



# Havering

L O N D O N   B O R O U G H

## REGULATORY SERVICES COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Thursday 1 June 2017</b>	<b>Havering Town Hall, Main Road, Romford</b>
----------------	---------------------------------	---

Members 11: Quorum 4

### COUNCILLORS:

**Conservative  
(5)**

Robby Misir (Chairman)  
Philippa Crowder  
Steven Kelly  
Melvin Wallace  
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](mailto:richard.cursons@onesource.co.uk)**

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

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

Reporting means:-

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

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

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

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

## **AGENDA ITEMS**

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

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

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

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

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

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

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

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

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

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

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

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

To approve as a correct record the minutes of the meetings of the Committee held on 27 April and 11 May 2017 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 15 - 30)**

- 6      **P1507.16 - HEATON AVENUE GARAGE SITE** (Pages 31 - 50)
- 7      **P1508.16 - MOWBRAYS CLOSE GARAGE SITE** (Pages 51 - 68)
- 8      **P0343.17 - DAME TIPPING SCHOOL, NORTH ROAD** (Pages 69 - 78)
- 9      **P0446.17 - SUNNYSIDE FARM, RISEBRIDGE CHASE** (Pages 79 - 92)
- 10     **P0489.17 - 66 HAROLD COURT ROAD** (Pages 93 - 106)
- 11     **P0599.17 - 233 HIGH STREET, HORNBURCH** (Pages 107 - 114)
- 12     **P0407.17 - LAND BOUNDED BY NEW ZEALAND WAY, QUEENSTOWN GARDENS & GISBORN GARDENS, RAINHAM** (Pages 115 - 140)
- 13     **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 the debate Members sought and received clarification of the dimensions of the proposal and how it would sit within neighbouring properties within the conservation area.

Officers advised the Committee that under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 they had to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. In this context, they were further advised that it was not sufficient to balance harm against benefits in the normal way; more weight had to be given to any harm to the heritage assets than to other material planning considerations because to the legal duty under s72. The committee concluded that the proposed extension did not cause harm to the character and appearance of the Conservation Area because of the location of the extension to the rear of the property and its good standard of detailing.

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 the debate, Members discussed the benefits of the proposal and how it would bring much-needed housing to the area. Members concluded that these benefits outweighed the limited harm that was identified in the report and that on balance planning permission should be granted.

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**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
11 May 2017 (7.30 - 8.30 pm)**

**Present:**

**COUNCILLORS:** 11

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

**Residents' Group** Stephanie Nunn and Reg Whitney

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

**UKIP Group** Phil Martin

**Independent Residents Group** Graham Williamson

No apologies for absence were received.

Councillor Robert Benham was also present for part of the meeting.

40 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.

**250 MINUTES**

Consideration and agreement as a correct record, of the minutes of the meeting held on 27 April 2017, was deferred to allow officers to add further clarification to items within the minutes.

**251 P0282.17 - 39 CROW LANE, ROMFORD - THE CHANGE OF USE OF FROM A SINGLE DWELLINGHOUSE TO A HOUSE OF MULTIPLE OCCUPANCY (HMO) FOR SEVEN RESIDENTS**

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

252 **P0305.17 - 76 BIRKBECK ROAD, ROMFORD - CHANGE OF USE OF SEMI-DETACHED HOUSE (CLASS C3) TO SIX-BEDROOM HOUSE OF MULTIPLE OCCUPATION (HMO CLASS C4) INCLUDING THE CONVERSION OF AN EXISTING INTEGRAL GARAGE INTO A HABITABLE ROOM**

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

253 **P1753.16 - PINWOOD POULTRY FARM, 1 PINWOOD ROAD**

The report before Members detailed an application for the demolition of fifteen commercial storage units and the change of use of the land to enable erection of five detached dwellings.

Members noted that the application had been called-in by Councillor John Crowder on the grounds of Green Belt and the fact that the site backed on to a nature reserve and would have a detrimental effect to the area.

Councillor Crowder had been unable to attend the meeting but a verbal update was given to the Committee.

Councillor Crowder had stated that the planning proposal would have an adverse visual impact on the surrounding established properties, due to the overbearing out of scale, design and bulk. The proposal would be an over development within the Green Belt and one that backed on to a nature reserve. The road was of an unmade nature which local residents were happy to have in its natural state which stopped speeding cars and other vehicles.

Councillor Crowder had also commented that:

- The development would have an adverse effect on the residential amenity of neighbours. Amongst other factors noise, disturbance of overlooking, loss of privacy and over shadowing.
- Unacceptable high density/over development of the site
- Effect of the development on the character of the neighbourhood
- The over development would cause drainage problems for the lower lying residential properties.

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

The objector commented that the site lay within the Green Belt and the Havering Ridge area of special character which was not brownfield land and that the proposal would have a detrimental effect on both. The objector also



commented that there would be an increased noise nuisance and that the proposal was in breach of the Council's planning policies.

The applicant responded by commenting that the land was designated as a brownfield site and that the plans had been altered to minimise overlooking. The applicant concluded by commenting that the proposed dwellings would be screened from the road and that the proposal was a good development.

During the debate Members sought and received clarification of the site boundaries and further details of the certificate of lawfulness that had been applied for last year.

Members also discussed the possible harm that the proposal would bring to the Green Belt.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission it was **RESOLVED** that the granting of planning permission be refused for the following reasons:

- Harm to the openness and character of the Green Belt, resulting from residential nature of the scheme, including the presence of fencing and domestic paraphernalia.
- Lack of a legal agreement to secure financial contribution towards education provision.

#### 254 **P0196.15 - HAVERING COLLEGE, NEW ROAD, RAINHAM**

The proposal before Members was 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.

During the debate Members discussed the poor access to public transport facilities and the problems with displaced parking in the area in particular in Passive Close.

It was **RESOLVED** that consideration of the report be deferred to allow officers to contact the applicant to explore:

- Whether more parking spaces could be provided on site.
- Whether the land to the north of the site was within the applicant's control.
- Whether there was a highway safety issue in Passive Close arising from the proposal.

- Whether the new building could be located further away from the existing building to facilitate vehicular access from New Road instead of Passive Close.

255 **P0086.17 - 119 MARLBOROUGH ROAD, ROMFORD - ERECTION OF A 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**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £4,960 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.
- 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 monitoring fee prior to the completion of the agreement.
- In the event that it was resolved to grant planning permission subject to completion of the s106 agreement by 11 November 2017 or in the event that the s106 agreement was 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 as set out in the report.

---

Chairman

## Regulatory Services Committee

1 June 2017

Application No.	Ward	Address
P0384.17	Upminster	Coopers Company and Coborn School, St Mary's Lane, Upminster
P0518.17	Pettits	112 Mashiters Walk, Romford

This page is intentionally left blank

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 1st June 2017

APPLICATION NO.	P0384.17	
WARD:	Upminster	Date Received: 23rd March 2017 Expiry Date: 2nd June 2017
ADDRESS:	Coopers Company and Coborn School St Mary's Lane Upminster	
PROPOSAL:	New two storey STEM building (connecting to the music block), to consist of 3 x science classrooms, 2 x D & T classrooms and one lecture display room. Demolition of existing single storey D & T building consisting of 3 D & T classrooms.	
DRAWING NO(S):	01 03 04 09 06 07 08 05	
RECOMMENDATION	It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report	

---

### SITE DESCRIPTION

The application site is the Coopers Company and Coborn School, which is situated on the southern side of St Mary's Lane within the Metropolitan Green Belt and Cranham Conservation Area. There have been a number of planning applications in previous years for development within the school grounds.

The application site is set well away from the highway and as such is far removed from residential properties. The site is also screened for the most part by trees. The overall site spans an area of 8.8 hectares which includes the school buildings, parking areas and playing fields.

### DESCRIPTION OF PROPOSAL

The Local Authority is in receipt of an application which seeks permission for a two storey block. The new structure will replace an existing single storey element and will comprise of a lightweight and modern design.

It is envisaged to provide a more cohesive and centralised area for science and technology departments, in order to satisfy existing and future demand for the school's growing pupil numbers.

### RELEVANT HISTORY

P0067.17 - Two storey extension and refurbishment to include reception area, entrance lobby and mezzanine to form new/improved entrance. Minor alterations to front

## **CONSULTATIONS / REPRESENTATIONS**

The proposal was advertised by way of a site notice and in the local press as development which is contrary to the Metropolitan Green Belt Policies of the LDF Core Strategy and Development Control Policies Development Plan Document.

Notification letters were sent to 60 neighbouring properties. Three letters of representation were received which will be summarised below.

- Loss of privacy/overlooking
- Visually intrusive
- Loss of light
- Increased noise
- Loss of property value
- Loss of view
- Noise/disruption during construction

Whilst some of the above matters above are material planning considerations and will be given consideration in the assessment of this application several matters raised cannot be considered material considerations. For example "loss of view" is not in itself a material consideration. There is a material difference between loss of view and loss of outlook. Loss of outlook arises from development taking place in close proximity to existing development and introducing or significantly increasing a sense of enclosure, which may be judged overbearing. Any loss of view would need to demonstrate actual harm to residential amenity. Similarly disruption and noise during construction and loss of property value are not material considerations which can be factored into the assessment of a planning application, despite the importance of these matters to residents. Effort can be taken to mitigate the impacts of construction by way of planning conditions however.

In addition the following comments were received from stakeholders.

Environmental Health - No Objection, conditions recommended.

Highway Authority - No Objection, Fire Brigade - No Objection

.

## **RELEVANT POLICIES**

### LDF

- |        |                                   |
|--------|-----------------------------------|
| CP17 - | Design                            |
| DC26 - | Location of Community Facilities  |
| DC27 - | Provision of Community Facilities |
| DC28 - | Dual Use of School Facilities     |
| DC29 - | Educational Premises              |
| DC32 - | The Road Network                  |
| DC33 - | Car Parking                       |

DC45 -	Appropriate Development in the Green Belt
DC48 -	Flood Risk
DC51 -	Water Supply, Drainage and Quality
DC57 -	River Restoration
DC59 -	Biodiversity in New Developments
DC60 -	Trees and Woodlands
DC61 -	Urban Design
DC63 -	Delivering Safer Places
DC68 -	Conservation Areas

#### OTHER

LONDON PLAN - 3.18 Education facilities

-

LONDON PLAN - 7.16 Green Belt

-

NPPF - National Planning Policy Framework

### **MAYORAL CIL IMPLICATIONS**

The application is for education facilities, which are exempt from Mayoral CIL.

### **STAFF COMMENTS**

The issues in this case are the principle of the development, the impact on the open character of the Green Belt and on the Cranham Conservation Area, the impact of the development in the street scene, impact on the amenities of nearby residential occupiers and any highways/parking issues which may arise.

The subject application is brought to the Regulatory Services Committee as it is for a school related development located within the Green Belt. The current proposal is intended to enhance the existing school facilities and no increase in pupil numbers, nor staff is inferred.

### **PRINCIPLE OF DEVELOPMENT**

The application site lies in the Metropolitan Green Belt. Schools are not within the list of appropriate uses for the Green Belt. Nonetheless the National Planning Policy Framework (NPPF) indicates that where extensions are proposed to existing buildings/uses, providing they are not disproportionate additions, they are acceptable as an exception to national policy.

Policy DC45, in line with the previous National Guidance contained in PPG2, indicates that the extension of buildings other than dwellings or buildings that are associated with acceptable Green Belt uses, is inappropriate development. Nonetheless the NPPF adopted by Central Government in March 2012, in this respect supersedes the Council's LDF dating from 2008 as it is more up to date and is a material planning consideration. As such, and as above, the NPPF accepts extensions to any existing building in the Green Belt which are not disproportionate to the original.

LDF Policy DC29 states that educational premises should be of a suitable quality to meet the needs of residents. Staff are of the view that the proposed development will enhance the quality of the school facilities and therefore consider the proposals to be in accordance with Policy DC29.

## **GREEN BELT IMPLICATIONS**

As indicated above, the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Whilst the proposals would represent an increase in the scale, bulk and mass of this part of the school - the newbuilding would replace a single storey flat roofed link building and would increase the footprint of the existing school. Due to its positioning within the existing building envelope and close relationship to the existing music block, which is notably of greater overall height, the proposals would read as infill development. When seen within the context of the main school, its proportions are considered to be subordinate.

Staff consider on this basis that the proposals can be perceived as relatively minor within the context of the existing school, which historically has been the subject of applications to increase its scale, bulk and mass to meet increasing demand for school places. The proposals would not extend beyond the existing established building lines and on this basis the proposed development does not represent a disproportionate addition to the host building.

The impact of the development by way of the siting and the nature of the additions proposed on the open nature of the Green Belt is considered to be negligible in this respect.

## **CONSERVATION AREA**

The application site is located within the Cranham Conservation Area. The school is more associated with the urban edge to the north-west of the Conservation Area and there is substantial open land between the school and buildings which form the core of the Conservation Area, for example the Grade II listed All Saints Church and Cranham Hall.

The proposed development, owing to its siting within existing building lines of the school, would be unlikely to result in any significant impact on the open aspect or special character of the Conservation Area. Consequently it is not considered to be contrary to the provisions of Policy DC68.

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

The two storey building would replace an existing historic flat roofed structure of single storey level. The lightweight and contemporary design, culminating with a large expanse of glazing in the form of a curtain wall to the front would form an interesting and modern feature. Furthermore it would largely replicate the design approach of another recently determined application P0067.17 at the school which was to refurbish the existing entrance area.

The proposed addition would not be visible from the highway, owing to the manner in which the site has been developed and the siting of the school deep into its respective plot. It would effectively represent infill development positioned between an existing two storey music block of greater overall height set deeper into the plot and the single storey art block/main school building.

No objections are therefore raised on this basis.



## IMPACT ON AMENITY

The scale of the proposed replacement structure is not considered to create additional levels of noise and activity that would have a materially greater impact on neighbouring amenity than existing.

Given the siting of the building it would have a similar relationship to the shared boundaries of the site as the existing music block, which is noted to be of greater overall height than the STEM building. It is the opinion of staff that there would not as a result of the development proposed be any unacceptable loss of outlook, due to the level of separation from shared boundaries and modest proportions of the replacement building.

In terms of loss of privacy/potential for overlooking it is noted that there would exist several windows at first floor level and due to the angle of the building they would be orientated towards the rear gardens of neighbouring premises which adjoin the application site. Mature vegetation was observed during site inspection to line the shared boundary of the site. This would afford the most directly affected properties a degree of screening which would not otherwise be negated by the distance between the proposed building and those neighbours.

The impacts of the development on the amenity of neighbouring occupiers is considered to be within acceptable parameters, as defined by Policy DC61.

## HIGHWAY / PARKING

The proposal will not result in any loss of vehicular parking or create demand for additional car parking. No objections were raised by the Highway Authority.

## KEY ISSUES / CONCLUSIONS

The impact of the development on the Green Belt would be minimal, given that the proposals represent largely infill development adjacent to existing additions of comparable scale and therefore the building is not considered to be a disproportionate addition when viewed in this context. Furthermore the new building will provide a more cohesive teaching facility thereby enhancing the existing educational facilities offered. There would be no unacceptable impact on the amenity of neighbouring occupiers, nor any parking/highways issues.

APPROVAL is therefore recommended accordingly.

## RECOMMENDATION

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

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

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

Reason:-

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

**2. Non Standard Condition 31**

All new external finishes shall be carried out in complete accordance with details specified on drawing number 62482 04 Rev D unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area and in order that the development accords with the Development Control policies Development Plan Document Policy DC61.

**3. SC32 (Accordance with plans)**

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

Reason:-

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

**4. SC62 (Hours of construction)**

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

Reason:-

To minimise the impact of the development on the surrounding area in the interests of amenity.

**5. SC63 (Construction Methodology) (Pre Commencement)**

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

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

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

Reason:-

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

**6. SC42 (Noise - New Plant) (Pre Commencement) ENTER LEVEL**

Before any works commence a scheme for any new plant or machinery is 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 -10dB. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason:-

To prevent noise nuisance to adjoining/adjacent properties.

**7. Non Standard Condition 1 (Pre Commencement Condition)**

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

Reason:-

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

---

**INFORMATIVES**

**1. Approval - No negotiation required**

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: 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.

This page is intentionally left blank

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 1st June 2017

APPLICATION NO. P0518.17

WARD: Pettits

Date Received: 27th March 2017

Expiry Date: 5th June 2017

ADDRESS: 112 Mashiters Walk  
Romford

PROPOSAL: Proposed single storey rear, part double side extension plus roofspace conversion / extension to include rear dormer and velux roof lights.

DRAWING NO(S): Block Plan  
Existing Side View  
Existing First Floor Plan  
MW:112:JAWS:2  
Existing Front View  
Existing Ground Floor Plan  
MW:112:JAWS:1  
Existing Rear View

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

---

### CALL-IN

A call in has been received from Councillor Dervish on the grounds that the proposed plans would cause overlooking, loss of light and amenity for the neighbour as well as having massing issues of bulk.

### SITE DESCRIPTION

Residential, hipped roof, semi-detached house with an existing single/two storey side extension and accommodation in the roof-space with a rear dormer window. There is a garage at the property and off-street parking for at least three vehicles. The land is relatively level and no trees will be affected by the proposed development. The surrounding area is characterised by single and two storey dwelling of various styles and designs.

### DESCRIPTION OF PROPOSAL

The principle of substantial extensions to this property has been established by the previous consent P0721.14 and this application relates solely to the changes outlined below in relation to the previously approved scheme. The previous consent can still be implemented as the previous decision was made on the 07th July 2014 and is valid for 3 years.

The differences between the applications are as follows:

- The ridge line of the first floor side extension would be lower than the previous application.
- The roof lights on top of single storey rear extension are larger than previously approved.
- Changes to the fenestration and doors on the rear elevation compared to previously approved.

- Two roof lights are proposed on the front elevation of the application dwelling.
- The rear dormer window would be larger than previously approved and would measure approximately 5.42m wide, 3.15m deep and 2.3m high. As such, the width of the proposed dormer would increase by an additional 0.64 in width, 0.78m in depth and 0.56m in height compared to the previously approved application P0721.14.

## **RELEVANT HISTORY**

L/HAV/18/68 - Sun lounge, bathroom and garage extension - Approved

L/HAV/630/78 - Ground floor extension at rear - Approved

D0121.14 - Single storey outbuilding in the rear garden - Planning permission not required.

P0721.14 - Rear single storey extension and first floor side extension including new roof over. Garage conversion and widening of existing rear dormer  
 Apprv with cons 17-07-2014

## **CONSULTATIONS / REPRESENTATIONS**

One letter and one e-mail of representation have been received following neighbour notification. Comments are summarised below:-

- Concerns regarding close proximity of proposal to neighbouring dwellings.
- No objection to the ground floor rear extension, however concerned regarding the depth.
- The depth of the extension would have impact on neighbouring properties and the area.
- Proposal will encroach on privacy of the neighbouring occupiers.
- Original dwelling has been altered from its original construction.
- Further development will be overbearing and will have an impact on the neighbouring residents.
- Loss of privacy and light from the loft extension.
- Rear extension will impact on neighbouring dwellings, patio and gardens due to its depth and height and the incorporation of the skylights.
- Skylight will admit excessive artificial light and disturbance to neighbouring bedrooms.
- Light disturbance already from outbuilding at the bottom of the garden.
- Concerned that the building if granted could be converted into a House of Multiple Occupancy (HMO) in the future.
- Concerns have been raised previously regarding a business maybe run from the property.
- Concerned regarding the failure of protecting the World War II communal air shelter.
- Party Wall Issues.
- Planning and Building Regulations have been ignored in relation to the external drainage in respect to the outbuilding. The additional bedrooms would add to the drainage issue and the properties external drainage is all linked.

In response to the comments above, it should be noted that planning permission is required for the use of a dwelling as a house of multi-occupation since the Article 4 direction has been introduced. Any allegation that the use of the dwelling would need to be investigated separately. The application under consideration is in respect of the extensions described and may be considered

separately from the use of the dwelling as a whole.

Consequently, issues relating to the use of the property for multi-occupation or the drainage are not relevant to consideration of this planning application.

The comments regarding loss of light and privacy will be assessed under the impact on amenity section of the report.

The Council are unable to take into consideration concerns regarding damage to neighbouring properties from the proposal. Should the application be approved it is suggested that neighbours seek advice from a party wall surveyor as this is a civil matter.

In response to the comments made regarding disappointment about the retention of air raid shelter, this is not a consideration as this is no longer on site and these structures are not listed. number of neighbours notified, the Council are only required to notify the neighbouring properties abutting and immediately fronting the site. The application has been submitted as a householder proposal and will be assessed on its individual planning merits.

Staff are no records regarding the site being used for a business. Enforcement investigated the alleged construction of an unauthorised outbuilding under reference ENF/253/15 but it was noted the applicant had applied for a Certificate of Lawfulness under reference D0121.14 and it was considered that the outbuilding was permitted development.

Other comments will be discussed later in the report.

## **RELEVANT POLICIES**

### LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

### OTHER

- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.6 - Architecture
- NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

This application is not CIL liable.

## **STAFF COMMENTS**

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

Guidance advises two storey side extensions to a semi-detached house should be setback 1m at first floor level which would reduce the height of the roof ridge and create an impression of subservience to avoid unbalancing the pair.

The existing side extension was constructed some years ago prior to existing guidelines and is only marginally setback from the main front wall of the house. The ridge of the new roof will be marginally lower due to the nominal set back at the front of the dwelling. It is considered that the lower ridge line would provide an impression of subservience and would be similar to other properties of a similar design which has benefited from a two storey side extension.

With regards the conversion of the existing garage, this is considered to be acceptable.

Turning to the rear of the property, the proposed first floor side extension, enlarged rear dormer window and single storey rear extension are considered to relate satisfactorily to the subject dwelling and no undue environmental issues will arise due to the proposed development.

### **IMPACT ON AMENITY**

No loss of amenity will result for neighbours due to the proposed first floor side extension, the new roof over the side extension or the conversion of the garage.

A rear dormer window already exists at the property therefore no loss of privacy will result from this element of the proposal.

With regards the proposed single storey rear extension, it is noted the attached neighbour, No.114, who is set to the north, angled slightly west, has not extended thus far to the rear. At a depth of 4m, the proposed extension accords with guidance for a semi-detached property. The roof of the single storey rear extension would have an overall height of 3.15m excluding the roof lights and an eaves line of approximately 3m. Only a small proportion of the roof would be above the 3m height permissible under normal guidelines and this portion of the roof would adjoin the neighbour's characteristic rear projection. It is considered that the height of the roof would not unacceptably impact on the amenity of the attached neighbour at No.114 Mashiters Walk.

It is considered that the roof lights would not unacceptable impact on the amenity of the adjacent neighbours. Both of the roof lights would be set in from the side of rear extension to minimise their potential impact. Staff consider it would be difficult to refuse the application solely due to the intermittent light from roof lights and it would be difficult to substantiate a refusal on appeal, mindful that a rear extension constructed under permitted development would allow for the roof lights and staff would be unable to take into consideration any loss of amenity from the development.

Furthermore, the previous application can still be implemented and this consent has already been granted with roof lights. although, slightly larger it would be difficult to demonstrate the additional harm from the proposed roof lights.

No loss of amenity will result for the non-attached neighbour, No.110, due to the existence of their own single storey rear extension which would partly mitigate the proposal.

Given these circumstances and mindful of the general presumption in favour of development, Staff consider any impact upon this neighbour to be modest and within that envisaged as acceptable within guidelines.



## **HIGHWAY / PARKING**

The application site has a PTAL of 1a and although the existing garage will be lost, at least three off-street parking spaces can still be provided at the front of the property, which accords with Policy DC33, therefore no highway or parking issues would arise from the proposal.

## **KEY ISSUES / CONCLUSIONS**

The proposal is considered to be in accordance with the above-mentioned policies and guidance and approval is recommended.

## **RECOMMENDATION**

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

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

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

Reason:-

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

### **2. SC10C Materials as per application form**

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

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

### **3. SC32 (Accordance with plans)**

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

Reason:-

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

### **4. SC46 (Standard flank window condition)**

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

Reason:-

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

**5. SC48 (Balcony condition)**

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

Reason:-

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

---

**INFORMATIVES**

**1. Non Standard Informative 1**

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

**2. Approval - No negotiation required**

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

# REGULATORY SERVICES COMMITTEE

1 June 2017

## REPORT

**Subject Heading:**

P1507.16 - Heaton Avenue, Romford

Erection of 3 attached chalet bungalows  
(Received 20/09/16) revised drawings  
received 16/03/17 and 12/05/17

**Ward:**

Heaton

**SLT Lead:**

Steve Moore  
Director of Neighbourhoods

**Report Author and contact details:**

David Alabi  
Senior Planner  
David.alabi@haverling.gov.uk  
01708 431738

**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  
Places making Havering  
Opportunities making Havering  
Connections making Havering

[X]  
[X]  
[X]  
[X]

## **SUMMARY**

The application seeks full planning permission for the erection of a terrace of 3 No. three-storey 3 bed 5 person houses and the erection of a detached bungalow with associated hard and soft landscaping.

The application is being reported to committee because the site is owned and the application has been submitted by the Council.

The proposal is considered acceptable and it is recommended that planning permission be granted subject to relevant conditions and the completion of a Section 106 Legal Agreement.

## **RECOMMENDATIONS**

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 307m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £6,140 (subject to indexation).

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

- A financial contribution of £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 pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.
- It is resolved to grant planning permission subject to completion of the s106 agreement by 27 November 2017 or in the event that the s106 agreement is not completed by 27 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 plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

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

3. Parking Provision

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

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

4. External Materials

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

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

## 5. Landscaping

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

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

## 6. Refuse and Recycling

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

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

## 7. Cycle Storage

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

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

## 8. Hours of Construction

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

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

## 9. Construction Methodology

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

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

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

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

## 10. Wheel washing

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

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

The submission will provide;

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

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

## 11. Boundary treatment

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

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



## 12. Accessibility

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

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

## 13. 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.

## 14. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extensions, roof extensions, roof alterations or outbuildings, aside from outbuildings less than 10 cubic metres, shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

## 16. Standard flank window condition

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

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

## 17. Lighting

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

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

#### 18. Levels

Prior to the commencement of the development details of the existing and proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

#### 19. Land Contamination

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 Phase I (Desktop Study) Report documenting the history of the 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 sites 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates

the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

## 20. Land Contamination

- 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.

## INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant

must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council
6. 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 £6,140 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
7. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
8. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
9. Please note that by virtue of Condition(s) 12, you are required to notify the relevant Building Control body of these conditions as part of any application.
10. Before occupation of the residential units hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone

through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: <https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site comprises of 21 lock up garages located to the south of the cul-de-sac at the end of an access immediately off Heaton Avenue. The site is bounded to the south by rear gardens fronting onto Coleridge Road and runs parallel with houses accessed from Heaton Avenue to the north, east and west.
- 1.2 The surrounding area is predominantly residential and is characterised by its mix of detached, semi-detached and terraced dwellings which are mainly two-storey in height with rows of terraces being of similar design and appearance.

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

- 2.1. The proposal involves the demolition of the existing garages and their replacement by:
  - A terrace of 3 two storey 2 bedroom houses with living areas and kitchens on the ground floor and bedrooms on the first floor.
  - A total of 6 car parking spaces are proposed to serve the terrace and these are situated to the front/forecourt area of the block
  - A 2 bedroom bungalow with main rooms located to the front and rear of the building.
  - 2 car parking spaces are proposed to the front/forecourt of the proposed bungalow
  - Both the terrace and bungalow include cycle storage within garden sheds to the rear of the dwellings
  - Refuse storage facilities are sited to the front of each property
- 2.2 The 2 bedroom houses and bungalow would be accessed from the former garage access, directly from Heaton Avenue with entrances from the front of the property.

### **3. Relevant History**

- 3.1 None

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

4.1 Neighbour notification letters were sent to 32 properties and 3 letters of objections were received raising the following concerns.

- The proposal might affect rights of way
- Loss of views
- rear access is required for car and Ambulance parking
- plans do not show where fencing will be erected or height of fencing
- parking arrangements may be encroaching on land at no.83 Heaton Avenue
- the plans are vague

4.2 In response to these issues:

- Concerns raised by the neighbouring occupier regarding parking encroachment has been addressed by the omission of one car parking space on land owned by the occupiers of 83 Heaton Avenue.
- No information is available regarding any rights of way over the application site. This would be a civil matter between the parties concerned. There is no adopted public right of way across the site
- The protection of views is not a consideration that would justify the withholding of planning permission.
- The plans are sufficient to enable an assessment of the application. Turning space is sufficient to enable emergency services to operate

4.3 The following consultation responses have been received:

- The London Fire Brigade - No objection subject to turning head having minimum width of 3.7m between kerbs
- London Fire Brigade Water Team - No objection
- Waste and Recycling Team - No objection subject to waste being presented at the boundary of each property
- Highways - No objection
- Thames Water - No objection subject to compliance with its requirements.
- Essex and Suffolk Water - No objection subject to compliance with their requirements and that metered water supply is provided for each of the dwellings

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

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

- 5.2 Other relevant documents include the Residential Design SPD and the Planning Obligations SPD (Technical Appendices).
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main considerations relate to the principle of the development; density and layout; design, character and appearance; standard of accommodation; the impact on the residential amenities of nearby occupiers and highways and car parking considerations.
- 6.2 *Principle of Development*
- 6.3 The site lies within a predominantly residential area wherein the principle of residential development is considered acceptable subject to compliance with the relevant policies outlined in this report.
- 6.4 *Density and Layout*
- 6.5 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.6 The proposal would provide 3 no. residential dwellings and a single bungalow with a density equivalent to approximately 46.5 dwellings per hectare. This is in keeping with the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.
- 6.7 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The Technical housing standards require that new residential development conforms to nationally described minimum internal space standards.

- 6.8 The proposal would provide 4 residential units with floor space sizes all of which would meet the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.9 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 6.10 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. Amenity space for each of the houses in the proposed terrace is approximately 70m<sup>2</sup>, 74m<sup>2</sup> and 81m<sup>2</sup> while the provision of amenity space for the proposed bungalow would be 61m<sup>2</sup>.
- 6.11 It is considered that the proposed amenity space would be functional and of reasonable quality and as such would be fit for the purpose of meeting the amenity needs of future occupants. The general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.
- 6.12 *Design, Character and Appearance*
- 6.13 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies DC61 and CP17 of the Core Strategy and Development Control Policies Development Plan Document accord with the NPPF in requiring development to be of a high standard and respecting local character with new developments being satisfactorily located and are of a high standard of design and layout, requiring development to maintain or improve the character and appearance of the local area in terms of scale and design.
- 6.14 The area is characterised by a mix of mainly semi-detached and terraced housing of two storeys in height. While bungalows are not characteristic features in this location, the introduction of a bungalow will provide choice which is encouraged by the NPPF. Moreover, given the location of the proposed bungalow, to the rear of back gardens of houses fronting Heaton Avenue, it is considered that this dwelling could be easily absorbed into the fabric and character of the area. The proposed terrace would be similarly screened from main views by dwellings fronting onto Coleridge Road and Heaton Avenue.
- 6.15 In terms of design and appearance, the design of the two storey terrace is similar to the terraces in the surrounding area. It includes gabled roofing, entrance canopies and brick soldier courses above ground floor windows and doors. The proposed building is approximately 0.5m higher than the neighbouring semi-detached dwellings Nos.82 and 83 Heaton Avenue. However, the building is separated from this pair of semi-detached houses by some 2.6m which provides an acceptable transitional distance between buildings.



- 6.16 In relation to the bungalow, this would be of similar design and appearance to the proposed terrace apart from its height and hipped roofing. The bungalow would be faced in brickwork covered by tiled roofing with soldier courses above the windows and front and rear entrance doors. Main windows would be located to the front and rear elevations of the building with side windows serving kitchen and bathrooms.
- 6.17 In terms of overall design, size scale and appearance, it is considered that the development would relate satisfactorily to neighbouring dwellings and would have an acceptable impact on the character and appearance of the locality.
- 6.18 *Impact on Amenity*
- 6.19 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.20 It is not considered that the proposal would have a detrimental impact on the amenity of neighbouring occupiers. The main windows face the front and the rear of the properties thereby limiting any overlooking or loss of privacy to neighbouring premises. Moreover, there would be a separation distance of some 24m to the rear of the proposed terrace and the rear main walls of the nearest affected houses along the eastern boundary of the site fronting onto Tennyson Road. This relationship is considered to be neighbourly.
- 6.21 Given the distance between the nearest affected properties along Tennyson Road and the proposed terrace, it is not considered that the proposal would have an overbearing relationship. The surrounding area is characterised by buildings of varying height and it is considered that the proposal would not adversely affect this local character.
- 6.22 With regard to the proposed bungalow, it is considered that the impact of this building would be similar to that of an outbuilding. It would be set off the northern side boundary with no. 87e Heaton Avenue and no.89 to the rear by approximately 1.5 and 4m respectively moreover both of these houses would have side walls to the proposed bungalow. This relationship is considered acceptable.
- 6.23 In terms of vehicular activity and the proposed parking arrangement, Staff acknowledge that there will be some impact as a result of vehicle movement close to neighbouring dwellings however this would not be that different from the potential use of the site as a lock up garage site although it is accepted that the use of the site as housing would give rise to some limited light pollution from the headlights of vehicles entering and leaving the site. This is a common feature of housing development and is not considered to be so harmful as to warrant the refusal of planning permission.
- 6.24 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no significant adverse impact on the

amenities of neighbouring properties or future occupiers. The development is therefore considered acceptable and in compliance with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

#### 6.25 *Parking and Highway Issues*

- 6.26 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 2 and therefore requires 1.5 -2 parking spaces per unit for a development of this type. The development would provide a total of 7 parking spaces at a ratio of 1.5 spaces per unit which is within an acceptable range. The Highways Authority has raised no objection to the proposed provision but in order to encourage the use of alternative modes of transport a condition will be appended to provide details of cycle storage for each dwelling in the event of an approval.
- 6.27 Most of the garages appear to have been in use for storage purposes, it is unclear whether any of these garages were used for the garaging of vehicles. Nevertheless, apart from a single garage used for storage, all other residents have been relocated to garage sites on Veronica Close and Briar Road.
- 6.28 In terms of access and egress to and from the site, the layout involves access from Heaton Avenue with a turning space adjacent to the three houses with a minimum width of 6.9m between kerbs, thereby addressing concerns raised by the Fire Brigade. This considered to be functional and is therefore acceptable.

### 7. **Mayoral Community Infrastructure Levy (CIL)**

- 7.1 The proposed development will create 4 no. new residential units with 239m<sup>2</sup> of new gross internal floorspace (406m<sup>2</sup> minus existing floor area of 167m<sup>2</sup>). Therefore the proposal is liable for Mayoral CIL and will incur a charge of £6,140 (subject to indexation this figure may go up or down) based on the calculation of £20.00 per square metre.
- 7.2 *Infrastructure Impact of Development*
- 7.3 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 7.4 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.

- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 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.
- 7.9 In accordance with the SPD, a contribution of £6000 per dwelling is sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 7.10 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.

## **8. Other**

- 8.1 Concerns raised regarding the additional impact on infrastructure, Staff do not consider this to be excessive given that the development is only for 4 no. additional units. The development will be required to make an educational contribution to provide school places.

## **9. Conclusion**

- 9.1 Having assessed all relevant factors and material planning considerations Officers are of the view that this proposal would be acceptable subject to compliance with the relevant conditions and the completion of a legal agreement to secure the required contributions.

### **IMPLICATIONS AND RISKS**

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

Financial contributions are required through a legal agreement.

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

Legal resources will be required to prepare and complete the legal agreement. 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 is compliant with the statutory tests set out in the CIL Regulations to planning obligations.

This application has been determined independently of the Council's interest as land owner and applicant.

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

None.

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

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

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on received on 08 November 2016 with revised drawings received on 12 May 2017.

This page is intentionally left blank

# REGULATORY SERVICES COMMITTEE

1 June 2017

## REPORT

**Subject Heading:**

P1508.16 Mowbrays Close, Garage Site  
Demolition of existing garages and  
erection of 4No. two-storey semi-detached  
houses with associated parking, hard and  
soft landscaping. (Received 29/12/16)  
revised drawings received 14/02/17

**Ward:**

Pettits

**SLT Lead:**

Steve Moore  
Director of Neighbourhoods

**Report Author and contact details:**

David Alabi  
Senior Planning Officer  
[David.alabi@havering.gov.uk](mailto:David.alabi@havering.gov.uk)  
01708 431 738

**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 demolition of the existing garages and the construction of a terrace of 4 two storey houses with associated car parking and hard and soft landscaping.

The application is being reported to committee because the site is owned and the application has been submitted by the Council.

The proposal is considered acceptable and it is recommended that planning permission be granted subject to relevant conditions and the completion of a Section 106 Legal Agreement.

## **RECOMMENDATIONS**

That the Committee notes that the proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 382.4m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £7,648 (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a legal agreement subject to 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 pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.
- It is resolved to grant planning permission subject to completion of s106 agreement by 27 November 2017 or in the event that the s106 agreement is not completed by 27 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:

That the Committee notes that the proposed development is also liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on internal gross floor areas of 382.4m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £7, 648. (subject to indexation).

1. Time Limit

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

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

2. In Accordance with Plans.

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

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

3. Parking Provision

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

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

4. External Materials

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

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

## 5. Landscaping

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

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

## 6. Refuse and Recycling

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

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

## 7. Cycle Storage

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

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

#### 8. Hours of Construction

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

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

#### 9. Construction Methodology

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

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

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

**Reason:** Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential

amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

#### 10. Wheel washing

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

The submission will provide;

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

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

#### 11. Boundary treatment

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

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

## 12. Accessibility

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

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

## 13. 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.

## 14. Permitted development rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extensions, roof extensions, roof alterations or outbuildings, aside from outbuildings less than 10 cubic metres, shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

## 16. Standard flank window condition

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

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

## 17. Lighting

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

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

## 18. Levels

Prior to the commencement of the development details of the existing and proposed finished ground levels of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, amenities of adjoining properties, and appearance of the development. Also in order that the development complies with Policy DC61 of the LDF Development Control Policies Development Plan Document

## 19. Land Contamination

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 Phase I (Desktop Study) Report documenting the history of the 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 sites 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed

remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a “Verification Report” that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

## 20. Land Contamination

- 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.

## 21. Visibility Splays

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. Highways Alterations

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway to provide pedestrian dropped kerb access to the site 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, DC34, and DC61.

### INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
3. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
4. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
5. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council
6. 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 £7,648 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council



of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

7. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
8. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via [DOCOMailbox.NE@met.police.uk](mailto:DOCOMailbox.NE@met.police.uk) or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
9. Please note that by virtue of Condition(s) 12, you are required to notify the relevant Building Control body of these conditions as part of any application.
10. Before occupation of the residential units hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: <https://www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

<b>REPORT DETAIL</b>
----------------------

## **1. Site Description**

- 1.1 The application site comprises of a row of lock up garages located off Mowbrays Close on land between numbers 8 and 9. The application site is effectively a square plot and it backs onto the rear gardens along the north east and southern boundaries running parallel with a row of terraced houses to its western boundary.

- 1.2 The surrounding area is predominantly residential in character and includes two storey terraces, semi-detached and detached dwellings.

## **2. Description of Proposal**

- 2.1. The proposal involves the demolition of the existing garages and their replacement by the construction of four semi-detached two storey houses with associated car parking, two spaces for each dwelling. The proposal also includes bin collection zones and hard and soft landscaping strips.

## **3. Relevant History**

- 3.1 None

## **4. Consultations/Representations**

- 4.1 Neighbour notification letters were sent to 25 properties and 6 letters of objection were received and a petition signed by 34 people raising the following concerns.

- Insufficient car parking
- The garages are in use by the community
- The access road will result in difficulties in vehicles turning
- Disruption and vibration from lorries during construction
- Loss of privacy

- 4.2 Issues relating to the use of the existing garages, car parking, vehicle turning and privacy are dealt with in the body of this report. While issues relating to disruption during construction would be mitigated by the use of appropriate conditions appended to this report.

- 4.3 The following consultation responses have been received:

- The London Fire and Emergency Planning Authority - No objection subject to access for a pump appliance within 45m of all points in each dwelling
- London Fire Brigade Water Team - No objection
- Waste and Recycling Team - No objection
- Highways - No objection subject to conditions relating to pedestrian visibility splays, dropped kerbs and vehicle cleansing
- Thames Water - No objection subject to appropriate arrangements for surface water drainage

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning

Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

- 5.2 Other relevant documents include the Residential Design SPD and the Planning Obligations SPD (Technical Appendices).
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## 6. *Principle of Development*

- 6.1 The site lies within a predominantly residential area wherein the principle of residential development is considered acceptable.

## 6.2 *Density and Layout*

- 6.3 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.4 The proposal would provide 4 no. residential dwellings with a density equivalent to approximately 40 dwellings per hectare. This is in keeping with the aims of Policy DC2 which states that a dwelling density of between 30 to 50 dwellings per hectare would be appropriate in this location.
- 6.5 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The Technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 6.6 The proposal would provide 4 residential units with floor areas of some 95 sq.m all of which would meet the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.

- 6.7 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 6.8 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The proposed amenity space for the houses range between 58m<sup>2</sup> and 100m<sup>2</sup>.
- 6.9 It is considered that the proposed amenity space would be functional and of reasonable quality and as such would be fit for the purpose of meeting the amenity needs of future occupants. The general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.
- 6.10 *Design, Character and Appearance*
- 6.11 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies DC61 and CP17 of the Core Strategy and Development Control Policies Development Plan Document accord with the NPPF in requiring development to be satisfactorily located and of a high standard of design and layout, requiring development to maintaining or improving the character and appearance of the local area in terms of scale and design.
- 6.12 The area is characterised by a mix of mainly semi-detached and terraced housing of two storeys in height. The design and appearance of the proposed houses would be similar to the terraces in the surrounding area in general. It includes gabled roofing, entrance canopies and brick soldier courses above ground floor windows and doors.
- 6.13 The proposed building is approximately 1.5m higher than the neighbouring terrace. However, in terms of its effect on the streetscene the difference in height between the proposed houses and that of the neighbouring terrace would not be harmful to visual amenity as there is adequate separation distance of some 7m which would provide an acceptable transition between buildings.
- 6.14 *Impact on Amenity*
- 6.15 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.16 It is not considered that the proposal would have a detrimental impact on the amenity of neighbouring occupiers in terms of loss of privacy. While the development includes relatively shallow rear gardens a distance of 7.5m will be maintained from the side wall of the proposed dwellings and the

neighbouring house to the western boundary of the site to no. 8 Mowbrays Close with a separation distance of some 30m to the rear main walls of houses fronting Horndon Road along the eastern elevation of the application site rear boundary of the site.

- 6.17 Both west and east elevations of the proposed dwellings would include blank walls and would not give rise to any loss of privacy or undue visual intrusion. While the proposed dwellings would be higher than the existing houses fronting Mowbrays Close, given the setting of the development which run parallel with neighbouring houses fronting Mowbrays Close, it is not considered that the proposed development would overbearing or visually intrusive. In terms of its overall impact on neighbour amenity it is considered that the proposal would be acceptable.
- 6.18 With regard to vehicular activity and proposed parking arrangements, Staff acknowledge that there will be some impact as a result of vehicle movement close to neighbouring dwellings with an increased degree of light pollution from headlights of cars entering and leaving the site. However, this must be considered in the context of this built up area and weighed against the benefits of providing four new houses in this location.
- 6.19 The development is considered acceptable in terms of its likely impact on residential amenity. Thus the proposal is in compliance with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.20 *Parking and Highway Issues*

- 6.21 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 2 and therefore requires 1.5 -2 parking spaces per unit for a development of this type. The development would provide a total of 8 parking spaces which would comply fully with the requirements for this form of development.
- 6.22 The proposed car parking would be arranged along the front gardens of the proposed houses interspersed by landscaping strips. In terms of access and egress to and from the site, the layout includes a turning head which is considered to be appropriate. The arrangement is functional and is therefore considered acceptable.

*Loss of garages*

- 6.23 In the main the garages were previously used for domestic storage. It is not clear how many of these garages were used for car parking. Nevertheless residents using the garages have been offered alternative garage space in Mowbray Close and The Rotunda.

## **7. *Mayoral Community Infrastructure Levy***

7.1 The proposed development will create 4 no. new residential units with 382.4m<sup>2</sup> of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £7,648.00 (subject to indexation this figure may go up or down) based on the calculation of £20.00 per square metre.

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

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

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

7.4 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.

7.5 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.

76 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.

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

7.8 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.

- 7.9 In accordance with the SPD, a contribution of £6000 per dwelling is sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 7.10 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.

## **8. Conclusion**

- 8.1 The proposed houses would be of satisfactory design and appearance with a satisfactory standard of accommodation. In addition the development would make appropriate provision for car parking and turning within the site.
- 8.2 It is not considered that the proposal would result in harm to the amenities of surrounding occupiers and therefore Staff consider the proposals to be acceptable.

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

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

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

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

None

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on received on 20 September 2016 and 14 February 2017



## REGULATORY SERVICES COMMITTEE 1 June 2017

**Subject Heading:**

**P0343.17: Dame Tipping School, North Road, Havering-atte-Bower**

**The demolition of existing extensions and the construction of a single storey classroom block (Application received 15/3/2017)**

**Ward:**

**Havering Park**

**Lead Officer:**

**Helen Oakerbee  
Planning Manager**

**Report Author and contact details:**

**John Robertson  
Senior Planning Officer  
[John.Robertson@havering.gov.uk](mailto: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	[ ]
Connections making Havering	[ ]

## **SUMMARY**

The proposal is to demolish two existing, single storey, timber clad, modular classroom structures at the rear of the main school building and to replace these with a single storey classroom block. This new block will be located in a broadly similar location to the older classrooms but would be set in more from the northern boundary and more integrated with the main school buildings.

The development raises considerations of potential impact of the proposed classrooms on the Green Belt, the streetscene and the conservation area, as well as any impacts on the amenity of nearby residential properties.

The proposal involves a small net floorspace increase in the Green Belt but the increase in cubic capacity would be very small relative to the existing school buildings. The new classroom block would be set further back from the site boundary and there would be no harm to the openness of the Green Belt. Its design is considered sympathetic to the original buildings and to the conservation area. There is judged to be no material harm to the Havering Ridge Area of Special Character. There will be no significant impact on the amenity of adjoining properties and no parking or highway issues as the proposal involves a minimal increase in floorspace and there will be no increase in pupil or staff numbers as a result. Approval is therefore recommended subject to conditions.

## **RECOMMENDATIONS**

To authorise the Director of Neighbourhoods to grant planning permission subject to the conditions as 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. 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

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

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

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

Reason:-

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

#### 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.

### INFORMATIVES

#### 1. Approval - No negotiation required

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

### REPORT DETAIL

#### 1. Site Description

- 1.1 The application site lies on the west side of North Road within Havering-atte-Bower. It contains a number of single storey buildings forming a primary school. These include an 18th century school building, 2 modular classroom blocks built in the 1960s and a modern extension.
- 1.2 The site lies within the Green Belt, the Havering-atte-Bower conservation area and the Havering Ridge Special Character Area.

- 1.3 The site adjoins a detached single storey building in commercial use to the south, a two storey semi-detached dwelling to the north and open land in the Green Belt to the west. Vehicle access to the school is from the rear via a narrow track off North Road.

## **2. Description of Proposal**

- 2.1 The proposal is to demolish two existing, single storey, timber clad, modular classroom structures at the rear of the main school building and to replace these with a single storey classroom block. This new block will be located in a broadly similar location to the older classrooms but would be set in more from the northern boundary and more integrated with the main school buildings.
- 2.2 The existing classrooms to be replaced contain 127 sq m of floorspace and are in poor condition. The proposed new classroom block will include 160 sq m of new classroom space and, because of the sloping site, be between 2.9 and 3.2m high with a flat roof. It will be timber clad and include a covered walkway outside. In addition a new entrance lobby will be created and part of the area freed up by demolishing the older classrooms will become a hard play area. There will be no increase in pupil numbers as a result of this proposal.

## **3. Relevant History**

- 3.1 The following planning decisions are of relevance:

P1351.11 - Erection of 3m high green mesh fence to provide secure play area on field to the rear of school -including a hard surface playing area  
Apprv with cons 07-10-2011

P0915.95 - Single storey extensions to classrooms/storage area with link  
Apprv with cons 11-10-1995

P1248.93 - Extending existing play area. Hardstanding for cars. (Revised plans received 24/1/94)  
Apprv with cons 18-02-1994

P0494.92 - Replacement Staffroom  
Approve no cons 02-06-1992

P1556.91 - Replacement of changing rooms and shower facilities.  
Apprv with cons 02-04-1992

## **4. Consultations/Representations**

- 4.1 The application was notified by a site notice and advertisement in the press.
- 4.2 Notifications were sent to 15 neighbouring occupiers and no objections were received.

4.3 The following consultation responses have been received:

Traffic & Streetcare - no objection.

Historic England - application unlikely to have significant effect on heritage interests of archaeological interest and no further assessment or conditions required.

## **5. Relevant Policies**

5.1 Policies CP14 (Green Belt), CP18 (Heritage), DC29 (Educational Premises), DC61 (Urban Design), DC68 (Conservation Areas) and DC69 (Other Areas of Special Townscape or Landscape Character) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Policies 3.18 (Education facilities), 7.4 (local character), and 7.6 (architecture) of the London Plan, are material considerations.

5.3 The National Planning Policy Framework is generally relevant to these proposals.

## **6. Staff Comments**

6.1 The main issues for this application are the impact of the proposed classrooms on the Green Belt, the streetscene and the conservation area, as well as any impacts on the amenity of nearby residential properties.

### ***Green Belt Implications***

6.2 The site lies within the Green Belt and a school is not one of the types of development normally allowed in the Green Belt. LDF Policy DC45 allows for replacement of or extension of existing dwellings in the Green Belt subject to certain size limitations, but makes no such allowances for schools.

6.3 However, the more recent National Planning Policy Framework (NPPF) allows for, as an exception to the normal restriction on inappropriate development in Green Belt:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

6.4 The NPPF does not set a specific limit on the size of any replacement or extension, allowing a judgment to be made on what "not materially larger" means. This provision can clearly apply to schools rather than just dwellings.

As LDF Policy DC45 is out of date relative to the NPPF, the provisions of the NPPF are applied here.

- 6.5 It is difficult to apply normal calculations of cubic capacity on this site, which contains a small, 18th century school building and a number of single storey extensions which have been added to the site since then, although exact dates are unclear. The more modern additions to the school appear likely to be in the order of 100% of the original volume of the small 18th Century school building.
- 6.6 However, the current proposal is largely to replace two existing classrooms with a classroom block of similar scale. This would result in a modest increase in floorspace compared with the classrooms to be replaced. The footprint of the replacement classrooms would be 160 sq m, which would be a 33 sq m increase in footprint over the existing classrooms. There would therefore be a fairly small overall increase in floorspace and volume compared with buildings already existing on the site.
- 6.7 However, the main concern is whether the openness of the Green Belt would be harmed by overdevelopment of the site or a large, obtrusive building. In contrast, the replacement classrooms would be integrated more with the existing built footprint of the site, opening up the site to some extent. They would be set further back from the northern boundary of the site than the existing classrooms and more difficult to see from locations in the Green Belt. This would help maintain and enhance the open character and appearance of this part of the Green Belt.

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

- 6.8 The proposed replacement classrooms would be at the rear of the main school building, screened by other buildings from the road to the east. From the open land in the Green Belt to the west, the new classroom would be barely visible of screening by existing buildings and because of the steep fall of the land to the west. Where they can be seen, they would be viewed against the backdrop of the main school buildings. The proposal is not therefore judged to have any harmful impact on the Havering Ridge skyline and no detrimental impact on its special character.

### ***Impact on Conservation Area***

- 6.9 The school site lies within the Havering-atte-Bower conservation area and contains an 18th Century school building at the front of the site. When assessing applications for development, the Local Planning Authority must pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation areas under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This does not mean that development will necessarily be opposed, only that any proposal should not be detrimental to the special interest of the wider conservation area.

- 6.10 The proposed new classrooms will be to the rear of the site and barely visible from outside the school site. Their design is considered reasonably sympathetic to the existing school buildings, and will be replacing older, temporary classroom structures of no great design value. On this basis, there will be no significant impact on the character of the conservation area.

***Impact on Amenity***

- 6.11 As noted above, the proposed new classrooms would be screened by other buildings from the road and from the commercial building to the south. There is only a landing window in the flank wall of the dwelling to the north facing the school and this is at an oblique angle. The classrooms would be single storey structures and will not result in impacts on light or overlooking for any adjoining properties. There will therefore be no significant impact on amenity.

***Parking and Highway Issues***

- 6.12 The proposal is to replace existing classrooms with new ones with a minimal increase in floorspace so there will be no increase in school capacity, staff or pupil numbers. There are therefore no obvious highway or parking issues arising from this proposal and there is no objection from the Local Highway Authority.

***Mayoral Community Infrastructure Levy***

- 6.13 The proposal is not CIL liable as the proposed net increase in floorspace is under 100 sq m and the proposal is for education purposes.

**7. Conclusion**

- 7.1 The proposal involves a small net floorspace increase in the Green Belt but the increase in cubic capacity would be very small relative to the existing school buildings. The new classroom block would be set further back from the site boundary and there would be no harm to the openness of the Green Belt. Its design is considered sympathetic to the original buildings and to the conservation area. There is judged to be no material harm to the Havering Ridge Area of Special Character. There will therefore be no significant impact on amenity of adjoining properties and no parking or highway issues. Approval is recommended.

<b>IMPLICATIONS AND RISKS</b>
-------------------------------

**Financial implications and risks:**

None.

**Legal implications and risks:**



None.

**Human Resources implications and risks:**

None.

**Equalities implications and risks:**

The Council's planning policies take into consideration issues of equality. The proposals will provide enhanced teaching facilities and will also enable improvements to the accessibility of the school buildings.

This page is intentionally left blank



## REGULATORY SERVICES COMMITTEE 1 June 2017

<b>Subject Heading:</b>	<b>P0446.17: Sunnyside Farm, Risebridge Chase, Romford</b>  Conversion of two detached barns to form two residential dwellings. (Application received 14 February 2017)
<b>Ward:</b>	Pettits
<b>SLT Lead:</b>	Steve Moore Director of Neighbourhoods
<b>Report Author and contact details:</b>	Stefan Kukula Principal Development Management Officer <a href="mailto:stefan.kukula@havering.gov.uk">stefan.kukula@havering.gov.uk</a> 01708 43 2655
<b>Policy context:</b>	Local Development Framework The London Plan National Planning Policy Framework
<b>Financial summary:</b>	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 is seeking planning permission for the change of use and conversion of two detached barns to form 2no. detached self-contained dwellings. The converted accommodation would comprise 1no. one-bedroom bungalow unit and 1no. two-bedroom unit set out over two floors.

The proposal raises considerations in terms of the impact on the Green Belt and is considered to be acceptable in all material respects.

The application has been submitted by a relative of a member of Council staff.

## 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 obligations by 1 October 2017 and in the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £12,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner 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.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme
- Payment of the appropriate planning obligations monitoring fee prior to the 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 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.

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. Boundary Treatment

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. Water Efficiency

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

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

## 12. Permitted Development

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

Reason:-

In the interests of the openness of the Green Belt and to enable the Local Planning Authority to retain control over future development, in accordance with Development Control Policies Development Plan Document Policy DC45.

## 13. Additional 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 plan,) shall be formed in the 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 the interests of the character of the Green Belt and in order to ensure a satisfactory development that will not result in any loss of privacy in accordance with Development Control Policies Development Plan Document Policy DC61.

## INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
3. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
4. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application relates to Sunnyside Farm, Risebridge Chase, Romford. The site comprises a long and narrow rectangular plot with a detached house and series of associated barns and out buildings set out around hardstanding in a linear arrangement from east to west. The site is accessed directly from Risebridge Chase via a 60 metre driveway.
- 1.2 The associated barns are currently used for a mixture of domestic and commercial vehicle and equipment storage associated with the building trade. The property is flanked on either side by similar residential plots and is located some 50 metres from the entrance to Risebridge Golf Club.
- 1.3 The land is located within the Metropolitan Green Belt.

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

- 2.1 The application is seeking planning permission for the change of use and conversion of two of the detached barns to form 2no. detached self-contained dwellings. The converted accommodation would comprise 1no. one-bedroom bungalow unit and 1no. two-bedroom unit set out over two floors.
- 2.2 In each of the barns the large door openings would be built up and replaced with matching timber cladding and windows. The internal layout of each barn would be partitioned and reconfigured to create bedrooms, kitchens and living space. Each of the new dwellings would be served by enclosed private garden areas of approximately 40 square metres and 30 square metres respectively, and two parking spaces each, positioned adjacent to the gardens.

### **3. Relevant History**

- 3.1 P1918.02 - Single storey extension to western elevation of dwelling facing highway - Approved, 5 February 2003
- 3.2 P0986.02 - Front, side and rear dormer windows - Approved, 31 July 2002

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

- 4.1 Notification letters were originally sent to 6 properties and no representations have been received.

4.2 The following consultation responses have been received:

- London Fire and Emergency Planning Authority - no objection.
- London Fire Brigade Water Team - no objection.
- Environmental Health - no objection.
- Streetcare - no objection, waste and recycling sacks will need to be presented on the boundary of the property at Risebridge Close by 7am on the scheduled collection day.
- Local Highway Authority - no objection.

## **5. Relevant Policies**

- 5.1 CP14 (Green Belt), CP17 (Design), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC45 (Green Belt), DC55 (Noise), 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 Policies 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.4 (local character), 7.6 (architecture), 7.16 (Green Belt) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 7 (Requiring good design), 8 (Promoting healthy communities) and 9 (Protecting Green Belt land) are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main issues in this case are considered to be the principle of the development, including the impact on the Green Belt; the visual impact of the development on the character and openness of the Green Belt and the general landscape; impact on the amenity of adjoining residential occupiers, as well as the implications for parking and highways.

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

- 6.2 The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.

- 6.3 The NPPF also advises that certain forms of development, such as the re-use of buildings (provided that the buildings are of permanent and substantial construction) would not be inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
- 6.4 The proposal is to convert two permanent existing barn structures to residential use: therefore under the terms of the NPPF this would not be regarded as inappropriate development in principle. The impact on the openness of the Green Belt will be explored in the following section of the report.

### ***Green Belt Implications***

- 6.5 NPPF states that Green Belts should seek to retain and enhance landscapes and visual amenity, mirroring the objectives of Havering's LDF Policy DC45. The existing arrangement of buildings at Sunnyside Farm is relatively functional and in the wider scene is fairly low-key, muted in composition and colour, and largely enveloped in the landscape and surrounding development. The buildings are of a nature expected to be seen in a rural fringe area and look as though they are for agricultural purposes, retaining a traditional layout facing into a yard area.
- 6.6 'Openness' is not defined in the NPPF, and is not necessarily focused entirely on visual prominence. Weight should also be given to the overall visual impression when assessing the impact on openness.
- 6.7 Given that the proposal would involve the conversion of the existing buildings, there would be very little material change to the appearance of each of the buildings. The infilling of the doorway openings and the installation of new domestic style fenestration would be low key and sympathetic to the existing buildings. The converted barns would not take on an overtly residential appearance, retaining much of the form and character of the barns.
- 6.8 The proposed gardens would be formed on an existing area of hardstanding formed by brick paving which runs through the central section of the Sunnyside Farm site. As such it is acknowledged that with the introduction of tended and defined gardens, and the associated domestic paraphernalia, this element of the proposal could serve to diminish the open character of the surrounding area. Nevertheless, the proposed gardens would be relatively modest in terms of area and layout, and would be tightly confined to the land immediately adjacent to each of the converted barns. The gardens would not therefore unduly sprawl or encroach into the existing yard area. In many respects, it is considered that the introduction of the gardens, with soft landscaping and additional planting would serve to

enhance the visually hard appearance of this part of the site, which is also characterised by close boarded boundary fencing.

- 6.9 Staff are therefore of the view that the proposed barn conversions would in this instance serve to preserve the openness of the Green Belt in accordance with the NPPF and LDF policy DC45.

### ***Layout***

- 6.10 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.11 The proposed development would provide 1no. one-bedroom unit and 1no. two-bedroom unit, both of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Given this factor it is considered that the proposed development would be in accordance with the general principles of the technical housing standards and the dwellings would provide an acceptable amount of space for day to day living.
- 6.12 Each of the new dwellings would be served by enclosed private garden areas, comprising of approximately 40 square metres and 30 square metres respectively. This would ensure that the amount of private amenity space proposed in the development would be adequate for the requirements of the proposed one-bedroom and two-bedroom dwellings.

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

- 6.13 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.14 The closest neighbouring residential property is located immediately to the north at Stockdale, 8 Risebridge Chase. The barn conversion would not result on the insertion of new windows that would compromise the privacy of this property.
- 6.15 The application site is already arranged with a residential property to the west with the barns to the east used for a mixture of domestic and commercial vehicle and equipment storage. Arguably, the conversion of the storage barns into residential accommodation would remove a commercial use, would provide a garden buffer adjacent to the boundary and generally improve the residential amenity of the neighbouring dwellings. As such it is not considered that the proposed conversion would result in harm to the neighbouring residents in accordance with policy DC61.

### ***Environmental Issues***

- 6.16 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site.
- 6.17 The proposal is not considered to give rise to any significant noise issues.

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

- 6.18 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within a Public Transport Accessibility Level (PTAL) zone 0, where a high standard of 2-1.5 parking spaces are required per dwelling.
- 6.19 The scheme can demonstrate off street car parking provision for 4no. vehicles, arranged as two for each property in accordance with policy.
- 6.20 The Local Highway Authority have raised no objection to the proposal and the car parking and access arrangements are considered to be acceptable.

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

- 6.21 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.
- 6.22 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 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.
- 6.23 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 6.24 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.
- 6.25 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.26 Furthermore, evidence clearly shows a shortage of school places in 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.
- 6.27 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.28 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £12,000 for educational purposes would be appropriate.

## **7. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the openness of the Green Belt and the impact on

the amenity of the neighbouring residents. The proposal is considered to be acceptable in all material respects.

- 7.3 Staff are of the view that the proposal would not have a harmful impact on the character of the Green Belt 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 section 106 legal agreement.

## **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 is compliant with the statutory tests set out in the CIL Regulations to planning obligations.

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

None.

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

None

## **BACKGROUND PAPERS**

Application form and drawings received on 30 March 2017.



**REGULATORY SERVICES  
COMMITTEE  
1 June 2017**

<b>Subject Heading:</b>	<b>P0489.17: 66 Harold Court Road, Hornchurch</b>
	<b>The demolition of an existing house and outbuildings and the construction of a replacement dwelling. (Application received 24/3/2017)</b>
<b>Ward:</b>	<b>Harold Wood</b>
<b>Lead Officer:</b>	<b>Helen Oakerbee Planning Manager</b>
<b>Report Author and contact details:</b>	<b>John Robertson Senior Planning Officer <a href="mailto:John.Robertson@havering.gov.uk">John.Robertson@havering.gov.uk</a> 01708 43 2642</b>
<b>Policy context:</b>	<b>Local Development Framework The London Plan National Planning Policy Framework</b>
<b>Financial summary:</b>	<b>None</b>

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

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

## **SUMMARY**

The proposal is to demolish the existing dwelling and outbuildings and erect a detached, single storey, 3 bedroom dwelling along with a detached garage. The dwelling would be of a contemporary design comprising a quadrant of a circle flanked by two protruding wings.

In February 2015, permission was granted for a replacement, single storey, detached dwelling on the site but this was not implemented. An earlier proposal for a new, 2 storey, detached dwelling was refused on the grounds of being inappropriate development harmful to the openness of the Green Belt, largely due to the proposed increase in the bulk of the building and this was dismissed on appeal.

The main issues for this proposal are the impacts of the proposed dwelling on the openness of the Green Belt, the acceptability of the proposed design and its impact on the streetscene, any impacts on the amenity of nearby dwellings and parking/highway issues.

The NPPF advises that replacement buildings in the Green Belt for the same use that are not materially larger than the original are not inappropriate development. The proposed replacement dwelling would be lower and not be much greater in bulk than the original dwelling and is judged not to have a materially greater impact on openness. With the removal of various outbuildings, there would be a large net reduction in the volume of buildings on the site. The contemporary design of the proposed dwelling is considered acceptable for the site and will not harm the streetscene given its set back and limited visibility from the street. There are no significant impacts on residential amenity.

Approval is therefore recommended subject to a S106 legal agreement to prevent any earlier extant permission for a dwelling being implemented in addition to that recommended for approval.

## **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:

- Agreement by the applicant to ensure that any previous extant planning permissions for a replacement dwelling on this site are not implemented.

- 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 1 October 2017 or in the event that the s106 agreement is not completed by 1 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 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. In Accordance with Plans

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

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

3. External Materials

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 9 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

#### 4. Removal of Permitted Development Rights

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

Reason:-

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

#### 5. Removal of Existing Buildings

Prior to first occupation of the new dwelling hereby approved, all existing buildings on the site shall be demolished and the resulting materials removed from the site.

Reason:-

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

#### 6. Car Parking Provision

Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

#### 7.0 Vehicle Cleansing

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

The submission will provide;

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

## 8.0 Hours of Construction

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

Reason:-

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

## 9.0 Landscaping Details

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

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

Reason:-

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

#### 10.0 Construction Method Statement

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

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

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

Reason:-

Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to

commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

#### 11.0 Contaminated Land

1) 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 Phase I (Desktop Study) Report documenting the history of the 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 sites 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 (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

(2)

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

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

Reason: Insufficient information has been supplied with the application in relation to land contamination. Submission of such details is necessary to ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

#### 12.0 Accessible Dwellings

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

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

#### 13.0 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.

#### 14.0 Protection of 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.

### **INFORMATIVES**

#### 1. Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the



application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The site lies on the west side of Harold Court Road but is set back about 40m from the road. It is currently occupied by a single storey dwelling and two outbuildings set within a residential curtilage of 0.9 ha. The site lies within the Green Belt and the Thames Chase Community Forest.
- 1.2 The residential curtilage of the site is mainly open land with a large number of trees, none covered by a TPO. Access is from Harold Court Road via one of the accesses to Harold Court; this property is in separate ownership to the application site, but there is a right of access.
- 1.3 To the north east is Harold Court which has been converted into flats with car parking areas. There are further residential properties to the south east that front onto Harold Court Road. To the north there is an area of mature woodland and to the east and west are areas of planting that form part of Thames Chase. The area to the south is also well vegetated.

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

- 2.1 The proposal is to demolish the existing dwelling and outbuildings and erect a detached, single storey, 3 bedroom dwelling along with a detached garage. The proposed dwelling would be located close to the position of the existing dwelling with the garage further to the east closer to the boundary with Harold Court Road.
- 2.2 The proposed dwelling would have a footprint of 284 sq m and a ridge height of 3.5m. It would be of a contemporary design comprising a quadrant of a circle flanked by two protruding wings. There would be a flat roof and a large area of glazing on the front elevation. The dwelling would face north west with a driveway leading to the front from the site boundary. Access would continue to be to Harold Court Road.
- 2.3 A Tree Survey is submitted with the application.

### **3. Relevant History**

- 3.1 The following planning decisions are of relevance:

D0407.16 - Provision of outbuilding required for a purpose incidental to the enjoyment of the existing dwellinghouse  
Planning permission required 20-12-2016

P0604.16 - The demolition of an existing house and outbuildings and the construction of a replacement dwelling.

Refused 29-06-2016 Appeal dismissed 06-12-2016

1718.14 - Demolition of existing outbuildings and erection of a single detached replacement dwelling and garage.

Apprv with cons 27-02-2015

P1070.13 - Demolition of existing dwelling / outbuildings and erection of two detached dwellings with double garages.

Refused 14-07-2014

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

4.1 The application was advertised by a site notice. Notifications were also sent to 34 neighbouring occupiers and no objections were received.

4.2 The following consultation responses have also been received:  
Streetcare (Highways) - no objections subject to a condition being applied on vehicle cleansing

Waste & Recycling - no objection

Environmental Health - no objections with regard to noise and air quality; given proximity to hospital site, a condition requiring contaminated land assessment should be added.

London Fire Brigade- no fire hydrants required and access should be in accordance with Building Regulations

Fire Safety Regulation - vehicle access for pump appliance required within 45m of dwelling, access roads to be minimum 3.7m width, gateway to have minimum 3.1m width, adequate turning area required for pump appliances over any dead end over 20m long.

Thames Water - no response

Essex & Suffolk Water - no objection

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

5.1 Policies CP14 (Green Belt), DC03 (Housing Design & Layout), DC33 (Car Parking), DC61 (Urban Design), and DC45 (Appropriate Development in Green Belt) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Policies 7.4 (local character), 7.6 (architecture) and 7.16 (Green Belt) of the London Plan, are material considerations.

- 5.3 The National Planning Policy Framework is generally relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main issues for this proposal are the impacts of the proposed dwelling on the openness of the Green Belt, the acceptability of the proposed design and its impact on the streetscene, any impacts on the amenity of nearby dwellings and parking/highway issues.

## **7.0 Green Belt Implications**

- 7.1 The most recent guidance on development within Green Belts is set out in paragraphs 88 - 90 of the NPPF. The NPPF guidance on Green Belts allows replacement dwellings subject to considerations regarding openness.
- 7.2 London Plan policy 7.16 states that the Green Belt should be protected in accordance with national policy and that inappropriate development should be refused, except in very special circumstances.
- 7.3 LDF Policy DC45 limits new buildings to those required for agriculture, forestry, outdoor recreation nature conservation and cemeteries. However, it does allow the replacement of existing dwellings provided the the capacity of the resultant building is no more than 50% greater than the original. However, this policy is now out of date relative to the NPPF, which is not specific about the size of any increase provided the replacement is not 'materially larger'. This would be judgement related to the impact on openness rather than a simple volumetric calculation.
- 7.4 Therefore, the main issue is therefore whether the replacement dwelling and garage would be materially larger than the existing dwelling and outbuildings and would have a greater impact on openness of the Green Belt. It is also material that planning permission has been granted in the past for a single storey dwelling on the site to replace existing buildings and this was considered acceptable in Green Belt terms.
- 7.5 The stated footprint area of the existing dwelling is 208 sq m. with a ridge height between 3.0m and 3.5m giving a volume of 641 c m. There are also a number of existing out-buildings within the residential curtilage with a volume of about 1741 c m.
- 7.6 The dwelling approved in 2014 was single storey with a footprint of 256 sq m, a ridge height between 5.0m and 5.3m and a volume of 799 c m; this equated to a footprint increase of 23% and a volume increase of about 25% over the original dwelling. The proposed garage at that time would have had less volume than the existing outbuildings. That development was judged to be acceptable in Green Belt terms and this decision is of relevance to the current application.

- 7.7 The currently proposed dwelling would have a footprint of 284 sq m, and a volume of 895 c m. The proposed garage would have a volume of about 205 c m. The proposed dwelling would therefore be about 40% larger in volume than the existing dwelling, but would still be below the 50% guideline in Policy DC45. The proposed garage (205 c m) would be substantially smaller in volume than the existing outbuildings (1741 c m) which are to be demolished.
- 7.8 The judgement in this case is whether the new buildings would be materially larger and whether there would be a greater impact on the Green Belt. The 50% guideline in policy DC45 pre-dates the NPPF and the relevant judgement is considered to be the degree of impact. In this case the proposed dwelling would be significantly lower than the existing and of less bulk. It would also be more set back from the site boundary and less visible. As a result of these factors it is considered that the proposal would have less impact on openness and is considered not to be materially larger than the dwelling it would replace. The proposed garage is also judged to have much less impact on the openness of the Green Belt than the existing outbuildings.
- 7.9 The proposal is therefore acceptable development in the Green Belt in terms of the NPPF and LDF Policy DC45.

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

- 7.10 There is no clear streetscene in this part of Harold Court Road. The road is largely fronted by areas of vegetation with the 3 storey Harold Court set well back from the road and, further on, a small group of 2 storey terraced dwellings close to the edge of the road.
- 7.11 The proposed dwelling would be located to the rear of properties in Harold Court Road and set well back from the public highway. Whilst it would be visible from the entrance to Harold Court it would not have a significant visual impact. Its location within the plot means that it would not be readily visible from public areas within the adjoining Thames Chase woodland. The design of the dwelling is in a contemporary style and, given the absence of any immediately adjoining buildings to define a design character for this location, is considered to be of generally acceptable appearance and design. The nearby Harold Court is much more dominant being three-storeys with a much larger footprint. Given the siting of the proposed dwelling well back from the highway frontage, it is judged that it would not have any material impact on the streetscene or rear garden area.

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

- 7.12 The nearest existing residential properties front on to Harold Court Road. The nearest dwelling would be in excess of 90m away from the proposed development and it is not considered that the proposal would give rise to any significant adverse impact on residential amenity. Given the distances

involved and as the proposed dwelling would be single storey, it is not considered that there would be any overlooking issues.

- 7.13 Overall, there would be no significant adverse impacts on residential amenity.

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

- 7.14 The proposal would provide a double garage for the property and parking and turning areas. The access arrangements are the same as currently exist and are considered adequate. There are no highway objections to the proposal.

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

- 7.15 The proposal is not CIL liable as it comprises educational development.

## **8.0 Section 106 Agreement**

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

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

- 8.2 As there is an extant but unimplemented permission existing on this site for a new dwelling in a different location from that now being recommended for approval, there needs to be a mechanism in place to ensure that the current planning permissions are not implemented to avoid ending up with more than 1 dwelling on the site. A Section 106 legal agreement is therefore required to secure this.

## **9.0 Conclusion**

- 9.1 The proposal is for the demolition of the existing residential property and outbuildings and replacement with a single detached dwelling and detached garage. The NPPF advises that replacement buildings in the Green Belt for the same use that are not materially larger than the original are not inappropriate development. LDF Policy DC45 allows replacement dwellings in the Green Belt up to 50% larger than the original. The proposed replacement dwelling would be lower and not be much greater in bulk than the original dwelling and is judged not to have a materially greater impact on openness. With the removal of various outbuildings, there would be a large net reduction in the volume of buildings on the site.
- 9.2 The contemporary design of the proposed dwelling is considered acceptable for the site will not harm the streetscene given its set back and limited

visibility from the street. There are no significant impacts on residential amenity.

- 9.3 Approval is therefore recommended subject to a S106 legal agreement to prevent any earlier extant permission for a dwelling being implemented in addition to that recommended for approval.

## **IMPLICATIONS AND RISKS**

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

None.

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

None.

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

None.

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

None.

**REGULATORY SERVICES  
COMMITTEE  
1 June 2017**

<b>Subject Heading:</b>	<b>P0599.17: Robert Beard Centre, 233 High Street, Hornchurch</b>
	<b>The Erection of a double classroom demountable unit at the rear of the site. (Application received 10/4/2017)</b>
<b>Ward:</b>	<b>St Andrews</b>
<b>Lead Officer:</b>	<b>Helen Oakerbee Planning Manager</b>
<b>Report Author and contact details:</b>	<b>John Robertson Senior Planning Officer <a href="mailto:John.Robertson@havering.gov.uk">John.Robertson@havering.gov.uk</a> 01708 43 2642</b>
<b>Policy context:</b>	<b>Local Development Framework The London Plan National Planning Policy Framework</b>
<b>Financial summary:</b>	<b>None</b>

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

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

## **SUMMARY**

The proposal is to erect a PVC demountable unit to provide a double classroom for a temporary period. It would be located at the rear of the site, at the edge of an open space area adjoining the multi-purpose games area. It is required only for a temporary 15 month period during the construction period for the refurbishment and extensions to the centre that were approved in April 2017.

The proposed development raises considerations of potential impact of the temporary classroom unit on the streetscene and the conservation area as well as any impacts on the amenity of nearby properties.

The proposed unit is essential to have on site temporarily to enable the recently approved extension/refurbishment works to improve the school to take place. It would be sited in an obtrusive position visible only from one adjoining road and then only with difficulty from some distance and its temporary impact on the conservation area is considered acceptable. There would be no obvious adverse impacts on residential amenity and it would not result in any additional staff, pupils or parking demand. Approval is therefore recommended subject to conditions.

## **RECOMMENDATIONS**

To authorise the Director of Neighbourhoods to grant planning permission subject to the conditions as 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. Temporary Permission**

This permission shall be for a limited period only expiring on 1 September 2018 on or before which date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.



Reason: In order that the development accords with Development Control Policies Development Plan Document Policy DC61.

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

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

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

## **INFORMATIVES**

1. Approval - No negotiation required

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

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is a large area containing several single storey buildings along with a large area of open space, a multi-purpose games area and car parking, all forming the Robert Beard / Birnam Wood Centre, which operates as a Pupil Referral centre for school children with behaviour issues.
- 1.2 The site lies on the north side of Hornchurch High Street. It also lies within the St Andrews Church Conservation Area and in the Havering Archaeological Priority Zone.

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

- 2.1 The proposal is for the erection of a double classroom demountable unit made of PVC. It would be located at the rear of the site, at the edge of an open space area adjoining the multi-purpose games area and close to the rear boundary with dwellings on Chaplaincy Gardens. The unit would be 14.8m wide, 9.75m long and 3.25m high with a flat roof.
- 2.2 It is required only for a temporary 15 month period during the construction period for the refurbishment and extensions to the centre that were approved in April 2017.

### **3. Relevant History**

- 3.1 The following planning decisions are of relevance:

P0113.17 - Erection of two single storey extensions to provide classrooms  
Apprv with cons 28-04-2017

P01935.16 - Proposed 1.8m high, black powder metal vertical rod fencing to part of the western boundary of the site.  
Apprv with cons 28-04-2017

P0033.10 - Single storey extension to existing annexe, new steps and access ramp and new timber porch to existing annexe.  
Apprv with cons 11-06-2010

P1513.99 - Single storey extension for use as an educational premises Pupil referral unit and new hard play area.  
Apprv with cons 23-02-2000

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

- 4.1 Notification letters were sent to 65 neighbouring occupiers and 2 response letters have been received. One letter does not specifically object to the

proposal but seeks assurances that there will be no security lighting facing their property, that the unit will be on site for a specified temporary period only and requesting that the centre's trees overhanging their garden be pruned. No additional lighting is proposed with this unit. This objector has subsequently confirmed he has no specific objections to the application itself.

- 4.2 The other letter objects to the proposal because it results in another building on the site and the effect on parking. However, the proposed unit will not result in any additional staff, pupils or parking demand and is required on the site for a limited period only.

- 4.3 The following consultation responses have also been received:

Traffic & Streetcare - no objection.

Environmental Health - no objections in terms of noise, contaminated land and air quality.

Historic England - no response.

## **5. Relevant Policies**

- 5.1 Policies CP18 (Heritage), DC29 (Educational Premises), DC61 (Urban Design), DC68 (Conservation Areas) and DC70( Archaeology) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Policies 3.18 (Education facilities), 7.4 (local character), 7.6 (architecture) and 7.8 (Heritage assets and archaeology) of the London Plan, are material considerations.
- 5.3 The National Planning Policy Framework is generally relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main issues for this application are the impact of the proposed extensions on the streetscene and the conservation area as well as any impacts on the amenity of nearby properties.

### **Conservation Area Impacts**

- 6.2 The site lies within the St Andrews Church Conservation Area. When assessing applications for development, the Local Planning Authority must pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation areas under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This does not mean that development will necessarily be opposed, only that any proposal

should not be detrimental to the special interest of the wider conservation area.

- 6.3 Although the site lies in a conservation area, and the structure involved is a steel reinforced PVC clad unit, the proposal is for a purely temporary structure for a limited period of 15 months. The unit would be sited in an obtrusive position visible only from one adjoining road and then only with difficulty from some distance. The unit is also essential to have on site temporarily to enable the approved extension/refurbishment works to improve the school to take place. For these reasons, the temporary impact on the conservation area is considered acceptable.
- 6.4 The unit is demountable and will be placed on concrete pads rather than requiring foundations to be dug. On this basis, there should be no disturbance to an archaeological interest on the site.

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

- 6.5 The site contains 3 separate single storey buildings of different design that are not considered to make a positive contribution to the St Andrews Church Conservation Area. Approval has recently been given to two single storey extensions that will have the effect of unifying the buildings to some extent.
- 6.6 The demountable classroom unit would be cream in colour and located in a relatively unobtrusive part of the site, behind the car park and multi-purpose games and adjoining an existing building. From Inkip Road, it would be visible with some difficulty across the car park area and the high mesh fencing surrounding the games area. It would not be visible at all from the High Street, being screened by existing buildings. It would be largely screened from the rear of dwellings on Chaplaincy Gardens by a boundary fence and would be over 25m away from these dwellings. It would lie over 50 away from the rear of dwellings on Westland Avenue.

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

- 6.7 The proposed unit would have windows in its front and rear elevations. However, it would be a single storey structure and would be separated from the nearest residential properties on Chaplaincy Gardens by at least 25m as well as trees on the site boundary. The unit would also lie over 50 away from the rear of dwellings on Westland Avenue. There would be no obvious adverse impacts on residential amenity.

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

- 6.8 The unit will not result in any increase in pupils or staff on the site and will not result in any change to parking arrangements or vehicle access to the site. No significant highway nor parking issues arise from this proposal and there is no Highways objection.

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

6.9 The proposal is not CIL liable as it comprises educational development.

## **7. Conclusion**

7.1 The proposed unit is essential to have on site temporarily to enable the recently approved extension/refurbishment works to improve the school to take place. It would be sited in an obtrusive position visible only from one adjoining road and then only with difficulty from some distance and its temporary impact on the conservation area is considered acceptable. There would be no obvious adverse impacts on residential amenity and would not result in any additional staff, pupils or parking demand. Approval is therefore recommended.

## **IMPLICATIONS AND RISKS**

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

None.

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

None.

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

None.

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

The Council's planning policies take into consideration issues of equality. The proposals will enable the construction of enhanced teaching facilities on the site.

This page is intentionally left blank

# REGULATORY SERVICES COMMITTEE

1 June 2017

## REPORT

**Subject Heading:**

P0407.17 Land bounded by New Zealand Way, Queenstown Gardens and Gisborne Gardens, Rainham.

Outline application with all matters reserved for the development of 30 no. new dwellings comprising 2 bedroom and 3 bedroom houses with associated landscaping and car parking. (application received 20 March 2017)

**Ward:**

South Hornchurch

**SLT Lead:**

Steve Moore  
Director of Neighbourhoods

**Report Author and contact details:**

Suzanne Terry  
Planning Team Leader  
[suzanne.terry@havering.gov.uk](mailto:suzanne.terry@havering.gov.uk)  
01708 432755

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

### SUMMARY

This matter is brought before committee as the application site is Council owned. This proposal seeks outline consent for the construction of 30 two and three bedroom houses with all matters reserved. Subject to securing contributions towards children's playspace, landscaping, education provision and affordable housing, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan and can be approved. .

### RECOMMENDATIONS

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

1. Reserved matters - Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Note that as a minimum floor levels must be 4.55 metres above Ordnance Datum sea level and footway widths must be a minimum of 1.8m wide.

**Reason:** This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Reserved Matters Time limit - 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).

3. Overall 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).

4. Accordance with Development Parameters - The development hereby permitted shall be informed by the principles detailed within the submitted material:

Drawing 1435\_PL010 (Proposed Site Plan);  
Drawing 1435\_PL011 (Ground Floor Plan);  
Sketch drawing of elevations;  
Flood Risk Assessment dated June 2016;  
Design and Access Statement dated 15 February 2017.

No application for approval of reserved matters (or other matters submitted for approval pursuant to planning condition) which would entail any material deviation from the above shall be made unless otherwise provided for by conditions elsewhere within this permission.

**Reason:** To ensure that the development is carried out in accordance with the documents that have formed the basis of consideration of this scheme, and to comply with the development plan policies against which this outline planning application has been considered.

5. Materials - Before any development above ground level takes place, a written specification of external walls and roof materials to be used in the construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

6. Flank windows - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan,) shall be 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.

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

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

8. Parking provision - Before any building hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose

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

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. Construction methodology - Before construction work commences, 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.

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

The submission will provide:

- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
- b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
- c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.

- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

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

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

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

- 13. Sustainable Urban Drainage System - Prior to the commencement of the development hereby approved, details of a Sustainable Urban Drainage System shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to occupation of the development the drainage system shall be installed in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

**Reason:** Insufficient information has been submitted with the application to evaluate the effectiveness of any SUDS system. Submission of this detail prior to commencement will prevent uncontrolled water runoff from the site causing flooding to the surrounding area and ensure that the development accords with policies CP15 (Environmental Management) and DC48 (Flood Risk) of the Development Control Policies Development Plan Document.

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

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

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

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

16. Surfacing materials - The access roads serving any building shall be provided before that building is first used. Surfacing materials for the access road and turning head shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent its use for anything but access.

**Reason:** Insufficient information has been supplied with the application in relation to the surfacing materials. Submission of details prior to commencement will ensure that the surfacing materials are suitable, 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.

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

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

- 18.. Allocation of Parking - No building in the development shall be occupied until a parking management scheme, including details of the allocation of the parking spaces within the development to individual properties have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the adequate functioning of the parking provision within the development and to ensure the proper function of the highway.

19. 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.

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

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

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

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

22. Trees - The development shall be carried out in accordance with the soft felling methodology set out in Section 5.1 of the Aerial Bat Roost Survey dated 26<sup>th</sup> February 2017. No works to trees shall be carried out except between the months of September and February (inclusive) unless a survey for active bird nests has been carried out beforehand, in accordance with details to be submitted to and approved by the Local Planning Authority.

**Reason:** To prevent disturbance to nesting birds or to bats.

23. Trenches - Any trenches or other excavations left open overnight should be furnished with gently sloping planks.

**Reason:** Badgers and hedgehogs may use the site for foraging, the ramps will provide a means of escape for any animals which fall into the excavation.

24. Memorial Plaque - The existing memorial plaque shall be repositioned within the communal amenity area shown on the submitted drawings in accordance with details to be previously submitted to the Local Planning Authority for approval.

**Reason:** The existing plaque is required to be resited in an appropriate location owing to its position relative to the intended siting of the development.

25. Electric Vehicle Charging Points: The dwellings shall not be occupied until at least 22 Electric Vehicle Charging Points have been provided, of which 11 shall be active and the remaining 11 passive.

**Reason:** To encourage more sustainable travel in accordance with LDF Core Strategy Policy CP10 and in order that the development accords with London Plan Policy 6.13.

26. Before the development hereby approved is commenced, the landowner shall enter into a suitable legal agreement (such a s106 agreement) or other appropriate mechanism that ensures, to the satisfaction of the local planning authority, the performance of the following obligations:

- A financial contribution of £30,000 to be used for the provision of additional children's play facilities in the Lessa recreation ground
- Soft landscaping including the planting of semi-mature trees in the area to the immediate south of the site, which is within the applicants' control.
- A financial contribution of £180,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.
- The provision of affordable housing on the site in accordance with the submitted Affordable Housing Statement and to include, as a minimum, 10 affordable rented units and 10 shared ownership units.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the planning obligation prior to its completion irrespective of whether the obligation is completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

**Reason:** To ensure that the development accords with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan.

## INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

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

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0800 009



3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a 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 groundwater. 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 0800 009 3921. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to this planning application.

*Water matters:*

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information the address to write to is - Essex and Suffolk Water Company, Sandon Valley House, Canon Barns Road, East Hanningfield, Essex, CM3 8BD. Tel: 03457 820999.

5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
6. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:  
  
<https://www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx>
7. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). The CIL payment has not been calculated owing to the outline

nature of the application but it should be noted that the CIL payable 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) once reserved matters approval has been given 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.

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site has an area of 0.79 hectares and is located in the south east corner of a 1950s estate. It comprises an amenity green bounded by New Zealand Way to the north, Queenstown Gardens to the south and east and Gisborne Gardens to the west. The application site boundaries cover the whole of the green, although development will lie to the northern end of the site, with a section at the southern end, measuring some 24m in depth, to remain as a landscaped, communal amenity area. The surrounding area is residential in nature with two storey semi-detached houses and maisonette buildings facing onto the amenity green. Further to the north and west is the greater part of the rest of the estate; to the south are two 13 storey residential towers (New Plymouth House and Napier House) and beyond them the A1306 and to the east is La Salette primary school. Rainham village lies approximately 750 metres to the south east of the site.

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

- 2.1 The application is for outline permission for the erection of 30No. two and three bedroom dwellings - 22No. 3 beds and 8No. 2 beds.

Details relating to appearance, siting, landscaping, scale and layout are “reserved” and would be specified in future reserved matters applications.

- 2.2 The submitted drawings indicate that the development would be arranged with four detached dwellings, one in each corner of the site. Between each of the corner buildings the dwellings would be arranged in terraces of varying length – these would comprise some pairs of semi-detached houses, as well as terraces of three, four and five units. All of the proposed dwellings would face outwards onto the respective surrounding roads i.e. New Zealand Way, Gisborne Gardens and Queenstown Gardens. A road is shown running across the southernmost part of the site and connecting Queenstown Gardens to the east with Gisborne Gardens to the west. Two of the detached corner properties and a terrace of 4 houses face south onto this new road. According to the indicative plans the two bedroom houses are suitable for 4 people and there are two types of three-bedroom

house, one type suitable for 4 people, the other for 5 people. There are no detailed elevations given the outline nature of the application. However, the floor plans indicate that living accommodation would be provided only on two floors i.e. ground floor and first floor. Indicative drawings indicate the dwellings would be two storeys.

- 2.3 Each of the properties is indicated to have private rear amenity space. An area of land at the southern end of the site, covering an area of approximately 0.11 hectares, is proposed to be retained for public use. A total of 55 parking spaces are provided at right angles to Gibson Gardens, New Zealand Way and Queenstown Gardens and within the site on either side of the proposed new road across the site.

### 3. History

- 3.1 P1536.15 Outline planning application for 32 dwellings comprising 2-bedroom and 3-bedroom houses and flats with associated landscaping and car parking with all matters reserved – refused.

### 4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 52 neighbouring properties. The application was also advertised on site by way of a site notice and in the local press. Correspondence from 40 neighbouring occupiers, as well as a petition with 383 signatures were received objecting to the proposal on the following grounds:

- **Application already refused once** as unsuitable and nothing has changed [officer note: this issue is explored in the report below]
- **Loss of the amenity green** for children's play, recreation and community use and harm to local character. Is considered contrary to Council's open spaces policies [officer note: this issue is assessed in the report below]
- **Insufficient parking provision** causing contention for parking spaces [officer note: parking is addressed in the report below]
- **Increase in pedestrian and road traffic** and consequent issues of noise pollution, carbon dioxide emissions, highway congestion and manoeuvring and highway safety [officer note: Environmental Health raised no comment on noise or emissions; highways issues are addressed in the report below]
- **Suitability of access road for emergency vehicles** [officer note: No objection has been received from Highways or the Fire Brigade]
- **Loss of view** [officer note: there is no right to a view and this is not a planning consideration]
- **Loss of privacy** [officer note: this will be addressed in the report below]
- **Loss of light** [officer note: this will be addressed in the report below]
- **Flood risk** [officer note: Lead Local Flood Officer has not objected to the proposals. Flooding will be covered in the report below].
- **Impact on wildlife and landscaping** [officer note: this will be addressed in the report below]

- **Other sites nearby being developed for housing**, including Beam Park [officer note: whilst there are development opportunities at Beam Park, other development sites are needed to meet the demand for housing and for Havering to meet policy-led housing targets].
- **Design issues** including dwellings are too small and not in keeping with surrounding area [officer note: this will be addressed in the report below]
- **Planning application and the process is flawed** by way of misleading documents and inadequate consultation and site notification [officer note: consultation on the planning application has been carried out in accordance with statutory requirements, including the display of a site notice. The documents submitted with the planning application are sufficient to enable the proposals to be fully assessed].
- **Loss of right of way** [officer note: the site is not formally designated as a Right of Way. The land is designated as highway verge and a stopping up order would be required to extinguish rights of public access]
- **Application for village green status** [officer note: this is subject to separate legislation and not a planning consideration for the purpose of determination of the application]
- **Pressure on infrastructure** [officer note: in the recently published Rainham and Beam Park Planning Framework (January 2016) the Borough has identified the proposed Beam Park Centre as a location for new health and community facilities, these facilities would be within walking distance of the proposed development and would help to relieve pressure on existing facilities in the area. In respect of school places, the provision of educational facilities is a responsibility of the Council and a contribution is sought through a Unilateral undertaking to provide funds to be used in offsetting any effect the new dwellings would have in increasing the child yield in the Borough].
- Impact on sewers and drainage [officer note: these matters are dealt with under separate legislation and are not planning considerations].

4.2 Highways – no objection. They have commented as follows:

- Footway width around edge of site needs to be a minimum of 1.8m
- The site is a highway verge and will require stopping up, with the exception of the space required for the 1.8m perimeter footway
- Would not seek adoption of the southern access drive, attenuation tank or communal amenity area
- Details of cycle parking would be required with the detailed submission.

4.3 Environmental health – no objection. Request a condition requiring the use of suitable gas protection measures.

4.4 Fire Brigade – No additional fire hydrants are required. There should be access for pump alliance to within 45m of all points in each dwelling suitable for laying a hose.

- 4.5 Essex & Suffolk Water – no objection.
- 4.6 Thames Water – no objection
- 4.7 Lead Local Flood Authority – proposed strategy is acceptable but request micro drainage calculations to be submitted [officer note: drainage calculations subsequently submitted and confirmed to be acceptable for the development].
- 4.8 Historic England – the site lies in an area of archaeological interest and a desk based assessment should be submitted to provide more information on potential existing impact and proposed impacts [officer note: an archaeological desk-based assessment has now been commissioned by the applicant and further response from Historic England is awaited].
- 4.9 Metropolitan Police – no objection and scheme capable of achieving secure by design accreditation. Recommendations made with regard to design of entrance porches, window and door specification and wall systems. Request that condition imposed requiring development to achieve Secured by Design accreditation.
- 4.10 Education – Financial contribution should be requested to go towards the cost of creating additional school places needed as a consequence of the new development.
- 4.11 Waste and Recycling – no objections. Waste and recycling will need to be left at front boundary of property on collection days.

## **5. Relevant Policy**

- 5.1 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.6 (children's and young people's play and informal recreation facilities), 3.8 (housing choice), 3.10-3.13 (affordable housing), 5.1-5.3 (climate change mitigation), 5.12 (flood risk management), 5.15 (water use and supplies), 5.21 (contaminated land), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.1 (lifetime neighbourhoods), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.8 (heritage assets and archaeology), 7.18 (protecting open space and addressing deficiency), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.
- 5.3 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP15 (Environmental Management); CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC18 (protection of public open space, recreation, sports and leisure facilities), DC21 (major developments and open space, recreation and

leisure facilities), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC36 (Servicing), DC40 (Waste recycling), DC48 (Flood Risk); DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document and the Planning Obligations Supplementary Planning Document (technical appendices)

## **6. Staff Comments**

6.1 The main issues in this case are the principle of development, the impact on the streetscene, neighbouring amenity, highway and parking issues, flood risk and infrastructure.

## **6.2 Background**

A previous planning application was submitted in December 2015 for residential development on this site (application reference P1536.15). The application was for outline planning permission to build 32 units on the site comprising 13, two bed and 3, three bed flats; 4, two bed houses and 12, 3 three bed houses. The application was considered by the Regulatory Services Committee where it was resolved, contrary to the officer recommendation, that planning permission be refused. Permission was refused for the following reasons:

- The proposal would result in the loss of public open space contrary to Policy DC18 (Protection of Public Open Space, Recreation, Sports and Leisure Facilities) of the Core Strategy and Development Control Policies Development Plan Document.
- The proposal would cause traffic congestion and consequently would have an adverse impact on the functioning of the road network contrary to Policy DC32 (The Road Network) of the Core Strategy and Development Control Policies Development Plan Document.
- The proposal would result in a development which is out of character with the surrounding area and which provides cramped units of accommodation contrary to Policy DC3 (Housing Design and Layout) of the Core Strategy and Development Control Policies Development Plan Document.
- In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

- In the absence of a legal agreement to secure contributions towards the demand for children's play space arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies CP8, DC30 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

6.3 The application currently under consideration differs from the refused scheme in the following key respects:

- The site area is now larger at 0.79 hectares compared to 0.5 hectares previously. Both schemes however do not utilise the entire amenity green as they retain an undeveloped, community space at the southern end of the site. This is smaller in the current application compared to the refused scheme.
- The layout of the development has been significantly altered, with all of the flatted units now removed and replaced with two storey housing with private rear gardens. The units are now arranged as a mix of detached, semi-detached and terraced housing, arranged around the perimeters of the site.
- The number of units proposed has reduced by two to a total of 30 units. Parking provision has increased from 48 spaces previously to 55 spaces - a ratio of 1.8 spaces per unit compared to 1.5 per unit previously.
- All of the dwellings have private rear gardens.

6.4 The difference between the respective applications and whether the revised proposals are considered to overcome the previous grounds for refusal will be addressed in the report below.

## 7. **Principle of development**

7.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and isn't formally designated as Public Open Space in the Local Development Framework. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with the National Planning Policy Framework.

7.2 Residents have referred to a Right of Way across the land. However, this is a very specific legal term and there is no formal Right of Way that Staff are aware of. The land subject of this application is highways land and would however require a stopping up order, which is outside of the planning application process. Staff are also aware that residents have separately sought to make a village green application. The process for this is also outside the planning application process and would not, of itself, prevent the determination of this planning application. Recent changes to legislation around village greens (Growth and Infrastructure Act 2013) prevent such applications where planning applications have been made.

- 7.3 Many of the representations received comment that the green is well used by local people, particularly children, as an amenity area. The land is covered by the terms of LDF Policy DC18 and London Plan Policy 7.18. The previous application was refused partly on the grounds of loss of this public open space, citing conflict with Policy DC18. In Staff's view, loss of an open space or green such as this one can be justified where it is demonstrated that there would be an improvement to the quality of open space in the vicinity or by remedying qualitative and quantitative deficiencies in open space elsewhere in the Borough. In terms of wider considerations, the proposal also needs to be weighed against the benefits derived from the proposed delivery of affordable housing on the site, in line with the Borough housing targets.
- 7.4 The proposal would effectively reduce the publicly accessible part of the green to an area of some 0.11 hectares, located at the southern end of the site and which would be landscaped and retained as a communal amenity area. In comparison to the previously refused scheme, the area retained for communal use is smaller and no longer includes the planned provision of children's play facilities.
- 7.5 Policy DC21 of the LDF states that the Council will require major new residential development to include provision for adequate open space, recreation or leisure facilities. The justification states that this should be by increasing the number of facilities or improving existing facilities. An open space assessment has been submitted with the application, which demonstrates the availability and location of open space within the vicinity of the application site. It is noted that while the site, judging from the representations received, has an amenity role for local residents, it currently does not provide any apparatus, facilities or sports provision.
- 7.6 In terms of LDF policy, it should be noted that the evidence base underpinning existing policies dates from 2005. An updated open space assessment will be produced to support the emerging Local Plan. Given the age of the existing policy document, it is judged that the provisions of the London Plan are more up to date. Policy 7.18 of the London Plan states that the loss of local protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.
- 7.7 The open space assessment submitted with the application indicates that there are a number of formal areas of open space within the locality, which are larger or better equipped than the application site. The closest open space to the site is the Lessa site, which is within 5 minute walking distance of the application site and contains some three hectares of open space, a play area and ball court. There are other areas of open space within a greater walking/cycling distance from the site and the site also lies relatively close to Hornchurch Country Park. As such, the locality is considered to be relatively well served in terms of access to public open space. The retention of this amenity land is not justified in terms of local need.



7.8 It is no longer proposed to install play equipment on the communal area at the southern end of the site. This is partly because the current proposals no longer include flatted development and each dwelling has access to a private rear garden, so play space is not now required on site under the provisions of the Havering Residential Design Supplementary Planning Document. The applicant has instead agreed to make a financial contribution of £30,000 to be spent on improving play facilities within the nearby Lessa site. Whilst it is acknowledged that the amenity value of the existing site would be diminished, by reason of its reduction in size, it is considered that the locality is well served by publicly accessible open space within reasonable proximity to the site. The proposed financial contribution would enable an improvement to the existing nearby Lessa open space that would have a wider community benefit. In this respect, the proposal is considered to be consistent with the objectives of the London Plan by contributing to better quality provision within the local catchment area.

7.9 Having regard to the age of the evidence base underpinning the current development plan, the submission of an open space assessment demonstrating the availability of public open space locally and the opportunity to improve the quality of the facilities available in the nearest public open space (Lessa site), Staff are satisfied that the proposed development would be acceptably mitigated. The proposal also needs to be weighed against the benefits derived from the proposed delivery of affordable housing on the site, in line with the Borough housing targets. The application site will retain some publicly accessible communal space and will enable the improvement of existing amenity provision nearby. Staff therefore consider that the previous refusal reason which focussed on the loss of public open space was not sufficiently justified and that the principle of the development is therefore acceptable.

## **8. Density and site layout**

8.1 The Density Matrix in Policy DC2 seeks to guide higher density development to those parts of the Borough having good access to public transport. Policy DC2 indicates a density requirement of 30-50 dwellings per hectare and the London Plan advises a density of 40-80 dwellings per hectare. The proposal achieves a density of some 38 units per hectare on this 0.79 hectare site, which is comfortably within the range indicated by Policy DC2 and slightly below the London Plan. It is considered that the density proposed is acceptable from a policy perspective.

8.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. The proposal would provide 2 and 3-bedroom affordable housing and this mix is considered to be acceptable.

8.3 Policy 3.5 of the London Plan requires new development to meet requirements for accessibility and adaptability, minimum space standards

and water efficiency. In terms of internal space, the London Plan sets minimum requirements of 79 square metres for 2 bed, 4 person dwellings, 84 square metres for 3 bed, 4 person dwellings and 93 square metres for 3 bed, 5 person dwellings. Although all matters are reserved, the indicative floor plans for each of the three proposed house types indicate that the application will comply with the requirements set out in the London Plan housing standards. Matters relating to accessibility and adaptability can be controlled by condition.

- 8.4 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. Each of the houses proposed is shown on the indicative plans with a rear garden and the smallest of these has an area of 46 square metres. It is considered that the rear gardens and the amenity spaces are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 8.5 As referred to previously, the site will also retain a communal area of some 0.11 hectares to the south of the site for public use and recreation. This is in addition to the proposed Unilateral Undertaking contribution towards the improvement of local play facilities.

## **9. Design/impact on street/Garden scene**

- 9.1 The development proposes the construction of family housing on the site. The proposed buildings are a range of detached, semi-detached and terraced housing. They are laid out in linear form around the perimeters of the site and it is considered that the form and layout of development indicated would be compatible with the character of surrounding development. All dwellings are indicated to be set back from the site frontages in a manner that is consistent with local character and setting.
- 9.2 Scale and appearance are reserved matters. The floor plans indicate that the development proposed is for two storey housing. It is considered that it would be possible to design the buildings in such a way that they would be appropriate to the area and that the site can accommodate the density proposed without having an adverse impact on the surrounding built form. Given the staggered building lines within the site and the layout of some of the garden areas, it is considered appropriate to remove permitted development rights for the development to ensure that the residential amenities of future occupiers are protected.
- 9.3 Staff consider that the current proposals, which have removed the previously proposed flatted elements of the development, and instead create a development solely of family housing, gives rise to a suitably spacious form of development that is compatible with local character. As such, the previous ground for refusal, which was based around harm to local character and cramped development, is judged to be acceptably overcome.

- 9.4 Landscaping is a reserved matter and no detailed landscaping scheme has been submitted. Residents have commented that the loss of a part of the amenity green including existing trees, both mature and recently planted, will be detrimental to local wildlife. An Ecological Survey of the site has been commissioned. The survey identified the largest tree with the most bat roost potential but, following detailed inspection, in the form of an Aerial Bat Roost Survey, it is concluded that there is low risk of use by hibernating bats. The report recommends however that as a precaution felling of trees should only take place when bats are active and outside the main bird nesting season unless a pre-felling survey has been undertaken. Other precautions are also recommended, which can be secured by condition. The survey also states that badgers and hedgehogs may use the site for foraging and any trenches or other excavations left open overnight should be furnished with gently sloping planks so that any animals which fall into the excavation can make their escape. It is considered that should planning permission be granted, conditions should be imposed to require the development to be undertaken in accordance with the recommendations of the Ecological Appraisal and the Aerial Bat Roost Survey, which would include restriction on the timing of tree works. A condition can be imposed to provide ramps in any trenches left overnight to prevent the trapping of wildlife.
- 9.5 The application would involve the loss of a number of trees from the site, particularly in the north-western and north-eastern corners of the site. Some existing landscaping features will be retained, including at the southern end of the site. In order to help to mitigate the issues of loss of habitat, the applicant has offered to enter into a Section 106 agreement to landscape the part of the amenity green to the south of the proposed development. This landscaping would provide semi-mature trees and grassland to create a landscaped communal amenity area.
- 9.6 It is noted that the site currently contains a memorial plaque to commemorate New Zealand soldiers killed in the First World War. It is located in the north-western corner of the site adjacent to an existing tree. It is not clear how long the plaque has been on the site but it appears to have been installed relatively recently. It is understood that the plaque is in a similar location to a memorial that previously existed on the site but was demolished some time ago. The plaque, in its current position would effectively be within the plot of one of the proposed dwellings. Staff understand that the relocation of the plaque is a sensitive issue. However, given the location of the plaque and that the tree it is adjacent to would be felled by the proposed development, Staff consider that it would be reasonable in this case for the plaque to be re-sited elsewhere on the site in a location where it could be much more widely appreciated by the local community. It is suggested that this might be most appropriately sited within the proposed communal amenity area. The applicant is fully aware of the sensitivities of re-siting the plaque and has given a commitment to its re-provision within the communal area within a high quality landscaped setting, that will enable the plaque to benefit from enhanced prominence in

the site and better access for those wishing to commemorate. This matter can be controlled by condition.

#### **10. Impact on amenity**

- 10.1 It is not considered that the proposal would result in any material loss of amenity to neighbouring properties. The nearest dwellings are some 20 metres from the proposed development and this separation would preclude any significant loss of light or privacy.
- 10.2 Dwellings on New Zealand Way, Gisborne Gardens and Queenstown Gardens face across these respective roads towards the application site. There would be some loss of view across the existing open space from these properties, however private views are not protected by planning legislation and this issue cannot be taken into account when considering the application.
- 10.3 Loss of outlook is a planning consideration and this occurs when new development has the potential to cause a sense of enclosure to occupants of existing buildings - for example, where a wall is proposed to be close to a window. In this case the separation of the new buildings from the existing dwellings is considered to be more than enough to preclude any such loss of outlook.

#### **11. Highway/parking issues**

- 11.1 Policy DC2 of the Core Strategy and Development Control Policies Development Plan Document indicates that parking should be provided at a level of 2-1.5 spaces per unit for a site with a PTAL of 1-2. The London Plan provides for parking provision up to 2 spaces per unit but notes that the maximum number of parking spaces for a two bed unit should be less than one space per unit and up to 1.5 spaces per unit for a three bed dwelling. 55 spaces are provided for 30 units - an overall average of 1.8 spaces per unit which complies with, and exceeds the minimum requirements, of the policy. The applicant has indicated that the parking spaces would be allocated so that the three bed houses have 2 parking spaces each, and the two bed houses have 1 space each. A condition could be imposed requiring the submission of a parking allocation plan. The London Plan also requires that 20 percent of all spaces must be for electric vehicles with an additional 20 percent passive provision for electric vehicles in the future. This can be secured by condition.
- 11.2 The proposal now represents an increase in parking provision compared to the previously refused scheme and is judged also to have a more functional arrangement of the parking spaces relative to the individual dwellings they serve. The proposal is entirely consistent with parking standards and it is considered that there are no grounds on which to refuse the application based on parking provision.

- 11.3 The Council's Highways Authority has no objection to the proposal but has requested that the width of the footways are increased to 1.8m minimum. This can be secured by condition. No objections are raised on the ground of highway capacity or congestion. As such it is now considered that the previous grounds for refusal relating to traffic congestion and impact on road network have been overcome.
- 11.4 Residents have raised concerns that the proposed access road will not be adequate for emergency services access. Highways have raised no objection to the road width and no objections have been raised by the Fire Brigade. The majority of the properties will be accessed from the existing highway. As such, Staff are satisfied that the proposal is acceptable in this respect.
- 11.5 Conditions are recommended to ensure adequate refuse and recycling provision and cycle storage facilities.

## **12. Flood Risk**

- 12.1 A part of the site is in Flood Zone 2 and as a result a Flood Risk Assessment has been carried out. The conclusions of the assessment are set out below.
- Although the site is protected by existing flood defences, a precautionary approach is recommended and as a minimum the floor levels should be 4.55 metres above sea level which is 300mm above the 1 in 1000 year flood event level [note: the ground level of the site varies between 5.3 metres above sea level in the north east to 3.9 metres above sea level in the south west];
  - As the development will result in a significant increase in impermeable area it is recommended that sustainable drainage systems are used to manage the increase in surface water runoff. Attenuation of runoff would be achieved through the use of below ground cellular storage.
- 12.2 The minimum floor level suggested can be required to be achieved by the reserved matters application which must be submitted to provide the details of the design of the scheme.
- 12.3 Should the current application be approved it is proposed that a condition is imposed to ensure the submission of details of a sustainable drainage system prior to the commencement of development and the subsequent implementation of the system prior to occupation.

## **13. Infrastructure**

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

- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 13.4 There has been a recent change to the effect of the CIL Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly shows the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early 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, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 per dwelling towards education projects required as a result of increased demand for

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

- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £180,000 for educational purposes would be appropriate.

#### **14. Affordable Housing**

- 14.1 The proposal is for 30 dwellings and is subject to affordable housing policies set out in Policies DC6 of the LDF and 3.11 of the London Plan. The application proposes that 66.6% of the proposed dwellings would be provided as affordable housing. The tenure split would be as follows:

- 10 units of affordable rent (4No. 2bed/4person; 4No. 3bed/4p; 2No. 3bed/5p)
- 10 units of shared ownership (2No. 2 bed/4person; 8No. 3bed/5p)
- 10 units for open market sale (2No. 2 bed/4person; 8No. 3bed/5p).

- 14.2 The proposal is considered to make acceptable provision for affordable housing within the development. Such provision should be secured by way of a Unilateral Undertaking

#### **15. Securing the above matters**

- 15.1 The Council owns the land. This means that the Council is unable to enter into a contract with itself; s106 agreements and unilateral undertakings are contracts. The National Planning Policy Guidance does advise in the section dealing with the use of conditions, that “in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate”. Whilst these matters can be secured through the use of Grampian style conditions, that is less than ideal especially where financial contributions are involved.

#### **Mayoral CIL**

- 15.1 The dwellings are liable for Mayoral CIL and the extent of liability would be determined at the reserved matters stage.

#### **16. Conclusion**

- 16.1 The site is considered to be acceptable in principle for residential development and is considered possible to construct dwellings that would be appropriate. The proposal would have an acceptable relationship to nearby properties and would provide suitable amenity provision for future occupiers. The amount and configuration of the parking is considered to

be acceptable. There would be a financial contribution of £180,000 for education purposes. The development will make acceptable provision for affordable housing, in excess of current policy requirements. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

## **IMPLICATIONS AND RISKS**

### **Financial Implications and risks:**

None.

### **Legal Implications and risks:**

Legal resources may be required to prepare and complete the legal agreement. The obligations are lawfully required to mitigate the harm of the development, and comply with the Council's planning policies. Officers are satisfied that the decision is compliant with the statutory tests set out in the CIL Regulations to planning obligations given the special circumstances of the Council being the owner of the land.

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

### **Human Resource Implications:**

None.

### **Equalities and Social Inclusion Implications:**

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

## **BACKGROUND PAPERS**

1. Application forms and plans received 20/3/2017.