road Transport for London is the highway authority. At the time of writing no objections had been received.

SECTION 106

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.

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.

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 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.

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 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.

Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, which is a discounted rate that takes account of the Mayor's CIL. A charge is sought for the increase in the number of resident units which in this case would be nine. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects.

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. This would amount to £54,000. Staff consider that the charge would be reasonable and necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

LDF Policy DC6 requires that for development of 10 dwellings or more or site over 0.5 hectares affordable housing should be provided. Where schemes are for nine dwellings or less the Council needs to be satisfied that the proposal does not represent underdevelopment of the site in terms of density and it does not form part of a phased development of a larger site. In this case as the site lies within the Green Belt where other considerations apply and the scale of development that would be acceptable is largely determined by impact on openness. The density indications in Policy DC2 do not apply in the Green Belt. In these circumstances, notwithstanding the site area, affordable housing would not need to be secured for this development.

KEY ISSUES / CONCLUSIONS

This application is for the redevelopment of a brownfield site within the Green Belt for nine detached dwellings. Staff consider that the proposed development would have a significantly greater impact on the Green Belt compared with the existing situation and would also be harmful to the character and appearance of the area. Consequently the development would be inappropriate in the Green Belt unless very special circumstances can be demonstrated that clearly outweigh this harm. The matters put forward in support of the application are material considerations but Staff judge that they do not clearly outweigh the identified harm. In these circumstances Staff consider that the proposed development would be contrary to the guidance in the NPPF and Policies DC45 and DC61 of the LDF and refusal is recommended accordingly. However, should members give different weight to these matters and judge that on balance the development is acceptable then the application would need to be referred to the Mayor of London. The Mayor can let the authority determine the application as resolved but he does have powers to direct refusal.

RECOMMENDATION

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

1. Reason for Refusal Green Belt

The site is within the area identified in the Core Strategy and Development Control Policies Development Plan Document and Proposals Map as Green Belt. The Development Plan Document, the London Plan and Government Guidance in the National Planning Policy Framework all seek to protect the Green Belt from inappropriate development that would have a material impact on its openness. The proposed development is considered to be inappropriate development that would have a materially harmful impact on the openness of the Green Belt. Such development should only be permitted where it is clearly demonstrated that there are 'very special circumstances' sufficient to outweigh the harm that would be caused to the Green Belt and any other harm that would arise. No 'very special circumstances' have been demonstrated in this case that are sufficient to outweigh this harm. The increase in the volume, height and bulk of the proposed dwellings, compared with the existing buildings on site, would result in development of alien appearance in the locality that would have a materially adverse impact on the character and appearance of the Green Belt. As a consequence the proposal would be contrary to the guidance in the National Planning Policy Framework, Policy DC45 of the Havering Core Strategy and Development Control Policies Development Plan Document and Policy 7.16 of the London Plan.

2. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to James Atkinson by e-mail on 3rd March 2017.

2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £19,600. Further details with regard to CIL are available from the Council's website.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th March 2017

APPLICATION NO. P2017.16
WARD: Rainham & Wennington **Date Received:** 20th December 2016
Expiry Date: 14th February 2017

ADDRESS: 188 Upminster Road South
RAINHAM

PROPOSAL: The demolition of existing rear additions and the erection of a single storey rear extension to create an additional residential flat; a part first floor rear extension to extend the existing self-contained flat; and the installation of an additional shop front and use of the existing side store to be used as a separate retail unit if required.

DRAWING NO(S): PL-5463_12
PL-5463_13
PL-5463_14
PL-5463_15
PL-5463_16

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

CALL-IN

The application has been called in to committee by Councillor Jeffrey Tucker. The reasons for the call-in are that he considers that the proposal would provide adequate private parking for 1 vehicle and would result in an improvement to the site.

SITE DESCRIPTION

The application site comprises a 2 storey terraced property at the corner of Upminster Road South and Brights Avenue. It consists of a ground floor shop/post office with a residential unit above and has a large, single storey addition to the rear partly used for storage for the shop. The site forms part of a parade of shops forming the Crown Parade Major Local Centre. To the rear of the site is a service lane for the shops and beyond that a single storey building used a day centre for people with learning disabilities.

DESCRIPTION OF PROPOSAL

The proposal is to demolish the existing rear addition and:

- (a) erect a single storey rear extension to create an additional residential flat;
- (b) erect a part first floor rear extension to extend the existing self-contained flat;
- (c) install a new entrance door on the front elevation of the side element of the property.

While the description of the proposal on the application form includes provision to install an additional shop front and use the existing side store as a separate retail unit, this element is not clear on the submitted drawings.

RELEVANT HISTORY

A similar type of proposal was refused in September 2016 (P1102.16) on the grounds of:

- inadequate on-site car parking provision,
- inadequate provision of amenity space, poor quality internal layout and shortage of internal space, resulting in a poor quality living environment and cramped over-development of the site
- by introducing a flat roofed, residential dwelling to the rear of the existing parade giving rise to a form of development out of keeping with and harmful to the character of the local streetscene
- absence of a legal agreement to secure education contributions.

The main differences between the current proposal and the previous refused scheme are:

- part of the shop unit is now to be converted to residential use to create a larger ground floor flat
- the amenity area for the ground floor flat is smaller than before
- the roof of the proposed rear extension is now pitched rather than flat
- a car port for 1 parking space is now proposed at the rear of the property.

P1102.16 - The demolition of existing rear additions and the erection of a single storey rear extension to create an additional residential flat; a part first floor rear extension to extend the existing self-contained flat; and the installation of an additional shop front and use of the existing side store to be used as a separate retail unit if required.

Refuse 16-09-2016

P0575.95 - Dormer windows to front & rear roofslopes & new dining area
 Apprv with cons 12-07-1995

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 13 neighbouring properties but no objections have been received. However, 1 letter of support from Learning Disabilities Centre nearby supports the proposal on the basis that existing buildings are very untidy and this will improve them. A further letter of support from a nearby resident indicates the proposal will improve the appearance of the site.

Council Highways Team - objects to application on the basis that the site has a PTAL of 1b (very poor) and attracts a parking policy standard of 1.5 to 2 spaces per unit for residential uses. The existing flat will be extended, another flat added and there is a suggestion that the shop might be sub-divided. The proposal will place further pressure on the immediate area with regard to on-street parking where there is currently parking stress. The application therefore conflicts with Policy DC33.

Environmental Health - no response

RELEVANT POLICIES

LDF

- CP01 - Housing Supply
- DC20 - Access to Recreation and Leisure, Including Open Space
- DC61 - Urban Design

OTHER

LONDON PLAN - 3.3 - Increasing housing supply

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposal is liable to Mayoral CIL as it would result in one additional residential unit and create an additional 43 square metres of new gross internal floorspace created. Therefore the proposal will incur a charge of £860 based on the calculation of £20.00 per square metre, subject to indexation.

STAFF COMMENTS

The main issues for this application are any impact of the proposed rear extensions on residential amenity and the street scene, the adequacy of the proposed additional residential unit and its amenity space, and the impact on parking provision in the area.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The Council's SPD on Residential Extensions and Alterations allows for terraced houses to be extended from the rear wall of the original dwelling by up to 3 metres and to be no more than 3 metres in height in terms of the eaves. Any greater depth should be within an angle of 45 degrees taken from the 3m depth point on the property boundary. It is also noted that 2 storey rear extensions to terraced houses are rarely acceptable as they affect adjoining properties. These should be set in from the common boundary by at least 2m and project no more than 3m.

The proposal represents extensions to a shop with flat above, and adjoins a similar property type, rather than a terraced dwelling. However, the criteria set out in the Residential Extensions and Alterations SPD would still be broadly applicable and provide a reasonable 'rule of thumb' against which to assess the acceptability of the proposals.

In this case, the proposed ground floor rear extension would replace an existing single storey addition and be wider than that now existing, extending the full width of the property. Its depth would be much more than 3m but no greater than the existing extension. It would have a pitched roof and be 2.8m high to eaves level. It would also incorporate a car port at the rear. Apart from the car port, the ground floor extension would not be greatly different from that existing in terms of scale, while its appearance would be somewhat improved.

The rear extension at first floor level would be 3.4m deep and cover only part of the width of the building. While it is set in by 3m from the common boundary, its depth would be greater than the 3m indicated by the SPD. However, the nearest window to the party boundary appears to serve a non-habitable room and the rear amenity area is largely covered by structures, so that the extension is not judged to have a harmful impact on neighbouring amenity.

Overall, while not strictly complying with the size criteria SPD, the extensions do not appear likely to cause any problems. In this respect the proposal is also broadly similar to the previous application, which was also considered acceptable in this regard.

In terms of the streetscene, the existing rear addition is not particularly attractive, particularly its elevation on to Brights Avenue, with a roller shutter. The proposed single storey rear extension with a pitched roof to replace it would not be particularly attractive but would be no less subservient to the main building and would not obviously worsen the streetscene. There is no existing garden on the site that would be affected by the proposals.

The proposed extensions would be very visible from the street and are not particularly attractive but are not considered to greatly harm the streetscene. The current Brights Avenue elevation is not particularly attractive and the proposals are an improvement on the previously refused scheme in terms of visual impact and address some of the refusal reasons with a pitched roof. Nevertheless, the introduction of a small, single storey dwelling in this location would nevertheless appear as an incongruous element within the wider streetscene, as it would create a separate and distinct element in its own right.

IMPACT ON AMENITY

At ground floor level, the proposed rear extension would be replacing an existing single storey rear extension some 9.3m deep. It would adjoin a similar rear extension in the adjoining property and appears unlikely to have any significant impacts on residential properties nearby.

As the proposed first floor extension is set back by 3m from the site boundary with the adjoining property, even though it would be slightly deeper (3.4m) than the SPD guidance, it would not appear likely to have a significant impact on light to the rear windows of that adjoining property.

As estimated from the drawings submitted, the proposal would create one new 1 bedroom flat of approximately 44 sq m on the ground floor and enlarge the existing first floor flat to a 4 bedroom unit of 86 sq m. The proposed new ground floor flat would appear to fall within the DCLG's Nationally Prescribed Space Standards for a 1 bed dwelling (39-50 sq m). The first floor flat would fall slightly below the standard for a 4 bed dwelling (90 -117 sq m) although this is expansion of an existing flat. This suggests an adequate level of accommodation could be achieved in terms of space for the new unit.

The new ground floor flat would have a large living/dining/kitchen area with light from a single window. Its bedroom would also immediately adjoin the rear of the retail unit. The bedroom and living room windows would be in close proximity to the street. Staff consider that the proposal does not provide a high standard of living accommodation.

The Council's Residential Design SPD aims to ensure all new dwellings have access to high quality and usable amenity space that is not overlooked from the public realm. In this context, it is not clear how usable the ground floor flat's proposed very small front amenity space (7 sq m) would be, and it would adjoin the rear service area for shops in this parade and have an unattractive outlook and either be overlooked from the street and neighbouring upper floor flats or severely enclosed by the hedge planting shown on the plans submitted. A small area adjoining the amenity area is provided for refuse storage facilities.

Overall, it is considered that the proposal would result in unsatisfactory accommodation with inadequate private amenity space.

HIGHWAY / PARKING

While there are some on-street parking spaces in adjoining streets, at the time of the site visit, most of these were occupied. The Council Highways Team objects to this application on the basis that the PTAL level is very poor, the parking standard for this area is 1.5-2 spaces per unit and on-street parking is under pressure. Within this context, the application would enlarge an existing dwelling and create one new dwelling with only 1 additional parking space proposed.

The applicant is of the opinion that a single parking space is adequate for a small, 1 bedroom flat while the first floor flat is already existing and manages without off-street parking provision. However, this proposal will expand the existing flat by adding more bedrooms, and so place further pressure on the immediate area with regard to on-street parking where there is currently parking stress. Because of the large number of driveways in Brights Avenue, there is very little on-street parking currently available in that road, while there are double yellow line restrictions around the shop. The car port access would also lie close to the junction with the service lane and would potentially reduce on-street parking in this location as there are on-street parking bays close to the location of the proposed drive. Overall, the proposal is considered to conflict with Policy DC33.

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. However, from 6th April 2015, Regulation 123 of the CIL Regs indicates 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

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

In addition, there is a shortage of school places in the Borough, as indicated by the London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). This report identifies a lack of 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 £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 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 £6,000 for educational purposes would be appropriate.

However, as this application is recommended for refusal, there is no mechanism for securing this contribution and this therefore forms a further ground for refusal.

KEY ISSUES / CONCLUSIONS

The proposal is considered to be an overdevelopment of the site with unsatisfactory accommodation and inadequate parking and amenity space provision. The proposals are an improvement on the previous scheme in terms of their design but nevertheless create a form of residential development that appears somewhat incongruous in the Brights Avenue streetscene. In addition, in the absence of a Section 106 Agreement to secure an appropriate level of obligation, the application also fails to mitigate the impact of the proposed development on local education infrastructure. Refusal is therefore recommended.

RECOMMENDATION

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

1. Reason for refusal - Parking Deficiency

The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the Development Control Policies DPD.

2. Refusal non standard

The proposed development would, by reason of the inadequate provision of amenity space, its relationship with the commercial property and poor quality internal layout result in a poor quality living environment and 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 the Council's Supplementary Guidance on Residential Design and Policy DC61 of the Local

Development Framework.

3. Refusal non standard

The proposal, which introduces a residential dwelling and car port to the rear of the existing parade would give rise to a form of development that is considered to be out of keeping with and materially harmful to the character of the local streetscene, contrary to Policy DC61 of the Development Plan Policies DPD.

4. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £860. Further details with regard to CIL are available from the Council's website.

2. Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reasons for it was given to the agents by email dated 10/2/17.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th March 2017

APPLICATION NO. P2041.16
WARD: Pettits Date Received: 22nd December 2016
Expiry Date: 16th August 2017

ADDRESS: 7 Glenton Way
ROMFORD

PROPOSAL: Demolition of existing garage and construction of new dwelling adjoining the existing with private amenity space, off street car parking and a new double garage.

DRAWING NO(S): PL-5437_12
PL-5437_13
PL-5437_14
PL-5437_15
PL-5437_16
PL-5437_17
PL-5437_18

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

CALL-IN

Councillor Dervish has called this application into committee, as he believes that the dwelling being proposed will be in keeping with the homes in the area and provide decent family housing which is much needed in our borough. Furthermore, its impact on the streetscene deserves closer scrutiny given other schemes locally.

SITE DESCRIPTION

The application site comprises of a two storey semi-detached property at No. 7 Glenton Way, Romford, which has a single storey rear extension and a detached single storey garage to the rear of the site. The site is located on the junction of Glenton Way and Helmsdale Road. On the opposite side of the junction, there are two storey semi-detached properties that front onto Helmsdale Road. Dwellings within the area consist of two storey semi-detached properties.

DESCRIPTION OF PROPOSAL

The application is for the demolition of the existing garage and the construction of a new dwelling adjoining the existing with private amenity space, off street car parking and a new double garage and external alterations.

The proposed dwelling would have a width of approximately 5.3m, a depth of 11.05m at ground floor (not including the bay window) and 8 metres at first floor and height of 8m with a hipped roof. The proposed dwelling would contain three bedrooms.

The proposal involves changing the hipped roof of the donor property to a gabled roof.

The double garage would have a width of 6 metres, a depth of 5.3 metres and a height of 4 metres

with a gabled roof.

RELEVANT HISTORY

P0781.16 - Demolition of existing garage and construction of new dwelling adjoining the existing with private amenity space, off street car parking and a new double garage and external alterations - Refused.

L/HAV/1197/71 - Porch and conservatory - Approved.

ES/ROM/69/59 - 5'6" high boundary wall - Approved.

ES/ROM/152/55 - Housing development - Approved.

ES/ROM/505/54 - Use of land for housing - Approved.

ES/ROM/234/54 - Use of land for housing - Approved.

P0781.16 - Demolition of existing garage and construction of new dwelling adjoining the existing with private amenity space, off street car parking and a new double garage and external alterations.

Refuse 07-07-2016

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 22 neighbouring properties. No letters of representation were received.

Highway Authority - No objections in principle, but for the new dwelling, there is a note on Drawing PL-5437_17 showing "existing dropped kerb" which is at the corner of Glenton Way and Helmsdale Road. This is a pedestrian dropped kerb and cannot be used for vehicle access for the proposal. The plan does show a new vehicle crossing to serve the existing dwelling and the new dwelling which would allow access; it is considered that there should be a boundary fence or wall to ensure the future occupier does not use the pedestrian dropped kerb or drive over the footway. If that is conditioned or (preferably) added to the drawings, the Highway Authority would be content with conditions regarding a pedestrian visibility splay, vehicle access and vehicle cleansing conditions and informatives.

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

RELEVANT POLICIES

Policies CP1, CP2, CP17, DC2, DC3, DC29, DC33, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Residential Extensions and Alterations Supplementary Planning Document and the Supplementary Planning Document (SPD) for Residential Design. Policies 3.3, 3.4, 3.5, 3.8, 6.13, 7.4 and 8.3 of the London Plan and the Planning Obligation SPD are relevant. Chapters 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant as well as the Technical housing standards.

MAYORAL CIL IMPLICATIONS

The CIL payment is applicable as the proposal is for one new dwelling. The existing garage would

be demolished with a gross internal floorspace of 18 square metres, which can be deducted from the gross internal floorspace of the new dwelling. The new dwelling would have a floor space of 90 square metres. $90-18=72$. On this basis, the CIL liability equals $72 \times \text{£}20 \text{ per sq.m} = \text{£}1,440$ (subject to indexation).

STAFF COMMENTS

This application is a resubmission of an earlier application, P0781.16, for the demolition of the existing garage and the construction of a new dwelling adjoining the existing with private amenity space, off street car parking and a new double garage and external alterations, which was refused planning permission for the following reason.

1)The proposed dwelling would, by reason of its siting, narrow width and proportions, lack subservience, disrupt the uniform and symmetrical appearance of this pair of semi-detached dwellings and appear uncharacteristically narrow, cramped and incongruous within the site and introduce a sense of enclosure harmful to the open and spacious character in the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

2) The proposed dwelling would fail to offer a satisfactory living accommodation layout due to the following issues. The proposed dwelling would have an internal floor area of 88 square metres, which fails to meet the 93 square metres as per the DCLG Technical Housing Standard. The single bedroom (bedroom 3) on the first floor has a floor area of 4.5 square metres, which fails to meet the 7.5 square metres as per the DCLG Technical Housing Standard. Also, bedroom 3 is 2 metres wide, which fails to meet the minimum width of 2.15m as per the DCLG Technical Housing Standard. Bedroom 1 has a floor space of 11.1 square metres, which fails to meet the 11.5 square metres as per the DCLG Technical Housing Standard. The layout of the proposed dwelling would be contrary to Policy 3.5 of the London Plan and the DCLG Technical Housing Standard.

3)In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

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 previous scheme proposed a three bed five person property. The internal layout of the proposed dwelling has been altered to a three bed four person dwelling.

The main issues in this case are considered to be the principle of development including the location of the property adjacent to No. 7 Glenton Way, the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers, proposed amenity space and highway/parking issues.

PRINCIPLE OF DEVELOPMENT

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford

Town Centre and District and Local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of a new dwelling would therefore not be unacceptable in land use terms.

DENSITY / SITE LAYOUT

The site has a PTAL rating of 1b, where the advised range for residential development in this part of the borough is 30-50 dwellings per hectare. Section 21 of the application form states that the site area is 440 square metres (or 0.044 hectares). However, according to Staff calculations, the application site (not including the land for the garage) has an area of 0.0177 hectares. For this proposal of one dwelling this equates to a density of 56 dwellings per hectare, which is above the range anticipated by Policy DC2 for housing density.

The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

Staff are of the opinion that the amenity space for the proposed and donor dwellings would be private, screened from general public view and access, and are in a conveniently usable form. It is considered that the amenity space provision is acceptable in this instance.

The Technical Housing Standard states that the minimum gross internal floor area for a three bedroom, two storey dwelling with 4 bed spaces is 84 square metres. The proposed dwelling would have an internal floor area of 88 square metres, which meets the Technical Housing Standard.

The width and floor area of bedrooms 1 and 3 meet the criteria of the Technical Housing Standard.

The Technical Housing Standard states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. According to the British Dictionary the definition of width is "the linear extent or measurement of something from side to side, usually being the shortest dimension or the shortest horizontal dimension". The proposed first floor plan on Drawing No. PL-5437_15 shows a dimension of 3.425 metres, which Staff consider to be the depth of bedroom 2, not the width. Bedroom 2 would have a minimum width of 1.8 metres, which technically does not meet the 2.15 metres in line with the DCLG Technical Housing Standard. However, given that there are two other bedrooms that meet the Technical Housing Standard and the gross internal floorspace of the proposed dwelling meets the standard, Staff consider that the resultant harm to the living conditions of future occupiers is not so severe as to recommend refusal on this ground.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

therefore complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

Council policy and guidance seeks to ensure that new developments/alterations are satisfactorily located and are of a high standard of design and layout. The dwelling would be located 1 metre from the northern boundary of the site. When considering the merits of this application, consideration has been given to the impact of the new dwelling on the open and spacious character of the streetscene and the characteristic spacing between dwellings.

It is noted that the size, siting and design of the proposed dwelling remain identical to the previously refused application, P0781.16.

Glenton Way is characterised by pairs of semi-detached dwellings that have a uniform and equal appearance in terms of their design and proportions. To illustrate this, it is noted that the donor property has a width of 6.4 metres, whereas the proposed dwelling has a width of 5.3 metres. Also, the width and height of the two storey front bay feature of the proposed dwelling would fail to replicate the proportions of this feature of No.'s 5 and 7 Glenton Way and combined with the narrow width of the proposed dwelling, would appear incongruous and disrupt the symmetrical appearance of this pair of semi-detached dwellings in the streetscene.

The Residential Extensions and Alterations SPD provides guidance regarding two storey side extensions, although Staff consider that the principles of policy can be applied to new dwellings. The Residential Extensions and Alterations SPD states that the character of many streets in the borough is derived from the uniform spacing of dwellings. Side extensions should be carefully designed so they do not interrupt this rhythm and do not detract from Havering's open and spacious character. Side extensions are highly visible from the street, so it is important that their design closely reflects the original house in terms of finishing materials, roof style and positioning and style of windows. The symmetry of semi-detached houses and the spacing between pairs are important considerations for side extensions. Side extensions should be subordinate to the existing dwelling to ensure they do not unbalance a pair of semi-detached properties, and to maintain the characteristic gap between neighbouring pairs of semi-detached houses. The guidance seeks to ensure that two storey side extensions to semi-detached dwellings would appear subservient.

The Residential Extensions and Alterations SPD states that side extensions to corner properties should not project forward of the building line of properties along the adjoining street in order to maintain the building line. In this instance, the proposed dwelling would project forward of the building line of properties in Glenton Way, which would fail to respect the existing layout of the estate and further illustrates the cramped nature of the proposed development.

Staff observed that the side/rear gardens of the neighbouring properties on corner plots in the locality of the application site, including No.'s 60 and 62 Garry Way and No. 12 Glenton Way, together with the application site, remain undeveloped and thereby, contribute to the open and spacious character of the streetscene in the surrounding area. No. 7 Glenton Way is well set back from the footway and this separation of the flank wall provides the junction with an open appearance. The proposed dwelling would encroach into the space between the existing flank wall and the wall that encloses the garden. This would introduce a sense of enclosure on the approach to the junction and adversely affecting the wider street scene.

Staff consider that the proposed dwelling would, by reason of its siting, narrow width and proportions, disrupt the symmetrical appearance of this pair of semi-detached dwellings and appear uncharacteristically narrow, cramped and incongruous within the site and introduce a sense of enclosure harmful to the open and spacious character in the streetscene contrary to Policy DC61 of the LDF.

The Design and Access Statement submitted with this application states that this proposal is similar to the following planning applications:

·P1128.05 at 256 Mungo Park Road, Rainham for a three bedroom detached house, which was approved in 2005.

·P0082.13 at 9 Stephen Avenue, Rainham for a new attached dwelling on land adjacent to 9 Stephen Avenue, Rainham Essex and first floor rear extension to 9 Stephen Avenue, which was approved in 2013.

·P1372.12 at land adjacent to 13 Tempest Way, Hornchurch for a new two bedroom detached dwelling that was refused and allowed on appeal. There appears to be a discrepancy with the address, as 13 Tempest Way is located in Rainham, not Hornchurch.

·Application P0072.14 at land adjacent to 1 Tempest Way, Rainham for the demolition of the existing garage and the construction of a 2 bedroom end of terrace dwelling with private amenity and off street car parking.

Staff consider that the proposal and the application site are materially different from applications P1128.05, P0082.13 and P1372.12 and therefore, they are not deemed to set a precedent, particularly as each planning application is determined on its individual planning merits. In addition, 256 Mungo Park Road was approved in 2005 and pre-dates current LDF policies. 9 Stephen Avenue is materially different in terms of its design and relationship to the boundary. This was recommended for refusal by staff, although approved by Regulatory Services Committee. Staff consider that that this proposal does not appear particularly satisfactory in the streetscene and may be considered to demonstrate the harm that can be caused by proposals of this nature. The development at 13 Tempest Way was allowed on appeal. The Inspectors decision was based on local site conditions, referencing other examples of new dwellings in similar locations in close proximity to the site. The new dwelling was also set much further in from the side boundary than that proposed in this application.

Staff consider that application P0072.14 at land adjacent to 1 Tempest Way is not a material planning consideration as it was refused planning permission and was dismissed on appeal in 2014.

In any event, none of these other developments are in the vicinity of the application site and it is considered this proposal must be considered on its individual merits having regard to local site characteristics. As such, Staff do not consider that there are any material grounds that would warrant reaching a different decision to that taken on the previous application, particularly as the visual impacts are identical to those judged unacceptable previously.

IMPACT ON AMENITY

It is noted that the size, siting and design of the proposed dwelling remain identical to the previously refused application, P0781.16.

Staff consider that the donor property would not be adversely affected by the proposal, as it would be flush with its front and rear building lines at ground and first floor and there is favourable orientation as it would be located to the north of this dwelling.

Given the separation distances between the surrounding neighbouring properties and the application site, which is on a junction, Staff consider that the proposal would not be unduly harmful to residential amenity and would not result in any undue overlooking or loss of privacy.

Staff consider that the proposed garage would not result in significant harm to residential amenity, as it would replace a single garage and would be located approximately 2.6 metres from the flank wall of No. 9 Glenton Way.

Staff consider that the proposal would not result in undue noise from vehicles and occupants from the creation of a single dwelling over and above existing conditions.

HIGHWAY / PARKING

The Highway Authority has no objections in principle, but for the new dwelling, there is a note on Drawing PL-5437_17 showing "existing dropped kerb" which is at the corner of Glenton Way and Helmsdale Road. This is a pedestrian dropped kerb and cannot be used for vehicle access for the proposal. The plan does show a new vehicle crossing to serve the existing dwelling and the new dwelling which would allow access; it is considered that there should be a boundary fence or wall to ensure the future occupier does not use the pedestrian dropped kerb or drive over the footway. If that is conditioned or (preferably) added to the drawings, the Highway Authority would be content with conditions regarding a pedestrian visibility splay, vehicle access and vehicle cleansing conditions and informatives. Given that there are other grounds for refusal, Staff did not ask the agent to show a boundary fence or wall on the perimeter of the front garden of the proposed dwelling to prevent vehicles using the pedestrian dropped kerb to access the application site.

Policy DC33 seeks to ensure all new developments make adequate provision for car parking. A standard of between 2-1.5 spaces should be provided per unit for a development of this type in Romford. The donor property and the proposed dwelling would both have space for one vehicle in the garage and one space in tandem on hardstanding to the front of the garage, which is sufficient and could be secured by condition if minded to grant planning permission. The provision of visibility splays adjacent to the proposed garage and car parking spaces could be secured by condition if minded to grant planning permission.

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 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.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows 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 £6,000 for educational purposes would be appropriate.

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

KEY ISSUES / CONCLUSIONS

It is considered that the proposed dwelling would, by reason of its siting, narrow width and

proportions, disrupt the symmetrical appearance of this pair of semi-detached dwellings and appear uncharacteristically narrow, cramped and incongruous within the site and introduce a sense of enclosure harmful to the open and spacious character in the streetscene contrary to Policy DC61 of the LDF.

In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards infrastructure costs of new development, the proposal is contrary Policy DC72 of the LDF and the Havering Planning Obligations Supplementary Planning Document.

It is recommended that the application be refused.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed dwelling would, by reason of its siting, narrow width and proportions, lack subservience, disrupt the uniform and symmetrical appearance of this pair of semi-detached dwellings and appear uncharacteristically narrow, cramped and incongruous within the site and introduce a sense of enclosure harmful to the open and spacious character in the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

2. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reasons for it was given to Mr Daniel Brandon via email on 15th February 2017.

2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,440. Further details with regard to CIL are available from the Council's website.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th March 2017

APPLICATION NO. P2060.16
WARD: Emerson Park **Date Received:** 22nd December 2016
Expiry Date: 20th August 2017

ADDRESS: Exchange House
107 Butts Green Road
HORNCHURCH

PROPOSAL: The erection of a third floor roof extension to create a flat with private amenity space together with the extension and alteration of the existing stairwell and external areas including 2 new car parking spaces

DRAWING NO(S): PL-5446_11
PL-5446_12
PL-5446_13
PL-5446_14
PL-5446_15A
PL-5446_16
PL-5446_17
PL-5446_18
PL-5446_19

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

CALL-IN

This application has been called in to committee by Councillor Kelly to discuss the height changes so prevalent on council owned property and seemingly not on private schemes.

SITE DESCRIPTION

The site lies to the west of Butts Green Road and comprises a two storey red brick building, formerly used as a telephone exchange. Built in 1926, the building was previously converted into offices. In 2006 planning permission was approved for the conversion of the building into No.6, 2 bedrooms flats. This work has now been completed and the flats occupied. To the front of the property is parking provision and a bin store, whilst to the rear is further allocated parking and a grassed area. The site fronts onto but lies just outside of the Emerson Park Policy Area.

DESCRIPTION OF PROPOSAL

The proposal is for a third floor extension to create 1 two bed flat with private amenity space on the roof of the converted telephone exchange, together with the extension and alteration of the existing stairwell and external areas including two new car parking spaces. The flat would be accessed from the existing internal staircase, whilst amenity space for the flat consists of a terrace that is fenced off.

The extension would have a depth of 10.8m, a width of 7.5 metres and a height of 2.2 metres above the existing parapet. The space created would be utilised for an open plan kitchen/living/dining room, bathroom, two bedrooms, one with an en-suite and a cupboard.

The proposal would result in the loss of some soft landscaping adjacent to the ramp leading to the entrance to the flats to create one additional car parking space. This proposal includes the provision of a second parking space to the rear of the site.

The proposals also include raising a section of the existing parapet wall in order to accommodate the staircase and adding a roof light.

It is noted that the scale on drawing No. PL-5446_17 is incorrect, as it appears to be 1:200, not 1:100, although this has not affected the determination of this application.

RELEVANT HISTORY

- P0638.16 - Second floor extension to create 1 two bed flat with private amenity space together with the extension and alteration of the existing stairwell and external areas including 1 new car parking space.
Refuse 16-08-2016
- P0341.11 - Second floor extension to create no.1 two bed flat with roof terrace.
Refuse 19-04-2011
- P0859.10 - Second floor rear extension to provide (No.1) 2 bed flat
Refuse 03-08-2010
- P0256.07 - 7No. 2 bed flats in existing building and a new mansard roof
Refuse 10-04-2007
- P2426.06 - New 2 bed apartment in new Mansard roof and external staircase
Withdrawn 26-01-2007
- P1909.06 - Conversion of existing building (mixed B1 and D1 uses) to 6 x 2 bedroom flats
Apprv with cons 29-11-2006

CONSULTATIONS / REPRESENTATIONS

94 Neighbouring properties were notified of the proposed works at the application site. Thirteen letters of objection were received with detailed comments that have been summarised as follows:

- Reference was made to the previous applications for this site.
- Highway safety.
- Overbearing, out of keeping and dominant in the streetscene.
- Concerns regarding the scale, height and character of the proposal.
- Overlooking and loss of privacy.
- Inappropriate materials.
- Overdevelopment.
- Increased vehicular and pedestrian movements within the site.
- Would appear incongruous, dominant and visually intrusive in the streetscene.
- Noise from the front and rear doors of the building slamming.
- Noise and disturbance.
- Parking, access and traffic.
- There is little difference between this application and the previous applications.
- Visual impact.
- Insufficient refuse and recycling provision.

- Impact on the heritage of the building as a former telephone exchange.
- Congestion.
- Light pollution.
- Devaluation of property.
- The proposal would ruin the skyline for adjacent buildings.
- Inadequate space to manoeuvre vehicles or accommodate disabled access for cars within the site.
- There are too many flats in the area.
- Concerns regarding the removal of the soft landscaping and the resulting noise, headlight glare from vehicles and loss of privacy.
- The additional parking space would result in the loss of some communal garden.
- Queried if the building can sustain the weight of an additional dwelling.
- The building works would result in access, pollution, noise, dirt, disruption, security, health and safety issues and would adversely affect the use of the amenity area for the flats.
- Impact on residential amenity.
- The impact of the additional car parking spaces on habitable rooms of the flats.
- Pedestrian and highway safety.
- Loss of light.
- Smells from domestic waste and cooking.
- The proposed flat would not constitute as affordable housing or help with any housing needs.

In response to the above, comments regarding noise from the front and rear doors of the building and devaluation of property are not considered to be material planning considerations. Each planning application is determined on its individual planning merits. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. The remaining issues will be addressed in the following sections of this report.

Fire Brigade - A pump appliance should be able to approach to within 45m of all points in the proposed dwelling measured along a line suitable for the laying of hose. No additional fire hydrants are required.

Highway Authority - The additional parking space to the rear of the site would remove the ability of a driver using the adjacent spaces from performing a 3-point turn to exit the rear parking area in forward gear which does risk people reversing onto Butts Green Road, this would also be unsatisfactory from a pedestrian comfort and safety point of view. DC32 and DC34 apply. However, if the applicant adjusted the layout to provide the additional space to the rear in parallel to the existing spaces and provide a small turning head (perhaps 4 metres wide to the building and 3 metres deep) it would be possible for users of the new space and the one immediately adjacent to reverse into the turning head and exit in forward gear. This could be conditioned.

RELEVANT POLICIES

Policies CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC29 (Educational premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC55 (Noise), DC61 (Urban Design) and DC72 (Planning Obligations) of 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 and the Planning Obligations Supplementary Planning Document.

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.

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

MAYORAL CIL IMPLICATIONS

The flat would have a gross internal floor space of 71 square metres. $71 \times 20 = 1,420$.
CIL would be payable up to £1,420 (subject to indexation).

STAFF COMMENTS

This application follows three previous applications on the site. P0859.10 for a second floor rear extension to provide (No.1) 2 bed flat and P0341.11 for a second floor extension to create no.1 two bed flat with roof terrace were both refused and dismissed on appeal.

P0859.10 was refused for the following reasons:

1)The proposed roof extension would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2)The proposed third floor roof terrace, would by reason of its elevated position and extent, be likely to result in a loss of privacy and a level of general noise and disturbance which would adversely impact on existing residential amenity, contrary to policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3)The roof extension, by reason of its siting on the boundary with No. 105 Butts Green Road would have an overbearing impact, resulting in the loss of amenity, contrary to policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

The appeal for P0859.10 was dismissed because of the effect the roof extension would have on the appearance of the property and the streetscene, particularly when the extension was viewed from near the junction of Butts Green Road and Burntwood Avenue.

P0341.11 for a second floor extension to create no.1 two bed flat with roof terrace was refused planning permission for the following reason:

1)The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

The appeal for P0341.11 was dismissed as the Inspector concluded that the extension would detract from the building's appearance as a prominent skyline development in the streetscene, higher than adjoining buildings, which would have a significantly harmful impact on the streetscene.

The most recent application, P0638.16, was for a second floor extension to create 1 two bed flat with private amenity space together with the extension and alteration of the existing stairwell and external areas including 1 new car parking space, which was refused planning permission for the following reasons:

1)The proposed development would, by reason of its height, bulk and mass, appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the existing building and the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2)In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

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, P0638.16, in the following key areas:

-An additional car parking space has been provided to the rear of the building, which would reduce the communal amenity space for the flats.

The report covers the principle of the development, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements. The previous appeal decisions for P0341.11 and P0859.10 are considered to be material considerations.

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. The site does not fall within any pertinent policy designated areas as identified in the Local Development Framework Proposals Map. It has been established, in land use terms, that the site is suitable for a housing development and therefore, the principle of a residential use is in accordance with policy criteria.

DENSITY / SITE LAYOUT

The flat would have a gross internal floor area of 71 square metres, which meets the 61 square metres for a two bedroom, 3 bed spaces, one storey dwelling contained in the Technical Housing standards.

The flat would have a minimum floor to ceiling height of 2.4 metres, which is sufficient. The flat would meet the criteria of the Technical Housing Standards.

With regards to amenity space, the SPD on Residential Design indicates suitable requirements for new residential accommodation. The flat would have a terrace of 10 square metres that would be set in from the perimeter of the building by 1.95m and would be fenced off, which is deemed to be acceptable for future occupiers. It is considered that the flat would have a reasonable outlook and aspect.

DESIGN / IMPACT ON STREET / GARDEN SCENE

It is noted that the size, siting and design of the third floor extension remain identical to the previously refused application, P0638.16.

The proposed extension is of a flat roof design, which mimics the existing building. It would be set back 5.7m from the front and rear facades of the building, although the staircase would project forward of this. This set back is an increase from the 3.65m from the front facade of the building for the previously refused application, P0341.11; which is an improvement. Setting the extension further behind the front wall of the building will screen slightly more of it from view from the road. However, the extension would still be visible and highly prominent within the Butts Green Road streetscene, especially when viewed from the south and opposite from the junction of Burntwood Avenue.

The extension would increase the height of the building from 9.5m to 11.9m, an increase of 2.2m which is the same as the previously refused application P0341.11. Staff consider that the proposal would materially alter the form and character of this distinctive local landmark and appear overly dominant and intrusive. Whilst it is not a listed building nor in a Conservation Area, the building is of local historic value and is unique within this locality.

The extension would have a rendered appearance, which is deemed to be acceptable as it would match the parapet wall of the existing building, although this would not mitigate the prominence of the extension.

The Inspector for P0859.10 concluded that the proposal would interrupt the clear lines and simple form of this distinctive landmark building and appear as a visually intrusive feature in the streetscene and would not maintain, enhance or improve the character and appearance of the area.

The appeal decision for P0341.11 stated that this imposing and distinctive former telephone exchange has been converted into flats in a sensitive and balanced manner, and has been successfully integrated into the frontage development. Its appearance is pleasing and its design at the front looks finished and complete. The extension, even with the benefits from the revisions, would detract from the building's appearance at the front by adding an incongruous structure to its roof, which would appear as a prominent skyline development in the streetscene, higher than adjoining buildings.

Given the prominence of the building with its clear uninterrupted lines and simple form and its unique character within the locality, it is considered that any type of roof extension would be

unacceptable and materially alter the defined appearance of the building. Staff consider that the proposal would, by reason of its height, bulk and mass, appear incongruous and visually intrusive in the streetscene harmful to the character and appearance of the existing building and the surrounding area contrary to Policy DC61 of the LDF.

The Design and Access Statement states that this proposal is similar to the following planning application:

·P1255.15 - 1-15 Corbets Tey Road, Upminster for the creation of a third floor roof extension incorporating 4 no. flats, together with the associated extension/alteration of the existing communal stairwells and renovation of the building exterior.

Staff consider that application P1255.15 at 1-15 Corbets Tey Road is not a material planning consideration as it was refused planning permission on four grounds, one of which was:

1)The proposed extension would by reason of its incongruous design, appearance and position cause material harm to the building's distinctive Art Deco architectural form and integrity and would thereby harm the character and appearance of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

Application P1255.15 was subsequently dismissed on appeal and the Inspector concluded that the proposal would have a harmful impact on the character and appearance of the host building and surrounding area contrary to Policy DC61 of the Council's Core Strategy and Development Control Policies Development Plan Document (DPD).

Staff consider that the proposal and the application site are materially different from application P1255.15 and therefore, it is not deemed to set a precedent, particularly as each planning application is determined on its individual planning merits. In particular, the consideration in this case is how the design and appearance of the proposed roof addition relates to the character and appearance of the host building. In addition, 1-15 Corbets Tey Road is located in Upminster, which is a different part of the borough from the application site in Hornchurch and as such, is not deemed to be directly comparable as the character and streetscene characteristics of Hornchurch and Upminster are different.

IMPACT ON AMENITY

It is noted that the size, siting and design of the third floor extension remain identical to the previously refused application, P0638.16.

The Inspector for P0859.10 stated that the increase in roof height on the side adjoining No.105 Butts Green Road would have a limited impact on resident's outlook, as the telephone exchange is already a significantly higher building. The extension was inset from the flank elevation and would not significantly add to the already overbearing impact. The roof terrace was located to the rear of the building, enclosed by a 1.8m screen; this was considered acceptable at appeal for P0859.10 with the Inspector stating that the screen would alleviate unacceptable overlooking or loss of privacy and given the separation distances with nearby dwellings, the use of the terrace by a single household would not result in unacceptable noise levels. The Inspector considered that there would be no conflict with Policy DC61 in respect of the proposed roof terrace on nearby residents' living conditions regarding privacy, noise and disturbance.

The extension would be set in 5.7m from the front and rear elevations of the building and 2.3m from the flank walls of the building. Given the set back nature of the extension and the existing relationship between No. 105 and the telephone exchange, it is not considered that the resultant impact of an extension at roof level would significantly lead to a loss of amenity as to substantiate a refusal. The flank bathroom window shown on plans could be adequately controlled via condition so that it is obscure glazed if minded to grant planning permission.

With this resubmission, the terrace is again located to the rear of the building, and would be enclosed by fencing. Given its inset nature from the elevations and the comments from the Inspector at appeal for applications P0859.10 and P0341.11, it is considered that there are insufficient grounds to warrant a refusal on noise grounds and any subsequent impact on existing residential amenity. The physical layout of the terrace is considered to provide acceptable amenity provision for any future occupants. In the event of approval, details of the fenced enclosure around the amenity area and its retention could be required by condition.

It is noted that the proposal involves removing the existing planting area to accommodate an additional car parking space to the front of the site, which would be adjacent to the bedroom windows of the ground floor flat. Consideration has been given to the impact of this on neighbouring amenity, in terms of noise, disturbance and vehicle headlights beaming into habitable room windows. Although, the layout of the site, including the siting of the additional car parking space to the front of the site (not including the car parking space to the rear), remains identical to both planning applications P0859.10 and P0341.11 and did not constitute a reason for refusal. Therefore, it is considered that there is insufficient justification to refuse planning permission on these grounds. Moreover, the Inspector for P0859.10 concluded that any additional parking or traffic arising from one additional dwelling would be very small and insignificant in relation to that in the surrounding area and it would have no material impact on highway safety or the convenience of nearby residents.

Although the car parking space to the rear of the site would reduce the amount of communal amenity space for occupiers of the flats, Staff consider that there would be adequate remaining space for day to day uses. It is considered that the parking space to the rear of the site would not result in material harm to occupiers on the ground floor of the building, as it would be parallel with the rear facade of the building.

HIGHWAY / PARKING

The site is located in PTAL 2. Policy DC33 states that development of this type should have less than one space per unit. Here two off street car parking spaces are to be provided for the flat, thereby exceeding the requirements of the policy. Access into and out of the site will remain unchanged.

Whilst a vehicle could be driven into the additional car parking space to the rear of the site in forward gear, the proposal does not include the provision of a turning head and Staff consider that there is insufficient space for a vehicle to manoeuvre within the site to turn around and exit the site in forward gear. In the event that all four existing car parking spaces to the rear of the building are occupied, the vehicle would need to reverse past the existing parking spaces and down the single access road beside the building, before turning round to the front of the building and exiting the site onto Butts Green Road - a busy main road, which Staff consider to be harmful to pedestrian and

highway safety contrary to Policies DC32 and DC34 of the LDF and the guidance contained in the National Planning Policy Framework.

The Highway Authority has advised that the additional parking space to the rear of the site would remove the ability of a driver using the adjacent spaces from performing a 3-point turn to exit the rear parking area in forward gear which does risk people reversing onto Butts Green Road, this would also be unsatisfactory from a pedestrian comfort and safety point of view. DC32 and DC34 apply. However, if the applicant adjusted the layout to provide the additional space to the rear in parallel to the existing spaces and provide a small turning head (perhaps 4 metres wide to the building and 3 metres deep) it would be possible for users of the new space and the one immediately adjacent to reverse into the turning head and exit in forward gear. As the application is recommended for refusal amendments to secure this have not been sought.

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 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.

The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows 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 £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 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 £6,000 for educational purposes would be appropriate.

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

KEY ISSUES / CONCLUSIONS

In addition to previous refusals and appeal dismissals, the application follows on from a further recent refusal of an almost identical proposal and it is considered that there are no material changes in planning policy or site circumstances since the previous refusal.

The proposed development, by reason of its height, bulk and mass, is judged to appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the existing building and the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

The proposal, by reason of its site layout and the siting of the second car parking space to the rear of the site and the cumulative impact of no turning head, would impede the vehicular entry and egress of the site harmful to highway safety contrary to Policies DC32 and DC34 of the LDF.

In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards educational purposes, the proposal is contrary Policy DC72 of the LDF and the Havering Planning Obligations Supplementary Planning Document.

It is therefore recommended that planning permission is refused.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed development would, by reason of its height, bulk and mass, appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and

appearance of the existing building and the surrounding area contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies DPD.

2. Refusal non standard

The proposed development, by reason of its site layout and the siting of the additional car parking space to the rear of the site and the cumulative impact of no turning head, would impede the vehicular entry and egress of the site harmful to highway safety contrary to Policies DC32 and DC34 of the Local Development Framework Core Strategy and Development Control Policies DPD.

3. Reason for Refusal - Planning Obligation

In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Local Development Framework Core Strategy and Development Control Policies DPD and Policy 8.2 of the London Plan.

INFORMATIVES

1. Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to Mr Daniel Brandon via email on 16th February 2017.

2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £1,420. Further details with regard to CIL are available from the Council's website.

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REGULATORY SERVICES COMMITTEE

16 March 2017

REPORT

Subject Heading:

P1858.16 - Duryfalls, 35 Upminster Road,
Hornchurch

Conversion and extension of existing residential care home (C2) to form 8 No. self-contained dwellings (C3) (4No. x 1 bed & 4No. x 2 bed) with off street parking. Restoration of existing sash windows and replacement plain clay roof tiles to main house. (Received 16/11/16, revision received 28/02/17.

Ward:

St. Andrews

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

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Senior Planner
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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The report considers an application for the conversion of the former Dury Falls Residential Care Home into 8 no. residential units. The project aims to restore the listed building which includes the 17th century Manor House..

The proposal raises considerations in relation to the loss of a care home, impact on the conservation area, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking.

Staff consider that, 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 Country Planning Act 1990 to secure planning obligations.

RECOMMENDATIONS

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 £48,000 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. 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.

11. Listed Building consent

No building, engineering operations or other development on the site, shall be commenced until the Listed Building consent has been granted

Reason: To protect the Listed Building and in order that the development accords with the Development Control Policies Development Plan Document Policy DC67.

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 28 February 2017.
3. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
5. 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>

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| REPORT DETAIL |
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1. Site Description

- 1.1 Drury Falls Care Home is located on the corner of Upminster Road and Wingletye Lane. The building is an early-17th century timber framed house with mid-17th century and later additions. The building has two storey with a

colour washed and render finish. All the windows have 19th century sashes with cambered heads. The roof is finished with old roof tiles.

- 1.2 The site is located in the St. Andrews Church Conservation Area and the building is a timber-framed house which has a Grade 2 listing.
- 1.3 The site's eastern boundary abuts a flatted development along Upminster Road and the northern boundary abuts a two-storey detached dwelling. The property also has the remains of a moat at the north-eastern corner, which is part of the listing description.

2. Description of Proposal

- 2.1. The report considers an application for the conversion of the former Dury Falls Residential Care Home into 8 no. residential units. The project aims to restore the 17th century Manor House with the aim of preventing it becoming a building at risk of deterioration. The proposal will provide a mix of 4 No. 1-bedroom and 4 No. 2-bedroom units.
- 2.2 The proposal would also include 2 No. small single storey additions on the western side of the building. No additions are proposed to the original 17th century building as the single storey additions will be added to a later extension.
- 2.3 The proposed internal changes will be kept to a minimum with only a small number of additional walls added and sections of existing walls removed.
- 2.4 The proposal will retain the existing access of Wingletye Lane and utilise the existing parking area which will be able to accommodate 9 No. spaces.

3. Relevant History

- 3.1 L0015.16 - Listed Building Consent Conversion and extension of existing residential care home (C2) to form 8 No. self-contained dwellings (C3) (4No. x 1 bed & 4No. x 2 bed) with off street parking. Restoration of existing sash windows and replacement plain clay roof tiles to main house – Still to be determined

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 20 properties and 1 letter of objection was received raising concerns that the proposal will add to the existing parking problem in Wingletye Lane.
- 4.2 The following consultation responses have been received:
 - The London Fire Brigade - no objection.
 - Highways - concerns raised regarding the amount of parking provided however consider it acceptable on balance given the proximity to the railway station.

- Streetcare - initial concerns relating the access door for refuse has been addressed by the applicant
- Thames Water - no objection
- Essex and Suffolk Water - no objection
- Historic England - no objection relating to archaeology, concerns raised regarding the changes to the listed building would be covered under the listed building application (L0015.16)
- Environmental Health raised no objection provided that a condition is added for new plant or machinery.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), CP18 (Heritage), 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), DC67 (Buildings of Heritage Interest), DC68 (Conservation Areas) 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, Heritage 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), 7.8 (Heritage assets and archaeology), 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 and conservation area, impact upon neighbouring occupiers and highway/parking issues. Issues relating to the impact on the Listed Building will be considered as part of the listed building application.
- 6.2 *Principle of development*
- 6.2.1 Policy DC27 requires justification for the loss of a community facility. There is currently a sufficient supply of Care Homes within Havering and Staff therefore considers the change of use to be acceptable.

6.2.2 The subject Listed Building became vacant during May 2016 and could not be sold in its current use as it no longer met the care home regulations. The change of use to C3 will enable the Listed Building to be restored back to a landmark building of architectural and historical importance.

6.3 *Density Layout*

6.3.1 The proposal would provide 8 no. residential flats at a density equivalent to approximately 50 dwellings per hectare. This is within the aims of Policy DC2 which states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location.

6.3.2 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 prescribed minimum internal space standards.

6.3.3 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.

6.3.4 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.

6.3.5 The proposal is for the conversion of an existing building and is therefore limited in the amount of amenity space that it can provide and has to utilise existing garden areas for this purpose. The proposal will utilise the existing garden areas to the south and east of the building for the provision of a communal amenity area. This provision will amount to approximately 620m² of amenity space. Staff do acknowledge that part of the amenity area is situated on the corner of Wingletye Lane and Upminster Road and will be partly visible from these roads, however the applicant has proposed landscaping and fencing that would protect the amount of amenity afforded to future occupiers. Staff consider the amenity space provision to be acceptable for the future occupiers.

6.4 *Design/Impact on Streetscene*

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

6.4.2 The only outside changes to the building would be the addition of two small additions to the western elevation. The proposed additions are modest and in keeping with the existing building. The additions will not have a harmful impact on the streetscene or conservation area.

6.5 *Impact on Listed Building*

6.5.1 The only changes to the external appearance of the Listed Building would be two small single storey additions to the western elevation. Staff do not consider these additions to have a harmful impact on the Listed Building as they would not form part of the original building but part of later additions. The proposed additions would be modest and will have a negligible impact on the surrounding area or listed building. The proposal will make some improvement to the car park, garden area and moat which will improve the setting of the Listed Building.

6.6 *Impact on Amenity*

6.6.1 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.

6.6.2 Staff do not consider the proposal to have an unacceptable impact on neighbouring residential occupiers. No additional fenestration is proposed and only small single storey additions are proposed to the western elevation abutting Wingletye Lane.

6.6.3 Any impact in terms of additional noise and disturbance are deemed acceptable given the nature of the use and the distance from neighbouring residential uses.

6.7 *Parking and Highway Issues*

6.7.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL of 4 and requires 1-1.5 parking spaces per unit for a development of this type. The development would provide a total of 9 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 given the relative close proximity to Upminster Bridge Station.

6.8 *Mayoral Community Infrastructure Levy*

6.8.1 The proposal is not CIL liable as it would only result in a small increase of approximately 6m² to the existing building.

6.9 *Infrastructure Impact of Development*

- 6.9.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.9.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.9.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.9.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.9.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.9.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

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

6.9.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £48,000 for educational purposes would be appropriate.

6.10 *Other*

6.10.1 There are protected trees on site. A condition will be added to ensure that a scheme for the protection of preserved trees on the site be submitted prior to commencement of any development.

6.10.2 Secure cycle storage will be provided in a shed to the front of the site. A condition will be added requesting details to be submitted prior to commencement of development in the event of an approval.

6.10.3 The applicant has stated that refuse storage and recycling capacity would be provided in accordance with the required standards. A condition will be added requesting details to be submitted prior to commencement of development in the event of an approval.

6.10.4 All matter relating to the internal changes to the Listed Building would be covered in detail within the listed building application (L0015.16)

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.

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REGULATORY SERVICES COMMITTEE

16 March 2017

REPORT

Subject Heading:

P2030.16 - Hexagon House and Chaucer House, Mercury Gardens, Romford

Erection of 58 flats on top of the existing building. (Received 23/12/16 and revised on 06/02/17)

Ward:

Romford Town

Lead Officer:

Helen Oakerbee
Planning Manager

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The proposal is for the erection of 58 flats on top of the existing Hexagon House building.

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

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

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee based on an internal gross floor area of 3,284m² amounts to £65,680.

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 £1,000,000 towards affordable housing to be paid in three stages; first payment on commencement, second payment at the completion of the 19th unit and third payment on the completion of the 39th unit.
- A financial contribution of £348,000 to be used for educational purposes.
- In the event that the energy statement submitted in compliance with Condition 9 does not demonstrate that the development can meet the Zero Carbon requirement of Policy 5.2 of the London Plan, a financial contribution (to be calculated) to the Council's Carbon Offset Fund.
- Save for the holders of blue badges that any future occupiers of the development be prevented from applying for and purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.

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

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 87 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use by occupiers of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

4. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

5. Refuse and Recycling

The flats hereby permitted shall not be occupied or until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

6. Cycle Storage

The flats hereby permitted shall not be occupied until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

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

9. Energy Statement

No development shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. All measures identified in the approved Energy Statement shall be fully implemented prior to the first occupation of the development and thereafter permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the Core Strategy and Development Control Policies DPD and Policy 5.2 of the London Plan 2011

10. Accessible and Adaptable Dwellings

At least 6 of the dwellings hereby approved shall be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

11. 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

12. Air Quality Assessment

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

- a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)
- a) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).
- b) The air quality assessment shall predict air quality with the development in place (with development).
- c) The air quality assessment should also consider the following information:
 - A description containing information relevant to the air quality assessment.
 - The policy context for the assessment- national, regional and local policies should be taken into account.
 - Description of the relevant air quality standards and objectives.
 - The basis for determining the significance of impacts.
 - Details of assessment methods.
 - Model verification.
 - Identification of sensitive locations.
 - Description of baseline conditions.
 - Assessment of impacts.
 - Description of the construction and demolition phase, impacts/ mitigation.
 - Mitigation measures.
 - Assessment of energy centres, stack heights and emissions.
 - Summary of the assessment of results.

For further guidance see: 'EPUK Guidance Development Control: Planning for Air Quality (2015 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: To protect public health, those engaged in construction and occupation of the development from potential effects of poor air quality.

13. Secure by Design

Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police NE Designing Out Crime Office, 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, the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities.

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 revision to the internal layout by omitting studio flats. The amendments were subsequently submitted on 06 February 2017.
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 £65,680 (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 aiming to satisfy condition 13 the applicant should seek the advice of the Police Designing Out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813
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>
7. The applicant should take note of the following comments raised by The London Fire and Emergency Planning Authority:
 - Fire mains will need to meet access requirements
 - In order to meet the 45m hose criterion it may be necessary to provide additional fire mains.
 - There should be access for a pump appliance to within 18m of the inlet to a fire main which should be visible from the appliance.
 - There should be a fire hydrant within 90m of the inlet to a fire main.
 - Any dead end access road in excess of 20m should be provided with suitable turning facilities
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| REPORT DETAIL |
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1. Site Description

- 1.1 The application site is within Romford Town Centre and is located to the south side of Western Road, to the eastern side of its junction with Grimshaw Way. The site is generally flat, although there is a gentle slope towards the southern end of the site. The site has an area of 0.57 hectares. It comprises the existing 4/5 storey office buildings, known as Hexagon House and Chaucer House, together with an associated car park of around 112 spaces to the rear of the buildings.
- 1.2 To the north of the site lies Western Road, with a multi-storey car park on the opposite side of the road and beyond that the Liberty shopping centre. There are bus stops directly in front of the application site. To the immediate east of the site is Mercury Gardens, which forms part of the ring road around Romford Town Centre. West of the site is the (under construction) new Romford Leisure Development and Grimshaw Way, which is bordered on the other side by the 5 storey Sovereign House and 4 storey Scimitar House

beyond. A narrow private access road lies to the south with the 4 storey St James House and 2 storey Romford & District Synagogue beyond.

- 1.3 The wider area is characterised by town centre activities and includes a number of shopping centres, including the Liberty and Brewery, reflective of the status of Romford as a Metropolitan Town Centre (as identified in the London Plan). The site also lies within the Romford Office Quarter as identified in the Romford Area Action Plan.

2. Description of Proposal

- 2.1 The proposed development involves the erection of 58 flats on top of the existing building at Hexagon House and Chaucer House. The proposal will involve extending the existing building by adding 4 floors, 2 of which would match the existing building lines and the additional 2 floors set back from the front edge of the roof of the existing building by at least 2m.
- 2.2 The top 2 floors will be finished with zinc cladding and glazing. A condition can be added in order to approve the final material prior to the commencement of the development.
- 2.3 The proposal will provide 30 no. 1-bed units and 28 no. 2-bed units of additional accommodation
- 2.4 Amenity space in the form of balconies would be provided to all the proposed flats.
- 2.4 The Technical Note Transport Statement provided as part of the application advises that the resultant building at Hexagon and Chaucer House would have 87 parking spaces for the 173 flats (current proposal for 58 units plus the previously approved 115 units under prior approval reference J0026.15) in the building, at a ratio of 0.5 parking spaces per flat. No changes are proposed to the existing access arrangements for vehicles off Grimshaw Way. The main access points for pedestrians would remain off Mercury Gardens and Western Road.
- 2.5 The applicant has stated that 173 secure cycle spaces would be provided which would amount to 1 per flat when considering the existing units as well as the proposed units. A condition will be added to request details of the cycle storage to be submitted prior to commencement on site, in the event of an approval.
- 2.6 Insufficient refuse storage details have been submitted and a refuse condition will be added in the event of an approval.

3. Relevant History

- 3.1 P1249.16 - Erection of seventy one flats on top of the Existing Building – Refused

- 3.2 P0071.16 - Erection of 20 Flats on top of Existing Building - Committee resolution for approval subject to completion of a legal agreement
- 3.3 P0177.16 - Raised Wall to Parapet & New Windows - Approved with conditions
- 3.4 P1768.15 - Erection of 10 Flats on top of Existing Building - Committee resolution for approval subject to completion of a legal agreement
- 3.5 J0026.15 - Change of Use from (Class B1 (a)) to residential use (Class C3) for 115 proposed new flats - Prior approval given
- 3.6 F0003.13 - Application for prior notification of demolition of electricity substation - Planning permission not required
- 3.7 P1537.12 - Part demolition and installation of Chaucer House and Hexagon House, construction of 2 new fire escapes, relocation of air handling plant, re-configuration of existing car parking - Approved with conditions
- 3.8 The following applications affecting the adjacent surface car park are also relevant:

Z0008.12 - Screening opinion for current car park to be developed for Leisure Centre to include swimming pool and ice rink - EIA not required.

P1492.12 - Construction of a new leisure centre comprising an ice rink, 25m swimming pool, training pool, multi-purpose dance studio, fitness suite and ancillary café with associated disabled car parking and cycle parking - Approved with conditions

4. Consultations/Representations

- 4.1 The application has been advertised on site and in the local press. Neighbour notification letters have also been sent to 153 local addresses. Two letters of objection were received raising the following concerns:

- Overcrowding
- Not enough parking provision
- Not enough school places
- GP and hospital overstretched
- The building will be too high
- Building not strong enough to support additional floors

- 4.2 The following consultation responses have been received:

- Highways - no objection
- Waste and recycling team - requested clarity on bin storage
- Thames Water - no objection.
- London Fire Department - stated that there may be a requirement for additional mains, that there should be access for a pump applicant to

within 15m of the inlet to a fire main and that there should be a fire hydrant within 90m of the inlet to a fire main.

- Environmental Health – no objection.
- Designing Out Crime Officer - no objection to the current proposal but requested a secure by design condition and informative.
- Environment Agency - no objection

5. Relevant Policies

- 5.1 The National Planning Policy Framework, specifically Sections 2 (ensuring the vitality of town centres), 4 (promoting sustainable transport), 7 (requiring good design) and 8 (promoting healthy communities) are material to this application.
- 5.2 Policies 2.6 - 2.8 (Outer London: Vision and strategy, economy and transport), 2.15 (town centres), 4.2 (offices), 4.7 (retail and town centre development), 5.18 (development waste management), 6.1 (transport), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.2 (an inclusive environment), 7.4 (local character), 7.5 (public realm), 7.6 (architecture) and 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.
- 5.3 Policies CP4 (town centres), CP5 (culture), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC15 (town centres), DC29 (Educational Premises), DC32 - 36 (transport), DC40 (waste recycling), DC55 (noise), DC61 (urban design), DC62 (access), DC72 (planning obligations) of the Core Strategy and Development Control Policies Development Plan Document are material considerations.
- 5.4 Policies ROM13 (Romford Office Quarter), ROM19 (tall buildings) and ROM20 (urban design) of the Romford Area Action Plan are material to this application, alongside the Romford Development Framework which has been adopted for development management purposes.
- 5.5 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD and the Planning Obligations SPD (Technical Appendices).

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development within the designated Romford Office Quarter, the impact on the vitality and viability of the town centre, the visual impact of the proposed works, amenity issues and parking and highway considerations.
- 6.2 This application follows a previous refusal under P1249.16 for 71 residential units. Members considered the height to be out of keeping with the scale of adjacent building and considered the combination of the conversion of the office building and the addition of more units to result in a cramped form of development on site resulting in poor living conditions.

6.3 The current scheme differs from the previous submission in that the amount of storeys proposed has been reduced from 5 to 4 and the new residential units from 71 to 58. The applicant has also revised the internal layout by removing the 3-bed units. The current scheme proposes 30 no. 1-bed units and 28 no. 2-bed units of additional accommodation

6.4 *Principle of Development*

6.4.1 The site lies within the Romford Office Quarter, designated in the Romford Area Action Plan (AAP). Policy ROM13 of the AAP states that to increase the vitality and viability of the Romford Office Quarter higher densities will be allowed and residential and A3 uses encouraged provided that:

- There is no net loss of office space in any redevelopment of existing sites;
- New developments include a significant element of new office space within the scheme; and
- In line with ROM17 and ROM21, new developments incorporate tree planting and green amenity space, and new hard landscaped public spaces.

6.4.2 The current buildings benefit from a prior approval giving consent for a change of use from office space to residential; therefore there will no longer be an office use of the buildings. The current proposal would add 4 additional floors of residential accommodation on top of the existing building.

6.4.3 Officers do not consider the lack of any new office space within the development would justify a refusal of the application given that evidence suggests a steady decline in the Romford office market over recent years and a consequent over-provision of available office floorspace. It should also be noted that the subject building had a high level of vacancy prior to the change of use from office to residential. The Romford Development Framework identifies this site and the office quarter area as suitable for development height of around 8-10 storeys with a potential for mixed use development in close proximity to Crossrail.

6.4.4 The proposal for 4 additional storeys to create a 9 storey building (8-storeys above street level) would comply with ROM19 which allow buildings of 6-storeys and over to be located in the Romford Office Quarter.

6.5 *Density/Layout*

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

6.5.2 The proposal would provide 58 no. residential apartments at a density, when adding the 115 units approved under prior approval, equivalent to

approximately 336 dwellings per hectare. This is in line with the aims of Policy DC2 which states that a dwelling density of between 240 to 435 dwellings per hectare would be appropriate in this location.

- 6.5.3 In terms of housing mix, this is for one and two bed properties which would meet the needs of the Borough as identified by LDF Policy DC2 and the Council's Housing Needs Assessment.
- 6.5.4 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 prescribed minimum internal space standards.
- 6.5.5 The proposal would provide residential units with varying floor space sizes all of which all would meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.5.6 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.
- 6.5.7 Each flat will have amenity space in the form of either a balcony or terrace. With the provision of the balconies and terrace areas it is considered that occupants of the proposed flats would have access to a reasonable provision of outdoor amenity space. .
- 6.5.8 It is considered that overall the proposed amenity space in the form of balconies and terraces would be of a suitable form and size and would therefore result in acceptable living conditions for future occupants of the flats. As a result of the U-shape of the existing building Officers are mindful that some of the flats facing inward would have a reduced amount of sunlight, however none of the units would be north facing and the situation would be similar to that of the converted flats on the first five floors. The amount of sunlight and daylight received is considered to be adequate. The general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.

6.6 *Design/Impact on Streetscene*

- 6.6.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.6.2 The proposal has been carefully considered to reduce any perceived mass or bulk. Given its nature on top of an existing five storey block of flats, and with the two upper floors set back from the edge of the block in a visually appropriate manner, the proposed development is not considered to have an intrusive or overbearing appearance within the streetscene. The

surrounding area has buildings of a variety of sizes, bulk and height such that the resultant building at Hexagon House and Chaucer House would complement the streetscene. It is considered that the modern appearance of the proposed development would improve the quality of the area as the proposal would represent a visual enhancement over and above the existing built form on the site. The proposal is considered to be in keeping with Policy DC61 as it would complement or improve the amenity and character of the area through its appearance and materials used.

6.6.3 It should be noted that the current scheme shows a reduction in the amount of floors and units proposed from the previous refused scheme. The current proposal is more in keeping with the neighbouring Leisure Centre as is demonstrated on the illustrative drawings submitted.

6.7 *Impact on Amenity*

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

6.7.2 The nearest residential dwellings are situated in Eastern Road with separation distance of approximately 94m between the proposed development and these neighbouring dwellings. The site is bordered to the west and south by office buildings, to the north by a multi-storey car park and to the east by the Liberty Bell hotel and restaurant.

6.7.3 The proposal is not considered to have an unacceptable impact on the proposed flats within the existing floors of Hexagon and Chaucer House.

6.7.4 Staff acknowledges that there will be some impact in terms of loss of light to the lower floors as a result of the additional floors, however it is not considered to be to such an extent as to justify a refusal.

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

6.8 *Parking and Highway Issues*

6.8.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) is set at 6b meaning that the site is classified as having the best access to public transport. Therefore flatted development in this location is required to provide parking provision of less than 1 space per unit. This level of provision is echoed by the London Plan.

6.8.2 The Technical Note Transport Statement provided as part of the application advises that the resultant building at Hexagon and Chaucer House would have 87 parking spaces for the 173 flats (current proposal for 58 units plus the previously approved 115 units under prior approval reference J0026.15) in the building at a ratio of 0.5 parking spaces per flat. Officers consider this provision acceptable given the high PTAL rating for the site and the town centre location. The Highways Authority has not raised an objection to the application however it is considered that a legal agreement restricting future occupiers from acquiring and purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.

6.8.3 Secure cycle storage providing space for up to 173 cycles would be provided. A condition will be added requesting details to be submitted prior to commencement of development in the event of an approval.

6.9 *Affordable Housing*

6.9.1 In terms of affordable housing the aim is to achieve 50% across the borough in accordance with LDF policies CP2 and DC6. The requirement on site would therefore be 29 units. LDF Policy DC6 seeks the maximum reasonable amount of contribution taking account of viability amongst a range of factors. This is supported by Policy 3.12 of the London Plan which states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes; however, negotiations should also take into account individual site circumstances, including viability.

6.9.2 The applicant has agreed to an affordable housing contribution of £1,000,000, which is the same as the previous submission for 71 units. Staff consider this acceptable given the current proposal for 58 residential units.

6.9.3 The applicant has provided justification for an offsite commuted sum payment in accordance with Havering's Planning Guidance Note on Commuted Sum Payments. The Housing Department has not raised an objection to the proposed offsite commuted sum payments.

6.10 *Mayoral Community Infrastructure Levy*

6.10.1 The proposed development will create 58 no. new residential units with 3284m² square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £65,680 subject to indexation based on the calculation of £20.00 per square metre.

6.11 *Infrastructure Impact of Development*

6.11.1 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.

6.11.2 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.

6.11.3 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.

6.11.4 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.

6.11.5 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.

6.11.6 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.

6.11.7 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.

6.11.8 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 £426,000 for educational purposes would be appropriate.

6.12 Other

6.12.1 The applicant has stated that refuse storage and recycling capacity would be provided in accordance with the required standards. A condition will be added requesting details to be submitted prior to commencement of development in the event of an approval.

6.12.2 The proposal will be in compliance with policy 7.2 of the London Plan in that it would achieve a high standard of accessible and inclusive design so that it can be used safely, easily and with dignity by all residents of disability. The flats would be accessed by means of lifts as well as ramped access at ground floor level. More than 10% of the flats would be accessible by and easily convertible to accommodation for disabled people in accordance with the London Plan requirements.

6.11.3 An informative has been added to draw the applicants' attention to the comments made by the London Fire and Emergency Planning Authority

7. Conclusion

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 23/12/16 and revision received on 06/02/17.

REGULATORY SERVICES COMMITTEE

16 March 2017

REPORT

Subject Heading:

P1373.16: 31 High Street, Hornchurch

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

Ward:

St. Andrews

Lead Officer:

**Helen Oakerbee
Planning Manager**

Report Author and contact details:

**Stefan Kukula
Principal Development Management
Officer
stefan.kukula@havering.gov.uk
01708 432655**

Policy context:

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

Financial summary:

None

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

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

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

Residents will be proud to live in Havering [X]

SUMMARY

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

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

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

The application was deferred from the 22 December 2016 meeting for staff to clarify a number of points in relation to the traffic impact, car parking, access and mitigating highways measures. This information is presented in the 'Background' section at the start of the report.

The application was deferred for a second time at the 2 February 2017 committee meeting in order to address concerns relating to the vehicular access and egress arrangements at the site entrance onto High Street. These matters are also covered in the 'Background' section at the start of the report.

RECOMMENDATIONS

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

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

- A financial contribution of £48,750 to be paid prior to the opening of the store to be used for the following:
 - i) highway works in respect of pavement improvements to High Street.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of

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

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

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External Materials

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

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

4. Construction Methodology

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

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

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

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

5. Hours of Construction

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

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

6. Refuse and Recycling

Prior to the retail store first trading details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

7. Cycle Storage

Prior to the retail store first trading details of cycle storage shall be provided to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

8. Car Parking

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

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

9. Accessible Parking Spaces

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

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

10. Loading

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

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

11. Deliveries

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

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

12. Landscaping

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

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

13. Open Storage

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

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

14. Screen fencing

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

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

15. Vehicle cleansing

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

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

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

16. Contaminated Land

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

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

17. Opening Hours

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

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

18. Travel Plan

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

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

19. External Lighting

Prior to commencement details of external lighting, including for all car parking areas, shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The external lighting shall be retained thereafter for the lifetime of the development.

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

20. Highway Agreements

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

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

21. Pedestrian Visibility Splay

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

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

22. Road Safety Audit

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

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

23. Fairkytes Avenue Retaining Structure

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

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

24. New Plant and Machinery

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

Reason: Insufficient information has been supplied with the application to assess the noise levels of the plant or machinery to be used on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use, will prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

25. Noise and Vibration

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

Reason: Insufficient information has been supplied with the application to judge the technical specifications of the mechanical ventilation system. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

26. Sustainable Construction

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

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

27. Drainage

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

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

28. Enclosure of Car Park

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

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

29. Car Park Controls

The proposed retail store shall not open to customers until a car parking management strategy to restrict the maximum length of stay for customers to 120 minutes per visit has been implemented in accordance with details that have previously submitted to and agreed in writing by the local planning authority. The approved management strategy shall be implemented throughout the lifetime of the development..

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

30. Clear Glazing

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

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

31. Ground Levels

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

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

32. Towers Lettering

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

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

33. Permitted Development Restriction - Changes of Use

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

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

34. Permitted Development Restriction - Additional/ Mezzanine Floors

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

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

35. No access from Fairkytes Avenue

Fairkytes Avenue shall not be used by any development traffic during the construction of the development hereby approved, nor shall it be used at anytime by customer vehicles or vehicles associated with the operations of the food store as a means of entering or leaving the site.

Reason: To protect the amenity of neighbouring residents and in the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

36. Road Signage & Turning Restriction

The proposed retail store shall not open to customers until a detailed scheme for additional road signage and road markings to enforce the site entrance turning restrictions has been submitted to and approved in writing by the Local Planning Authority. Prior to the retail store opening to customers, the 'left-turn only' site access arrangement, as indicated on drawing no. 16/0705/SK04, and agreed signage and road markings shall be installed to the full satisfaction of the Local Planning Authority and thereafter maintained.

Reason: Insufficient information has been submitted with the application to demonstrate the proposed signage and road markings to be used at the site entrance. The submission and implementation of the measures prior to the store trading would ensure that there are adequate entrance and exit arrangements to serve the development and that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £14,940 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England)

Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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

Highway legislation

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

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

Temporary use of the public highway

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

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

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

REPORT DETAIL

1. Background: Second Deferral at Committee on 2 February 2017

- 1.1 Following deferral at the Committee meeting on 22 December 2016, the application was again deferred at the 2 February 2017 Committee meeting, on sole issue of vehicular access/egress concerns at the site entrance onto High Street. Members made clear they were otherwise satisfied with the proposal.
- 1.2 Members were concerned about the risk of the proposal exacerbating traffic congestion in the surrounding network, especially High Street, and asked Staff to seek that the applicant design a workable and enforceable scheme to address the impact of vehicle movement into and from High Street, likely to involve a left turn in and left out only configuration. Members set out that 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. Members also wished to see potential use of signage and promotion of restrictions to store users to optimise enforcement of the measures.
- 1.3 Members would also like to see the chosen solution emerge from a high level option appraisal of other potential but dismissed alternatives.
- 1.4 In response, the applicant has considered a range of options for the site access arrangements and prepared an appraisal, which can be set out as follows:

Option 1

- This option would rely upon hatching in the centre of the High Street carriageway to denote no right turn, alongside appropriate signage. A central island on the access road would assist in enforcing no right-turn movements, although it would result in the articulated vehicle requiring additional space to both turn in and out of the site. This would be achieved with an over-run area, but could also be accommodated within the carriageway.

- A variation on this option would remove the central island, which assists with the swept path of the articulated vehicle. It does however leave the junction open to abuse, as it would largely rely on camera enforcement only.

- London Borough of Havering (LBH) Highways department commented that the central hatching shown on this option would be too narrow to be of any real benefit, although it is noteworthy that the overall width of the High Street at this point would not allow the hatching to be provided any wider. As such this option was not progressed further.

Option 2

- Option 2 introduced a mountable shoulder/kerb in the centre of the carriageway, which could work on a similar principle to what already exists further east along High Street (albeit notably narrower, with less kerb height). This would provide a physical barrier to right-turners, albeit could still be driven over by HGV's. This is particularly important in order to allow servicing vehicles to enter and exit the site. The option includes a central island in the centre of the access road, whilst variation on this option would remove the island. As with Option 1, this dictates the amount of additional carriageway required in order to enable the articulated vehicle to both enter and exit the site.

- The introduction of a mountable shoulder/kerb would directly affect turning movements not only at the site access, but also at Abbs Cross Gardens, located directly opposite the proposed site access junction. This could result in a notable redistribution of vehicular trips on the surrounding road network.

- LBH Highways commented that a mountable island is a safety risk, especially for powered 2-wheelers and cyclists. It would also be a trip hazard for pedestrians. As such this option was not progressed further.

Option 3

- Option 3 was more robust, as it promoted a physical barrier in the centre of the carriageway at High Street. There would still be a large mountable shoulder required on the exit for HGV's since the swing of the vehicle takes up a notable amount of carriageway space. This option, whilst the most robust in terms of ensuring drivers abide with the restriction, was likely to create wider problems on the network as it will also restrict turning movements at the Abbs Cross Gardens junction. This would result in the redistribution of traffic flow, and significantly increase the risk of people carrying out illegal U-turns elsewhere on the road network.

- LBH Highways commented that a 0.8 metre island is very tight, and wouldn't provide enough space to place lit bollards at each end and have adequate offset for vehicle overhangs/ wing mirrors etc. The arrangement would, as with the site access, make left turns out of Abbs Cross Gardens difficult, especially as the junction is used by Royal Mail. The proposal would not allow buses to turn right out of Abbs Cross Gardens, which is a fundamental issue. The over-run area onto the footway was also considered by LBH Highways to represent a pedestrian safety hazard.

Option 4

- Option 4 would rely upon signage and road markings on High Street. LBH Highways commented that this option would represent the most pragmatic solution of the four options, but would require enforcement for it to operate effectively, particularly if no island is to be provided. LBH Highways also noted that the carriageway should be widened as opposed to introducing over-run areas, as they represent a concern in terms of pedestrian confusion.

As a result of the above comment, drawing no. 16-0705 SK04B has been prepared, which includes a central island on the site access arm. LBH Highways also commented that the section of the access road from the junction of the High Street to the rear of the island would need to be adopted if this option was to be progressed.

Summary and Preferred Option

- When considering the merits of all four options, alongside commentary provided by LBH Highways, Option 4 (inclusive of the central island) was considered to represent the most appropriate solution. This option provides a physical barrier in the form of the central raised island positioned in the site access, which has been designed in such a way that would deter motorists from right-turn movements. Crucially, Option 4 would also help to ensure the continued movement of vehicles along both High Street and Abbs Cross Gardens. A detailed scheme for additional signage and road markings to help to enforce the 'left-turn only' arrangement will be secured via condition and agreed with the Local Highway Authority.

- It is considered that the negative impacts associated with providing a physical restriction installed in the carriageway at High Street would outweigh any benefit that it provides. Restricting any physical works to the site access road would ensure the continued operation of passing movements on High Street.

- Staff note that Option 4 would result in the loss of two of the mature street trees which are currently located on either side of the existing site access. Whilst Staff consider the loss of the trees to be regrettable, this measure would be required in order to achieve the necessary spacing to create a safe and workable splay for a left-turn only junction.

- 1.5 In addition, at the 2 February meeting Members expressed that they do not consider the installation of a new pedestrian crossing to be necessary due to those nearby and felt this would contribute to local traffic congestion. The proposed new crossing was recommended by Highways and was intended to mitigate the new pedestrian desire lines that would be created from Abbs Cross Gardens and the south of High Street. The purpose of the crossing

was to improve pedestrian safety in the area immediately adjacent to the new food store. Originally, the crossing was to be funded through a £73,750 highways contribution from the applicant secured by a legal agreement. Following the response from Members, the proposed heads of terms for the legal agreement have now been amended, deleting the requirement to provide a pedestrian crossing. As such the contribution amount has been reduced to £48,750 to cover pavement improvement works to High Street only.

- 1.6 Lastly, Members considered that a 2 hour duration in the car park would be most appropriate. As a result Condition 29: 'Car Park Controls' has been amended accordingly.

Background: Following Deferral at Committee on 22 December 2016

- 1.7 The application was deferred at the Committee meeting on 22 December 2016, in order for staff to clarify the points listed below:

i) Include in re-presented Committee Report a fuller, concise summary of main Traffic Assessment (TA) conclusions, especially the anticipated impact on traffic movement within High Street not just in the immediate vicinity of the access but more widely including the effect on other junctions/traffic light queuing and concerns about gridlock, together with detailed comment from Council's Highway Engineer on the traffic flow along High Street and impact of the development.

- The main findings of the applicant's supporting TA concludes that the site benefits from good access on foot and cycle, as well good public transport links. The TA also states that the redevelopment of the site would not result in a material increase in vehicle movements on the surrounding highway network in each of the assessed peak periods. In addition, it states that the capacity modelling of the surrounding road network demonstrates that the proposal would not have a material impact on delay through the network.
- In respect of increases in traffic along High Street, the applicant's Transport Consultant has provided an addendum to the initial Transport Impact Assessment report, which states that there will be very few new vehicle trips on the network since a new food store largely results in a transfer of trips from another food store (such as the nearby Sainsbury's) as opposed to new trips.
- The addendum statement also suggests that the junction modelling exercise makes use of queue surveys recorded at each junction to ensure that an accurate assessment as possible is undertaken. It goes on to state that by calibrating the base model to accurately reflect queuing, it is apparent that the development proposals would have a minimal impact on queuing at the High Street/Billet Lane junction.

- In addition, the addendum report also states that the junction modelling shows queuing at capacity at the Abbs Cross Lane junction during the base model. The report outlines that customers are likely to alter their travel habits to ensure they avoid peak time periods when traffic flow on the network is at its worst. The report goes on to state that the store is likely to attract an even higher percentage of pass-by or diverted trips than that accounted for in the model as opposed to new or transferred trips during this time period. Finally, it contends that this is traffic that is already on the network, and is typical for food store operations.
- The view of the Council's Highways Officer is that the Traffic Assessment (TA) goes into a great deal of detail to justify the modal split. This relates to method of transport people use and the 'modal split' is the portion of different modes of transport. However, that modelling doesn't necessarily reflect the observed queues on site (suggested to be shorter) and that modelling an urban traffic control (UTC) situation can be variable. For clarity, a UTC is a system where by traffic signals are linked together and report back to a central computer, ensuring that the traffic signal network operates as efficiently as possible.
- Contrary to the Transport Consultant's view, Highways advise that the local road network is extremely sensitive now and that the TA demonstrates that the development is likely to create an increase in traffic using High Street and therefore more congestion.
- The Highway Officer's view is that the statement regarding customers altering their habits to avoid peak times is speculation and no mitigation is offered if the assumption is proved to be incorrect. The reality is that this part of Hornchurch does suffer from congestion at peak times and this proposal is likely to make the situation worse. As well as general traffic flow, there is the potential to impact bus passengers in terms of increased journey times. There may also be knock-on effects where people choose to drive in streets not designed for significant traffic flows to the detriment of residents and those walking or cycling in quieter streets.
- One of the problems identified by Highways is that the adjacent traffic signal controlled junctions are currently operating close to capacity, and an increase in capacity can only be provided by making the junctions larger with longer lengths of multiple lanes; however this solution does not appear practical or solely related to the impact stemming from this proposal.
- The Council's Highway Officer also notes that the applicant's consultant relies on the assumption that there will be very few new vehicle trips on the network as the scheme will see a transfer of trips from another food store such as Sainsbury's as opposed to new trips - and this is also the justification for the modelling assumptions. From the Highway Officer's point of view, they are concerned that unless this assumption is correct, then there could be more congestion on the wider network. However in the wider

sense, there are no comprehensive demand-management projects proposed in the area and little prospect of increases in traffic capacity.

- The Council's Highway Officer notes that the applicant acknowledges there are issues now, but their assumptions on how people will travel is essentially the mitigation. This approach is considered to have limitations: because once the store is built, there will be limited ability to deal with the issues. On the other hand, Hornchurch is already suffering from congestion issues which will only get worse with predicted traffic growth, irrespective of whether the store is built. If the store is built, it is accepted that some of traffic growth would stem from it.
- Staff acknowledge that the applicant has outlined an approach whereby the traffic impacts from the store could be closely monitored over the first twelve months of operation, in order to get a clearer understanding of the full extent of any traffic issues. On the surface this could be a practical approach, however, as Highways point out: should issues arise it is not clear what mitigation measures could realistically be put in place after the 12 month period of monitoring. Highways advise that if simple road capacity solutions were available then they would be apparent and implementable now.
- The Officer perspective is that comprehensive junction remodelling and widening works would need to be undertaken across the Hornchurch road network to address the existing saturation and capacity issues in the town centre. The traffic problems are a wider strategic issue across Hornchurch town centre and have resulted from increased car users on the network as well as car dependent development. Highways have advised that this is an issue that has built up over several years and a problem that has multiple contributory factors. It should not therefore necessarily be pin-pointed to the impact of one particular development, including the proposal.
- In summary, it would appear that the traffic impacts are difficult to fully establish and are dependent on a variety of factors, as well as transport modelling approaches. In short, there are no simple solutions to the road capacity issues. What should be recognised is that High Street and Hornchurch town centre already experiences traffic congestion and that the nearby junctions are operating close to capacity. Given the comments from Highways, Staff are of the view that the new food store would inevitably result in an increase in some traffic using High Street and the surrounding network.
- Staff therefore advise that a careful judgement is required in relation to the traffic impacts of this development. Traffic issues already exist in this area and the proposal should be balanced against a judgement of the potential wider economic benefits: which include employment opportunities, increasing footfall, supporting the vitality and viability of Hornchurch town centre, as well as that the proposal would deliver the regeneration of a large vacant town centre site. Members are therefore invited to make a balanced judgement in respect of the traffic impacts of the development.

ii) Consideration of additional design/signage measures to reduce risk of traffic congestion related to the site entrance/exit including, for example, left turn in/out only.

- The applicant's Transport Consultant states that junction modelling for the site access junction has been undertaken for the 2021 scenario (5 years post-application submission) for robustness. It goes on to state that the modelling shows that the junction works well within capacity, with queuing not exceeding two vehicles even during the busier Saturday period. The report contends that queuing exiting the site would not exceed one vehicle at any time, with a maximum delay of 32 seconds. The applicant's Transport Consultant states that this indicates that there is no capacity concern with vehicles turning right out of the site.
- The addendum statement suggests that at no time would queuing for vehicles turning right into the site exceed one vehicle, with driver delay as low as six seconds. As a result the applicant's Transport Consultant states that this indicates that there are always gaps to allow vehicles to turn into the site.
- The addendum statement goes on to suggest that the model of the site access junction includes Abbs Cross Gardens to ensure that the store would not adversely affect its operation. The applicant's Transport Consultant states that the modelling results show a negligible increase in delay on Abbs Cross Gardens, with no increase in the number of queuing vehicles.
- The addendum statement outlines that the Safety Audit will not consider the capacity of the junction, but whether it is safe in design terms. In explaining this approach the applicant's Transport Consultant outlines that if any concerns are raised in the audit then they can be addressed in the design, and that the design is considered to be appropriate, and typical of a Lidl store operation.
- The applicant's Transport Consultant highlights that Lidl UK would support implementing a yellow box junction to replace the current 'keep clear' road markings. The Transport Consultant also states that Lidl UK would be content to fund any such works in advance of them being implemented.
- The Council's Highway Officer advises that a left in/left out arrangement would require the appropriate signage and traffic orders (i.e. a pair of banned right turns). It would be best for a physical measure, but High Street is not wide enough and so this would have to be a camera-enforced arrangement. The applicant's consultants have stated that this access would not create issues. From a Highways point of view, the operation of the access is not the concern, it is the traffic on the network. Banned turns might lead to some displaced traffic and locations where people might U-turn to come back to gain access. The applicant's consultant has suggested a yellow box rather than the current keep clear marking. In terms of a solution, the Officer position is that the yellow box should be employed for junctions

rather than private accesses. Highways also advise that the Council does not enforce yellow boxes at this time.

iii) Does the provision of on-site disabled parking accord with London Plan?

- The London Plan (Table 6.2) states that developments should achieve a standard of one accessible space for each employee (which is not currently known) and 6% for visitors. With 104 spaces, 6% would be 6 spaces which is less than the 4 proposed. The applicant has modelled the provision on the usage of other stores and have stated that they will monitor usage of the blue badge bays, and if appropriate recommend an increased provision at a later date.

iv) An additional condition preventing any access being formed from the site to/from Fairkytes Avenue to the rear without permission from the Council.

- The following condition has been added (condition 30):

Fairkytes Avenue shall not be used by any development traffic during the construction of the development hereby approved, nor shall it be used at anytime by customer vehicles or vehicles associated with the operations of the food store as a means of entering or leaving the site.

Reason: To protect the amenity of neighbouring residents and in the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

v) Extend restricted on-site parking period from one to two hours unless there is a car park capacity reason behind this restriction in which case explain fully.

- The applicant's Transport Consultant states that a maximum stay of 60 minutes could affect the ability for town centre shoppers to utilise the car park, restricting use largely to Lidl customers. However, the applicant accepts that on occasion the restriction may be necessary in order to manage use of the car park.
- The Transport Consultant goes on to state that providing flexibility ensures that the car park can be utilised by non-Lidl shoppers when demand for parking associated with the store is low. Therefore Lidl contend that allowing the maximum stay to increase beyond 60 minutes (such as 90 or 120 minutes) is necessary for their business purposes. The applicant's Transport Consultant contends that maximising the use of the car park ensures that unnecessary parking stress and potential congestion is not shifted to other town centre car parks.

- As a result of the above the applicant has suggested amending the wording in condition 29 to the following:

"The proposed retail store shall not open to customers until a car parking management strategy to provide a flexible maximum length of stay for customers of between 60 and 120 minutes per visit has been implemented in accordance with details that have previously submitted to and agreed in writing by the local planning authority. The approved management strategy shall be implemented throughout the lifetime of the development."

On balance, Staff consider this flexible approach to be reasonable, however, should Members take a different view the condition can be amended to restrict length of stay to a maximum of 120 minutes.

vi) Clarify for what and where the highway crossing contribution is to be used.

- The Highway contribution would be used in part to fund a new pedestrian crossing which would be installed adjacent to the new store entrance on High Street. Highways recognise that the food store would create new pedestrian desire lines from Abbs Cross Lane and the south of High Street. The new crossing would be intended as a safe pedestrian route across this part of High Street.

1.8 The report set out below is the same as that previously presented to Committee on 22 December 2016 and on 2 February 2017.

2. Site Description

2.1 The application relates to the former 'Mecca Bingo' hall at 31 High Street, Hornchurch. The building, formerly known as the Towers Cinema, was constructed in 1935 and operated as a cinema until 1973 when it was converted to a bingo hall.

2.2 The premises has been vacant since late 2015, and planning permission to demolish the building was granted in August 2016.

2.3 The site comprises 0.63 hectares, which includes the large former cinema building with a characteristic 1930's Art Deco frontage facing onto High Street. The building is set within the south western corner of the plot with an associated car park laid out on the land located to the north and east. The main vehicular access to the site is from High Street. There is also a north to south pedestrian route between Fairkytes Avenue and High Street which crosses the car park.

2.4 The land is designated in the Local Development Framework as being within the fringe area of the Hornchurch Major District Centre, although the site is also surrounded by residential accommodation to the north, south and west.

3. Description of Proposal

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

4. Relevant History

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

5. Consultations/Representations

- 5.1 Notification letters were sent to 269 properties and 10 letters of objection and 1 letter of support have been received.
- 5.2 The objection comments can be summarised as follows:

- Additional traffic and congestion on High Street and the surrounding roads, this would exacerbate existing parking and congestion problems in the local area.
- There are already too many supermarkets in the town centre and not enough culture in Hornchurch which will negatively affect the character of the town.
- The land could be much better used for other uses that the community needs, such as a cinema or gym or could house an indoor market to allow local businesses to sell products which would benefit the local community.
- Negative impact on the viability and vitality of the existing town centre shops.
- The design and appearance the store would be out of character and harmful to the streetscene.
- The Bingo Hall facade is a landmark and should be maintained as an identifier for the town - otherwise Hornchurch will become another homogenised high street.
- Noise and disturbance to residents.

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

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

- Support the plan to pull down the former Bingo Hall and replace it with a modern building. The Art deco style building is now shabby and has out lived its practical use.
- The premises has become derelict and the car park has been used for unauthorised Traveller pitches.
- By bringing the car park back into use, it will ease the current parking problems in the immediate area.
- The food store would create new jobs in the area.

5.5 The following consultation responses have been received:

- Thames Water - no objection, recommended informatives relating to waste water, surface water drainage and water.
- London Fire Brigade Water Team - no objection.

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

6. Relevant Policies

- 6.1 Local Development Framework Core Strategy and Development Control Policies Development Plan Document Policies: CP2 (Sustainable Communities), CP3 (Employment), CP4 (Town Centres), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP15 (Environmental management), CP17 (Design); DC15 (Retail and Service Development); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC55 (Noise); DC56 (Light); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations).
- 6.2 Other relevant documents include the Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 6.3 The following London Plan policies are material considerations: Policies 2.15 (Town centres); 4.7 (Retail and town centre development); 4.8 (Supporting a successful and diverse retail sector); 5.21 (Contaminated land) 6.10 (Walking); 6.13 (Parking); 6.9 (Cycling); 7.3 (Designing out crime); 7.4 (Local character).
- 6.4 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant to these proposals.

7. Staff Comments

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

Principle of Development

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

Design/Impact on Streetscene

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

Impact on Amenity

- 7.14 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through over-dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, or noise and disturbance to existing properties.
- 7.15 The main consideration in terms of overshadowing and over-dominance relates to the impact on the occupants of 8 Fairkytes Avenue, located to the north west of the application site.
- 7.16 The proposed food store would be positioned directly adjacent to the eastern side boundary of No.8. The gradient across the application site gradually rises from High Street to the south through to Fairkytes Avenue towards the north. The development would involve the excavation of sections of the ground across the site to create a similar level to High Street, which would allow the proposed building to sit at a lower ground level to the adjacent houses at Fairkytes Avenue. As a result the height and prominence of the building adjacent to the boundary with No.8 would be significantly reduced. Crucially the rear section of the building, which lies closest to No.8 has also been designed with a low profile flat roof which would serve to further reduce any overbearing impact on the adjacent occupiers.
- 7.17 Whilst it is acknowledged that the proposed new building would be considerably lower in terms of its height and bulk, it would have a much greater footprint and depth. The new building would occupy the western side of the site adjacent to the side boundaries with 8 Fairkytes Avenue, the new flatted accommodation at Arias Court, and 23a to 27a High Street to the north. The windows in the side elevation of the food store would be high level to allow daylight into the shop floor area and would not provide any outlook for employees or customers towards the adjacent residential properties. A condition will also be included removing permitted development rights for additional internal floors and mezzanine levels which will help to mitigate any future privacy or overlooking issues.
- 7.18 The relationship of the food store to the residential properties to the west also presents additional considerations in terms of the impact of overshadowing and loss of daylight to the neighbouring residential occupiers. Arguably the reduction in height, bulk and massing in comparison to the existing building would improve outlook and daylight to the properties at High Street and Arias Court. However, again of particular concern in this regard would be the impact on 8 Fairkytes Avenue. The western flank of the proposed building would be positioned approximately 3 metres from the tapering boundary with No.8. There are two windows in the flank elevation of No.8, but these are not primary light sources and have little outlook due to the proximity to the boundary fence. A supporting daylight and sunlight study has been undertaken, the results of which

indicate that despite the positioning of the food store building, 93% of the adjacent garden area would receive at least two hours of sunlight on 21st March. This is significantly better than the BRE recommendation which advises a standard of 50%. Staff are of the opinion that this is mainly attributed to the low profile roof design as well as the lower ground level at the development site.

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

Environmental Issues

- 7.24 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended a precautionary condition in relation to gas protection measures.
- 7.25 The site is not located within a flood zone and as such presents no issues in relation to flood risk or sustainable urban drainage.

- 7.26 The proposal is not considered to give rise to any significant noise issues, subject to controls on the trading and delivery times.

Parking and Highway Issues

- 7.27 The site is within a town centre location and has a Public Transport Accessibility Level (PTAL) rating of 4; meaning that the premises has good access to a variety of public transport facilities. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.
- 7.28 The maximum parking standard for sites located in District Centres for A1 food supermarket uses is one space for every 18 to 25 square metres. At 104 spaces, the amount of on-site car parking provision proposed in the development is considered to be acceptable in terms of the adopted standards and the Local Highway Authority has raised no objections in this regard. It is also intended that the car park would be free to use and would not be restricted to customers, providing additional parking spaces for town centre shoppers.
- 7.29 In order to assess the likely impact on the surrounding highway network, the applicant's traffic consultant has carried out a survey of comparable stores in Clapham and Barking, and are also in an area with a PTAL of 4. Whilst the study is based on modelling and comparative locations, it does indicate that additional traffic movements would not be harmful and overspill onto local roads would be of lower risk. However, the report does advise several mitigating measures to reduce the impacts, such as the implementation of a travel plan as well as financial contributions towards pedestrian infrastructure in the area.
- 7.30 A financial contribution of £73,750 will be required prior to the opening of the store to be used for highway works in respect of pavement improvements and a new pedestrian crossing to be installed adjacent to the store entrance on High Street. The new crossing would be intended to mitigate the new pedestrian desire lines that would be created from Abbs Cross Lane and the south of High Street.
- 7.31 The supporting transport statement advises that deliveries to the food store would be from one of Lidl's regional distribution centres. Lidl's intentions would be to limit deliveries to two to three vehicles each day, with waste materials being returned in the same vehicle. The proposed store would include ancillary storage areas, as well as a bakery, which would reduce the requirement for additional daily deliveries. The proposed swept path tracking diagram for HGV vehicle manoeuvring movements within the site is considered to be acceptable. As stated previously, servicing and deliveries would be restricted by condition between the hours of 07:00 to 21:00 Monday to Saturday and 11:00 hours to 13:00 hours on Sundays, Bank or Public Holidays.

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

Mayoral Community Infrastructure Levy

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

8. Conclusion

8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a section 106 legal agreement.

8.2 Staff consider that the proposed development raises considerations in relation to the vitality and viability of Hornchurch town centre, the impact on the character and appearance of the streetscene and surrounding area, the impact on the residential amenity of neighbouring residents, the suitability of the proposed parking, access and servicing arrangements, and the implications for the surrounding highway network. In this instance the proposal is considered to be acceptable in all material respects.

8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement to secure a financial contribution towards highway works.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 legal agreement. The S106 contribution is lawfully required to mitigate the harm of the

development, and comply with the Council's planning policies. Officers are satisfied that the contribution required is compliant with the statutory tests set out in the CIL Regulations relations to planning obligations.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

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

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**REGULATORY
SERVICES
COMMITTEE**

16 March 2017

REPORT

Subject Heading:

**P1965.16: Tara, Southend Arterial
Road, Romford**

**Variation of Condition 2 of P1195.14 to
allow alterations to the appearance and
internal layout of the proposed new
residential block.
(Application received 26 January 2017)**

Ward:

Squirrels Heath

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 P1195.14 for the demolition of the existing bungalow and the construction of a residential block comprising 8no. flats with parking and landscaping, which was approved in November 2015.

The variation concerns alterations to the external appearance and internal layout of the proposed new residential block.

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 Deed of Variation.

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 545.1 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £10,902 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 2 November 2015, in respect of planning permission P1195.14 by varying the definition of Planning Permission which shall mean either planning permission P1195.14 as originally granted or planning permission P1965.16 and any other changes as may be required from this, to secure the following:

- A financial contribution of £48,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with 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.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligations/ 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 that the Committee delegate authority to the Head of Regulatory Services to grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Parking Provision

Before the dwellings hereby permitted are first occupied, the car parking provision shall be laid out in accordance with drawing no. 'L(00)05 Rev E' and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway

safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

4. External Materials

The external construction of the development shall be constructed in the materials approved under condition 4 of P1195.15; under discharge of condition reference Q0237.15, and detailed in drawing no. 'L(00)06 Rev G'.

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.

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

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 agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the 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. Soil Contamination

The use of any site derived soils and/or imported soils shall be in accordance with the details approved under condition 8 of P1195.15; under discharge of condition reference Q0237.15, and shall comply with the requirements of BS 3882:2007 "Specification of Topsoil" at all times. Before any part of the development is occupied, a soil verification report shall be submitted to and approved in writing by the Local Planning Authority.

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

9. Land Contamination

The development shall be carried out in accordance with the contaminated land assessment details approved under condition 9 of P1195.15; under discharge of condition reference Q0237.15.

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

10. Boundary Screening/ Fencing

The boundary treatment shall be carried out in accordance with the details approved under condition 10 of P1195.15; under discharge of condition reference Q0237.15.

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.

11. Contamination Monitoring

(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.

12. Construction Method Statement

The Construction Methodology shall be carried out in accordance with the details approved under condition 12 of P1195.15; under discharge of condition reference Q0237.15, as detailed in the submitted Construction Method Statement.

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.

13. Noise Impact Assessment

The noise impact mitigation shall be carried out in accordance with the details approved under condition 13 of P1195.15; under discharge of condition reference Q0237.15, as detailed in the submitted Noise Survey and Assessment, prepared by Philip Acoustics Ltd, dated November 2015.

Reason: To protect future residents against the impact of road noise, and in order that the development accords with Development Control Policies Development Plan Document Policies DC55 & DC61.

14. Obscure and Fixed Glazing

The proposed windows in the flank elevations as indicated on drawing no. 'L(00)06 Rev G', 'L(00)02 Rev H', 'L(00)06 Rev G', 'L(00)03 Rev G' and 'L(00)04 Rev G' shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

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

15. Secured By Design

The development shall be carried out in accordance Secured by Design details approved under condition 15 of P1195.15; under discharge of condition reference Q0237.15.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

16. 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.

17. Minor Space Standards

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.

18. Water Efficiency

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

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

INFORMATIVES

1. Statement Required by Article 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 £10,902 (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. Thames Water Informative
With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. 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.
5. 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 site at Tara, Southend Arterial Road, Romford. The land was formerly occupied by a detached dormer bungalow with several garages and outbuildings to the side, a hardstanding forecourt to the front and garden to the rear.
- 1.2 The plot is relatively flat and is formed of a rectangular strip of land covering an area of 945 square metres. To the north the site has a frontage onto the A127 with direct vehicular access via a dropped crossing. Flatted residential accommodation at Ferguson Court lies to the west, houses at Ferguson Avenue to the south and the Moreton Bay Industrial Estate to the east.
- 1.3 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 P1195.14 in November 2015 for the demolition of the existing bungalow and the construction of a three storey residential block consisting of 8no. flats with parking and landscaping.
- 2.2 The current proposal is seeking to vary planning permission P1195.14 with alterations to the external appearance and internal layout of the proposed new residential block.
- 2.3 The amendments would comprise the removal of a 1.5 metre wide and 11.2 metre deep section of the entrance hall at ground floor level. This would result in a 17 square metre reduction in the overall footprint of the building and the reconfiguration of the entrance foyer and the removal of the internal cycle store creating a more compact area. Two high level bathroom and bedroom window would be inserted in the flank elevation serving flat 2. Replacement cycle storage would be provided to the rear of the site.
- 2.4 At first floor and second floor levels the internal layouts of flats 3, 4, 6 and 7, would be reconfigured slightly to accommodate en-suite bathrooms in flats 3 and 6.
- 2.5 As with the previous approval the proposed block would have an 'L-shaped' footprint of and would be situated in close proximity to the eastern boundary with a depth of 24.5 metres.

- 2.5 The building would still incorporate a flat roof design with a height of 8.6 metres and would include an undercroft section adjacent to Ferguson Court providing vehicular access to the rear car park.
- 2.6 There would be no changes to the previously agreed off street car parking and access arrangements. The proposed development would provide off street car parking for 12no. vehicles (1.5 no. spaces per dwelling) with three spaces laid out in the front forecourt area and the remaining spaces located to the rear. In terms of access into the site the development will utilise the existing dropped kerb driveway arrangement directly from the A127.
- 2.7 A 112 square metres strip at the rear of the site abutting the garden boundary of No.s 63 & 65 Ferguson Avenue would be laid out as shared resident's amenity space.

3. Relevant History

- 3.1 P1195.14 - Demolition of the existing Bungalow and Construction of 8no. flats with parking and landscaping – Approved, 2 November 2015
- 3.2 P0533.14 - Demolition of the existing Bungalow and Construction of 3no. houses and a block of 6no. flats with parking and landscaping – Withdrawn, 9 October 2014

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 99 properties and 2 representations have been received.
- 4.2 The comments can be summarised as follows:
- The water drainage problems in this area are bad enough already.
 - Out of character with the surrounding area.
 - Overlooking and loss of privacy.
 - Noise and disruption from the car park which backs onto gardens.
- 4.3 In response to the above: the principle of the development has already been established under planning permission P1195.14. The design and appearance, and the impact on the amenity of neighbouring residents was assessed under the previous application and judged to be acceptable in all material respects. The application site is not in a Flood Zone and presents no issues in relation to flood risk. In assessing the previous application no significant flooding or drainage issues were identified and the proposal was considered to be acceptable in this regard.
- 4.4 The following consultation responses have been received:
- Local Highway Authority – no objection.

- Environmental Health – no objection.

- 4.5 Under planning application P1195.14 consultation responses were received from Transport for London, London Fire Brigade, Thames Water, Essex & Suffolk Water and the Designing Out Crime Officer – no objections were received.

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 acceptable in all material respects, which in turn led to planning permission being granted. This planning permission is

still capable of implementation and therefore constitutes a material fall-back position.

- 6.2 This application concerns alterations to the external appearance and internal layout of the proposed new 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 streetscene and the implications for the residential amenity of occupants of the neighbouring dwellings.

Principle of Development

- 6.3 The principle of the development was established under planning permission P1195.14. 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.
- 6.4 Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area.
- 6.5 On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

Density/ Layout

- 6.6 The density and layout of the scheme was assessed under planning application P1195.14 and judged to be acceptable.
- 6.7 The amendments to the north western flank of the proposed block would involve the removal of a 1.5 metre wide and 11.2 metre deep section of the entrance hall at ground floor level. This would result in a 17 square metre reduction in the overall footprint of the building and the reconfiguration of the entrance foyer and the removal of the internal cycle store creating a more compact area. This amendment would not unduly affect the pedestrian access arrangements to the block and is considered to be an acceptable revision. The revised layout plan indicates that replacement cycle storage would be provided externally to the rear of the site; however the full details of these arrangements will be secured via a relevant condition.
- 6.8 At first floor and second floor levels the internal layouts of flats 3, 4, 6 and 7, would be reconfigured slightly to accommodate en-suite bathrooms in flats 3 and 6. Each of the flats would still meet the relevant internal space standards set out in the London Plan and the Technical Housing Standards.

Design/Impact on Street/Garden Scene

- 6.9 The design of the proposed block and impact on the streetscene was assessed under planning application P1195.14 and judged to be acceptable.
- 6.10 Staff do not consider that the amendment to remove of a section of the entrance hall would unduly harm the character and appearance of the proposed residential block or the streetscene. This element of the building would be set back from the main frontage and partially obscured by the upper floor sections of the building positioned above the undercroft.
- 6.11 The insertion of two high level bathroom and bedroom windows in the ground floor flank elevation serving flat 2 would be positioned towards the rear of the building and would match the design and proportions of the other fenestration in the block.
- 6.12 Staff are of the view that with the proposed external amendments the new block would still contribute positively to the streetscene along this section of Southend Arterial Road and would serve to maintain and enhance the character and appearance of the area in accordance with Policy DC61.

Impact on Amenity

- 6.13 The impact on the amenity of the neighbouring residents was assessed under planning application P1195.14 and judged to be acceptable.
- 6.14 The bathroom window and a secondary bedroom window inserted at ground floor level in the flank elevation of the block serving flat 2 would be positioned at high level, some 6 metres from the boundary, creating a light source for the respective rooms. The windows would not afford an outlook for occupants of flat 2 towards the neighbouring residential accommodation at Ferguson Court.
- 6.15 As with the previously approved scheme it is not considered that the proposed development would harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is still therefore in accordance with Policy DC61 and the intentions of the NPPF.

Environmental Issues

- 6.16 The site has been in use as a residential garden for many years and there are no historical contaminated land issues associated with the plot.
- 6.17 The site is not located within a Flood Zone and presents no issues in relation to flood risk.

- 6.18 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

Parking and Highway Issues

- 6.19 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.
- 6.20 As part of the reconfiguration of the entrance foyer the internal secure bicycle storage room would be removed. The revised layout plan indicates that replacement cycle storage would be provided externally to the rear of the site; however the full details of these arrangements will be secured via a relevant condition.

Mayoral Community Infrastructure Levy

- 6.21 The proposed development will create 8no. new residential units with 545.1 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £10,902 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 £48,000 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 street scene nor would it 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 draft 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.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 26 January 2017.

REGULATORY SERVICES COMMITTEE

16 March 2017

REPORT

Subject Heading:

P1815.16 - 92 Kingston Road, Romford - Alterations and extensions to the existing garage to create a single storey granny annex (received 10-11-2016 and revised plans received 9-02-2017).

Lead Officer:

Helen Oakerbee
Planning Manager Applications

Report Author and contact details:

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Ward

Romford Town

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The Council are in receipt of an application seeking planning permission for alterations and extensions to the existing garage to create a single storey granny annex at 92 Kingston Road, Romford.

The development proposed is considered to be acceptable in all material aspects and it is recommended that planning permission is granted. Due to the potential for the annexe to be accessed independently of the main dwelling, a legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to that of the main dwelling and to ensure that the annexe and main dwelling operate as a single planning unit.

This application went to committee on 23 February 2017, where it was deferred at Staff's request to confirm the neighbour notification.

Prior to this, the application was 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 went to committee on 23 February 2017, where it was deferred at Staff's request to confirm the neighbour notification. Prior to this, the application was 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 9th February 2017.

REGULATORY SERVICES COMMITTEE

16 MARCH 2017

REPORT

Subject Heading:

Planning obligations and agreements

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

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

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. This report updates the position on legal agreements and planning obligations. Approval of various types of application for planning permission decided by this Committee can be subject to prior completion or a planning obligation. This is obtained pursuant to Section 106 of the Town and Country Planning Acts. The purpose of such obligations is to secure elements outside the immediate scope of the planning permission such as affordable housing, education contributions and off site highway improvements. Obligations can also cover matters such as highway bonds, restriction on age of occupation and travel plans plus various other types of issue.
2. The obligation takes the form of either:
 - A legal agreement between the owner and the Council plus any other parties who have a legal interest in the land.
 - A unilateral undertaking offered to the Council by the owner and any other parties who have a legal interest in the land.
3. This report updates the Committee on the current position on the progress of agreements and unilateral undertakings authorised by this Committee for the period 2000 to 2017

IMPLICATIONS AND RISKS

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

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

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

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

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REGULATORY SERVICES COMMITTEE

16 MARCH 2017

REPORT

Subject Heading:

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

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

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

Residents will be proud to live in Havering [X]

| |
|----------------|
| SUMMARY |
|----------------|

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 3 December 2016 and 24 February 2017

RECOMMENDATIONS

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

REPORT DETAIL

1. Since the appeals reported to Members in December 16, 63 new appeals have been received 38 appeals have been started. Decisions on 29 appeals have been received during the same period 17 have been dismissed, 9 allowed, 1 invalid, 2 part allowed part refused and 1 appeal withdrawn

IMPLICATIONS AND RISKS

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

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

Human Resources implications and risks: No implications identified

Equalities implications and risks: No implications identified

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| APPEAL DECISIONS - PLANNING | | | | | |
|--|------------------|-----------|--------------------------------|---|--|
| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
| <p>P1742.14 Land at Oak Farm Maylands Fields Romford <i>Change of use of land to burial grounds including removal of existing agricultural buildings and erection of two pavilion buildings for associated usage, hard and soft landscaping, new access to A12 and internal roads and paths, parking, and workshop area for storage of associated equipment, tools and materials.</i></p> | Local Inquiry | Refuse | Committee | <p>The proposed material change of use and building operations would constitute inappropriate Green Belt development, and in the absence of very special circumstances that clearly outweigh the harm to the Green Belt, by reason of inappropriateness and other harm, the proposal is considered to be contrary to the guidance contained in the National Planning Policy Framework.</p> <p>The proposed structures, burial areas, hardstandings, and car park would result in significant harm to the rural appearance of the site and to the visual amenities of the Green Belt. The proposal is therefore considered to be contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD, and the guidance contained in the National Planning Policy Framework.</p> <p>Insufficient information has been submitted to demonstrate that the proposal could not be provided in closer proximity to those communities that it would serve, and it is therefore considered to be contrary to Policy 7.23 of the London Plan.</p> <p>The submitted flood risk assessment fails to demonstrate that the proposed development would not result in a net loss of floodplain storage and that acceptable surface water drainage arrangements could be achieved. The proposal is therefore contrary to the guidance contained in the National Planning Policy Framework.</p> | <p>Allowed with Conditions</p> <p>The planning appeal was recovered for decision by the Secretary of State. A recovered appeal is one where instead of an inspector making the decision writes a report that will make a recommendation on how the appeal should be determined. This will then be passed to the secretary of state to make the decision, taking into account the inspector's recommendation.</p> <p>In this instance, the Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. The Secretary of State agreed with the Inspector's conclusions and agreed with the recommendation</p> <p>The main parties agreed that the proposed development would be inappropriate in the Green Belt. As inappropriate development is by definition harmful to the Green Belt the appeal scheme cannot be approved except in very special circumstances. It was noted that Green Belt policy in the NPPF indicates that a change of use of land to use as a cemetery is considered inappropriate development.</p> <p>Inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Substantial weight was attached to this definitional harm to the Green Belt, however there would not be any harm to visual amenity and that the character and appearance of the local area would also</p> |

Page 153

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|------------------|-----------|--------------------------------|--------------------|--|
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 154</p> | | | | | <p>be preserved. It was found that the proposed development would not result in unacceptable adverse impacts on living conditions of adjoining occupiers.</p> <p>In regard to traffic, the Secretary of State agreed with the Inspector's conclusions in that the proposal would have no significant impact on the adjacent highway network, nor would it result in any demonstrable increase in delays on the motorways or materially affect any resulting re-routing of traffic which might occur on the adjacent network. Finally the proposed access way would not constitute a risk to highway safety</p> <p>Turning to whether very special circumstances existed, it was recognised that there is a need in London for additional burial facilities for Muslims and considerable weight was attached to this need. In terms of the benefits of the proposed development, moderate weight was given to the improved access for the public and improvements to the site's ecology and landscape features. Moderate weight was attached to the lack of suitable alternative sites. It was considered that the weight of these considerations in favour of the proposal was sufficient to clearly outweigh the harm to the Green Belt and any other harm so that very special circumstances exist to justify the proposal.</p> <p>The Secretary of State concluded that the appeal should be allowed and planning permission granted subject to conditions.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|------------------|-----------|--------------------------------|--|---|
| <p>P0460.16 14 Rainham Road Rainham <i>Retention of Car Wash Reception cabin and erection of canopy (8mx5m) for the purposes of drying, valeting and polishing cars. Additional Car Wash Area for vans.</i></p> | Written Reps | Refuse | Delegated | The proposed additional car wash area for vans would, by reason of vehicle washing operations taking place in the open air with no specific protection measures, involving larger vehicles and more staff, result in an unacceptable increase in noise and disturbance causing significant harm, detrimental to the amenities of adjacent occupiers and contrary to Policies DC55 and DC61 of the LDF Core Strategy and Development Control Policies DPD. | <p style="text-align: center;">Dismissed</p> <p>The Inspector found that the noise and disturbance that would be generated by the additional open wash area, whether it were to be used for vans or cars, would have a significant adverse effect on the living conditions of nearby residential occupiers. The noise and disturbance would arise from vehicles, customers, staff and from the washing itself, particularly if powered equipment such as pressure washers were used.</p> |
| <p>E0016.15 20 Wilfred Avenue Rainham <i>Certificate of lawfulness for existing front garden walls in accordance with TOWN AND COUNTRY PLANNING (General Permitted Development)(England) ORDER 2015 - Part 2, Minor Operations as limited by section A.1(b).</i></p> | Written Reps | Refuse | Delegated | The walls create an obstruction to the view of persons using a highway used by vehicular traffic, so as to be likely to cause danger to such persons and therefore by virtue of Article 3(6) of the Town and Country Planning (General Permitted Development)(England)Order 2015, the permission granted by Schedule 2 of the Order does not apply. Planning permission is therefore required for the walls. The walls, at the point adjacent to the highway, exceed 1 metre in height. The development does not comply with Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015. Planning permission is therefore required for the walls. | <p style="text-align: center;">Dismissed</p> <p>The construction of the walls would create an obstruction to the view of persons using the highway used by vehicular traffic so as to be likely to cause danger to such persons. The construction of the walls is therefore not permitted development pursuant to Article 3(6) of the GPDO. The refusal to grant a certificate of lawful use or development in respect of the erection of front garden walls was well-founded.</p> |
| <p>P0604.16 66 Harold Court Road Romford <i>The demolition of an existing house and</i></p> | Written Reps | Refuse | Delegated | The site is within the area identified in the Core Strategy and Development Control Policies Development Plan Document and Proposals Map as Metropolitan Green Belt. The | <p style="text-align: center;">Dismissed</p> <p>The Inspector agreed with the conclusions of the Council; the proposal would be inappropriate development in the Green Belt; it would result in a loss of openness and</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|--|---------------------|---------------|--------------------------------|--|--|
| <p><i>outbuildings and the construction of a replacement dwelling.</i></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 156</p> | | | | <p>Development Plan Document, the London Plan and Government Guidance in the National Planning Policy Framework all seek to protect the Green Belt from inappropriate development that would have a material impact on its openness. The proposed development is considered to be inappropriate development that would have a materially harmful impact on the openness of the Green Belt. Such development should only be permitted where it is clearly demonstrated that there are 'very special circumstances' sufficient to outweigh the harm that would be caused to the Green Belt and any other harm that would arise. No 'very special circumstances' have been demonstrated in this case that are sufficient to outweigh this harm. The increase in the bulk of the buildings on site compared with the existing would also have a materially adverse impact on the character and appearance of the Green Belt. As a consequence the proposal would be contrary to the guidance in the National Planning Policy Framework and Policies DC45 and DC69 of the Core Strategy and Development Control Policies Development Plan Document.</p> | <p>would be more visually prominent than the extant buildings</p> |
| <p>P1854.15 48 Montgomery Crescent Romford <i>Erection of 1no. two-bedroom house to the</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance</p> | <p>Dismissed The appeal proposal would appear awkward and cramped, as well as being obtrusive, highly dominant and prominent in the street scene. The Inspector considered that the</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|------------------|-----------|--------------------------------|--|---|
| <i>side of existing property</i> | | | | of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan. | absence of a legal agreement relating to a financial contribution towards education provision, should not weigh against the development. |
| <p>P0385.16 12 Maclennan Avenue Rainham Conversion of existing outbuilding including side extension and new mono pitched roof to create a 1 bedroom dwelling with private amenity and off street car parking.</p> | Written Reps | Refuse | Delegated | <p>The proposed development by reason of its prominent rear garden location and excessive height, bulk, scale and positioning close to the boundaries of the site, would appear as an incongruous and unacceptably dominant, overbearing and visually intrusive feature harmful to the amenity of neighbouring occupiers and as a result of poor quality outdoor amenity space and layout would be detrimental to the amenity of future occupiers, thus is contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Design SPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and</p> | <p>Dismissed</p> <p>The Inspector agreed with the Council in regard to its impact on the character and appearance of the area but not on the living conditions of the occupiers of neighbouring properties and those of future occupiers and found that a financial contribution to education infrastructure should not be sought for a 1 bed unit</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|------------------|-----------|--------------------------------|---|--|
| | | | | DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan. | |
| <p>P0527.16 6 Wood View Mews ROMFORD <i>External Alteration and use of garage as home office pursuant to conditions 5 and 8 of planning permission P1746.07</i></p> | Written Reps | Refuse | Delegated | The proposed development would, by reason of the resultant inadequate on site car parking provision, cause an unacceptable overspill onto the adjoining road to the detriment of highway safety and residential amenity and contrary to the aims and objectives of Policies DC32 and DC33 of the LDF Development Control Policies Development Plan Document | <p>Allowed with Conditions</p> <p>The Inspector found that the level of availability of on plot parking for other dwellings indicated that there was unlikely to be significant pressure on the road for additional parking. It was concluded that the proposal would not have a harmful effect on highway safety.</p> |
| <p>P0684.16 Station Chambers Oak Road ROMFORD <i>Mansard style roof extension incorporating 4 no. one bedroom flats</i></p> | Written Reps | Refuse | Delegated | The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to policies DC2, DC32 and DC33 of the Core Strategy and Development Control Policies Development Plan Document. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of policies DC29 and DC72 of the Core Strategy and Development Control Policies Development Plan Document and policy 8.2 of the London Plan. | <p>Dismissed</p> <p>The Inspector concluded that the proposal would cause harm to highway safety due to insufficient parking provision. On the issue of a financial contribution to education facilities within the area, the Inspector found that this would not be necessary and, thus, the absence of a provision in this respect would not be a reason to find against the scheme</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|----------------------|---------------|--------------------------------|---|---|
| <p>P1835.15 177 and 179 Mawney Road Romford <i>Erection of 2no. semi-detached houses within the rear gardens of 177 and 179 Mawney Road.</i></p> | <p>Written Repts</p> | <p>Refuse</p> | <p>Delegated</p> | <p>The proposed development would, by reason of its prominent rear garden location, height, bulk and mass, appear as an incongruous and unacceptably dominant, overbearing and visually intrusive feature in the rear garden setting which would be harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its prominent rear garden location, height, bulk, mass and position close to the boundaries of the site appear as a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers and the access road with no buffer would result in noise and disturbance to existing occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p> | <p>Dismissed</p> <p>The Inspector found for the Council in regard of the effect of the proposal on the character and appearance of the area. On the issue of the impact on the living conditions of the occupiers of adjacent properties; and whether the proposal makes adequate provision towards education in the area arising from the development, the Inspector found for the appellant but this did not overcome the findings on the first issue.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|--|---------------------|---------------|--------------------------------|---|---|
| <p>P0943.16 280 Main Road Gidea Park Romford 2 detached four bedroom houses with detached garages- sub division of garden</p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p>The proposed development would, by reason of its height, scale, bulk, mass and siting, appear incongruous and out of character in the open and spacious rear garden environment and fail to relate to neighbouring development in the surrounding area, harmful to the character and appearance of the Gidea Park Special Character Area and contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD. The access road would, by reason of its position, length and proximity to neighbouring properties, result in noise and disturbance harmful to the amenity of adjacent occupiers, including No. 282 Main Road, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed dwellings would, by reason of their height, scale, bulk, mass and siting, be an intrusive, dominant and unneighbourly development and result in a loss of amenity as well as undue overlooking and loss of privacy to No. 282 Main Road, including its rear garden, 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. The proposed development would, by reason of the removal of the trees protected by Tree Preservation Orders</p> | <p style="text-align: center;">Dismissed</p> <p>The Inspector found for the Council in regard to the protected trees and whether the proposal makes appropriate provision for infrastructure, with particular regard to school places. Whilst there would not be harm to living conditions of existing occupiers with regard to outlook and privacy, the use of the new access would give rise to unacceptable levels of noise and disturbance to existing occupiers compared with the existing arrangement.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|---------------------|------------------------------|--------------------------------|---|--|
| | | | | <p>TPO 2-03 and TPO 19-71, be materially harmful to the character and amenity of the surrounding area, contrary to Policy DC60 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Protection of Trees during Development Supplementary Planning Document. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p> | |
| <p>0015.16 Wingleye Lane(Base station) land r/o 1a Woodhall Crescent Hornchurch <i>Replacement of 12m phase 1 monopole with 15m Slimline Alpha monopole with 1No additional equipment cabinet</i></p> | <p>Written Reps</p> | <p>Refuse Prior Approval</p> | <p>Delegated</p> | <p>The proposed development would, by reason of the increased height and prominent siting of the replacement mast, result in a visually obtrusive and overbearing feature which would lack sufficient screening so as to mitigate its visual impact. In addition the increase in the footprint of the base station as a result of the additional cabinet, would result in a cluttered visual aesthetic detrimental to the existing street-scene. The proposal is therefore contrary to Policies DC61 and DC64 of the LDF Core Strategy and Development Plan Policies Development Plan Document.</p> | <p>Allowed with Conditions The Inspector concluded that in relative terms the mast would only be slightly taller than the existing monopole, its appearance and colour would be similar to other surrounding street furniture and existing mature trees would provide significant screening. The equipment cabinet would be also be small in scale, designed for purpose and appropriately coloured</p> |

Page 9

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|---------------------|---------------|--------------------------------|--|---|
| <p>P0093.16 131 Shepherds Hill Romford <i>Erection of 1no. four-bedroom detached house to the rear of 131 Shepherds Hill.</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p>The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No very special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the Development Control Policies Development Plan Document Policy. The proposed development, by reason of the bulk and size of the proposed dwelling, would result in a visually intrusive form of development, which is detrimental to the open character of the Green Belt at this point. The proposal is therefore contrary to Policies DC45 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document, as well as the provisions of the National Planning Policy Framework. In the absence of a legal agreement to secure contributions towards the</p> | <p>Dismissed The Inspector found for the appellants on all of the green belt matters however on the supply of and demand for education provision, no legal agreement was submitted and it was concluded that the proposal would have an unacceptable effect on the demand for and provision of school places in the locality.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|------------------|-----------|--------------------------------|--|---|
| | | | | demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan. | |
| <p>P0343.16 131 Brentwood Road Romford <i>Erection of part single/part two storey side extension and two storey rear extension to provide an additional residential unit and additional floor space for the existing accommodation.</i></p> | Written Reps | Refuse | Delegated | <p>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 future occupiers and the character of the surrounding area contrary to Policy DC3 and Policy DC61 of the Core Strategy.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the Core Strategy.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p> | <p style="text-align: center;">Dismissed</p> <p>The proposal would be acceptable in terms of parking provision. However, this consideration was outweighed by the lack of a contribution towards local education infrastructure in the area and the inadequacy of the living conditions which would be provided.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|---------------------|---------------|--------------------------------|---|--|
| <p>P0017.16 36 Collier Row Lane Romford <i>Demolition of the existing garages and erection of 5no. two storey-houses on land to the rear of 36, 38 & 40 Collier Row Lane.</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p>The proposed development would, by reason of its prominent rear garden location, height, bulk and mass, and proximity to neighbouring garden boundaries appear as an unacceptably dominant and visually intrusive feature in the rear garden setting which would be harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its layout and servicing arrangements and the amount of hardstanding, comprise an uncharacteristically enclosed and cramped form of development to the detriment of future residential amenity which would undermine the spacious appearance of the surrounding rear garden environment contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed access road and turning area would, by reason of its excessive length, scale and relationship with the adjoining residential rear gardens, result in noise and disturbance caused by cars using the access road, including manoeuvring within the site, and thereby be unacceptably detrimental to the amenities of occupiers of adjacent properties and future occupiers of the proposed development, contrary to Policy DC61 and DC55 of the LDF Core Strategy and Development Control Policies DPD.</p> | <p>Dismissed The proposal would, in a small way, increase housing supply however the Inspector was not convinced that there is any overriding housing need which would overcome the adverse effects on highway safety. Although the appellant was willing to submit a legal agreement but one not submitted and it was concluded that the scheme would have an unacceptable effect on the demand for and provision of school places in the locality.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|---------------------|--------------------------------|--------------------------------|---|---|
| | | | | <p>The proposed development would, by reason of the narrow single carriageway access would result in vehicles stopping on Collier Row Lane to gain access into the site to the detriment of highway and pedestrian safety, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Development Control Document.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p> | |
| <p>P0584.16 22-94 North Street Romford <i>Alteration of the roof to a mansard construction to create residential dwellings with new staircase, bin store and cycle store.</i></p> | <p>Written Reps</p> | <p>Approved with Agreement</p> | <p>Committee</p> | <p>The proposed development would, by reason of its additional height, bulk and mass, appear as an incongruous and unacceptably dominant and visually intrusive feature in the street scene. The development would therefore be incongruous with the surrounding pattern of development and harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of the inadequate provision of usable amenity space, give rise to a poor quality living environment and result in a cramped over-development of</p> | <p style="text-align: center;">Dismissed</p> <p>The Inspector found for the Council in regard to the effect of the proposed development on the character and appearance of the area; the effect on the living conditions of future occupiers of the building in respect of outdoor amenity space; and given no legal agreement was provided the development would fail to make adequate provision towards education in the borough</p> |

Page 23

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|---|---------------------|--------------------------------|---|--|
| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 166</p> | | | | <p>the site to the detriment of the amenity of future occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.</p> <p>The proposed development would, by reason of the absence of on site car parking provision for future residents and resultant impact on existing on-street parking bays, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p> | |
| | <p>P0532.16 50 Eastern Avenue East ROMFORD <i>Creation of drop kerb for vehicle crossing</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p>The proposal, by reason of the inability to both leave and enter the highway in forward gear, would prejudice pedestrian safety and the safety and free flow of traffic on the A12, contrary to Policies DC32 of the LDF Core Strategy and Development Control Policies Submission Development Plan Document.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|--|------------------|-------------------------|--------------------------------|---|---|
| <p>P1652.15 2 Brooklands Road Romford <i>Erection of an apartment building to provide 10no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, following the demolition of all existing buildings</i></p> | Written Reps | Approved with Agreement | Committee | <p>The proposed development would, by reason of its height, bulk, design, scale and position create an intrusive and overbearing development out of character with the locality and harmful to the amenity of neighbouring properties' outlook, privacy and rear garden enjoyment, contrary to the provisions of Policies DC61 of the Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p> | <p style="text-align: center;">Dismissed</p> <p>The Inspector found the outlook for properties in Brooklands Rd would be obstructed by a significant and imposing building. It would result in substantial harm to outlook for these properties. The building would not be harmful to the character and appearance of the area. The appellant submitted a legal agreement and the Inspector supported the Council stance on this matter.</p> |
| <p>P1644.16 15 Fairholme Avenue ROMFORD <i>Proposed conservatory at rear of the property with part rear extension</i></p> | Written Reps | Approve With Conditions | Committee | <p>The proposed rear conservatory would, by reason of its depth of penetration into the rear garden seen in relationship to the impact of the existing large annex outbuilding, would overdevelop the site with built form harmful to its open rear garden character which would be out of keeping with the surroundings contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> | <p style="text-align: center;">Allowed with Conditions</p> <p>The Inspector found that the proposed conservatory would not harm the character and appearance of the rear garden and its surroundings. It would not impact adversely on neighbouring properties in regards loss of privacy; overshadowing or appearing overbearing and would give rise to a material level of harm in these respects.</p> |
| <p>P1073.16 36 Mawney Road land r/o Romford <i>Demolition of existing rear storage building and</i></p> | Written Reps | Refuse | Delegated | <p>The proposed development would, by reason of its siting and uncharacteristic design, appear as an incongruous feature in the street scene and represent a departure from the</p> | <p style="text-align: center;">Dismissed</p> <p>The Inspector found that the proposal would have a detrimental effect on the character and appearance of the area. It would be acceptable in terms of its effect on the living</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|---------------------|---------------|--------------------------------|---|--|
| <p><i>construction of two bedroom chalet bungalow, with private amenity space and vehicle access from Olive Street.</i></p> | | | | <p>established pattern of development, to the detriment of the character and appearance of the surrounding area contrary, to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.</p> <p>The proposed development would, by reason of its size, scale, design, position and proximity to neighbouring properties be an intrusive and overbearing development, which would have a serious and adverse effect on the living conditions of adjacent occupiers, including potential for loss of privacy, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p> | <p>conditions of the occupiers of neighbouring properties with particular reference to outlook and privacy but not acceptable in terms of its effect on the living conditions for the future occupiers with reference to outlook. The Inspector agreed that a contribution towards education would be necessary, directly related to the development and reasonably related in scale and kind.</p> |
| <p>P1041.16 218 Lodge Lane Romford <i>Single / two storey front and rear extensions.</i></p> | <p>Written Reps</p> | <p>Refuse</p> | <p>Delegated</p> | <p>The proposed two storey front extension would, by reason of its excessive depth, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to the</p> | <p>Part Allowed/Part refused</p> <p>The appeal is dismissed in respect of the front extensions as they would be a discordant element and visually intrusive in the street scene. In respect of the rear extensions; the proposal was allowed as its design would be subordinate to and reflect</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|------------------|-------------------------|--------------------------------|--|--|
| | | | | Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. | the form of the main roof and would not be out of keeping with the character and appearance of the host dwelling. |
| <p>P0565.16 7 Camborne Way ROMFORD <i>Ground and first floor rear extensions</i></p> | Written Reps | Approve With Conditions | Committee | The proposed development would, by reason of its height and position close to the boundaries of the site, be an intrusive, overbearing and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. | <p style="text-align: center;">Allowed with Conditions</p> <p>The Inspector found that the proposal would not have an adverse or significant impact on the living conditions of present and future occupants of neighbouring properties in terms of loss of light and overlooking.</p> |
| <p>P1535.15 The Forge Chequers Road Noak Hill Romford <i>Replacement garage with a home office and gym</i></p> | Written Reps | Refuse | Delegated | <p>The site is within the area identified in the Havering Unitary Development Plan as Metropolitan Green Belt. The Unitary Development Plan and Government Guidance as set out in the NPPF is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances have been submitted in this case and the proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies DPD and the provisions of the NPPF.</p> <p>The proposal, by reason of the bulk,</p> | <p style="text-align: center;">Dismissed</p> <p>The proposal would be inappropriate development in the Green Belt and would result in new 2 storey building similar in scale to a new dwelling which would reduce the openness of the Green Belt. Finally the proposal would appear out of keeping with the character and appearance of the property and adversely affect the character and appearance of the area.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|--|------------------|-----------|--------------------------------|--|---|
| | | | | mass and height of the proposed building, its proximity to the house, combined with its proximity to the boundaries of the site and the consequent closing down of space between the existing dwelling and the site boundary, would have a materially adverse impact on the character and openness of the Metropolitan Green Belt, contrary to the provisions of the NPPF and Policy DC45 of the LDF Core Strategy and Development Control Policies DPD | |
| <p>P0522.16 23 Forth Road WIMBORNE Proposed two storey side extension and part single storey, part two storey rear extension</p> | Written Repls | Refuse | Delegated | The proposed side extension would, by reason of its height bulk and massing in close proximity to the site boundary, be intrusive and overbearing, harmful to the amenity of the adjacent property No.23 Forth Road. The proposal would therefore be contrary to the provisions of policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD. | <p>Allowed with Conditions The Inspector found that the proposal would not unacceptably restrict sunlight or daylight to the neighbour. Secondly, given that the appeal property is at a lower level than the neighbour's house, the proposal would not be unacceptably overbearing.</p> |
| <p>P1347.16 13 Risebridge Road Gidea Park Romford Single and two storey rear extension and insertion of window in flank wall</p> | Written Repls | Refuse | Delegated | The proposed extension, by virtue of its excessive height and scale, would visually overwhelm the characterful rear elevation resulting in significant harm to its intrinsic architectural quality and would fail to preserve or enhance the character and appearance of the Gidea Park Conservation Area, contrary to Policies DC61 and DC68 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. | <p>Allowed with Conditions The Inspector concluded that the proposal would have a neutral impact on the CA, thus preserving its character or appearance. Moreover the privacy, light and general amenities of the neighbouring dwelling would not be materially compromised by the proposals.</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|--|------------------|-----------|--------------------------------|--|---|
| <p>A0048.16 Public telephone adjacent to 20A North Street Romford <i>Internally illuminated digital panel as integral part of telephone kiosk</i></p> | Written Reps | Refuse | Delegated | The signage sought would appear visually intrusive and incompatible with the Conservation Area setting and would neither preserve or enhance the character of the Conservation Area, thus be is contrary to Policies DC65 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document. | <p>Allowed with Conditions The proposed advertising panel would not result in harm, either individually or cumulatively, to visual amenity nor would it be harmful to the character and appearance of the Romford Conservation Area as well as the setting of the Golden Lion public house Grade II listed building.</p> |
| <p>P0498.16 185 Corbets Tey Road Upminster <i>Two storey side extension and ground floor rear extension to include x4no roof lights</i></p> | Written Reps | Refuse | Delegated | The proposed two storey side extension would, by reason of its height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. | <p>Dismissed The Inspector agreed with the findings of the Council in regard to the material harm to living conditions of neighbours with respect to loss of light and outlook.</p> |

Page 17

TOTAL PLANNING = 26

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|--|------------------|-----------|--------------------------------|--------------------|--|
| APPEAL DECISIONS - ENFORCEMENT | | | | | |
| Description and Address | Appeal Procedure | | | Reason for Refusal | Inspector's Decision and Comments |
| ENF/77/15/ 7 Boundary Road Romford Without planning permission , the material change of use from a single family dwellinghouse (class C3) to a hotel/hostel (class C1) | Written Reps | | | | <p style="text-align: center;">Dismissed</p> The Inspector found that the development reduces the councils stock of housing Secondly the use of the property as a hotel adversely affects the living conditions of neighbouring occupiers, having regard to noise and disturbance and that the proposal and finally it fails to make sufficient provision for off-street parking and cycle spaces. The time for compliance was acceptable given the harm caused by the use to neighbours. |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|---|----------------------|-----------|--------------------------------|--------------------|--|
| <p>ENF/507/15/ 38 Derby Avenue Upminster The erection of a single storey rear extension that extends 6.1m beyond the original wall of the house</p> | <p>Written Repls</p> | | | | <p style="text-align: center;">Part Allowed/Part refused</p> <p>The appellant had prior approval application for 6m deep rear extension approved but it was alleged that the extension had not been built in accordance with the approved plans for the prior approval scheme. The appellant appealed on grounds (a), (c) & (f).</p> <p>On the appeal on ground (a): planning permission should be granted for what is alleged in the notice, the appeal was dismissed. On the appeal on ground (c) the appeal on this ground is that the matters alleged in the notice do not constitute a breach of planning control. The burden of proof is firmly on the appellants to demonstrate that the single storey rear extension attacked by the notice constitutes permitted development, as claimed. The appeal was dismissed because the proposal had not been built in accordance with the submitted plans.</p> <p>On an appeal on ground (f), this is basically that the steps required by the notice to be taken are excessive. The appellants considered it excessive for the notice to require a removal or reduction in depth of the extension to 3m when the Council's SPD provides for a single storey extension of 4m. The Inspector considered that a reduction of the extension back to what was granted under the prior approval application in 2015 was an alternative and accordingly the notice was varied to allow the appellants the third option of reducing the extension to accord</p> |

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|--|-------------------------|-----------|--------------------------------|--------------------|---|
| <p>ENF/507/15/ 38 Derby Avenue Upminster</p> | <p>Written Reps</p> | | | | <p>Part Allowed/Part refused with the scheme as approved originally. The appeals succeed in part on ground (f) and the enforcement notice is upheld as corrected and varied in the terms set out in the Formal Decision.</p> <p>A costs application was allowed in part as the Council made an error when measuring the extension. The Inspector considered that the consequences of an inaccurate measurement were not minor when it makes the difference between whether or not the depth was within permitted development tolerances. By exercising greater care in the precision of the measurement would have ensured the accuracy of the notice. In turn, it would have avoided the need for the appellants to pursue arguments over the precise depth of the extension.</p> |

Page 174

TOTAL ENF = 2

LIST OF APPEAL DECISIONS MADE BETWEEN 02-DEC-16 AND 24-FEB-17

| Description and Address | Appeal Procedure | Staff Rec | Delegated / Committee Decision | Reason for Refusal | Inspector's Decision and Comments |
|--------------------------------|------------------|------------------|--------------------------------|--------------------|-----------------------------------|
| <u>Summary Info:</u> | | | | | |
| Total Planning = | | 26 | | | |
| Total Enf = | | 2 | | | |
| Appeals Decided = | | 29 | | | |
| Appeals Withdrawn or Invalid = | | 1 | | | |
| Total = | | 28 | | | |
| | | Dismissed | | Allowed | |
| Page 175 | Hearings | 0 | 0.00% | 0 | 0.00% |
| | Inquiries | 0 | 0.00% | 1 | 3.57% |
| | Written Reps | 17 | 60.71% | 10 | 35.71% |

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REGULATORY SERVICES COMMITTEE

16 MARCH 2017

REPORT

Subject Heading:

Schedule of Enforcement Notices

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 22 December 2016

RECOMMENDATIONS

For consideration.

REPORT DETAIL

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

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

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

The grounds are:

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

BACKGROUND PAPERS

Schedule A & B.

SCHEDULE A

CASES AWAITING APPEAL DETERMINATION

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | ENFORCEMENT NOTICE SERVED | APPEAL LODGED |
|--|---|---------------------------|---------------|
| Land at 56 Linley Crescent Romford ENF/527/14/ | Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen | 29-01-16 | 08-03-16 |
| Raw Ind Training Crow Metal Estate ENF/595/16 | Without benefit of planning permission material change of premises occupied by Raw Inc. from B1, B2m & B8 use to D2 (Gym activities) | 12-12-16 | 23-01-17 |
| 12 Morris Road Harold Hill Romford ENF/152/15/ | Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen | 09-06-16 | 08-07-16 |
| Youngs Farm St Marys Lane Upminster ENF/472/15/ | The unauthorised change of use of the barn to totally residential use and the unauthorised alterations to the external appearance of the barn involving rear dormer window , rear balcony structure, front porch and the erection of a boundary fence to create a residential amenity space | 02-08-16 | 12-08-16 |
| 29 Roslyn Gardens Gidea Park Romford ENF/94/14/ | Without planning permission, the erection of a 2-storey side extension and a roof extension. | 27-07-16 | 23-08-16 |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | ENFORCEMENT NOTICE SERVED | APPEAL LODGED |
|--|--|---------------------------|---------------|
| 1 Beaumont Close Romford ENF/409/16 | Without planning permission, the material change of use of a dwellinghouse (Class C3) to a sui generis House in Multiple Occupation | 18-08-16 | 27-09-16 |
| 35A New Road Rainham ENF/458/14/ | Without planning permission, the change of use of the premises to a place of worship. | 28-10-16 | 14-02-17 |
| Land known as Aveley Marshes 9-15 Juliette Way Puffleet Ind Park Aveley ENF/101/15 | 13 Notices Various breaches | 02-11-16 | 12-12-16 |
| 20 Wenworth Way Rainham ENF/102/15 | Without planning permission, the erection of an outbuilding. | 30-11-16 | 05-01-17 |
| Wyema 9 North Road Havering-atte-Bower ENF/420/16 | Without planning permission , the erection of a single storey family dwelling | 22-11-16 | 21-12-17 |
| 61 Crow Lane Romford ENF/820/16 | Without planning permission, the material change of use of the car parking area to front of the residential property | 22-12-16 | 31-12-16 |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | ENFORCEMENT NOTICE SERVED | APPEAL LODGED |
|--|--|---------------------------|---------------|
| 12 Bridge Close Romford ENF/746/16 | Without planning permission, the material change of use of the northern unit of 12 Bridge Close to a banqueting hall | 22-12-16 | 30-01-17 |
| Unit 11 Folkes Farm Folkes Lane Upminster ENF/538/12/CM | Without Planning permission , the unauthorised change of use of unit 11 Folkes Farm from Use Class B8 to storage of motor vehicles in the covered area and on hard standing area in connection with motor vehicle recovery business | 09-01-17 | 01-02-17 |
| 5C & 5D Salamons Way Rainham ENF/550/16 | Without planning permission, the unauthorised change of use of 5A & 5B Salamons Way Rainham from Use Class B8 to car breakers yard, storage of containers, storage and selling of motor vehicles including carrying out of motor vehicle repairs | 16-01-17 | 13-02-17 |
| 6 Salamons Way Rainham ENF/549/16 | Without planning permission, the unauthorised change of use of 6 Salamons Way, Rainham from Class B8 to car breakers yard , storage and selling of motor vehicles and carrying out motor vehicle repairs (Use Class Sui Generis) | 16-01-17 | 13-02-17 |
| 39A Farm Road Rainham ENF/151/16/ | Without planning permission, the erection of a rear outbuilding. | 03-02-17 | 06-02-17 |

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SCHEDULE B

ENFORCEMENT NOTICES – LIVE CASES.

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

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | DATE OF COMMITTEE AUTHORITY | NOTICE ISSUED | NOTICE SERVED | APPEAL LODGED | APPEAL DECISION | COMMENTS |
|---|--|-----------------------------|---------------|---------------|----------------------|------------------|--|
| 21 Brights Avenue, Rainham | Unauthorised development. | Committee 22.10.04 | 14.12.04 | 20.12.04 | | | Enforcement Notice served. Second prosecution 30-09-10. Costs £350.00. Pursuing compliance |
| 179-181 Cherry Tree Lane, Rainham | 1. Development 2. Use | Committee 30.8.06 | 27.10.06 | 30.10.06 | | | Third prosecution fined (A) £5,000 (B) £5,000 Cost £2500 Pursuing compliance |
| Land at Church Road, Noak Hill Romford | 1. Development 2. Use | Delegated | 17.7.07 | 17.7.07 | | Appeal dismissed | 1. Development. Appeal Dismissed Enforcement Notice varied 2. Use. Appeal Dismissed Pursuing compliance |
| Godways & Rosewell, Benskins Lane, Noak Hill Romford | Change of Use | Delegated | 21.6.07 | 27.6.07 | 20.7.07 | Appeal dismissed | Pursuing compliance |
| Sylvan Glade Benskins Lane Noak Hill Romford | Change of Use and Development | Delegated | 18.9.07 | 18.9.07 | 24.10.07 | Appeal dismissed | Pursuing compliance |
| The White House Benskins Lane Romford 2 Notices | 1. Alleged construction of hardstanding. 2. Alleged Change of Use for storage | Committee 06-12-07 | 29-07-08 | 29-07-08 | | | Pursuing compliance |
| 14 Rainham Road Rainham | Alleged operation of car wash without full compliance with planning conditions and unauthorised building (2 Notices) | Committee 26-06-08 | 07-11-08 | 13-11-08 | 12-01-09 15-12-08 | Appeal dismissed | Further appeal lodged 13-02-14 Part allowed/part dismissed 26/03/15 Breaches partly complied |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | DATE OF COMMITTEE AUTHORITY | NOTICE ISSUED | NOTICE SERVED | APPEAL LODGED | APPEAL DECISION | COMMENTS |
|--|--|-----------------------------|--------------------------|--------------------------|--------------------------|----------------------------------|---|
| Damyns Hall Aveley Road Upminster | Unauthorised construction of a Hanger and various breach (9 Notices served) | Committee 18.09.08 | 23.12.08 24-04-09 | 23.12.08 24-04-09 | 02-02-09 26-05-09 | Various decisions (9 Notices) | Pursuing compliance |
| Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford | Unauthorised developments and changes of use (5 Notices served) | Committee 20-11-08 | 16-02-09 | 17-02-09 | 11-04-09 | Various decisions (5 Notices) | Pursuing compliance |
| 64 Berwick Road Rainham | Unauthorised fence | Delegated 27-08-09 | 27-08-2009 | 02-10-09 | 12-03-10 | Appeal dismissed | Non -compliance Prosecution pending |
| 118 Mashiters Walk Romford | Development | Delegated 20-08-09 | 23-12-09 | 24-12-09 | 11-08-09 | Appeal dismissed | Pursuing compliance |
| 118-181 Cherry Tree Lane Rainham | Use | Delegated 03-08-10 | 28-01-10 | 29-01-10 | | | Pursuing compliance |
| Folkes Farm Folkes Lane Upminster | Use x 2 | Committee 11-03-10 | 07-10-10 | 07-10-10 | 01-11-10 | Appeal dismissed | Non- compliance- Prosecution pending |
| The Former Brook Street Service Station Colchester Road Harold Wood | Use & Development | Delegated 01-07-10 | 22-07-10 | 23-07-10 | 26-08-10 | Temporary Permission given | New application submitted P0398.16 – Monitoring |
| Land off Church Road Noak Hill Romford | Development | Committee 15-07-10 | 10-09-10 | 10-09-10 | | | Pursuing compliance |
| 5 Writtle Walk Rainham | Use | Delegated 14-01-11 | 18-04-11 | 18-04-11 | 19-05-11 | Appeal Dismissed | Prosecuted, pursuing compliance |
| 1a Willoughby Drive Hornchurch | Use | Committee 14-08-11 | 14-10-11 | 21-10-11 | | | No action at present time Notice remains on land. |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | DATE OF COMMITTEE AUTHORITY | NOTICE ISSUED | NOTICE SERVED | APPEAL LODGED | APPEAL DECISION | COMMENTS |
|---|---------------------------------------|-----------------------------|---------------|---------------|---------------|------------------|--|
| Folkes Farm (Field) Folkes Lane Upminster | Development | Delegated 22-12-11 | 23-12-11 | 23-11-11 | | | Non - compliance – Prosecution pending |
| Cranham Hall Farm The Chase Cranham Upminster | Use x 5 Development x7 | Committee 17-11-11 | 15-03-12 | 15-03-12 | 13-04-12 | Appeal Dismissed | Pursuing compliance |
| Benskins Lane east of Church Road Harold Wood Romford | Development | Delegated | 14-05-12 | 15-05-12 | 14-06-12 | Appeal Dismissed | Pursuing compliance |
| 72 Crow Lane Romford | Use | Committee 19-07-12 | 28-08-12 | 28-08-12 | 19-09-12 | Appeal dismissed | Prosecuted –pursuing compliance |
| 144 Lower Mardyke Avenue Romford | Development | Delegated | 28-08-12 | 28-08-12 | | | Pursuing compliance |
| Welstead Place Benskins Lane Noak Hill Romford | Development/Use | Delegated | 23-05-13 | 23-05-13 | 04-07-13 | Appeal allowed | Pursuing compliance |
| 76 Lower Bedford Road Romford | Development | Committee 06-06-13 | 12-08-13 | 12-08-13 | 19-08-13 | Appeal dismissed | Pursuing compliance |
| Lakeview Caravan Park Cummings Hall Lane Noak Hill Romford | Development/Use | Committee 27-06-13 | 13-09-13 | 13-09-13 | 21-10-13 | Appeal allowed | Pursuing compliance |
| 34 Lake Rise Romford | Development | Delegated | 23-10-13 | 23-10-13 | 27-11-13 | Appeal dismissed | Pursuing compliance |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | DATE OF COMMITTEE AUTHORITY | NOTICE ISSUED | NOTICE SERVED | APPEAL LODGED | APPEAL DECISION | COMMENTS |
|---|---|-----------------------------|---------------|---------------|---------------|---------------------------------------|--|
| Hogbar Farm West Lower Bedfords Road Romford | Development/Use | Delegated | 12-02-14 | 13-02-14 | 13-03-14 | Notice quashed | Temporary planning permission granted for 3 years expiring 28-07-18 |
| Hogbar Farm East Lower Bedfords Road Romford | Development/Use | Delegated | 12-02-14 | 13-02-14 | 13-03-14 | Appeal dismissed | Notice to be complied with by 28-07-17 |
| 14 Rainham Road Rainham | 1. Breach of conditions 2. Development | Committee 14-11-13 | 15-01-14 | 16-01-14 | 13-02-14 | Appeal part allowed/part dismissed | Pursuing compliance – Partly complied |
| 3 Austral Drive Hornchurch | Development | Committee 03-10-13 | 23-12-13 | 23-12-13 | 30-01-14 | Appeal dismissed | Pursuing compliance |
| 10 The Biomass Plot 8 Dover's Corner Down Road Rainham | Use | Delegated | 11-03-14 | 11-03-14 | | | Monitoring |
| Folkes Farm Folkes Lane Upminster | Use Notice A | Delegated | 24-04-14 | 24-04-14 | | | Pursuing compliance – Prosecution pending |
| Folkes Farm Folkes Lane Upminster | Use Notice B | Delegated | 24-04-14 | 24-04-14 | | | Pursuing compliance – Prosecution pending |
| Folkes Farm Folkes Lane Upminster | Use Notice C | Delegated | 24-04-14 | 24-04-14 | | | Pursuing compliance – Prosecution pending |
| 1 Spinney Close Rainham | Development | Committee 17-07-14 | 26-08-14 | 26-08-14 | | | Pursuing compliance |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | DATE OF COMMITTEE AUTHORITY | NOTICE ISSUED | NOTICE SERVED | APPEAL LODGED | APPEAL DECISION | COMMENTS |
|--|---------------------------------------|-----------------------------|---------------|---------------|---------------|------------------|--|
| Leprechauns Gerpins Lane Upminster | Development | Delegated | 26-08-14 | 26-08-14 | 29-08-14 | Appeal Dismissed | High court challenge dismissed , Pursuing compliance |
| Tyas Stud Farm r/o Latchford Farm St Marys Lane Upminster | Use/Development | Delegated | 05-12-14 | 05-12-14 | 15-01-15 | | Monitoring – Planning application expected |
| Land at Yard 3 Clockhouse Lane Collier Row Romford | Use/Development | Delegated | 14-01-15 | 15-01-15 | 16-02-15 | Appeal dismissed | Pursuing compliance |
| 203 Upper Rainham Road Hatchchurch | Use/Development | Committee 28-01-15 | 23-02-15 | 23-02-15 | 30-03-15 | Appeal dismissed | Pursuing compliance |
| Guvners Grill 2-4 Eastern Road Romford | Use | Delegated | 22-10-15 | 22-10-15 | | | Pursuing compliance |
| 11 Northumberland Avenue Gidea Park Romford | Development | Delegated | 13-07-15 | 14-07-15 | | | Pursuing compliance |
| 56 Linley Crescent Romford | Use | Delegated | 29-01-16 | 29-01-16 | 08-03-16 | | See Schedule A |
| 14 Lower Mardyke Avenue Rainham | Use | Delegated | 17-02-16 | 17-02-16 | | | Pursuing compliance |
| Land at Wyema 9 North Road Havering-atte-Bower | Development | Delegated | 22-11-16 | 22-11-16 | | | Pursuing compliance |

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|---|---------------------------------------|-----------------------------|---------------|---------------|---------------|-----------------|-------------------------------|
| Kings Oak Clay Tye Road Upminster | Development | Delegated | 18-11-16 | 18-11-16 | | | Pursuing compliance |
| Unit 9 Stafford Industrial Estate, Hillman Close Hornchurch | Use | Delegated | 15-04-16 | 15-04-16 | 16-05-216 | | See Schedule A |
| 7 Boundary Road Romford | Use | Delegated | 14-04-16 | 14-04-16 | 16-05-16 | | EN complied with case closed. |
| 12 Ardleigh Green Road Hornchurch | Use | Delegated | 09-06-16 | 09-06-16 | | | Pursuing compliance |
| 29B Crow Lane Romford | Use & Development | Delegated | 18-05-16 | 18-05-16 | | | Pursuing compliance |
| 12 Morris Road Harold Hill Romford | Use | Delegated | 09-06-16 | 09-06-16 | 08-07-16 | | See Schedule A |
| Young's Farm St Marys Lane Upminster | Use | Delegated | 02-08-16 | 02-08-16 | 12-08-16 | | See Schedule A |
| 1 Beaumont Close Romford | Use | Delegated | 19-08-16 | 19-08-16 | | | See Schedule A |
| 39B Navarre Gardens Collier Row Romford | Use | Delegated | 16-08-16 | 16-08-16 | | | EN complied with case closed. |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | DATE OF COMMITTEE AUTHORITY | NOTICE ISSUED | NOTICE SERVED | APPEAL LODGED | APPEAL DECISION | COMMENTS |
|--|---------------------------------------|-----------------------------|---------------|---------------|---------------|------------------|---|
| 140 Straight Road Romford | Use | Delegated | 16-08-16 | 16-08-16 | 27-09-16 | Appeal invalid | EN complied with case closed. |
| 52 Station Road Upminster | Development/use | Delegated | 10-06-16 | 10-06-16 | | | Pursuing compliance |
| 29 Roslyn Gardens Romford | Development | Delegated | 27-08-16 | 27-08-16 | 23-08-16 | | See Schedule A |
| 2 Berwick Pond Close Rainham | Use | Delegated | 30-06-16 | 30-06-18 | | | EN complied with case closed. |
| 1a Ferndale Road Romford | Use | Delegated | 05-07-16 | 05-07-15 | | | Notice withdrawn – Application being determined |
| 38 Derby Avenue Upminster | Development | Delegated | 09-09-16 | 09-09-16 | 12-10-16 | Appeal dismissed | Pursuing compliance |
| Harlow Gardens Playsite Harlow Gardens Romford | Development | Delegated | 07-10-16 | 07-10-16 | | | Pursuing compliance |
| 9 Como Street Romford | Use | Delegated | 14-10-16 | 14-10-16 | | | Pursuing compliance |
| Land at Crow Lane Metals Crow Lane Romford | Development/use | Delegated | 29-09-16 | 29-09-16 | | | Pursuing Compliance |
| 2 Notices 14-02- | | | | | | | |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | DATE OF COMMITTEE AUTHORITY | NOTICE ISSUED | NOTICE SERVED | APPEAL LODGED | APPEAL DECISION | COMMENTS |
|---|---------------------------------------|-----------------------------|---------------|---------------|---------------|-----------------|-------------------------------|
| 35a New Road Rainham | Use | Delegated | 28-10-16 | 28-10-16 | 14-02-17 | | See Schedule A |
| 11 Stanford Close Romford | Use | Delegated | 28-10-16 | 28-10-16 | | | EN complied with case closed. |
| Land known as Aveley Marshes to north west of 9- 15 Juliette Way Purfleet Ind Park. Aveley | Use/development | Delegated | 02-11-16 | 02-11-16 | 12-12-16 | | See Schedule A |
| 13 Notices 20 Wentworth Way Rainham | Development | Delegated | 30-11-16 | 30-11-16 | 05-01-17 | | See Schedule A |
| 191 Wyema North Road Havering-atte-Bower | Development | Delegated | 22-11-16 | 22-11-16 | 21-12-16 | | See schedule A |
| 61 Crow Lane Romford | Development & Use | Delegated | 22-12-16 | 22-12-16 | 31-12-16 | | See schedule A |
| 30 Epping Close Romford | Development | Delegated | 22-12-16 | 22-12-16 | | | Pursuing compliance |
| Harefield Manor 48 Main Road Romford | Development | Delegated | 22-12-16 | 22-12-16 | | | Pursuing compliance |

| ADDRESS | SUMMARY OF BREACH OF PLANNING CONTROL | DATE OF COMMITTEE AUTHORITY | NOTICE ISSUED | NOTICE SERVED | APPEAL LODGED | APPEAL DECISION | COMMENTS |
|--|---------------------------------------|-----------------------------|---------------|---------------|---------------|-----------------|---------------------|
| 12 Bridge Close Romford | Use | Delegated | 22-12-16 | 22-12-16 | 30-01-17 | | See schedule A |
| 14 Balgores Square Romford | Development | Delegated | 22-12-16 | 22-12-16 | | | Pursuing compliance |
| 15 Kingshill Avenue Romford | Use | Delegated | 01-12-16 | 01-12-16 | | | Pursuing Compliance |
| Unit 11 Folkes Farm Folkes Lane Upminster | Use | Delegated | 09-01-17 | 09-01-17 | 01-02-17 | | See Schedule A |
| 5D & 5D Salamons Way Rainham | Use | Delegated | 16-01-17 | 16-01-17 | | | Pursuing Compliance |
| 6 Salamons Way Rainham | Use | Delegated | 16-01-17 | 16-01-17 | 13-02-17 | | See Schedule A |
| 39A Farm Road Rainham | Development | Delegated | 03-02-17 | 03-02-17 | 02-02-17 | | See schedule A |
| 22A Laburnham Gardens Upminster | Development | Delegated | 24-02-17 | 24-02-17 | | | Pursuing compliance |
| The land in front of Mirrors Turkish Restaurant 3-7 Billet Lane Hornchurch | Development & Use | Delegated | 15-02-17 | 15-02-17 | | | Pursuing compliance |
| Land adjacent to Willow Tree Lodge | Development & Use | Delegated | 02-03-17 | 02-02-17 | | | Pursuing compliance |

REGULATORY SERVICES COMMITTEE

16 MARCH 2017

REPORT

Subject Heading:

Prosecutions update

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

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

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

1. Failure to comply with the requirements of an Enforcement Notice is an offence prosecutable through the Courts.
2. A Local Planning Authority is not obliged to proceed to prosecution. In practice this power tends to be sparingly used by Local Planning Authorities primarily for two reasons. Firstly, LPAs are encouraged through national guidance to seek negotiated solutions to planning breaches. Formal action should be used as a last resort and only where clearly expedient and proportionate to the circumstances of the case. Secondly, prosecutions have significant resource implications which can compete for priority against other elements of workload both for Planning and Legal Services.
3. As confirmed in the Policy for Planning Enforcement in Havering, prosecutions should only be pursued on legal advice, when it is clearly in the public interest and when the evidential threshold has been reached, ie where it is more likely than not (a greater than 50% probability) that a conviction will be secured

There have been no prosecution this quarter.

IMPLICATIONS AND RISKS

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

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

Human Resources implications and risks: None identified.

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

REGULATORY SERVICES COMMITTEE

16 MARCH 2017

REPORT

Subject Heading:

Schedule of complaints

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

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

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

SUMMARY

The attached schedule lists the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 3 December 2016 and 24 February 2017

RECOMMENDATIONS

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

REPORT DETAIL

Prior to this meeting, Members have been emailed the schedule listing the complaints received by the Planning Control Service over alleged planning contraventions. Since the matter was last reported to this Committee on the 22 December 2016 some 170 complaints have been received