



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
11 May 2017**

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

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

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

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald (Vice-Chair)
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

**For information about the meeting please contact:
Richard Cursons 01708 432430
richard.cursons@onesource.co.uk**

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

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

Reporting means:-

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

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

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

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

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

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

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

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

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

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

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

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF INTERESTS

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

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

4 MINUTES (Pages 1 - 10)

To approve as a correct record, the minutes of the meeting of the Committee held on 27 April 2017 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 11 - 22)

6 P0196.15 - HAVERING COLLEGE, NEW ROAD, RAINHAM (Pages 23 - 44)

7 P1753.16 - PINWOOD POULTRY FARM, 1 PINWOOD ROAD (Pages 45 - 64)

8 P0086.17 - 119 MARLBOROUGH ROAD, ROMFORD (Pages 65 - 84)

9 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
27 April 2017 (7.30 - 8.40 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Stephanie Nunn and Reg Whitney

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

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

An apology for absence was received from Councillor Ray Best.

+Substitute members: Councillor Robert Benham (for Ray Best).

Councillors Osman Dervish, Frederick Thompson and Jeffrey Tucker were also present for parts of the meeting.

15 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.

239 **MINUTES**

The minutes of the meetings held on 23 March and 6 April 2017 were agreed as correct records and signed by the Chairman.

240 **P0272.17 - 29 RISEBRIDGE ROAD, GIDEA PARK, ROMFORD**

The application before Members sought planning permission for the part demolition of an existing flat roofed rear extension and to construct single and two storey rear extensions.

Members noted that the application had been called-in by Councillor Osman Dervish if minded to refuse planning permission, as he did not believe that the proposal caused harm to the character of the Gidea Park Conservation Area as it would not impact on the street scene.

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

The objector commented that property was within the Gidea Park Conservation Area and the proposal by virtue of its height and scale would harm the characterful rear elevation of the property. The objector concluded by commenting that the excessive depth of the proposal would have an unneighbourly effect on adjacent properties.

In response the applicant commented that the report confirmed that the ground floor extension was acceptable and that all that was being added at first floor level was a dormer window. The applicant concluded by commenting that the proposal overall would cause no visual harm to the character of the property.

With its agreement Councillor Osman Dervish addressed the Committee.

Councillor Dervish commented that the proposed extensions would allow the occupiers to lead a more comfortable life by providing extra bathroom facilities to the property. Councillor Dervish concluded by commenting that the application was a reasonable one that would not affect the conservation area in a negative way.

During a brief debate Members sought and received clarification of the dimensions of the proposal and how it would sit within neighbouring properties within the conservation area.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission which was carried by 10 votes to 1 it was **RESOLVED** that it be delegated to the Director of Neighbourhoods to grant planning permission subject to conditions as the Committee considered that the development would not cause harm to the conservation area.

The vote for the resolution to delegate the granting of planning permission was carried by 10 votes to 1.

Councillor Hawthorn voted against the resolution to delegate the granting of planning permission.

241 **P0092.17 - 25-29 MARKET PLACE, ROMFORD**

The application before Members was for a part change of use and conversion of ground, first and second floor retail floorspace; third floor extension; and elevational changes to accommodate an eighty-five-bedroom hotel including a restaurant. The application sought planning permission for a third floor extension to the building which together with the existing first and second floor was proposed to be used as a hotel inclusive of public restaurant. A retail use on the ground floor of the building would be maintained as part of the proposals.

This was a re-submission of a previous application which was refused planning permission. The applicant had sought to review the scheme in an attempt to overcome the reasons for refusal and in doing so had revised the proposed cladding and façade treatment, undertaken further transport assessments and provided additional information on proposed servicing arrangements.

Members also noted that the original refusal of planning permission had been overturned by the Planning Inspectorate following appeal, consequently the only relevant consideration in regard to the application was of the façade treatment.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the newly submitted façade treatment was more aesthetically pleasing and that the proposal would ensure the building was in active use going forward.

Members noted that the proposal qualified for a Mayoral CIL contribution of £12,120 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following obligations by 27 October 2017 and in the event that the s106 agreement was not completed by such date the item should be returned to the Committee for reconsideration:

- A financial contribution of £10,000 towards local pedestrian dropped kerb improvements and the provision of a loading bay in Ducking Stool Court, to be paid prior to the commencement of development.
- All contribution sums should include interest to the due date of expenditure and all contribution sums should be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement, prior to the completion of the

agreement, irrespective of whether the agreement was completed;
and

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

It was therefore recommended that the Director of Neighbourhoods 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 2.

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

242 **P1537.16 - 1-3 MARKET PLACE, ROMFORD - CHANGE OF USE OF GROUND FLOOR FROM BANKING AND OFFICES INTO TWO A1/A2/A3 UNITS (RETAIL/FINANCIAL AND PROFESSIONAL SERVICES/RESTAURANT AND CAFES). CHANGE OF USE OF FIRST AND SECOND FLOOR FROM A2 BANKING AND OFFICES TO SIX RESIDENTIAL DWELLINGS. CONSTRUCTION OF A ROOF EXTENSION TO FORM ONE RESIDENTIAL DWELLING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £1,420 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £42,000 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.
- Save for the holders of blue badges that the future occupiers of the proposal would be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- 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.
- It was resolved to grant planning permission subject to completion of the s106 agreement by 27 October 2017 or in the event that the s106 agreement was not completed by 27 October 2017 the item should be returned to the Committee for reconsideration.

That the Director of Neighbourhoods 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 10 votes to 1.

Councillor White voted against the resolution to grant planning permission.

243 **P0187.17 - LAND ADJACENT TO 30-30C SOUTH HALL DRIVE, RAINHAM**

The proposal before Members was for the construction of a two storey building with ground floor entrance and undercroft car parking. There would be three 1-bedroom apartments on the first floor and a fourth, 2-bedroom unit (plus study) in the roofspace. A two storey side extension was proposed to the north-western side of the development to allow staircase access to the unit in the loft.

Members noted that the application had been called-in to the Committee by Councillor Jeffrey Tucker. The reasons for the call-in were that he considered the application to be of good quality with adequate parking and an attractive modern building with a neat and tidy open green space, all that was needed for the many young members of the community to get onto the housing ladder.

With its agreement Councillor Jeffrey Tucker addressed the Committee.

Councillor Tucker commented that the proposal was an attractive development of good quality and with adequate parking provision. Councillor Tucker concluded by commenting that no objections to the proposal had been received and residents in the area welcomed the proposal.

During a brief debate Members discussed the benefits of the proposal and how it would bring much needed housing to the area.

Members noted that the proposed development qualified for a Mayoral CIL contribution of £5,400.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission, as Members considered the development to be of sufficient quality and appearance, it was **RESOLVED** to grant planning permission subject to conditions as agreed by the Director of Neighbourhoods and the completion of a Section 106 agreement for an education contribution which should be completed within six months.

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.

244 **P0273.17 - 27 STATION PARADE, ELM PARK, HORNCHURCH - CHANGE OF USE FROM A BEAUTY SALON (SUI GENERIS) TO D1 (DENTIST)**

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

245 **P0333.17 - 67 CEDAR ROAD, ROMFORD - DOUBLE STOREY REAR EXTENSION, AND OUTBUILDING WITH PITCH ROOF**

The Committee considered the report, noting that the application had been called-in by Councillor Robert Benham on the grounds of concerns of local residents, and without debate **RESOLVED** to 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.

Councillor White voted against the resolution to grant planning permission.

Councillor Benham left the chamber during consideration of the item and took no part in the voting.

246 **P1935.16 - 233 HIGH STREET, HORNCHURCH - PROPOSED 1.8M HIGH BLACK POWDER METAL VERTICAL ROD FENCING TO PART OF THE WESTERN BOUNDARY OF THE SUBJECT SITE**

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

247 **P0065.17 - 1 MOWBRAYS ROAD, ROMFORD - DEMOLITION OF AN EXISTING HOUSE, ANCILLARY BUILDINGS AND GARAGE BLOCK. CONSTRUCTION OF FOUR NEW DWELLINGS PLUS ANCILLARY FACILITIES**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £4,780 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 secure the following:

- The variation of the legal agreement completed on 23 February 2017 in respect of planning permission P1421.16 by varying the definition of Planning Permission which shall mean either planning permission as originally granted on planning permission P1421.16 to secure a financial contribution of £18,000 to be used for education 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.
- It was resolved to grant planning permission subject to completion of the s106 agreement by 27 October 2017 or in the event that the s106 agreement was not completed by 27 October 2017 the item shall be returned to the Committee for reconsideration.

That the Director of Neighbourhoods 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.

248 **P0183.17 - QUEENS MOAT HOUSE, ST EDWARDS WAY - ROOFTOP EXTENSION COMPRISING OF FOUR SELF-CONTAINED FLATS AND SHARED GYM FACILITY PLUS RENOVATION WORKS TO THE EXISTING BUILDING FACADE AND LANDSCAPING WORKS**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £4,828 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under

Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £24,000 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.
- Save for the holders of blue badges that the future occupiers of the proposal would be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- 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.
- It was resolved to grant planning permission subject to completion of the s106 agreement by 27 October 2017 or in the event that the s106 agreement was not completed by 27 October 2017 the item shall be returned to the Committee for reconsideration.

That the Director of Neighbourhoods 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.

249 **P0960.16 - 75 NORTH STREET, HORNCHURCH - ERECTION OF A THREE/FIVE STOREY BUILDING COMPRISING OF FORTY-FOUR RESIDENTIAL UNITS, CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORK**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £76,838 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 to secure the following:

- A financial contribution of £264,000 to be used towards educational infrastructure costs
- To provide the Private Rented Sector (PRS) units for a minimum of 15 years and not to allow occupation of any of the units for use other than PRS during that time period

- Not to dispose of any of the Private Rented Sector (PRS) units free from any of the restrictions, terms and obligations in the S106 Agreement within a Clawback Period of up to 15 years without undertaking a Disposal Viability Appraisal to determine whether it was viable to pay an Affordable Housing Contribution. Where the Disposal Viability Appraisal indicated that it was viable to pay an Affordable Housing Contribution the applicant to pay such identified contribution to the Council.
- Not to allow occupation of the units until a Private Rented Sector (PRS) Marketing Strategy had been submitted to, and approved by, the Council. Such Strategy to secure that priority is given to residents who live or work in the Borough and to provide for local marketing within the Borough
- Not to allow occupation of the units until a Private Rented Sector (PRS) Management Plan has been submitted to, and approved by, the Council. Such Plan shall secure the following:
 - Provision of a lease period between 1 and 5 years
 - Demonstrate a consistent and quality level of housing management, and
 - Limit rent increase to one increase per 12 calendar months
- 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 Director of Neighbourhoods be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant subject to the conditions as set out in the report.

Chairman

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Regulatory Services Committee

11 May 2017

Application No.	Ward	Address
P0282.17	Brooklands	39 Crow Lane, Romford
P0305.17	Brooklands	76 Birkbeck Road, Romford

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 11th May 2017

APPLICATION NO. P0282.17
WARD: Brooklands **Date Received:** 20th February 2017
Expiry Date: 17th April 2017
ADDRESS: 39 Crow Lane
ROMFORD
PROPOSAL: The change of use of from a single dwellinghouse to a House of Multiple Occupancy (HMO) for seven residents
DRAWING NO(S): PL01 A, PL09, PL10
PL02, PL03, PL05, PL06, PL07, PL08
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 by Councillor Robert Benham on the following grounds:

- He believes it would not in keeping with the local area.
- There are already complaints that the property has been converted and people are living in an outbuilding at the bottom of the garden.
- Noise and nuisance from 7 independent bedrooms/dwellings.
- Plans show 7 double beds, so 14 people could be living there, plus the people living at the bottom of the garden.
- Lack of parking - just 4 spaces being provided for the 14+ potential residents, plus visitors.
- Property has history of noise and environmental issues.
- Lack of amenities - as the garden is smaller than the plans suggest as it has been divided up and dwelling at the bottom of the garden, which has been omitted from the plans/application.

SITE DESCRIPTION

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

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

DESCRIPTION OF PROPOSAL

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

The proposed HMO would comprise seven en-suite bedrooms set out over three floors, including an attic conversion with new windows inserted in the front and rear elevations. A shared kitchen/dining area would be set out at ground floor level.

The rear outbuilding at the property has been partitioned off from the main dwelling with timber panel fencing and separate pedestrian access down the side of the house. It appears to be being

occupied as a separate residential unit. This matter is currently being investigated by Planning Enforcement and does not form part of this application.

Under this current proposal the existing partition fencing in rear garden would be removed and the full garden area would be reinstated and utilised to form communal amenity space for the occupants of the HMO. The area would provide approximately 76 square metres of shared garden for the occupants of the main house.

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

RELEVANT HISTORY

P1985.16 - The change of use of from a single dwellinghouse to a House of Multiple Occupancy (HMO) for seven residents, plus the addition of dormer roof extensions.

Refuse 03-02-2017

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 19 properties and 5 representations have been received. The comments can be summarised as follows:

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

In response to the above: the application relates to the change of use of the main house and the proposal does not include the use of the outbuilding as residential accommodation. Planning Enforcement are currently investigating the allegation that the outbuilding is being occupied as a separate residential unit. Issues in relation to car parking and residential amenity are discussed in the following sections of the report.

Environmental Health - no objection.

Local Highway Authority - no objection.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC35 - Cycling
- DC4 - Conversions to Residential & Subdivision of Residential Uses
- DC5 - Specialist Accommodation

DC61 - Urban Design
DC72 - Planning Obligations

OTHER

LONDON PLAN - 6.13 Parking

-

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

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

STAFF COMMENTS

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

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

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

The current application follows the refusal of planning application P1985.16 in February 2017 for a proposed conversion to a seven person HMO with side dormer extensions. This was refused on the grounds that the proposed dormer windows would appear overly dominant and intrusive, creating an incongruous and unsympathetic feature in the streetscene. To address this issue the dormers have been removed from the current proposal.

PRINCIPLE OF DEVELOPMENT

Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria.

Policy DC4 concerns the conversion to a residential use and requires, amongst other things, that the property is detached and well separated from neighbouring dwellings, and that the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining

residential occupiers should be no greater than that of an ordinary single family dwelling.

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

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

DESIGN / IMPACT ON STREET / GARDEN SCENE

In terms of external alterations the proposal would involve the insertion of new centrally positioned third floor windows in both the front and rear gable elevations of the property; with both windows serving the two new attic bedrooms. Several velux style roof lights would also be installed. These alterations are considered to be minor and would not unduly affect the appearance of the property or harm the character of the Crow Lane streetscene in accordance with policy DC61.

In comparison to the previously refused scheme the side dormers have been removed from the proposal, which in Staff's view has successfully addressed the earlier concerns relating to the harm to the character and appearance of the streetscene.

IMPACT ON AMENITY

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

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

However, the main concern relates to the two new bedrooms that would result from the proposed loft conversion. With the removal of the side dormers, which were previously judged to be incongruous and unsympathetic features in the streetscene, the attic bedrooms would have an extremely limited amount of head room and narrow area of useable floorspace. Crucially, Staff consider that whilst this amendment has successfully addressed streetscene issues, the consequences of reducing the head room in the attic area would create a cramped and poor quality living environment for future residents occupying these bedrooms. Furthermore, the third floor attic bedrooms would be located more than one floor from the kitchen located at ground level - which, would not comply with the aspirations of the HMO licensing standards.

The main impact in terms of residential amenity would be on the occupants of the neighbouring dwellings at 35 & 41 Crow Lane. As the application property is detached this would arise from

activities in the rear garden and front parking area with vehicles, manoeuvring and residents coming and going.

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

On balance, it is considered that the proposed change of use would not harm the amenities of neighbouring properties, however, given the limited head room and cramped conditions for the attic bedrooms, the proposal would not provide acceptable living conditions for the future occupants of these rooms. The proposal is therefore contrary to Policy DC61 and the intentions of the NPPF.

HIGHWAY / PARKING

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

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

KEY ISSUES / CONCLUSIONS

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

However, given the limited amount of head room and cramped conditions for the attic bedrooms, the proposal would not provide acceptable living conditions for all of the future occupants. It is therefore recommended that planning permission be refused.

RECOMMENDATION

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

1. Reason for Refusal - Poor Quality Living Environment

The proposal, by reason of the severely limited amount of head room and narrow area of useable floorspace in the third floor attic bedrooms, would create a cramped and poor quality standard of accommodation. As a result the proposal would not provide acceptable living conditions for all of the future occupants, to the detriment of residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Refusal - No negotiation

In determining this application the Local Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Where appropriate, issues of concern have been brought to the applicant's attention in a timely manner affording the opportunity to consider whether such matters can be suitably resolved.

This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance it has either not been possible to resolve the issues of concern, within the determination period, or the Local Planning Authority are of the view that the harm as identified in the reason(s) for refusal cannot be easily overcome by way of amendments. The Local Planning Authority has set out within its report the identified concerns and, where and if appropriate, steps which may overcome the identified harm and lead to the submission of a more acceptable scheme in the future. The Local Planning Authority is also willing to offer pre-application advice in respect of any revised proposal.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 11th May 2017

APPLICATION NO. P0305.17
WARD: Brooklands **Date Received:** 21st March 2017
Expiry Date: 16th May 2017
ADDRESS: 76 Birkbeck Road
ROMFORD

PROPOSAL: Change of use of semi-detached house (Class C3) to six-bedroom House of Multiple Occupation (HMO, Class C4), including the conversion of existing integral garage into a habitable room.

DRAWING NO(S): Existing Ground Floor Plan
Proposed First Floor Plan
Proposed Ground Floor Plan
Existing First Floor Plan

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 Robert Benham on the grounds that he believes the following:

- It would not be in-keeping with the local area and changes the character.
- A lack of proposed parking and impact on current parking provision.
- The HMO could have up to 12 people residing.
- The garage would be converted to residential accommodation and thus reducing existing parking.
- It would form a cramped overdevelopment.
- Bedrooms with shared toilets and amenities.
- Increase in noise and nuisance from the proposal of converting a family house in to a six unit HMO.
- Possible fire hazards, no fire escape.
- Not disabled friendly.

SITE DESCRIPTION

The application relates to the property at 76 Birkbeck Road, Romford. This is a two-storey semi-detached house set close to the pavement frontage with a garden and outbuilding to the rear.

The site is located within a predominantly residential area.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the change of use from a single dwellinghouse to a six bedroom House of Multiple Occupancy (HMO).

The proposal would include the conversion of the existing integral garage area to create two additional ground floor bedrooms. The other four bedrooms would be set out on first floor level as per the current arrangement. A shared kitchen and separate lounge area would be provided on the

ground floor.

The rear garden would provide approximately 45 square metres of shared outdoor amenity space for the occupants of the HMO.

RELEVANT HISTORY

- P1768.02 - Two storey side extension
Apprv with cons 14-11-2002
- P0571.98 - Two storey side extension (Revised)
Apprv with cons 26-06-1998
- P0104.98 - Two storey side extension
Refuse 17-04-1998
- P0440.90 - Two storey side extension (Revised plans received 21/9/90)
Apprv with cons 03-10-1990

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 18 properties and 1 representation has been received. The comments can be summarised as follows:

- Out of keeping with the local area, creating a change of character. -
- It would exacerbate a lack of parking in the street and will impact on current parking provision.
- It would increase noise and nuisance as a one family home becomes a six unit HMO.
- The house is tucked into a corner on a bend and already has slightly limited access, such an increase in occupancy is a safety risk in the event of a fire.

In response to the above: Issues in relation to car parking and residential amenity are discussed in the following sections of the report.

Environmental Health - no objection, recommended a condition relating to the control of noise.

Local Highway Authority - object to the proposals due to insufficient off-street car parking provision.

RELEVANT POLICIES

LDF

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

OTHER

LONDON PLAN - 6.13 Parking

-

MAYORAL CIL IMPLICATIONS

No payments are required under the Mayoral CIL regulations.

STAFF COMMENTS

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

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

DESIGN / IMPACT ON STREET / GARDEN SCENE

In terms of external alterations: the proposal would involve the blocking up the undercroft garage area with insertion of new windows in both the front and rear elevations of the property; with both windows serving the two new ground floor bedrooms. These alterations are considered to be minor and would not unduly affect the appearance of the property or harm the character of the Birkbeck Road streetscene in accordance with policy DC61.

IMPACT ON AMENITY

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

It is noted that the application property is semi-detached and that the proposed HMO would provide a total of six-bedrooms, which could accommodate at least six unrelated individuals at one time. As such the proposal would be likely to give rise to an intensity of use, such as comings and goings and general associated activity and use of the rear garden, that would be beyond that which could be reasonably expected with a single family house. Given the close proximity of the attached property the proposal would create noise and disturbance, and conditions detrimental to neighbouring residential amenity and would therefore be unacceptable.

In terms of the amenity of future occupants: the ground floor shared kitchen is cramped and would not be sufficiently spacious for the needs of the occupants of a large HMO, nor would it be practicable to accommodate a dining table for up to six adults. In addition the upper floor bedrooms

are not particularly spacious, and whilst two of the bedrooms would be en-suite, only a shared shower room would be provided for the front two bedrooms. As a result the first floor arrangement is not considered to be suitable for the requirements of a six bedroom HMO. This would be further compounded by the limited size of the rear garden, which would provide approximately 45 square metres of shared outdoor amenity space. Again, the useable garden area at the property is considered to be confined, insufficient and ultimately below the amenity standards expected for a large HMO property.

HIGHWAY / PARKING

Policy DC33 sets out the appropriate level of parking for HMO's, with Annex 5 setting a maxima of 1no. space per two habitable rooms. With six bedrooms, the proposal would require 3no. off street parking spaces. The site has a Public Transport Accessibility Level (PTAL) rating of 3 which is moderate.

The current layout plan shows that the existing garage would be sub-divided to create the additional bedrooms. Two parking spaces are shown on the narrow strip along the front of the dwelling, however these are entirely sub-standard and provide a high likelihood of vehicles left overhanging the footway.

The proposal would permanently remove the garage and the parking on the front is not practical and therefore no off street parking would be available with the proposal. On-street parking is at a premium in this location and although there is a resident permit scheme in operation, this does not apply in the evenings or on Sunday, so there is a high likelihood that the proposal would generate additional parking pressure to the detriment of existing residents.

The Local Highway Authority have objected to the proposals due to insufficient off-street car parking provision. It is therefore considered that the proposal is contrary to policy DC33.

KEY ISSUES / CONCLUSIONS

A house in multiple occupation (HMO) is a recognised form of residential use that is acceptable in a residential area, subject to there being no significant adverse impacts.

In this case given the close proximity of the attached property the proposal would create conditions detrimental to neighbouring residential amenity, through an intensification of residential use as well as noise and disturbance and would therefore be unacceptable. In addition, given the cramped internal layout and confined rear garden, the proposal would not provide acceptable living conditions for all of the future occupants.

Staff have also taken account of the lack of suitable off street car parking provision and that the proposal would generate additional parking pressure to the detriment of existing residents.

It is therefore recommended that planning permission be refused.

RECOMMENDATION

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

1. Reason for Refusal - Impact on Amenity

The proposal, by reason of the increased amounts of activity within the building and outdoor areas, together with an intensification of the residential use in such close proximity to the neighbouring property, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

2. Reason for Refusal - Poor Quality Living Environment

The proposal, by reason of the cramped internal layout and confined rear garden, would create a limited and poor quality standard of accommodation. As a result the proposal would not provide acceptable living conditions for all of the future occupants, to the detriment of residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3. 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 Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. Refusal - No negotiation

In determining this application the Local Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Where appropriate, issues of concern have been brought to the applicant's attention in a timely manner affording the opportunity to consider whether such matters can be suitably resolved.

This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance it has either not been possible to resolve the issues of concern, within the determination period, or the Local Planning Authority are of the view that the harm as identified in the reason(s) for refusal cannot be easily overcome by way of amendments. The Local Planning Authority has set out within its report the identified concerns and, where and if appropriate, steps which may overcome the identified harm and lead to the submission of a more acceptable scheme in the future. The Local Planning Authority is also willing to offer pre-application advice in respect of any revised proposal.



**REGULATORY SERVICES
COMMITTEE
11 May 2017**

Subject Heading:

P0196.15: Havering College of Further and Higher Education, New Road, Rainham

Erection of a part two, part three storey 'Construction and Infrastructure Skills and Innovation Centre' with covered pedestrian link, external alterations to the existing building and alterations to the existing servicing arrangements and car parking provision along with associated landscaping and cycle/pedestrian path. (Application originally received 26 February 2015, revised information received 15 February 2017 and 21 April 2017)

Ward:

South Hornchurch

Lead Officer:

**Helen Oakerbee
Planning Manager**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The proposal is for the erection of a new college building to be known as a 'Construction and Infrastructure Skills and Innovation Centre'. The new facility would provide a series of classrooms and specialised workshops associated with construction and infrastructure skills. The proposal would also deliver a section of the strategic Rainham east-west cycle/pedestrian path.

The application has been on hold at the applicant's request since April 2015, and has finally been progressed to committee following the receipt of revised information, which was received in February 2017 and April 2017.

The development raises considerations in relation to the impact on the character of the surrounding area and on the amenity of the neighbouring residential properties, as well as the implications for parking, and highway and pedestrian safety.

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

RECOMMENDATIONS

That 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 scheme for the payment and delivery by the Developer of the section of the proposed Rainham cycle/pedestrian link path running through the application site based on costs and timing to be approved and agreed 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.
- It is resolved to grant planning permission subject to completion of the s106 agreement by 11 November 2017 or in the event that the s106 agreement is not completed by 11 November 2017 the item shall be returned to the committee for reconsideration.

That the Director of Neighbourhoods 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 occupation of the building hereby permitted, 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 occupation of the building hereby permitted 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 occupation of the building hereby permitted, 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. 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.

10. 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.

11. Cycle & Pedestrian Path Specification

The development hereby permitted shall not be commenced until details of the proposed cycleway and footpath link as shown on drawing no. '01002' have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the proposed crossing points and traffic calming measures for the entrance at Passive Close, the materials to be used and the method of construction, and a timetable for implementation relative to the agreed phases set out in the supporting delivery statement, dated 30th January 2017. Once constructed, the cycle and pedestrian path shall be permanently retained for such use and no obstruction shall be placed within or across it so as to prevent its use for cycles and pedestrians.

Reason: Insufficient information has been supplied with the application of the proposed footpath and cycle link. Submission of details prior to commencement will ensure that the works can be implemented to an agreed specification, within an agreed timescale and with suitable materials in accordance with LDF Development Control Policies Development Plan Document Policies DC34, DC35 and DC61.

12. External Lighting

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

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

13. Contaminated Land Investigation

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

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

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

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

agreed contamination proposals. For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

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

14. Contaminated Land 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. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

15. Air Quality

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)

b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).

c) The air quality assessment shall predict air quality with the development in place (with development).

d) 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 the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: Insufficient information has been supplied with the application to judge the potential effects of poor air quality. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC52 and DC61.

16. Secured by Design

No works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme is submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

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

17. 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.

18. Archaeological Investigation

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. Insufficient information has been supplied with the application in relation to these matters. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with Policy DC70 of the Development Control Policies Development Plan Document and the NPPF.

19. Sustainable Construction

The development hereby permitted shall achieve a BREEAM rating of 'very good' and shall not be used for the purposes hereby permitted 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.

20. 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.

21. 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.

22. 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, which shall be submitted to and approved in writing by the Local Planning Authority. 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. Flood Risk Resilience

The development hereby permitted shall achieve the flood risk resilience measures in full accordance with the details of the submitted Flood Risk Assessment, to the full satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC49.

INFORMATIVES

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

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the Havering College of Further and Higher Education campus at New Road, Rainham. The site comprises a large three-storey detached building, known as Burnside House, used by the

college as a Construction Centre, and an associated car park laid out to the front. The site is accessed directly from New Road via a 120 metre driveway.

- 1.2 The site is bound to the north by New Road and new residential development at Passive Close, to the east by the Dover's Corner Industrial Estate, to the west by Rainham Trading Estate, and to the south by the c2c and HS1 railway line.
- 1.3 The land is designated in the Local Development Framework as being within the Rainham West Site Specific Allocation, and also forms part of the Rainham and Beam Park Planning Framework area.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the erection of a part two/part three storey building to be used by the college as a 'Construction and Infrastructure Skills and Innovation Centre (CISIC)', providing 2,767 square metres of additional floorspace.
- 2.2 The application has been on hold since April 2015, and has finally been progressed to committee following the receipt of revised information relating to the strategic Rainham cycle/pedestrian path, which was received in February 2017, and the Flood Risk Assessment, which was received in April 2017.
- 2.3 The development would include external alterations to the existing college facility at Burnside House, including repainting the existing metal cladding light grey, to harmonise with the new building; the installation of a new aluminium composite panelling entrance façade, and; the erection of a covered pedestrian link structure between the Burnside House and the new CISC building.
- 2.4 The new facility would be located to the front of the existing building in an off-set position with the car park area divided into two eastern and western sections in order to accommodate the new building. The western car park would provide 27 staff car parking spaces and would be accessed as per the current access road arrangements from New Road. The eastern car park would provide a further 32 spaces to be used by students, staff and visitors and would be accessed via the installation of a new gateway from the end of Passive Close. Overall, the proposal would increase on-site parking by 28 spaces providing a total of 106 spaces.
- 2.5 Internally the new building would provide a series of classrooms and specialised workshops associated with construction and infrastructure skills.
- 2.6 As part of the wider re-landscaping works the proposal would also deliver a section of the strategic Rainham cycle/pedestrian path, which would run

from east to west through the site, along the boundary with Passive Close and around the northern flank of the proposed building.

- 2.7 There are currently approximately 318 students registered at the Rainham College campus. On completion of the CISIC, the college would be able to accommodate approximately 732 full time students and 551 part time students. The college expansion would also create a further 60 full time jobs, taking the number of employees from 30 to a total of 90.
- 2.8 The proposed opening hours would be 08:00 to 22:00 Monday to Friday, 09:00 to 18:00 on Saturday, and closed on Sunday, Public and Bank Holidays.

3. Relevant History

- 3.1 P0642.13 - Single storey temporary building for education (class D1) use - Approved, 23 July 2013

4. Consultations/Representations

- 4.1 Notification letters were originally sent to 205 properties in March 2015 and no representations were received at this time. A re-consultation of the 205 neighbouring properties was undertaken in February 2017 and again no representations have been received.
- 4.2 The following consultation responses have been received:
- National Grid - no objection.
 - Network Rail - no objection.
 - Transport for London - no objection.
 - London Fire Brigade Water Team - no objection.
 - Greater London Archaeological Advisory Service (GLAAS) - no objection, recommended a condition in relation to the undertaking of an archaeological evaluation.
 - London Fire Brigade Water Team - no objection.
 - Designing Out Crime Officer - no objection.
 - Environmental Health - no objection, recommended conditions in relation to contaminated land and air quality.
 - Environment Agency - no objection

- Local Highway Authority - no objection.

5. Relevant Policies

- 5.1 Policies CP2 (Sustainable Communities), CP3 (Employment), CP4 (Town Centres), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP17 (Design), DC26 (Location of community facilities), DC29 (Educational Facilities), DC32 (The road network); DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC52 (Air Quality), DC54 (Contaminated Land), DC55 (Noise), DC56 (Light), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) 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 Site Specific Allocations DPD, Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.18 (Education Facilities), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) and 7.4 (local character) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework (NPPF), specifically Sections 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development at the site, the impact on the character of the surrounding area and on the amenity of the neighbouring residential properties, as well as the implications for parking, and highway and pedestrian safety.

Principle of Development

- 6.2 The NPPF attaches great importance to ensuring that a sufficient choice of education facilities are available to meet the needs of existing and new communities. Local Authorities are encouraged to take a proactive and positive approach to development that will widen choice in education, with great weight given to the need to create, expand or alter education facilities.
- 6.3 Replicating this, Policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.

- 6.4 As a broad approach Policy DC29 seeks to ensure the provision of education facilities is sufficient in quantity and quality to meet the needs of residents. More specifically, Policy SSA12 of the Site Specific Allocations Document states that educational uses will be allowed within the Rainham West site, which covers the area of the application site.
- 6.5 As such the proposed Construction and Infrastructure Skills and Innovation Centre is considered to be acceptable in principle in landuse terms, subject to further scale, layout and detailed design, and highways considerations.

Design/Impact on Streetscene

- 6.6 The NPPF places significant emphasis on good quality design and architecture. Paragraph 58 sets out the standards that the development should aim to achieve, this includes adding to the overall quality of the area, responding to local character and being visually attractive as a result of good architecture. Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.7 The existing college building is located adjacent to the southern boundary of the site and comprises a large detached structure of considerable scale and bulk with the appearance of an industrial/warehouse unit. The proposed new block would be located directly to the front of the existing building in an off-set position occupying a more prominent section of the site; where it would sit some 20 metres away from the new residential road at Passive Close, and over 120 metres from New Road. The new building would match the general height and bulk of the surrounding development. In terms of its appearance, the proposed facility would incorporate a high quality contemporary design comprising part two storey and three storey sections with a mono-pitched sloping roof reaching a height of 13.9 metres. The exterior of the building would be finished with a combination of aluminium panelling and grey profiled metal cladding.
- 6.8 The development would also include external renovation works to the front elevation of the existing college facility, as well as the erection of a covered pedestrian link structure between the new and existing buildings. These measures would help to harmonise the proposed facility within the setting of the existing building.
- 6.9 Overall it is considered that the proposed building would be a fitting addition to the college campus and would be appropriate to the educational nature of the site. As a result it is not considered that the building would form an incongruous feature or result in any material harm to the character and appearance of the surrounding area. As such the proposal would serve to maintain and enhance the character of the local area in accordance with policy DC61.

Impact on Amenity

- 6.10 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through over-dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, or noise and disturbance to existing properties.
- 6.11 The proposed building would be positioned within a relatively central section of the site over 30 metres away from nearest residential accommodation at Passive Close. Given the distances and the oblique angles, it is not considered that the proposal would present any undue issues in terms of privacy, overshadowing and over-dominance to the neighbouring residents.
- 6.12 It is recognised that the new facility would result in an increase in student numbers attending the campus during the day and into the evening, as well as an intensification of activity on Passive Close as a result of vehicles travelling along it for a short distance to access one of the car parks. The sound of vehicles manoeuvring and car doors closing in eastern section of the car park could also raise some concerns in relation to noise and disturbance. However, in this instance the neighbouring residential accommodation is set away from the college site boundary on the opposite side of a public highway, which would help to reduce any potential noise impact from activities at the college. Nevertheless, the residential properties have been erected adjacent to an existing college campus, so any residents living nearby can reasonably expect to experience a greater element of noise and disturbance from general activity associated with the college than those living in a purely residential area. As a result Staff are of the view that the proposed development would be acceptable in terms of the impact on the amenity of neighbouring residents.

Environmental Issues

- 6.13 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended precautionary conditions in relation to contaminated land and air quality.
- 6.14 The proposal is not considered to give rise to any significant noise issues, subject to controls on the trading and delivery times.

Flood Risk

- 6.15 The site is located within Flood Zone 3 which is classified as having a high risk of flooding. A supporting Flood Risk Assessment has been submitted which sets out a series of flood resilience measures which will be incorporated to mitigate a flooding event. Having requested several

amendments the Environment Agency is satisfied with the flood risk measures and has raised no objections to the scheme.

Parking and Highway Issues

- 6.16 The site has a Public Transport Accessibility Level (PTAL) rating of 2; meaning that the premises currently has relatively poor access to public transport facilities.
- 6.17 The parking standard for colleges of further education, as set out in Annex 5 of the Core Strategy, is given as 1 space per 2 teaching staff, plus 1 space per 15 students. The London Plan states that 1 space per 4 staff and 1 space per 20 full time students would be appropriate. The new education facility would create a further 60 full time jobs, taking the number of employees from 30 to a total of 90. On completion of the CISIC, the college would be able to accommodate approximately 732 full time students and 551 part time students.
- 6.18 As part of the development the existing staff and student car park area would be reconfigured and divided into two sections to accommodate the new building. Overall, the proposal would increase on-site parking by 28 spaces providing a total of 106 spaces. In terms of the staff and full time student parking provision, this would be in accordance with the parking standards and is considered to be acceptable.
- 6.19 As part of the wider re-landscaping works the proposal would also deliver a section of the strategic Rainham cycle and pedestrian link path. The proposed 5 metre wide route would run from east to west through the site, along the northern boundary with the swale at Passive Close and around the northern flank of the proposed building. It is anticipated that the cycle and pedestrian path route would eventually provide a dedicated east-west link from Rainham town centre, along the New Road corridor through to the proposed new station at Beam Park. Once in place the strategic route would serve to improve cycle and pedestrian access to the college site, reduce car dependency and encourage the use of more sustainable modes of transport.
- 6.20 It is anticipated that the section of cycle and pedestrian path running through the college site would be brought forward in three stages. A suggested delivery mechanism and timetable for implementation has been set out in a supporting statement and accompanying drawing '01002', and under these terms would be brought forward as follows:
- Section A: Secure Housing Zone funding from that already identified for the Rainham and Beam Park Housing Zone, to support the delivery of this section of the cycle/pedestrian route.
 - Section B: Havering College to deliver this section as part of the wider works to build the new CISIC building. Details of materials and final layout to be agreed by discharge of condition.

- Section C: It is understood that this section would likely comprise the final part of the delivery of the route, and would come forward at such time as when the land north of the proposed new CISIC building (also owned by Havering College) comes forward for development. If it is required before that time (i.e. to link to other sites to the west of CISIC) then Havering's Regeneration team have agreed to the principle of providing forward funding for this element of the cycle path, either by placing a legal charge on the land north of the CISIC building and/or with an agreement that the costs would be reimbursed by Havering College within a period of 5 years, in the event of a disposal of the remainder of the site, whichever was the sooner.

6.21 The requirement to deliver the section of the cycle and pedestrian link path through the site is set out in the heads of terms of the S106 agreement at the start of this report.

6.22 The proposed on site cycle parking provision would meet the London Plan and LDF requirements.

7. Conclusion

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

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

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

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 legal agreement. The S106 contribution is lawfully required to bring forward the delivery of the strategic Rainham cycle and pedestrian route.

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, additional and amended statements and plans received 15 February 2017 and 21 April 2017.

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REGULATORY SERVICES COMMITTEE

11 May 2017

REPORT

Subject Heading:

P1753.16 - Pinewood Poultry Farm, 1
Pinewood Road, Havering-atte-Bower.

Demolition of 15 commercial storage
units and change of use of the land to
enable erection of 5 detached dwellings.
(Application received: 24-10-17
Revised Plans Received: 19-01-17; 21-
03-17 & 18-04-17)

Ward

Havering Park

Lead officer

Helen Oakerbee
Planning Manager

Report Author and contact details:

Peter Fletcher
peter.fletcher@havering.gov.uk
01708 432605
Local Development Framework

Policy Context

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

Financial summary:

None

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

Communities making Havering	[x]
Places making Havering	[x]
Opportunities making Havering	[x]
Connections making Havering	[x]

SUMMARY

The application has been called-in by Councillor John Crowder. This report considers an application for the provision of 5 new dwellings within the Green Belt and the Havering Ridge area of special landscape character. The proposal concerns the demolition of existing former agricultural buildings previously used as poultry units. The agricultural use of the site as a poultry farm had ceased in excess of 25 years previously and the units have been used for commercial purposes. In these circumstances the land can be considered as previously developed (brownfield) land. The redevelopment of the site is, therefore, considered acceptable in principle and would be acceptable in the Green Belt subject to there being no greater impact on openness. The development would result in an overall reduction in the volume of buildings on site and improve the overall appearance of the area. There would be no material impacts on neighbours or the character and appearance of the area. Staff consider that, as a matter of judgement, the proposals would be acceptable. The grant of planning permission is recommended subject to the prior completion of a S106 planning obligation and planning conditions.

RECOMMENDATIONS

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

- A financial contribution of £30,000 to be used for educational purposes in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document.
- 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.
- It is resolved to grant planning permission subject to completion of the s106 agreement by 11 November 2017 or in the event that the s106 agreement is not completed by 11 November 2017 the item shall be returned to the committee for reconsideration.

That the Director of Neighbourhoods be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions set out below.

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

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

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

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

3. *Car parking* - No dwelling unit shall be occupied until car/vehicle parking has been provided within the site for two car parking spaces for each dwelling and thereafter this provision shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

Reason:-

Insufficient information has been supplied with the application on the proposed parking provision and it is necessary to ensure that adequate car parking provision is made off street prior to first occupation in the interests of amenity and the safety and convenience of other users of Pinewood Road and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC33 and DC61.

4. *Preserved trees* - No works shall take place in relation to any of the development hereby approved 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.

Reason:- Insufficient information has been supplied with the application to demonstrate how the preserved trees on site will be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust.

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

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

6. *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.

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

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

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

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

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

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

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

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating

safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

11. *External lighting* - Prior to the first occupation of any dwelling unit external lighting shall be installed in accordance with a scheme of lighting that has been submitted to 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.

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

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

13. *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.

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

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

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

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

15. *Land contamination* - The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning the following land contamination reports:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason:-

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

20. *Permitted development* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification) Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

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

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

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

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

23. Prior to the commencement of the development, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Insufficient information has been submitted to determine site levels. This information is considered necessary to ensure that the development relates acceptably to adjoining residential occupiers and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

24. *Badger Protection* – The construction site, boundary fencing and external lighting shall be maintained and managed in accordance with the recommendations contained within paragraph 5.2 of the Protected Species Survey report.

Reason: To comply with the requirements of the Wildlife and Countryside Act 1981 and to ensure no foreseeable harm to Protected Species occurs.

Informatives

1. *DMO Statement* - Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015. In accordance with paragraph 186-187 of the National Planning Policy Framework

2012, improvements required to make the proposal acceptable were negotiated by e-mail and telephone between 13th December 2016 and 19th January 2017 with Tom Wiffen of Martyn Pattie Architects. The revisions involved revising the site layout and increasing the number of bungalows. The amendments were subsequently submitted on 21st March 2017.

2. *Planning obligation* - The planning obligation required has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
3. *Temporary use of the highway* - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a 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.
4. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
5. *Construction* - The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.
6. *Sustainable development* - The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.
7. *Street Naming and Numbering* - 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:

REPORT DETAIL

Call-in

The application has been called in to committee for consideration by Councillor John Crowder on the grounds of Green Belt and this particular site backs on to a nature reserve and will have a detrimental effect to the area.

1. Site Description

- 1.1 The site lies to the north of Pinewood Road which is an unmade road that leads into Havering Country Park from Orange Tree Hill and provides access to five residential properties. The application site lies to the rear of no.1 Pinewood Road and contains 15 single storey buildings and other structures that formerly comprised a poultry farm. The buildings are constructed of a variety of materials, including metal, wood, rendered block under asbestos cement corrugated roofs. There are concrete roadways between the buildings connecting to a shared access with the adjoining dwelling to Pinewood Road. The buildings provide lock-up units for commercial use.
- 1.2 The site lies within the Green Belt and the Havering Ridge area of special landscape character. To the west and north of the site is the Havering Country Park which is an area of mature woodland. To the west is a dwelling and an associated area of open commercial uses to the side and rear. Pinewood Road also includes mature trees and large landscaped garden areas. The site slopes quite steeply from north to south.

2. Description of proposal

- 2.1 It is proposed to demolish all existing buildings and construct five detached dwellings comprising five three-bed bungalows. The bungalows would be located mainly on the higher northern end of the site where the existing buildings are located.
- 2.2 There would be a new access road from Pinewood Road with turning head. The dwellings would be located on the northern and eastern sides of the site. The buildings would be constructed either with timber cladding above a brick plinth or with render with plain tiled roofs. Each dwelling would have parking to the front. Existing trees would be retained with additional planting along the western boundary.

3. Relevant History

- 3.1 E0003.16 - Certificate of lawfulness for commercial use - refused

P1557.14 - Removal of agricultural occupancy conditions - Condition 2 of ES/ROM/92/62 and condition 1 of ES/ROM/92A/62 - approved

4. Consultations/Representations

4.1 19 letters of representation (plus an additional 5 following re-consultation from original objectors) have been received raising the following:

- Site lies within the Green Belt which should be protected
- Change the character of the area
- Lane could not sustain increase in traffic, particularly during construction
- Number of units excessive – out of keeping with surroundings where development is generally low density
- Impact on wildlife
- Conflict between increased traffic and public access to the country park, including horse riders
- Badger activity in the area would be affected
- Would affect the character of the village
- Impact on neighbours, including view from property and overlooking
- Lead to further development
- Current level of traffic is very low
- Increased noise and disturbance
- There is a covenant on the use of Pinewood Road restricting of land to agriculture.

Comments on representations:

The main issues raised are addressed in the body of the report. The reference to a restrictive covenant is a private legal matter which the applicant would need to resolve before a planning permission could be implemented. This proposal leading to further development is neither a material consideration as each application would be considered on its own merits.

4.2 Essex and Suffolk Water - no objections

4.3 Streetcare (Highways) - no objections subject to construction methodology and wheel cleaning conditions

4.4 Public Protection - no objections but recommends contaminated land condition

4.5 London Fire Brigade - no objections

4.6 London Fire and Emergency Planning Authority - the access road should be constructed to carry pump appliance

5. **Relevant Policies**

5.1 Local Development Framework (LDF)

Core Strategy and Development Control Policies Development Plan Document (DPD) Policies:- CP1 (Housing Supply); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP15 (Environmental management); CP17 (Design); CP14 (Green Belt); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC6 (affordable housing); DC21 (Major developments and open space, recreation and leisure facilities) DC29 (Education Premises); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC40 (Waste Recycling); DC45 (Green Belt); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC58 (Biodiversity and Geodiversity); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC69 Other areas of special townscape or Landscape character) DC72 (Planning obligations)

Evidence base to the Planning Obligations SPD

Residential Design SPD

Designing Safer Places SPD

Sustainable Design and Construction SPD

5.2 London Plan

Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 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); the Housing Supplementary Planning Guidance and Housing Standards Minor alterations to the London Plan

5.3 National Policy Documents

Nationally described space standards

National Planning Policy Framework

National Planning Practice Guidance

6. **Staff Comments**

Principle of the development

- 6.1 The site is located within the Green Belt where new buildings would normally be considered inappropriate development.

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

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.3 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

6.4 The site is also located on the Havering Ridge which is designated as a special landscape character area in the LDF. The proposals would need to preserve the existing character, including skyline views and views from the ridge.

6.5 As part of the consideration of the 2014 planning application (P1557.14) Staff accepted that the agricultural use of the site as a poultry farm had ceased in excess of 25 years previously. Since the closure of the poultry farm the evidence submitted as part of the 2016 application (E0003.16) demonstrated that there had been a series of commercial uses of the various buildings up to the present day. These uses had not necessarily been continuous for each building over the period, meaning that a Certificate of Lawfulness could not be issued, but overall the site has been in commercial use for a significant period. In these circumstances the land can be considered as previously developed (brownfield) land.

6.6 The main issues for consideration by members are therefore:

- The extent to which the proposals amount to appropriate development in the Green Belt;
- The effect on the openness and purposes of the Green Belt;
- The effect on the area's character and appearance;
- If the proposals amount to inappropriate development, whether the harm by reasons of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the developments;
- Whether the proposals would preserve the special landscape character of Havering Ridge, including protecting views to the area.

Green Belt considerations

6.7 The site includes a number of former agricultural buildings, including hardstandings. The buildings form a separate group unrelated to any of the nearby dwellings. It does not have the character of a farmyard. The

redevelopment of the site needs to be considered in relation to the guidance in the NPPF which largely supersedes LDF Policy DC45.

- 6.8 In the Green Belt there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings, including dwellings is normally inappropriate in the Green Belt. However, paragraphs 89 and 90 of the NPPF set out circumstances where new buildings or the re-use of existing buildings would not be inappropriate development. Of particular relevance to this case is “ 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”. If it is determined that the site does not amount to brownfield land then the development would be inappropriate in the Green Belt and very special circumstances would need to be demonstrated.
- 6.9 It is clear from the application details that the buildings are no longer used for agricultural purposes. The site contains a number of separate uses contained within the individual buildings. The application details indicate that they have been used for a range of B1, B2 and B8 class commercial uses. Staff are satisfied that the site does qualify as previously developed land and the relevant test of acceptability is, therefore, that there would be no greater impact on openness or the purpose of including land within it.
- 6.10 The total floor area of the existing buildings is 1,780sqm with a volume of 5,509cum. The proposed buildings would have a footprint of 851sqm and volume of 3135m³. This represents a decrease in volume of over 40%. However, the judgement is whether this reduction would result in there being no greater impact on openness. In determining this account need to be taken of the scale and bulk of the proposed new buildings. Some of the new dwellings would be higher than the existing buildings, but have been designed with low pitch roofs to limit the impact. The ridge heights would be about 5.6m compared with the existing buildings of about 3m to 4m. The existing buildings cover much of the site, in particularly the southern and northern parts, whereas the proposed dwellings would be much more evenly spaced giving a greater sense of openness. Whether or not the impact is no greater will be a matter for members to judge, however Staff consider that, on balance the impact would be less than at present.
- 6.11 The purposes of the Green Belt include safeguarding the countryside from encroachment and restricting sprawl of built-up areas. The site is already significantly developed with buildings and hardstandings; therefore, the development would not represent further encroachment into the countryside or the extension of existing built up areas. The change of use to residential can change the character of the area; however, the site is well contained with vegetation and subject to restrictions being imposed on permitted development, such as extensions, swimming pools and sheds, enabling the Council to retain control over future extension to the properties, this impact is judged acceptable.

- 6.12 Paragraph 55 of the NPPF also refers to new dwellings in the countryside generally. Isolated new dwellings should be avoided unless there are special circumstances. The paragraph provides examples of such special circumstances, but none of these apply in this case. This is general guidance which does not relate specifically to the Green Belt, where there are specific policy considerations in relation to brownfield land.

Impact on the character and appearance of the area

- 6.13 The application site lies within the Havering Ridge area of special landscape character where LDF policy DC69 applies. The importance of the ridge is the skyline character and views it affords of central London. The policy seeks to ensure that new development would preserve these aspects of its character. Given the location of the site within a woodland setting this character would not be materially affected. The site cannot be seen beyond the immediate environs and there are no wider views.
- 6.14 In terms of the character of the immediate locality this is made up mainly of large dwellings in a woodland setting. There are some landscaped garden areas facing onto Pinewood Road. The application site and the land to the west contain commercial uses, with the adjoining use being mainly open. The proposed development, although at a higher density would result in a density of 7 dwellings per hectare which would not be out of keeping with the spacious residential character of the area. The development would deliver residential units with internal floor space and room sizes in excess of the required minimum standards and private amenity space of adequate size. On this basis Staff judge that the development would be acceptable in terms of character and appearance.

Impact on amenity

- 6.15 There are residential properties to the west and east of the site, plus the donor property to the south. The dwelling to the east is some distance away with mature vegetation between so any impacts would be very limited. The impact on occupiers of the other dwellings would be greater as they are closer and on lower ground. The new access road would pass close to the boundary with no. 2 Pinewood Road. Cars using this could impact on the neighbour through noise and disturbance, however, as there are only five new dwellings proposed this is not considered likely to be significant. This would also replace any current or future activity in relation to the commercial units. While the new dwellings would be on higher ground there is mature vegetation between the sites and no. 2 also has outbuildings and open storage to the rear which would limit views into garden areas. The new dwellings would be further away than the existing buildings, so visually the impact would be mitigated. No.1 Pinewood Road is set into the rising ground and subject to appropriate boundary treatment any overlooking would be limited. Much of the garden area is to the front which would be shielded by the house and a stand of existing conifers. The overall impact of the development on neighbours is considered acceptable, especially when compared with the existing situation.

Parking and Highway Issues

- 6.16 Pinewood Road is a private road; therefore, there are no objections to the increase in use and concerns relating to the possible damage by delivery vehicles would be an issue to be addressed by the required construction methodology submission, should the application be approved. The scale of development would not give rise to any material increase in vehicle movements at the junction with Orange Tree Hill. The site has a PTAL of 1 indicating a low level of accessibility. However, car parking would be to the front of the new properties where there is adequate space to provide two spaces per unit which would meet policy requirements. No objections are raised by the highway authority.

Other Issues

- 6.17 The potential for conflict between vehicles accessing the site and pedestrians and horse riders is not considered to be significantly greater than the historical situation at the site when the redundant farm buildings were in a variety of commercial uses.
- 6.18 The Protected Species Survey submitted as part of the application does identify that the site is used by foraging badgers and it is suggested that the implementation of the recommendations contained at paragraph 5.2 of the report be made the subject of a condition.

Infrastructure impact of the development

- 6.19 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.20 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.
- 6.21 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.
- 6.22 There has been a change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or

infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

- 6.23 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.
- 6.24 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, which is not the case for this part of the borough.
- 6.25 It would, therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. It is considered that a contribution equating to £6,000 per dwelling would be appropriate.
- 6.26 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. There would be 5 units and a charge of £30,000 is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

7. Mayor’s Community Infrastructure Levy (CIL)

- 7.1 There would be a net reduction in floorspace, therefore, no CIL would be payable.

8. Conclusions

- 8.1 This report considers an application for the provision of 5 new dwellings within the Green Belt and the Havering Ridge area of special landscape character. This raises issues in relation to the appropriateness of the development in the Green Belt and the impact on the landscape. There are also issues of impact

on nearby residential occupiers. In view of the current commercial uses of the site the land can be considered as previously developed (brownfield) land. The redevelopment of the site is, therefore, considered acceptable in principle in the Green Belt. The development would result in an overall reduction in the volume of buildings on site and improve the overall appearance of the area. There would be no material impacts on neighbours or the character and appearance of the area generally. Staff consider that, as a matter of judgement, the proposals would be acceptable. The grant of planning permission is recommended subject to the prior completion of a S106 planning obligation and planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

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

Human Resources implications and risks:

None

Equalities implications and risks:

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

BACKGROUND PAPERS

1. Application form and plans received 24th November 2016 and revised plans received 19th January; 21st March 2017 and 18th April 2017

**REGULATORY SERVICES
COMMITTEE
11 May 2017**

Subject Heading:

**P0086.17: 119 Marlborough Road,
Romford**

**Erect two storey block of four flats
(with roof accommodation), lay out
parking, refuse storage, landscaping
and amenity spaces and alter vehicular
access onto Marlborough Road
(Application received 20/1/2017)**

Ward:

Romford Town

Lead Officer:

**Helen Oakerbee
Planning Manager**

Report Author and contact details:

**John Robertson
Senior Planning Officer
John.Robertson@havering.gov.uk
01708 43 2642**

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

SUMMARY

The proposal is to erect a 2 storey block of 4 flats along with 6 parking spaces, cycle and refuse storage areas, landscaping and amenity spaces and to alter the vehicular access onto Marlborough Road. The application is for outline permission but with landscaping the only reserved matter.

The development raises considerations on the principle of the development, its impact in the street scene and on the amenities of occupiers of adjoining/nearby properties as well as issues of access, parking and servicing. A 2014 appeal decision for a similar scheme is an important material consideration.

This scheme is a revised version of one approved on appeal and has to be considered largely on the acceptability of its differences with the approved scheme. On balance the proposal is considered by officers to be acceptable in planning terms in and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement by 11 November 2017.

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 248 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £4,960 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 £24,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner 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 monitoring fee prior to the completion of the agreement.

- In the event that it is resolved to grant planning permission subject to completion of the s106 agreement by 11 November 2017 or in the event that the s106 agreement is not completed by 11 November 2017 the item shall be returned to the committee for reconsideration.

That the Director of Neighbourhoods 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. Reserved Matters

Application/s for approval of the reserved matters shall be submitted to the Local Planning Authority within three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Time Limit

The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. 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.

4. 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.

5. Site Levels

No development shall take place until details of existing and proposed site, road and building levels related to Ordnance Datum, or an identifiable temporary datum, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development accords with the approved plans and with Development Control Policies Development Plan Document Policy DC61.

6. 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 treatment shall be completed before any dwelling hereby approved is first occupied or in accordance with a timetable approved in writing by the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

7. Contaminated Land

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has been previously submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins.

If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which was not previously identified, additional measures for the remediation of this source of contamination shall be

submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

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

Reason:-

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

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: 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.

9. 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.

10. Wheel Washing

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

The submission will provide;

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

Reason:-

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the

adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

11. Highway Works

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

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

12. 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.

13. Parking Provision

No dwelling in the development hereby approved shall be first occupied until the area set aside for car parking has been laid out and surfaced to the satisfaction of the Local Planning Authority and 6 vehicle parking spaces and storage for 4 bicycles have been made available for residents of the dwellings. The vehicle parking and cycle storage spaces shall be retained permanently thereafter for the parking of vehicles/cycles and shall not be used for any other purpose.

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

14. 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.

15. Noise Insulation

Before any development is commenced, a scheme for protecting the proposed dwellings from noise from the industrial units to the rear of 119 Marlborough Road shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

Reason: Insufficient information has been supplied with the application to judge the adequacy of insulation of the proposed dwellings from industrial noise. Submission of this detail prior to commencement of the development will protect the amenity of future residents.

16. Water Efficiency

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

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

17. Obscure Glazing

The proposed ground, first and second floor windows serving bathrooms, en-suite rooms and WCs shall be permanently glazed with obscure glass.

Reason:-

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

18. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plans) shall be inserted in the elevation facing No. 123 Marlborough Road.

Reason:-

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

19. Balconies

The flat roof areas with the exception of the first floor balcony for flat 4 shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:-

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

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. Planning Obligations

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.

3. Approval & CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,960 (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. Vehicle Crossover Informative

The proposal involves works which affect the highway and/or its verge. Before commencing such works you must obtain separate consent of the Highway Authority. Please contact the Streetcare on 01708 432563.

Highway Informatives

5. 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.
6. 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.
7. 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.
8. Surface Water Drainage

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.

9. Discharge of Conditions

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.

10. Street Naming & Numbering

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

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the south of Marlborough Road and formerly contained a 2 storey A2 office building, which has now been demolished and the site cleared. To the rear, the site adjoins Calgary Court (a 3 storey block of 14 flats) completed in early 2007, and to the west a 2 storey terraced house. To the east is the access road to Calgary Court and beyond that 2 storey dwellings.
- 1.2 The site has a separate vehicular access road to the west which also provides access to a garage to the rear of No.123 Marlborough Road. There is a double yellow line to this side of Marlborough Road at this point (covering the Calgary Court entrance and also the driveway to the west) which prevents parking at any time.
- 1.3 The surrounding area is characterised by predominantly two-storey semi-detached and terraced properties, with some 2-3 storey blocks of flats. There is no uniform design of buildings in this street.

2. Description of Proposal

- 2.1 The proposal is to erect a 2 storey block of 4 flats along with 6 parking spaces, cycle and refuse storage areas, landscaping and amenity spaces and to alter the vehicular access onto Marlborough Road. The application is for outline permission but with landscaping the only reserved matter.

2.2 The scheme involves provision of one 2 bedroom flat, two 1 bedroom flats and one 1 bedsit/studio flat. The two bedroom unit partly occupies the roof space. Alterations to the highway are proposed to allow provision of 2 parking spaces in front of the proposed building.

3. Relevant History

3.1 This application is the latest in a series of broadly similar proposals on this site dating back to 2006. Most of these were withdrawn or refused with one still undetermined. However, there is a 2014 approval on appeal for a 4 flat development of very similar design to the current proposal.

3.2 It is understood the current application has been submitted because it was very difficult to implement the 6 parking spaces required by the scheme approved on appeal. This was due to some of the land required not being in the applicant's ownership and an application to reduce the number of parking spaces to 5 was refused in 2016. The main differences between the current and the previously approved scheme are:

- the footprint of the building has been reduced
- the building is set 2m back further from the road with 2 parking spaces to the front of it
- only 4 parking spaces are now provided to the rear (rather than 6)
- the bulk of the roof has been reduced
- 2 x 1 bed, 1 x 2 bed and 1 x 1 bed studio are now proposed (previously 2 x 2 bed and 2 x 1 bed flats)
- the rear amenity area has been reduced from 80 to 64.5 sq m spread over two separate areas.

3.3 Prior to its approval on appeal, the 2014 application had initially been refused on the grounds that the proposal, by reason of its bulk, mass, depth and prominent side gabled feature, appears as a visually intrusive and overbearing form of development within the streetscene and the neighbouring rear garden environment, resulting in material harm to local character and amenity.

P1336.16: Variation of conditions 2 and 11 of permission P0259.14 to allow 1 parking space for each flat - refused 11 October 2016;

P0967.16: Demolition of existing building and construction of new building to provide 2 No. x 1 bedroom and 2 No. x 2 bedroom units - invalid application

P0574.16: Demolition of existing building and construction of new building to provide 2 No. x 1 bedroom and 2 No. x 2 bedroom units - withdrawn;

P0259.14: Change of Use from A2 to residential, demolition of disused commercial premises and erection of 2 No 1 bedroom flats and 2 No 2 bedroom flats with associated amenity space, car parking, access, landscaping and refuse storage - refused 1 May 2014 but allowed on appeal December 2014;

P0969.10: Change of use from A2 to residential, and the demolition of the existing disused commercial premises and erection of 2 no. 1 bed flats and 2 no. 2 bed flats with associated amenity space, car parking, access, landscaping and refuse storage - refused 23 August 2013;

P0291.07: To demolish existing building and erect a 2 storey 4x1 bed flats for residential use - withdrawn;

P0264.06: To demolish existing house and erect a two storey 4 x 1 bed flats for residential use - refused 21 December 2006;

P1603.05: The demolition of the existing warehouse and erect a block of flats containing 14 No. 2 beds with parking and amenity for residential use - approved 29 November 2005;

4. Consultations/Representations

4.1 Notification letters were sent to 68 properties and two representations have been received from nearby residents. One indicates the proposals appear to be taking up parking spaces currently in use by Calgary Court. The other objects to any additional parking in Marlborough Road or via the Calgary Court driveway as potentially troublesome and dangerous; this is because, although there are double yellow lines outside Calgary Court, often vehicles are parked on them making exiting the site difficult and dangerous.

4.2 The following consultation responses have been received:

Highways - no objections subject to informatives being added and conditions on visibility splays, alterations to public highway, and vehicle cleansing arrangements.

Environmental Protection - recommends refusal unless condition attached to secure noise insulation in relation to industrial buildings to the rear.

Waste & Recycling - require further clarity on access road; bins must be no further than 30m from Marlborough Road with an adequate turning circle and bin storage would be better located on Marlborough Road.

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC61 (Urban Design) 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, 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), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.4 (local character), 7.6 (architecture) 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) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 The issues to be considered are the principle of the development, its impact in the street scene and on the amenities of occupiers of adjoining/nearby properties and highway/parking/servicing issues. The 2014 appeal decision for a similar scheme is an important material consideration.

Principle of Development

- 6.2 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for the development of residential units on this site on which residential development has been accepted in the past. As a scheme of 4 flats has been approved on appeal on this site, the principle of a residential development of flats has been accepted. The proposal is therefore acceptable in principle and in accordance with Policy CP1.
- 6.3 The site area is 0.059 ha. In density terms, Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 1, with the density recommendation being 30-50 units per hectare. The proposed development type would result in approximately 102 dwelling units per hectare based on the above site area. The proposal would therefore be above the recommended density range and could be considered to represent an overdevelopment of the site. However, a development of 4 flats has previously been accepted on this site on appeal.
- 6.4 Policy DC2 indicates that permission will be granted for new housing providing its type and size are required to meet local housing needs with regard to creating mixed and balanced communities. The indicative mix for market housing is for 41% of 2-bedroom and 24% of 1 bed flats. The proposal would provide one 2-bedroom unit and three 1-bed units which would not accord well with this policy. However, the scheme approved on appeal did not accord with the indicative mix either.

- 6.5 The DCLG's Nationally Prescribed Space standard, which has been absorbed by Policy 3.5 of the London Plan, for 1 bedroom flats is 39-50 sq.m GIA (gross internal area) and for 2 bedroom flats is 61-70 sq.m. The proposed one bed units would have GIAs of 41.5, 53 and 57 sq m. The two-bed flat would have a GIA of approximately 89 sq.m. It is therefore considered that the proposal would exceed minimum space standards and be able to provide suitable-sized accommodation for everyday living.

Design/Impact on Streetscene

- 6.6 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.
- 6.7 The proposed building is detached, with a front roof gable and is slightly higher and wider than nearby dwellings. However, it is very similar in scale and design to the scheme approved on appeal in 2014 with exactly the same front elevation. The appeal inspector in that case considered that building design was acceptable as it would maintain the prevailing pattern and rhythm of the street and reflect local design characteristics.
- 6.8 Differences between the appeal development and the currently proposed scheme include that the overall building footprint has been reduced, with a reduction in depth from 17.5m to 15.4m, the front elevation is set 2m further back from the street and the bulk of the roof has been reduced. Because of the reduced depth, the rear building line of the current scheme extends slightly less further back on the site relative to adjoining dwellings than the appeal scheme.
- 6.9 These differences do not appear so great as to significantly change the judgment made by the appeal inspector that the scheme was of acceptable design and fitted reasonably well within the streetscene. The proposal is therefore considered acceptable in terms of design and impact on the streetscene and therefore accords with Policy DC61.

Impact on Amenity

- 6.10 Policy DC61 of the LDF requires new development should not harm the amenities of adjoining occupiers by reason of noise and disturbance, loss of light, overlooking or other impacts.
- 6.11 The proposed development would extend beyond the rear of both existing neighbouring frontage properties. However, the previous building on the site also extended beyond the rear of these neighbours, as did the scheme approved on appeal. Because of the reduced depth of building, the current proposal actually extends less far back into the site than the appeal scheme, which was considered acceptable in terms of impact on adjoining properties.
- 6.12 In relation to No.123 Marlborough Road, the proposed development would extend approximately 4.2m beyond the rear of the neighbouring property at

first floor level with the balcony extending up to 6.3m from the rear elevation. No. 123 has some windows in its facing flank wall but it is understood these are not principal windows serving habitable rooms. In addition, the proposed building would clear the 45 degree visibility angle and as such it is considered that it would not be materially harmful to this neighbour's outlook or result in unacceptable loss of light.

- 6.13 In relation to the adjoining dwelling on the other side, No.113, this property has no windows in its flank wall facing the site. Given the separation distance and the angle/direction of overlooking it is judged that the proposal would not result in loss of privacy to an extent sufficient to justify refusal.
- 6.14 While there are first floor windows in the elevation facing No. 113 Marlborough Road, that dwelling has no windows in its flank wall. Only windows serving hallways and a landing are in the first floor flank wall facing No.123 Marlborough Road. This indicates no issues with overlooking from new windows should arise.
- 6.15 With regard to the first floor rear balcony, at 8.4 metres away from the boundary with No.123 and 9.5 metres away from the boundary of No.113, it is considered that such separation and distance is sufficient not to create unacceptable overlooking and loss of privacy.
- 6.16 Taking the above factors into consideration, it is considered that the proposed development is sufficiently well separated from neighbouring residential properties and unlikely to result in any material harm to their amenity. As the currently proposed building extends less to the rear than that approved on appeal and its design is similar, any impacts on amenity that were considered as acceptable by the appeal inspector will not have changed significantly. The development is therefore considered to be acceptable in terms of impact on residential amenity and in accordance with the principles of Policy DC61.
- 6.17 In terms of amenity space, the Havering Residential Design SPD indicates that the fundamental design considerations for amenity space should be its quality and usability. It does not set out specific standards for rear gardens but requires that they should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation and safe children's play. All dwellings should have access to amenity space that is not overlooked from the public realm. Awkwardly shaped, narrow and very steeply sloping amenity spaces should be avoided. Rear private gardens should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation, gardening and safe children's play
- 6.18 Policy DC20 of the Local Development Framework indicates that the Council will seek provision of formal/informal outdoor play space within 400 metres from the home and Policy DC61 that development should meet the needs of people of all ages.

- 6.19 In this context, the private amenity areas proposed for the new flats comprise two areas to the rear with a total of 64.5 sq m but separated by an access road to one of the parking spaces. This is significantly less than the 80 sq m provided in the previous appeal scheme. The 40 sq m area is intended as a communal area for the flats while the 24.5 sq m amenity area is to be available to the rear ground floor flat, which will have direct access to it. In addition, the grassed area to the front of the building in appeal scheme has been partly lost to 2 parking spaces.
- 6.20 The proposal also provides three balconies/terraces for the two front facing flats and the rear first floor flat. These terrace areas vary in size between 5 and 6.7 sq m. These sizes exceed the minimum areas set out in the London Plan of 5 sq m plus 1 sq m for each additional bed space above 2. The rear ground floor unit has access to a terrace and, as noted above, beyond that to one of the rear areas of private amenity space.
- 6.21 On balance, these combinations of terraces and amenity areas are considered to be of sufficient size. Although the larger rear amenity area is separated from the other area by an access to a parking space, it is considered that this area would work adequately as a communal area. The front balconies would be in front of 2 parking spaces and close to the street which would limit privacy and amenity. However, the building and these front terraces are set further back from the street than in the approved appeal scheme. While not ideal, it is not considered that the terraces provide sufficient grounds for refusal.
- 6.22 Overall, it is considered that the future occupiers would benefit from an acceptable level of reasonable quality amenity space to accord with the SPD.

Parking and Highway Issues

- 6.23 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The site has a low PTAL rating of 1b. The London Plan parking standard for this development would be up to 1.5 spaces per dwelling unit. It is proposed that there would be 6 car parking spaces which would accord with the London Plan standard and the Council's parking provision range of 1.5 to 2 parking spaces per unit.
- 6.24 Alterations to the highway are also proposed to allow provision of 2 parking spaces in front of the proposed building. While there are 2 objections regarding parking and access issues, there is no objection to the proposals from the Highways section on highway safety concerns.
- 6.25 Cycle storage provision for 4 cycles is proposed to the rear of the rearmost amenity area. This is one space short of the London Plan standard, but is nonetheless considered sufficient providing 1 storage space per flat.
- 6.26 In addition, a bin storage area is proposed to the rear of the cycle storage area, which would be 43m from Marlborough Road. The Council's Waste &

Recycling team require bin storage to be no further than 30m away from Marlborough Road with an adequate turning circle and suggest that bin storage would be better located on Marlborough Road. However, the proposed bin storage arrangement is the same as that allowed on appeal so that it is difficult to justify refusal on this ground. On a day to day basis, residents would be expected to carry their refuse to the roadside on collection days.

Mayoral Community Infrastructure Levy

- 6.27 The proposal is liable to Mayoral CIL as it would result in 4 additional residential units with 248 square metres of new gross internal floorspace created. Therefore the proposal would incur a charge of £4,960 based on the calculation of £20.00 per square metre, subject to indexation.

Infrastructure Impact of Development

- 6.28 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.
- 6.29 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.
- 6.30 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.
- 6.31 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.
- 6.32 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.

- 6.33 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.
- 6.34 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.
- 6.35 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £24,000 for educational purposes would be appropriate.

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 This scheme is a revised version of one approved on appeal and has been judged largely on the acceptability of its differences from the approved scheme. The building has a reduced footprint, depth and roof bulk compared with the appeal scheme but an identical front elevation, which was considered acceptable in the streetscene. The proposed dwellings exceed national space standards. No significant impacts on amenity of adjoining dwellings are identified. Parking and cycle provision meet Council standards. Private amenity space is reduced in overall area but, on balance, the combination of terraces and rear amenity areas is considered acceptable. The proposed bin storage arrangement does not meet Council requirements but is identical to that allowed on appeal. On this basis, there are no sustainable reasons to refuse the application and approval is recommended.

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