



# Havering

L O N D O N B O R O U G H

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
29 June 2017**

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

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**

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

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

Reporting means:-

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

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

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

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

## **AGENDA ITEMS**

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

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

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

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

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

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

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

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

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 8)**

To approve as a correct record the minutes of the meeting of the Committee held on 1 June 2017 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 9 - 42)**

- 6      **P0433.17 - 36 COLLIER ROW LANE** (Pages 43 - 64)
- 7      **P0587.17 - CROW LANE/SANDGATE CLOSE, ROMFORD** (Pages 65 - 96)
- 8      **P0671.17 - MARDYKE FARM, DAGENHAM ROAD** (Pages 97 - 108)
- 9      **P0485.17 - 123 VICTORIA ROAD** (Pages 109 - 128)
- 10     **P0729.17 - 9 FAIRLAWNS** (Pages 129 - 148)
- 11     **P0196.15 - HAVERING COLLEGE** (Pages 149 - 174)
- 12     **P0549.17 - SITE AT RONEO CORNER** (Pages 175 - 192)
- 13     **PLANNING OBLIGATIONS/LEGAL AGREEMENTS** (Pages 193 - 196)
- 14     **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS** (Pages 197 - 238)
- 15     **SCHEDULE OF ENFORCEMENT NOTICES** (Pages 239 - 258)
- 16     **PROSECUTIONS UPDATE** (Pages 259 - 260)
- 17     **SCHEDULE OF COMPLAINTS** (Pages 261 - 262)
- 18     **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  
1 June 2017 (7.30 - 8.50 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Steven Kelly,  
Melvin Wallace, 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 Philippa Crowder.

+Substitute members: Councillor Robert Benham (for Philippa Crowder).

Councillors Osman Dervish, Damian White, Michael Deon Burton and David Durant were also present for part of the meeting.

50 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.

## 256 **MINUTES**

The minutes of the meetings held on 27 April and 11 May 2017 were agreed as correct records and signed by the Chairman.

257 **P0407.17 - LAND BOUNDED BY NEW ZEALAND WAY, QUEENSTOWN GARDENS & GISBORN GARDENS, RAINHAM**

The application before Members was for outline permission for the erection of thirty 2 and 3 bedroom dwellings – twenty-two 3 bedrooms and eight 2 bedroom dwellings.

The matter was brought before the Committee as the application site was Council owned.

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

The objector commented that the proposed development would lead to a loss of amenity for the existing residents. The objector also commented that the green area was used as a play area for children, was used for community events and was the site of a war memorial. The objector also commented that the site was also the subject of a Village Green application.

In response the applicant's agent commented that the proposal would provide much needed homes and would comprise of a mixed tenure of low rise properties. The agent also commented that the site was not a designated public open space. The applicant concluded by commenting that there would still be some amenity space at the southern end of the site and that the proposal included a financial contribution to improve the facilities at the nearby Lessa play area.

With its agreement Councillors Michael Deon Burton and David Durant addressed the Committee.

Councillor Burton commented that the proposal was very similar in nature to the previously refused application with just a few minor tweaks. Councillor Burton also commented that the green was in constant use by residents and had also been used for community events. Councillor Burton concluded by commenting that a more appropriate site would be needed for the development as the one chosen, if developed, would lead a cramped overbearing development that would lead to a loss of residents currently living nearby.

Councillor Durant commented that the Council had previously declared its intention to provide 30,000 new homes in the borough but there were more suitable sites rather than using high value green spaces. Councillor Durant concluded by commenting that the previous similar proposal had been refused and that consideration of the current application should be deferred until after a decision on the Village Green status had been taken.

At the Chairman's discretion Councillor Damian White, Cabinet Member for Housing, addressed the Committee.

Councillor White commented that there was a strong need and desire for housing within the borough. Councillor White also commented that there were approximately 2500 people currently on the Council's housing waiting list and that the current housing stock was just not sufficient.

During the debate Members discussed the previous planning history of the site and the reasons for the previous refusal of planning permission.

Members also discussed the Village Green application and sought and received clarification from the Committee's Legal Adviser as to whether determination of the proposal could be undertaken prior to a decision being taken regarding the village green application.

Members also discussed the suitability of the site for re-development with several Members commenting that there were other more suitable brownfield sites in the south of the borough.

The report recommended that planning permission be granted however following a motion to defer the consideration of the application which was carried by 7 votes to 4 it was **RESOLVED** that consideration of the application be deferred for further information in regard to:

- The legal implications of the current Village Green application, together with an update on the current status of the application and the next steps.
- Whether any other legal processes should have been followed prior to submission of the application, including the appropriation of land.
- Further details of the walk time to alternative open spaces in the vicinity of the site.

The vote for the resolution to defer consideration of the report was carried by 7 votes to 4.

Councillors Kelly, Donald, Hawthorn, Nunn, Whitney, Martin and Williamson voted for the resolution to defer consideration of the application.

Councillors Misir, Benham, Wallace and White voted against the resolution to defer consideration of the application.

258 **P0518.17 - 112 MASHITERS WALK, ROMFORD**

The report before Members proposed a single storey rear, part double side extension plus roofspace conversion with the extension to include a rear dormer and velux roof lights.

Members noted that the application had been called-in by Councillor Osman Dervish on the grounds that the proposed plans would cause overlooking, a loss of light and amenity for a neighbouring property as well as having massing issues of bulk.

With its agreement Councillor Osman Dervish addressed the Committee.

Councillor Dervish commented that the proposal was an overdevelopment of the site and would affect neighbouring properties amenity. Councillor Dervish also commented that there could be issues with party wall disruption and damage. Councillor Dervish concluded by commenting that the proposal would block sunlight to neighbouring properties and increase light pollution at night from the additional lighting.

During the debate Members sought and received clarification of the dimensions of the proposal and how it would sit in the streetscene.

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

The vote for the resolution to grant planning was carried by 8 votes to 3.

Councillors Misir, Benham and White voted against the resolution to grant planning permission.

259 **P0384.17 - COOPERS COMPANY AND COBORN SCHOOL, ST MARY'S LANE, UPMINSTER - NEW TWO STOREY STEM BUILDING (CONNECTED TO THE MUSIC BLOCK) TO CONSIST OF THREE SCIENCE CLASSROOMS, TWO D & T CLASSROOMS AND ONE LECTURE DISPLAY. DEMOLITION OF EXISTING SINGLE STOREY D & T BUILDING CONSISTING OF THREE D & T CLASSROOMS**

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

260 **P1507.16 - HEATON AVENUE GARAGE SITE - ERECTION OF THREE DETACHED CHALET BUNGALOWS**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £6,140 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £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 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.
- It was resolved to grant planning permission subject to completion of the s106 agreement by 27 November 2017 or in the event that the s106 agreement was not completed by 27 November 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.

261 **P1508.16 - MOWBRAYS CLOSE GARAGE SITE - DEMOLITION OF EXISTING GARAGES AND ERECTION OF FOUR TWO-STOREY SEMI DETACHED HOUSES WITH ASSOCIATED PARKING AND HARD AND SOFT LANDSCAPING**

The Committee considered the report, noting that the proposed development qualified for a Mayoral CIL contribution of £7,648 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 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 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.
- 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 was not completed by 27 November 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.

262 **P0343.17 - DAME TIPPING SCHOOL, NORTH ROAD, HAVERING-ATTE-BOWER - DEMOLITION OF EXISTING EXTENSIONS AND THE CONSTRUCTION OF A SINGLE STOREY CLASSROOM BLOCK**

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

263 **P0446.17 - SUNNYSIDE FARM, RISEBRIDGE CHASE**

The report before Members sought planning permission for the change of use and conversion of two detached barns to form two detached self-contained dwellings.

During the debate Members discussed the impact the proposal would have on the Green Belt and possible further conversions on the site.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds of adverse impact on the openness and character of the Green Belt and therefore inappropriate development and also on the grounds of no education contribution.

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

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

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

264 **P0489.17 - 66 HAROLD COURT ROAD - DEMOLITION OF AN EXISTING HOUSE AND OUTBUILDINGS AND THE CONSTRUCTION OF A REPLACEMENT DWELLING**

The Committee considered the report 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:

- Agreement by the applicant to ensure that any previous extant planning permissions for a replacement dwelling on the site were 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 was 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 was 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 as set out in the report and also subject to a recalculation of any Mayoral CIL requirement.

265 **P0599.17 - 233 HIGH STREET, HORNCHURCH - ERECTION OF A DEMOUNTABLE DOUBLE CLASSROOM AT THE REAR OF THE SITE**

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

---

**Chairman**

This page is intentionally left blank

## Regulatory Services Committee

29 June 2017

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
P0537.17	Squirrels Heath	8 Rowan Walk, Hornchurch, RM11 2JA
P0539.17	Squirrels Heath	8 Rowan Walk, Hornchurch, RM11 2JA
P0600.17	Pettits	7 Chaseside Close, Romford, RM1 4LZ
P0655.17	Harold Wood	66 Shepherds Hill, Romford, RM3 0NU
P1927.16	South Hornchurch	Creek Way, Rainham

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 29th June 2017

**APPLICATION NO.** P0537.17  
**WARD:** Squirrels Heath **Date Received:** 31st March 2017  
**Expiry Date:** 3rd July 2017

**ADDRESS:** 8 Rowan Walk  
HORNCHURCH

**PROPOSAL:** CONVERSION OF GARAGE INTO HABITABLE ROOM AND  
ERECTION OF SINGLE STOREY FRONT EXTENSION

**DRAWING NO(S):** ZAAVIA/8RW/104 ISSUE A  
ZAAVIA/8RW/105 ISSUE A  
ZAAVIA/8RW/201 ISSUE A  
ZAAVIA/8RW/202 ISSUE A  
ZAAVIA/8RW/203 ISSUE B  
Plan with site edged in red

**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 Damian White on the grounds of the size, scale and impact upon the local area neighbouring property. Also, being out of keeping with the surrounding built environment.

### **SITE DESCRIPTION**

Residential, two storey detached dwelling finished in a mixture of painted render and face brick. Parking for five vehicles, one in the garage and four on the driveway to the front of the property. The surrounding area is characterised by predominately two storey semi-detached dwellings.

### **DESCRIPTION OF PROPOSAL**

Planning permission is sought for a garage conversion into a habitable room and single storey front (side) extension. The front extension would project 4.7m beyond the existing garage with the front canopy projecting a further 0.85m

### **RELEVANT HISTORY**

ES/HOR 551/52 - House - Approved.

L/HAV 1072/72 - Garage, bedroom & living rooms - Approved.

321/80 - Front/side extension & internal alterations - Refused.

693/81 - Front extension - Approved.

T0053.05 - Application for removal of tree located in front garden (T5 on plan) covered by tpo 28/80

P0539.17 - Erection of first floor extension - Awaiting a decision. Application reported separately on this agenda.

D0166.17 - Col for proposed loft conversion with two side dormers and front skylight - Awaiting a decision.

P0751.17 - Erection of two storey front extension and front veranda - Awaiting a decision.

## **CONSULTATIONS / REPRESENTATIONS**

Two e-mails of representation were received with their comments summarised below.

- Loss of light
- Loss of privacy due to the position of the proposal (verandah).
- Sense of enclosure due to the erosion of the spacing between the dwellings.
- Combination of all the planning applications would close the distance between the properties.
- Concerns if any flank windows were proposed due to a loss of privacy.
- Loss of view.

In respect to above comment, the Planning Department can only assess the impact of the proposal on its own individual merits. A loss of view is not material planning consideration.

The other comments will be assessed under the following sections of the report.

The Highways Department has no objection to the proposal.

## **RELEVANT POLICIES**

### LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD

### OTHER

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

## **MAYORAL CIL IMPLICATIONS**

Application is not CIL liable.

## **STAFF COMMENTS**

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

Front extensions and porches can have an intrusive effect on the street scene; therefore front extension should not normally be more than 1m in depth from the main front wall of the original dwelling. In this case, although the proposal is forward of the existing garage, it is located primarily to the side of the proposed dwelling.

Staff consider the proposed extension would not unacceptably impact on the street scene and the canopy porch would not project beyond the principal front wall of the existing dwelling and be well removed from the street. Given that the materials used would match the existing dwelling, it is not considered that there would be any adverse effect on the surrounding environment.

It is considered that the proposed development would be designed in sympathy with the existing dwelling. No objections are raised from a visual point of view.

### **IMPACT ON AMENITY**

Consideration has been given to the impact on neighbouring dwellings in terms of loss of light and loss of privacy.

The development would be located on the north side of the dwelling. There would be no material impact on No.10 Rowan Walk, which is located to the south west side of the existing dwelling and well separated from the extension.

Of a greater concern would be the potential impact on the neighbouring property at No.6 Rowan Walk.

The proposed front/side extension would be built up to the boundary with this neighbour. It is noted that this neighbour has a number of windows on the side of the dwelling with the majority of them serving non-habitable areas such as w.c., landing and a storage area. However, adjacent to the application site's garage, No.6 has kitchen window which is the main light source to this area. In addition, it should be noted that No.6 has benefited from a two storey rear extension. In such cases, where neighbouring properties have extended to the rear and consequently removed the rear window on the original rear elevation, although each application will be determined on its particular merits, generally less weight is afforded to any loss of light or other amenity arising from the development.

Negotiations have been undertaken to reduce the impact on the neighbouring kitchen window at No.6 and the agent has lowered the eaves and overall height from 3m and 4m respectively to 2.6m and 3.5m respectively and the roof would be hipped away from the neighbouring window.

The development will not encroach upon a notional line of 45 degrees taken from the kitchen window sill due to the separation distance between the proposal and the neighbouring window and, given compliance with the guidance in the Residential Alterations and Extensions SPD, is judged not to result in material harm to neighbouring amenity.

A condition would be imposed to ensure no flank windows or for the roof of the side extension to be used as a balcony will be added to the development without obtaining prior consent from the Planning Department.

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.

In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

### **HIGHWAY / PARKING**

There is currently provision for the parking of five vehicles within the curtilage, one in the garage and four on the driveway in front of the property. Policy DC33 requires 2 parking spaces to be



provided for developments up to four bedrooms. Although the proposed development would remove the use of the garage and to the side of the house, therefore reducing the parking provision to two vehicles, the remaining provision would be acceptable for a property of this size. No highway or parking issues would arise as a result of the proposal.

## **KEY ISSUES / CONCLUSIONS**

Having regard to all material considerations it is therefore considered that the proposal is acceptable and that planning permission should be granted.

## **RECOMMENDATION**

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

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

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

Reason:-

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

### **2. SC10 (Matching materials)**

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

Reason:-

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

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

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

Reason:-

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

### **4. SC45 (Standard Porch Condition)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Article 3, Schedule 2, Part 1, Class D no porches shall be erected to the building(s) hereby permitted, 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:-

The building as designed and located is (are) such that the Local Planning Authority need to retain control over any further extensions not forming part of this application, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

**5. SC46 (Standard flank window condition)**

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

Reason:-

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

**6. SC48 (Balcony condition)**

The roof area of the 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. Approval following revision**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Zaavia Design by phone 23/05/17. The revisions involved reducing the overall and eaves height of the single storey front (side) extension. The amendments were subsequently submitted on 23/05/17.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 29th June 2017

APPLICATION NO. P0539.17  
WARD: Squirrels Heath Date Received: 31st March 2017  
Expiry Date: 3rd July 2017  
ADDRESS: 8 Rowan Walk  
HORNCHURCH  
PROPOSAL: ERECTION OF FIRST FLOOR REAR EXTENSION  
DRAWING NO(S): ZAAVIA/8RW/101 ISSUE A  
ZAAVIA/8RW/102 ISSUE A  
ZAAVIA/8RW/103 ISSUE A  
ZAAVIA/8RW/104 ISSUE A  
Plan with site edged in red  
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 Damian White on the grounds of the size, scale and impact upon the local area neighbouring property. Also, being out of keeping with the surrounding built environment.

### SITE DESCRIPTION

Residential, two storey detached dwelling finished in painted render and face brick. Parking for five vehicles within the site, one in the garage and four on the driveway. The surrounding area is characterised by predominately two storey dwellings or various styles and designs.

### DESCRIPTION OF PROPOSAL

Planning permission is sought for a first floor rear extension which would extend the full width of the existing dwelling and have a depth of between 2m and 3m. The proposal would have a combination of a pitched and flat roof to mirror the existing dwelling.

### RELEVANT HISTORY

ES/HOR 551/52 - House - Approved.

L/HAV 1072/72 - Garage, bedroom & living rooms - Approved.

321/80 - Front/side extension & internal alterations - Refused.

693/81 - Front extension - Approved.

T0053.05 - Application for removal of tree located in front garden (T5 on plan) covered by tpo 28/80

Y0130.17 - Single storey rear extension with an overall depth of 8 metres, a maximum height of 3metres, and an eaves height of 3 metres.(PRIOR APPROVAL) - Refused.

P0537.17 - Conversion of garage room habitable room and erection of single storey front extension - Awaiting a decision. This application is reported separately on this agenda.

D0166.17 - Col for proposed loft conversion with two side dormers and front skylight - Awaiting a decision.

P0751.17 - Erection of two storey front extension and front veranda - Awaiting a decision.

## **CONSULTATIONS / REPRESENTATIONS**

Three e-mails of representation were received, two from the same neighbour with their comments summarised below.

- Loss of light and skyline.
- Loss of light into garden/patio area and bedroom.
- Loss of privacy due to the position of the proposal.
- Sense of enclosure due to the erosion of the spacing between the dwellings.
- Combination of all the planning applications would close the distance between the properties.
- Concerns if any flank windows were proposed due to a loss of privacy.
- Loss of view.

In respect to above comment, the Planning Department can only assess the impact of the proposal on its own individual merits. A loss of view or skyline is not material planning consideration.

The other comments will be assessed under the following sections of 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**

Application is not CIL liable.

## **STAFF COMMENTS**

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

The proposal has no material impact upon the street scene as the first floor rear extension would mainly be visible from the rear garden apart for the oblique view from the street adjacent to No.10. The depth and design of the property is judged compatible with the scale and character of the existing dwelling and therefore no objections are raised to the proposed first floor rear extension

from a visual point of view as the proposal relates acceptably to the existing property.

The acceptability of this application needs to be judged on its own merits and not with regard to other separate planning applications that have been submitted. The flank walls of the proposed first floor extension align with the existing flank walls of the dwelling and, as such, are not considered to materially close down or alter the spacing between the dwellings on either side.

## **IMPACT ON AMENITY**

Consideration has been given to the impact of the proposal on the adjoining properties, primarily in respect of privacy and overshadowing to Nos.6 and No.10 Rowan walk.

No.10 Rowan Walk lies to the south west of the application site and sits further back in the plot due the properties being located on a bend. The depth of the first floor rear extension at 3m complies with Council guidelines. The pitched roof over the 3m deep extension would be a continuation of the existing dwelling and would be hipped away from this neighbour.

The proposal would be separated from the flank wall of the dwelling at no.10 by the side access within the site and by the neighbouring driveway/access to the side of No.10's property which would help to mitigate the proposal. It is noted that this neighbour has no flank windows.

No loss of sunlight would arise as No.10 lies to the south west of the application site.

Given these circumstances and mindful of the particular relationship to this neighbour in relation to the favourable orientation and aspect, any additional light loss to neighbouring property is considered to be modest and acceptable.

Of a greater concern is the potential impact on the neighbouring property at No.6 Rowan Walk which lies to north of the application site. This neighbour has benefited from a two storey rear extension which projects 0.9m beyond the existing first floor of the application dwelling.

The depth of the first floor rear extension adjacent to this neighbour would be less than Council guidelines at 2m deep but mindful that the neighbouring dwelling at No.6 already projects beyond the application dwelling, the proposal would only project a further 1.1m beyond the extended rear wall of No.6 Rowan Walk

As a result, if a rule of thumb notional line was taken from the corner of the unattached neighbour at No.6 created by a 2m set in and permissible depth of the first floor rear extension at 3m, as set out in the Residential Extensions and Alterations SPD, the proposed first floor rear extension would not infringe this notional line and as a result, Staff consider the proposal would not unacceptably impact on the amenity of the neighbouring occupier at No.6 Rowan.

It is noted that No.6 lies to the north of the application site. However it is considered due to the limited depth of the projection of 1.1m beyond the rear wall of the neighbouring two storey rear extension and mindful the proposal has replicated the flat roof design of the existing first side extension to minimise the potential impact on this neighbour that the resultant impact on amenity would be within acceptable tolerances.

Any concerns regarding the potential overlooking from the proposed first floor windows would be unreasonable, as the first floor windows along this section of Rowan Walk already afford views over the rear garden areas of surrounding neighbouring properties. Additionally, these areas are already overlooked by the existing first floor windows of the subject property and by other neighbouring properties. In these circumstances it is considered that any additional loss of privacy will not be of a degree to warrant a refusal of this application and not materially different to the situation that presently exists.

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.

To safeguard privacy a condition would be imposed to ensure the remaining flat roof area of the ground floor rear extension would not be used as a balcony, terraced or other amenity area.

It is considered that the proposal will not unacceptably impact upon the amenities of either of the neighbouring properties and therefore complies with the spirit of the adopted guidelines and as result is not deemed to be unneighbourly.

#### **HIGHWAY / PARKING**

No highway or parking issues would arise from the proposal, as the existing parking arrangement would not be altered.

#### **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. SC10 (Matching materials)**

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

Reason:-

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

**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 Development Plan Document Policy DC61.

**5. SC48 (Balcony condition)**

The remaining roof area of the existing rear extension 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.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 29th June 2017

APPLICATION NO. P0600.17

WARD: Pettits

Date Received: 10th April 2017

Expiry Date: 7th July 2017

ADDRESS: 7 Chaseside Close  
ROMFORD

PROPOSAL: Ground floor rear and side extension and conversion of existing garage into habitable area

DRAWING NO(S): 07-BC-302  
07-BC-303  
07-BC-305  
07-BC-304  
07-BC-307  
07-BC-301  
07-BC-306

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

---

### CALL-IN

This application has been called to committee by Councillor Osman Dervish. This application has been called in on the grounds of overdevelopment and being out of keeping.

### SITE DESCRIPTION

The application site is a two-storey end of terrace dwelling with a painted render exterior. The property features an integrated ground floor garage and has a front driveway which is large enough for two additional parking spaces. The property has previously been extended to both the side and the rear. The surrounding area is residential in nature and features a mixture of semi-detached and terraced dwellings.

No trees will be affected as a result of this proposal.

### DESCRIPTION OF PROPOSAL

The applicant is seeking planning permission for ground floor rear and side extensions and to convert the existing garage into a habitable area.

### RELEVANT HISTORY

N/A

### CONSULTATIONS / REPRESENTATIONS

Letters were sent to 20 neighbouring properties and 11 objections have been received. These objections cited the following:



- Previous works on site resulted in building materials being delivered over neighbouring fences.
- The works will result in substantial parking issues on and around the site. This is already a problem within the surrounding area.
- Overdevelopment which is out of keeping with the relatively modest close.
- Dwelling will be potentially used to operate an internet based business.
- Addition of a gate and drop down curb to the rear of the site has led to problems for residents of Campbell Close.
- Parking in the rear garden from this rear access.
- Anti social behaviour and excessive noise on site.
- Impede light to neighbouring windows.
- Overlooking and loss of privacy.
- Use of land which has previously been maintained by neighbouring residents.

In response to the above, matters relating to material planning considerations have been noted and will be assessed in the amenity section of this report. A number of other issues raised, including potential future business use of the property, potential creation of an access to the rear of the site and issues of anti-social behaviour are not material to the consideration of this planning application.

Highways - No objections.

## **RELEVANT POLICIES**

### LDF

- DC33 - Car Parking
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD

### OTHER

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

## **MAYORAL CIL IMPLICATIONS**

N/A

## **STAFF COMMENTS**

Staff have been contacted by the residents of Campbell Close who are concerned about increasing vehicle movement and a mounting stress on the area's parking provision, as well as concerns about alleged business activities at the site. However, this application relates solely to a proposed side and rear extension and conversion of the existing garage and only issues arising from this development are material to the consideration of this application. Any other matters or concerns do not relate directly to this scheme and as such cannot be considered during the assessment of this application.

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

The proposal will not harm the character of the garden scene as staff consider the rear extensions to be suitably designed and of an acceptable scale, bulk and mass. The proposed rear extensions would also be sympathetic to the neighbouring dwellings and thereby integrates appropriately with the character of the gardenscene.

The proposed rear extension would reflect the design of the existing house as well as providing a sufficient degree of subservience to it. As such, the scheme will not harm the character of the garden scene. There will be no impact on the street scene.

The side extension's design is in keeping with both the existing property and the surrounding area. The structure will have a negligible impact on the street scene and character of the Chaseside Close street scene. Due to its location, the side extension will not adversely impact upon the garden scene.

It is not considered that the conversion of the garage to habitable space would have any unacceptable impact on the street scene. A condition will be attached which enforces the use of matching materials. This will ensure the impact on both the existing dwelling and the surrounding area will be minimal.

### **IMPACT ON AMENITY**

Due to their siting (on the eastern side of the property), both the side and rear extensions are not expected to notably effect the residents of No.8 Chaseside Close. Similarly, officers do not envisage the scheme significantly impacting upon No.6. While the maximum depth slightly exceeds what is usually permitted for a terraced property, the rear 'infill' extension is located approximately 6 metres from the boundary shared with this non-attached neighbour and approximately 10m from No.6 itself.

Although the works include glazed patio doors which face the garden of No.6, to the east, the proposal is not expected to result in an unacceptable loss of privacy. Due to the existing low level boundary wall, there is a well established element of overlooking between the two properties at present. Taking into account the distance separating the extension from the site boundary, officers do not envisage the patio doors notably effecting the level of privacy between the dwellings. Should members disagree though, the inclusion of a condition which requires the erection of 1.8m high boundary fencing will overcome such concerns.

The side extension appears modest in scale. Measuring 1.5m deep, this protrusion remains 1.5m from the site boundary at its closest point. The flat roof will ensure there is no significant loss of light. An obscure glazed flank window which serves a ground floor toilet will not lead to any privacy related issues.

Given the fact that the garage conversion will not result in any extension to the dwelling, staff do not consider any adverse impact to the neighbouring dwellings in terms of loss of light or amenity will occur.

The extensions proposed are not expected to present an unacceptable impact upon the level of amenity or present unreasonable detriment to the neighbouring properties. Consequently, staff do not consider a refusal would be justifiable in this instance.

## HIGHWAY / PARKING

Although the side garage will be lost as part of this development, there will be sufficient parking for two vehicles remaining on site. There are no highway grounds on which to reasonably refuse this application.

## KEY ISSUES / CONCLUSIONS

The proposal is not judged to adversely affect the character of the property or the visual amenities of the streetscene. This particular development would not cause a detrimental impact upon the residential amenities enjoyed by neighbouring properties.

It is therefore recommended that planning permission is granted.

## RECOMMENDATION

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

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

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

Reason:-

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

### 2. SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accord 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. SC10 (Matching materials)

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

Reason:-

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

### 4. 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

---

**INFORMATIVES**

**1. Approval - No negotiation required**

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 29th June 2017

**APPLICATION NO.** P0655.17  
**WARD:** Harold Wood **Date Received:** 19th April 2017  
**Expiry Date:** 30th June 2017  
**ADDRESS:** 66 Shepherds Hill  
ROMFORD  
**PROPOSAL:** Single storey ground floor front extension including garage conversion into a habitable room  
**DRAWING NO(S):** D07  
D01  
D02  
D06  
D04  
D05  
D03  
**RECOMMENDATION** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

---

### **SITE DESCRIPTION**

The application site is a detached property located on the southern side of Shepherds Hill. The property lies within the Metropolitan Green Belt and development in the surrounding area is characterised by similar detached residential dwellings.

The application premises was constructed in 2007 and replaced a detached bungalow. Several conditions were imposed, including a condition relating to the use of the garage. However permitted development rights were not withdrawn.

### **DESCRIPTION OF PROPOSAL**

Consent is sought for the conversion of the existing garage into a habitable space and the formation of a single storey front infill extension.

### **RELEVANT HISTORY**

- P0762.17 - Single storey ground floor rear extension  
Awaiting Decision
- Y0142.17 - Single storey rear extension with an overall depth of 8m from the original rear wall of the dwelling house, a maximum height of 3.65m and an eaves height of 3m (PRIOR APPROVAL)  
Prior Appr Refused 22-05-2017
- P0979.07 - Detached house with garage  
Apprv with cons 13-07-2007

## **CONSULTATIONS / REPRESENTATIONS**

The application under consideration was advertised in the local press, a site notice displayed adjacent to the site and neighbouring occupiers within the immediate vicinity were notified by way of direct correspondence. No letters of representation have been received in connection with this application.

Environmental Health - No objection

Highway Authority - No objection

## **RELEVANT POLICIES**

### LDF

- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- SPD04 - Residential Extensions & Alterations SPD

NPPF - National Planning Policy Framework

## **STAFF COMMENTS**

The issues arising from this application are the impact on the Green Belt, streetscene and visual impact implications, amenity and parking issues.

## **GREEN BELT IMPLICATIONS**

Policy DC45 does not discourage extensions and alterations within the Metropolitan Green Belt, however it stipulates that "extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling". The NPPF takes a broader view and infers that that proportionate additions to existing dwellings can be appropriate in principle.

The application property as it exists presently, was itself the subject of a planning application made in 2007. It replaced a dwelling of considerably less bulk and therefore represented in itself a significant volumetric increase - staff equate to be in the region of some 87% of the original cubic capacity of the original dwelling.

Given however that this is fundamentally an infill addition, staff consider that the volumetric increase would be negligible. Had this formed part of the original submission to replace the dwelling in 2007, staff consider that it would have been acceptable. Its impact on the openness of the Green Belt in volumetric terms is considered to be negligible.

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

The proposed development would be readily visible from the street-scene, however would not be of detriment to the appearance of the main dwelling, which reads largely as an individually designed property and shares little in common with neighbouring dwellings. The revised entrance and fenestration to the garage not be visually jarring.

## **IMPACT ON AMENITY**

The development proposed does not present any issues in terms of neighbouring amenity.

## **HIGHWAY / PARKING**

Whilst a condition exists to retain the garage for the parking of motor vehicles, there would remain an acceptable level of hard-surfacing on the site to accommodate at least two vehicles.

The Highway Authority have raised no objections.

## **KEY ISSUES / CONCLUSIONS**

In light of the above and having had regard to all relevant planning policy and material considerations, it is the view of staff that the development proposed would be accord with the aims of Policy DC45 and the guidance offered by the NPPF and therefore APPROVAL is recommended accordingly.

## **RECOMMENDATION**

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

### **1. SC10 (Matching materials)**

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

Reason:-

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

### **2. 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).

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

The development hereby permitted shall not be carried out otherwise than in complete accord 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.

---

## **INFORMATIVES**

### **1. Approval - No negotiation required**

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



## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 29th June 2017

**APPLICATION NO.** P1927.16  
**WARD:** South Hornchurch **Date Received:** 24th November 2016  
**Expiry Date:** 7th July 2017

**ADDRESS:** Creek Way  
Rainham

**PROPOSAL:** Construction of 13 commercial units within 4 new buildings with associated access, parking and storage (B1/B2/B8 use)

**DRAWING NO(S):** Site Location Plan - 1360\_P\_001 (Rev A)  
Proposed Site Plan - 1360\_P\_001 (Rev J)  
Proposed Site Roof Plan - 1360\_P\_002 (Rev E)  
Unit 1 Plan - 1360\_P\_010  
Units 2-6 Plans - 1360\_P\_011  
Units 7-9 Plans - 1360\_P\_012  
Unit 10 Plan - 1360\_P\_013  
Units 11-12 Plans - 1360\_P\_014  
Unit 13 Plan - 1360\_P\_015  
Proposed Elevation A and B - 1360\_P\_201 (Rev C)  
Proposed Elevation C and D - 1360\_P\_202 (Rev C)  
Proposed Elevation E and F - 1360\_P\_203 (Rev C)  
Proposed Elevation G and H - 1360\_P\_204 (Rev C)  
Proposed Elevation J and K - 1360\_P\_205 (Rev C)  
Proposed Elevation L and M - 1360\_P\_206 (Rev D)  
Existing and Proposed Section - 1360\_P\_200 (Rev F)

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

---

### **SITE DESCRIPTION**

The application site is a triangular shaped area of land located approximately 1 km to the southwest of Rainham village. It is accessed via Creek Way, which runs east from the corner where Marsh Way turns south into Fairview Industrial Park. The site has an area of approximately 1.12 hectares and comprises an enclosed area of open grassland.

The site is located within an established industrial area. Its western boundary runs alongside Creek Way, which is an unadopted highway providing access to waste management facilities at Frog Island on the north bank of the River Thames. The south-eastern boundary of the site runs alongside Rainham Creek, whilst the north-east boundary adjoins the A13.

The site is not located within a conservation area and is not listed. The site does however form part of the London Riverside Business Improvement District and is allocated as a Strategic Industrial Location within the LDF Proposals Map. The site is located within Flood Zone 3a and is also partially designated as a Site of Nature Conservation Importance.

## **DESCRIPTION OF PROPOSAL**

This application seeks planning permission for the construction of 13 commercial units, arranged within four buildings with associated parking and service yards. The units would range in size (264m<sup>2</sup> to 637m<sup>2</sup> GIA) but overall the development would create 4,865m<sup>2</sup> internal floorspace.

In terms of layout it is proposed that the buildings would be arranged around a new loop road through the site. The units would be constructed using a portal frame and finished in insulated panels with a Staffordshire blue brick plinth. Rectangular panels would be configured to create horizontal bands of differing shades of blue. The units would have mono-pitched roofs (9m in height to top of pitch) and be supported by windows, an access door and a roller shutter door on the front elevation. The applicant proposes that the units would be utilised by B1, B2 or B8 uses.

51 car parking spaces are proposed to support the units, inclusive of eight disabled spaces. Seven motorcycle and 32 cycle spaces are furthermore proposed.

## **RELEVANT HISTORY**

- P0384.15 - Construction of New Data Centre (outline application)  
Lapsed application 10-08-2016
- P1517.14 - Construction of new Data Centre  
Refuse 03-02-2015

## **CONSULTATIONS / REPRESENTATIONS**

Anglian Water - No comments received.

EDF Energy - No comments received.

Environment Agency - No objection. This less vulnerable development may however be subject to internal flooding in a 1 in 100 year, plus climate change, flood event. We would recommend that, where feasible, finished floor levels are set no lower than 300mm above the 1 in 100 plus climate change flood level, or where that is not practical flood resilience/resistance measures are incorporated within the design proposals. The proposal does nevertheless have safe means of access and/or egress if flooding were to occur.

Essex and Suffolk Water - No objection.

Havering Friends of the Earth - No comments received.

Highway Authority - No objection.

HS1 Ltd - No comments received.

London Borough of Havering Emergency Planning - No objection.

London Borough of Havering Environmental Health - No objection subject to a condition in relation

to land contamination.

London Borough of Havering Lead Local Flood Authority - No objection.

London Fire Brigade - No objection.

London Riverside BID - No comments received.

National Grid - No comments received.

TfL - Note that the suggested levels of car parking exceed the London Plan standards. It is therefore recommended that the level of parking is reduced. Blue badge, EVCP and cycle provision should be secured by condition. A Travel Plan and Construction Logistics Plan are also recommended as conditions should planning permission be granted.

Thames Water - No objection. It is the responsibility of the developer to make proper provision for drainage to ground, water course or a suitable sewer.

UK Power Networks - No comments received.

Public consultation: 20 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. No letters of public representation have been received.

## **RELEVANT POLICIES**

### LDF

CP03 -	Employment
CP10 -	Sustainable Transport
CP15 -	Environmental Management
CP17 -	Design
DC09 -	Strategic Industrial Locations
DC12 -	Offices
DC32 -	The Road Network
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC36 -	Servicing
DC48 -	Flood Risk
DC49 -	Sustainable Design and Construction
DC51 -	Water Supply, Drainage and Quality
DC52 -	Air Quality
DC53 -	Contaminated Land
DC55 -	Noise
DC56 -	Light
DC58 -	Biodiversity and Geodiversity
DC59 -	Biodiversity in New Developments
DC60 -	Trees and Woodlands
DC61 -	Urban Design

- DC63 - Delivering Safer Places
- DC70 - Archaeology and Ancient Monuments

#### OTHER

- LONDON PLAN - 4.2 - Offices
- LONDON PLAN - 4.4 - Managing industrial land and premises
- LONDON PLAN - 5.12 Flood risk management
- 
- LONDON PLAN - 5.13 Sustainable drainage
- 
- LONDON PLAN - 5.14 Water quality and wastewater infrastructure
- 
- LONDON PLAN - 5.21 Contaminated land
- 
- LONDON PLAN - 6.13 Parking
- 
- LONDON PLAN - 6.9 - Cycling
- LONDON PLAN - 7.13 Safety, security and resilience to emergency
- 
- LONDON PLAN - 7.14 Improving air quality
- 
- LONDON PLAN - 7.15 Reducing noise and enhancing soundscapes
- 
- LONDON PLAN - 7.4 - Local character
- LONDON PLAN - 7.5 - Public realm
- LONDON PLAN - 7.6 - Architecture
- LONDON PLAN - 8.3 - Community infrastructure Levy
- NPPF - National Planning Policy Framework

#### **MAYORAL CIL IMPLICATIONS**

The additional floorspace which is proposed to be created by this development would be liable for CIL. On the basis of a rate of £20 per m<sup>2</sup>, a Mayoral CIL contribution of £97,300 (subject to indexation) would be required should planning permission be granted.

#### **PRINCIPLE OF DEVELOPMENT**

This site, as previously referred, forms part of a strategic industrial designation within the LDF Proposals Map. Policy DC9 of the Core Strategy states that planning permission will only be granted for B1 (b+c), B2 and B8 uses in the Rainham Employment Area, Harold Hill Industrial Estate and King George Close Estate Strategic Industrial Locations. Given that the development, and subsequently created units, are proposed to be used for B1, B2 or B8 uses, in principle, no objection from a land use perspective is raised. The appropriateness of the development in context of its design and any specific site constraints is nevertheless assessed in greater detail in the below sections of this report.

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

Policy DC61 of the Core Strategy details that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local

area.

This site whilst forming part of a strategic industrial designation is currently vacant, representing largely an area of unmanaged grassland. Staff nevertheless note that on-site one is very much aware of the nearby industrial/employment uses in the Fairview Industrial Estate, given the elevated nature of this area to this site. The presence of the A13 is also defining and, even when walking adjacent to Rainham Creek, the built form and uses on Salamons Way are within eye line.

Staff on review of the proposals, raise no principle objection from a design perspective. It is considered that the applicant has sought to consider the site and its limitations in proposing the site layout and it is considered that the layout appropriately responds to the site context whilst also creating a development which can be read and viewed in isolation.

In terms of the buildings/units staff accept the operational requirements of many businesses and that from a viability perspective developers are keen to avoid over engineered or elaborately designed buildings to ensure that units appeal to range of potential occupiers. Staff nevertheless consider that through the use of a matching material palette, together with consistent fenestration, that the site would appear of sufficient quality. Staff note the proposed use of coloured cladding panels and consider this will add visual interest to the area and help create a sense of character/place.

Overall, staff consider that this development will bring the area into an active use, which would be a benefit to the locality as a whole, and raise no objection from a design perspective.

### **IMPACT ON AMENITY**

Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

In context of the site designation, the development and proposed uses of the units, it is not considered that the development would give rise to any significant amenity impacts. This opinion has been supported by the Council's Environment Health/Public Protection department who have raised no objection to the development coming forward from a noise or air quality perspective.

### **HIGHWAY / PARKING**

As existing there is no formal vehicular access point on to the site. This applications proposes the creation of three access points - one solely providing service access to a substation; and the other two forming the two entry/exits points of the proposed loop road.

The plans submitted with the application seek to show 51 car parking spaces across the site, which is inclusive of 8 disabled (Blue Badge) spaces. The Council does not have a car parking standard for B2 and B8 uses, with it considered cases need to be considered on an individual basis. It is suggested at Annex 5 of the Core Strategy that applicants should have regard to the standards for a B1 use (1 space per 100m<sup>2</sup> floorspace) however it is acknowledged there needs to be a degree of flexibility. The London Plan adopts a similar stance, with it suggested B2 and B8 uses should have regard to B1 standards (one space per 100-600m<sup>2</sup> floorspace).

Across the site 4,865m<sup>2</sup> of floorspace would be created which on the basis of the B1 standards would suggest a parking provision of 49 spaces would be appropriate (1 space per 100m<sup>2</sup> floorspace - albeit noting the range suggested in the London Plan). Although the applicant proposes a slight over-provision in this regard, mindful that standards in both the Core Strategy and London Plan suggest a degree of flexibility for B2 and B8 uses, no principle objection is raised to the suggested parking provision. Concerns raised by TfL with regard to congestion and trip generation from the proposed number of parking spaces is noted but mindful the over-provision is just two spaces it is not considered that this is sufficient to warrant refusal or staff attempting to negotiate a reduction in provision with the applicant. Without prejudice, should planning permission be granted, conditions could be imposed to ensure a policy compliant Blue Badge, EVCP and cycle provision is provided on-site.

Overall, on balance, it is not considered that the development would adversely impact on highway efficiency or safety.

## **OTHER ISSUES**

### **ECOLOGY**

The site is designated as a Site of Nature Conservation Importance, and located approximately 200m away from the Inner Thames SSSI. Policy DC58 of the Core Strategy states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. The application is accompanied by an ecological survey which demonstrates that the proposal, subject to appropriate mitigation measures being incorporated into the site layout, would not result in significant harm to any qualifying features of the SINIC. No objection from an ecological perspective is therefore raised.

### **ARCHAEOLOGY**

The desk-based archaeological assessment submitted with the application concludes that the development may harm underlying geo-archaeological or palaeo-environmental deposits. Further data gathering on the depth and character of deposits within the site is therefore recommended. Staff mindful of this, and previous consultation responses received from Historic England pursuant to other development proposals on this site, consider a pre-commencement condition requiring further assessment appropriate to ensure no undue harm is caused to any heritage asset of significant value.

### **FLOOD RISK**

The application site is located within Flood Zone 3a and the applicant, in context of this, has submitted a Flood Risk Assessment in support of the application. Staff note in general developments should be proposed in areas at little or no risk of flooding, in preference to areas at higher risk. Ultimately with the aim of limiting the amount of development in medium or high flood risk areas (Flood Zones 2 and 3). The Sequential Test seeks to ensure the above and, where possible, direct development towards lower risk areas. In respect of this, the Flood Risk Vulnerability Classification nevertheless suggests that less vulnerable uses (which includes general industrial use) are appropriate in Flood Zone 3a. Whilst therefore there is an preference to direct development towards lower risk areas, from a strategic policy perspective, this is not a

sufficient reason to refuse the application in isolation.

The Environment Agency has been consulted on the application and has raised no objection in context of the above and the mitigation proposed. With regard to this, staff note as part of the proposals the embankment adjacent to Rainham Creek would be reconstructed to ensure that this appropriately fulfils its function as a flood defence for the site. Subject to suitable conditions to ensure this work is undertaken and other recommendations suggested in the FRA are implemented staff do not consider that the development poses a particular safety concern, to future occupiers, in the event of a flood event. It is furthermore not considered that the development would result in an increased risk of flooding elsewhere.

## LAND CONTAMINATION

Without prejudice, subject to a condition being imposed requiring the submission of a land contamination assessment it is considered that staff can ensure that the development does not pose a particular contamination risk. With the aforementioned secured, it is therefore considered that the development complies with policy DC53 of the Core Strategy.

## FOOTPATH CREATION

Staff note that the Council has long-term aspirations to increase accessibility along Rainham Creek, and are hopeful of developing a walking and cycling route from Rainham Village to the industrial areas (and Creek) in the south. Discussions with officers in the Council's Economic Development department have informed the design proposals and in this regard the proposed work to the embankment would include a flattened top with a pea shingle/stone chipping finish suitable for potential adoption in this regard. Subject to appropriate conditions to ensure that this is implemented as part of the proposals, and the top 3m of the embankment bund safeguarded from future development, it is considered that the development would align with the on-going aspirations for increased connectivity.

## ENVIRONMENTAL IMPACT ASSESSMENT

The development is not representative of a Schedule 1 project as detailed within the Town and Country Planning (EIA) Regulations 2011 (as amended). The development does however fall within Schedule 2 under Paragraph 10 (Infrastructure Projects), Class a (Infrastructure Projects - Industrial estate development projects). The screening threshold for such projects is the area of development exceeds 5ha which does not apply in this case. Consideration has nevertheless been given to guidance contained within the PPG together with that detailed within Schedule 3 of the Regulations and although, as suggested in the above report, the Local Planning Authority has acknowledged the potential for environmental impacts and recommended safeguarding conditions, it is not considered that these impacts would be of more than local significance and require the submission of an Environment Statement.

## KEY ISSUES / CONCLUSIONS

The proposed development is considered of an appropriate design, scale, mass and form and it is not considered that it would in any way appear out of character. It is furthermore not considered that the development would give rise to any significant amenity, environmental or highway impacts

which would render the development unacceptable overall. Accordingly, it is recommended that planning permission be granted subject to conditions.

## **RECOMMENDATION**

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

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

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

Reason:-

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

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

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

Reason:-

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

### **3. SC10C (Materials as per application form)**

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 Development Control Policies Development Plan Document Policy DC61.

### **4. SC11 (Landscaping & boundary treatment)**

No building shall be occupied 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. The scheme shall furthermore detail all proposed boundary treatments. 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 and boundary treatment proposed. Submission of a scheme prior to occupation will ensure that the development accords with Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

### **5. SC45B (Restriction of use)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted



Development) (England) Order 2015, the buildings/units to which this application relates shall only be occupied by B1, B2 and B8 uses, as detailed within the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order.

Reason:-

The application has been assessed in context of these suggested uses and in view that this is a strategic industrial designation it is considered appropriate to restrict the permitted uses as such. This restriction is furthermore to comply with Development Control Policies Development Plan Document Policies CP3 and DC9. Applications for alternative uses would be considered on their individual merits.

## 6. NSC01 (Land contamination)

(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:-

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.

(2)

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

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

Reason:-

To ensure that any previously unidentified contamination found at the site is investigated and

satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

#### **7. NSC02 (Lighting)**

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, for review and approval in writing, prior to installation. Any such submission shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The installation of any such lighting shall be undertaken in accordance with the approved details.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from the installation of external lighting. Submission of this detail prior to installation will protect amenity; the river corridor and ensure that the development accords with Development Control Policies Development Plan Document Policies DC56 and DC61.

#### **8. NSC03 (Archaeology)**

a) No development shall take place until a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under part a), then before development commences, a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

c) No development shall take place other than in accordance with the Written Scheme of Investigation approved under part b).

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

Reason:-

Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Development Control Policies Development Plan Document Policy DC70. The initial evaluation is required pre-commencement of the development to avoid any undue disturbance of archaeological remains.

#### **9. NSC04 (Flood risk & drainage)**

The development hereby permitted shall be undertaken in accordance with the recommendations of the Flood Risk Assessment, dated April 2017, and Drainage Strategy Report, dated 24/04/2017. The applicant shall seek to implement suggested flood resilience measures, as suggested within section 7.1 of the FRA, and shall produce a flood management/evacuation plan for the site. The flood management/evacuation plan shall be implemented and maintained for the life of the use hereby granted.

Reason:-

In the interests of ensuring that foul and surface water is effectively managed, that the development does not give rise to increased risk of flooding and that safety procedures are in place in the event of flooding. To furthermore comply with Development Control Policies Development Plan Document Policies CP15, DC48 and DC51.

#### **10. NSC05 (Embankment bund - Footpath safeguard)**

The top three metres of the embankment, adjacent to Rainham Creek, shall remain free from development and obstruction.

Reason:-

To safeguard this area and ensure that a pedestrian and cycle route along the Rainham Creek can be brought forward in the future in accordance with the aspirations of the London Riverside Opportunity Area Planning Framework (2015).

**11. SC06 (Parking provision)**

Before the development hereby approved is first occupied, a car parking plan shall be submitted to the Local Planning Authority for review and approval in writing. The parking plan shall clearly identify which spaces within the development would be assigned to each unit, together with those with electric charging points and those suitable for Blue Badges. All car parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority, in the interests of highway safety, and that the development accords with Development Control Policies Development Plan Document Policy DC33 and Policy 6.13 of the London Plan.

**12. SC59 (Cycle storage)**

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

Reason:-

Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation is in the interests of providing a wide range of facilities for non-motor car residents and sustainability and to comply with Development Control Policies Development Plan Document Policy DC35 and Policy 6.9 of the London Plan.

**13. SC63 (Construction methodology/logistics plan)**

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

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

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

Reason:-

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

#### 14. NSC06 (Travel plan)

The development hereby permitted shall be undertaken in accordance with the Framework Travel Plan submitted with this application, dated November 2016. The travel plan shall be monitored and updated, as per that detailed in section 9, in discussion with the Highway Authority and TfL .

Reason:-

The applicant as part of this application has suggested an number of initiatives and mitigation measures to ease the potential impacts associated with the development and the number of vehicle movements. Ensuring that the applicant promotes, monitors and updates the travel plan, throughout the life of the development, will seek to ensure the development complies with Development Control Policies Development Plan Document Policies DC32 and DC61.

---

## INFORMATIVES

### 1. Fee Informative

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

### 2. Environment Agency Informative

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures in, under, over or within 8m of the top of the bank of the main river, or 16m of a tidal flood defence. Further details and guidance are available on the GOV.UK website.

### 3. Thames Water Informative

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed online via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

### 4. Street Naming and Numbering

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

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

**5. Approval and CIL**

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £97,300 (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.

**6. 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.

This page is intentionally left blank



**REGULATORY SERVICES  
COMMITTEE  
29 June 2017**

**Subject Heading:**

**P0433.17: 36 Collier Row Lane,  
Romford**

**Demolition of the existing garages and  
erection of 5no. two storey-houses on  
land to the rear of 36, 38 & 40 Collier  
Row Lane. (Application received 16  
March 2017)**

**Ward:**

**Pettits**

**SLT Lead:**

**Steve Moore  
Director of Neighbourhoods  
Stefan Kukula**

**Report Author and contact details:**

**Principal Development Management  
Officer  
[stefan.kukula@havering.gov.uk](mailto:stefan.kukula@havering.gov.uk)  
01708 432655**

**Policy context:**

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

**Financial summary:**

**None**

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

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 erection of 5no. two storey-houses on land to the rear of 36, 38 & 40 Collier Row Lane.

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

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

The application has been called into committee by Councillor Osman Dervish for the reasons set out within the report.

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 480 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £9,600 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 29 December 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 £30,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- 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. Materials

Before any development above ground level takes place, 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. Parking Provision

Before any of the flats hereby permitted are first occupied, the car park to the rear shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 9no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 5. 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.

## 6. 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.

## 7. 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.

## 8. 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.

## 9. Landscaping

No development above ground works 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 Fencing

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been 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 DC6.

#### 11. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access gates to the service road, 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.

#### 12. 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.

### 13. 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.

### 14. Contaminated Land Precautions

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.

15. Contaminated Land (2)

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

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

16. Vehicle Access

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

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

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

#### 18. Minor Space Standards

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

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

#### 19. Obscure Glazing

The proposed windows in the northern flank elevation of the proposed detached house at plot 5 shall be permanently glazed with obscure glass not less than obscurity level 3 on the standard scale of obscurity and shall thereafter be maintained.

Reason:-

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

## INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £9,600 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. The 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. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
5. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
6. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the



property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

## REPORT DETAIL

### Call-in

The application has been called-in to committee by Councillor Osman Dervish on the grounds that he believes the proposed development is an overdevelopment of the site and would harm local residential amenity.

### 1. Site Description

- 1.1 The application relates to land to the rear of 36 Collier Row Lane, Romford. The site comprises a land assembly of various enclosed rear garden plots which back onto residential properties at Collier Row Lane, Wainfleet Avenue, Thameshill Avenue and Oaks Avenue.
- 1.2 The properties at 36 and 38 Collier Row Lane are a semi-detached pair of houses formerly in use as a doctor's surgery, while 40 Collier Row Lane is a semi-detached dwelling house. The surrounding area is residential in character with predominantly two storey semi-detached and terraced houses.
- 1.3 The trees on site are not subject to any Tree Preservation Orders (TPO) and the site is not classified under any specific land allocation in the Local Development Framework.

### 2. Description of Proposal

- 2.1 The application is seeking planning permission for the erection of 5no. two storey-houses.
- 2.2 The proposal would involve the demolition of the existing garages between 38 & 40 Collier Row Lane to provide a 5.5 metre wide access road, including a narrow footway, into the site. The access road would lead into

the central section of the site providing a turning head area and car parking spaces.

- 2.3 Two pairs of three-bedroom semi-detached two-storey houses would be positioned in a linear arrangement to the west in a section of the site which opens out towards the rear of the Wainfleet Road houses. A single detached four-bedroom two-storey house with a second floor bedroom in the attic space and rear dormer would be positioned in the north east corner of the site.
- 2.4 The proposal would provide a total of 9no. residents car parking spaces located off the main access road.
- 2.5 A communal refuse storage area would be positioned adjacent to the new garden boundary with No.40 Collier Row Lane to the south of the site. Cycle storage sheds would be provided in the rear gardens of each of the dwellings.

### **3. Relevant History**

- 3.1 P0017.16 - Demolition of the existing garages and erection of 5no. two storey-houses on land to the rear of 36, 38 & 40 Collier Row Lane - Refused, 18 March 2016. APP/B5480/W/16/3158788 - Appeal Dismissed, 12 December 2016.

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

- 4.1 Notification letters were sent to 60 properties and 33 representations have been received. The comments can be summarised as follows:

- Loss of privacy and overlooking.
- Overdevelopment of the site/ unsuitable location for additional houses.
- The development would compromise the security of neighbouring houses.
- Increase in noise levels and disturbance.
- Exacerbate existing parking and traffic problems in the area.
- Loss of light and overshadowing.
- Loss of trees and wildlife habitat.
- Negative impact on water drainage and flooding.
- Narrow and dangerous access to the site.
- Light pollution.
- Insufficient refuse collection arrangements.

- 4.2 The following consultation responses have been received:

- Thames Water - no objection.
- London Fire Brigade Water Team - no objection.

- London Fire and Emergency Planning Authority - no objection, the proposed access road and turning head would be of a sufficient size to accommodate a pump appliance.
- Environmental Health - no objection, recommended a condition relating to contaminated land precautions.
- Local Highway Authority - no objection, recommended conditions in relation to pedestrian visibility splays, vehicle access and vehicle cleansing.

## **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, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 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), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking, access and servicing arrangements.
- 6.2 In assessing this application Members should be aware that a similar scheme under planning application P0017.16 was refused in March 2016 on the following grounds:

- Harm to the character and appearance of the surrounding area.
- Cramped overdevelopment of the site harmful to future residential amenity.
- Noise and disturbance to neighbouring residents due to the access road and turning area.
- Highway and pedestrian safety due to an inadequate site access from Collier Row Lane.
- Absence of a legal agreement to secure the necessary Education contribution.

6.3 It is important to note that in dismissing the appeal against the refusal of the previous application P0017.16, the Inspector found for appellant in regard to the character and appearance of the surrounding area, the living conditions of future residents and the impact on the amenity of neighbours, but in favour of the Council in terms of the on impact on highway safety and the S106 towards education infrastructure.

6.4 The current proposal is effectively the same as the previously submitted scheme in terms of the site layout, dwelling design and configuration - all of which was judged to be acceptable by the Inspector. The key difference relates to the introduction of a wider vehicle access road, including a footway and a broader pedestrian visibility splay at the junction with Collier Row Lane. This element has been amended in order to address the main outstanding highway safety issue raised by the Inspector. The applicant has also stated a willingness to enter into a legal agreement to secure the education contribution.

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

6.5 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.

6.6 Under the provisions of the NPPF there is no priority given to garden land as a redevelopable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

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

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

6.8 Policy 3.4 of the London Plan 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.

- 6.9 The proposal would provide 5no. residential units at a density equivalent to approximately 31 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 55 to 145 dwellings per hectare would still be appropriate in this location.
- 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 dwellings would meet the internal floor space standards for six-person four-bedroom three-storey houses. 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 house would provide an acceptable amount of space for day to day living.
- 6.12 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading, adding that the fundamental design considerations for amenity space should be quality and usability. All dwellings should have access to amenity space that is not overlooked from the public realm.
- 6.13 The proposed dwellings would be set out with private rear gardens ranging in size from between approximately 80 square metres and 110 square metres. Whilst the garden size of the proposed three and four-bedroom family houses are comparably much smaller than those that are characteristic of the area and those that adjoin the site, they are nevertheless considered to be of sufficient size to provide adequately for the size of dwellings proposed. Accordingly, the gardens would be usable and furthermore have favourable southwest and southeast aspects which would provide a satisfactory environment for their occupiers.
- 6.14 Staff previously raised concerns with regard to the outlook to the front of the proposed houses as it would be over a visually hard and enclosed parking and turning area, with little scope for soft landscaping. However, the Inspector found that the hard surfacing "is a noticeable characteristic of the existing housing surrounding the site, so would not make this development look out of place". The Inspector went on to say; "in that respect, living conditions would be similar to those of surrounding streets." Given the Inspector's comments, this element of the proposal is now considered to be acceptable.

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

- 6.15 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. New development should maintain, enhance or improve the character and appearance of the local area and should respond to distinctive building forms and complement the character of the area through its appearance, layout and integration with surrounding land and buildings.
- 6.16 In assessing the impact on the character and appearance of the surrounding area the appeal Inspector noted that “the undeveloped area of this site, which has been largely left to run wild, is valued for its contribution to the green space formed by the rear gardens of the surrounding houses. But, it is not designated for any particular wildlife or ecological value. Were this site to be developed, those other rear garden areas, which form the majority of the space, would remain.”
- 6.17 The Inspector went on to say that “there is nothing in the height of the proposed houses or in the topography of the site to suggest that they would be any more prominent or dominant than any other house which surrounds the site. They would exist, where none presently exists, and they could be seen from within the gardens of neighbouring houses as can all the other houses which surround the site but that is not a sufficient reason to dismiss this appeal.” On this matter the Inspector states that “the gardens of the proposed houses would continue to contribute to the green area at the rear of surrounding houses, albeit to a lesser extent than at present.”
- 6.18 The Inspector concludes by stating that “the proposal would maintain the character and appearance of the local area and that although it would not retain every existing tree it would respect the scale, massing and height of its surroundings and so complement the character of the area in accordance with policy DC61. It would also comply with London Plan policies 3.5(B) and 7.4(B)(a) which require development to have regard to the pattern, scale and grain of existing spaces and streets and to take account of local character.”
- 6.19 Taking into consideration the Inspectors comments, Staff are of the view that the proposed development would be acceptable in terms of the impact on the character and appearance of the surrounding area.

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

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

overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

- 6.21 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook to the occupants of the surrounding houses at Collier Row Lane, Wainfleet Avenue, Thameshill Avenue and Oaks Avenue which back onto the site. It should be noted that the impact on these properties was assessed under the previous application and did not form grounds for the previous refusal decision.
- 6.22 The proposed pair of semi-detached houses would be set approximately 34 metres from the rear of houses at 2 to 10 Wainfleet Avenue, and some 11 metres at the closest point from the rear garden boundaries with these properties. The blank flank elevation of the most southerly of the semi-detached dwelling would be positioned some 25 metres from the rear of 40 Collier Row Lane. The side elevation of the most northerly semi-detached house would lie over 33 metres at an oblique angle to the rear of houses at 19 & 21 Thameshill Avenue. The rear of the proposed detached house would be located approximately 30 metres from the rear No. 3 Oaks Avenue and some 11.5 metres from the rear garden boundary with this property.
- 6.23 Given the distances and spacing between the proposed houses and the existing dwellings at Collier Row Lane, Wainfleet Avenue, Thameshill Avenue and Oaks Avenue it is not considered that the proposed development would present any undue impact on the outlook, privacy or amenity of these neighbouring houses to such an extent to justify refusing the scheme.
- 6.24 The side flank elevation of the detached house in the northern section of the site would be located approximately 24 metres from the rear of the closest houses at 11, 13 & 15 Thameshill Avenue, and some 4.5 metres from the closest point of the rear garden boundary. The immediately adjacent flank elevation in the proposed house would contain two first floor bedroom windows and two smaller second floor attic bedroom windows. These windows, if clear glazed, would afford future occupants with clear and unobstructed views into the rear gardens of 11, 13 & 15 Thameshill Avenue, resulting in overlooking and a detrimental loss of privacy to the rear garden environment. However, the windows all provide a secondary source of light to the rooms in question and if the scheme were acceptable in all other respects the impact could be addressed by a condition requiring them to be obscure glazed and non-opening.
- 6.25 In terms of noise and disturbance, the Inspector commented that “the access to the proposed development would pass between the flanks of numbers 38 and 40 Collier Row Lane and run alongside their rear gardens. But in doing so, its effects would be no different from any side road in an urban area. In the immediate vicinity of the site, Oaks Avenue and Wainfleet Avenues pass adjacent to the flanks and rear gardens of numbers 24 and 50 Collier Row Lane and 1, 2 and 37 Thameshill Avenue without

unacceptable effect although carrying larger volumes of traffic than are likely to be generated from the five houses of this appeal proposal.”

- 6.26 The Inspector went on to state that “there is no information to show that the effects of noise from the access proposed would be in excess of normally accepted conditions. I conclude that the effects of the proposal on the living conditions of occupants and potential occupants of numbers 38 and 40 Collier Row Lane would be acceptable. They would comply with Local Plan policy DC55 which would deny permission to development causing an exposure to noise above acceptable levels.”
- 6.27 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.
- 6.28 Some concerns have been raised by neighbours that the development would compromise the security of neighbouring residents. Given the proposed layout of the scheme, the neighbouring properties at Wainfleet Avenue and Thameshill Avenue would continue to share a rear garden boundary with the rear gardens of the new properties as per the current arrangements. The exceptions would be 17 & 15 Thameslink Avenue, where a communal planting area would be installed adjacent to the communal turning head, which provides a good level of natural surveillance.
- 6.29 A condition will be included to ensure that any lighting scheme is appropriate to the residential and rear garden environment and does not result in undue overspill and light pollution to neighbouring residents.

### ***Trees & Biodiversity***

- 6.30 In terms of the trees that on the site, the Inspector noted that “some trees would be lost in order to allow the development to take place, most notably a single specimen conifer in the rear garden of number 38 and a line of conifers along the boundary between the gardens of numbers 38 and 40. But none of the trees on site are subject to Tree Preservation Orders. Most of the native trees on site are on its periphery, adjacent to the rear gardens of houses in Thameshill Avenue and there would be little necessity to remove them.”
- 6.31 In terms of wildlife considerations, the site is not located within a Site of Special Scientific Interest (SSSI) or a site of Metropolitan, Borough or Local Importance for Nature Conservation.
- 6.32 Taking into consideration the Inspectors comments and that the site has no specific designation in terms of nature conservation, Staff are of the view that the proposed development would be acceptable in terms of the impact on the trees and biodiversity.



### ***Environmental Issues***

- 6.33 Environmental Health have raised no objections in relation to any historical contaminated land issues.
- 6.34 The site is not located within a Flood Zone and presents no issues in relation to local flood risk.
- 6.35 The proposal is not considered to give rise to any significant noise issues that would not normally be associated with residential occupation.

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

- 6.36 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 2, meaning that the site offers a relatively poor degree of access to surrounding public transport.
- 6.37 The proposed development can demonstrate a total of 9no. residents car parking spaces located off the main access road. This amounts to a ratio of 1.8 spaces per dwelling. The amount of car parking provision was assessed under the previous application and did not form grounds for the refusal decision.
- 6.38 The main concern with the previous scheme related to the narrow access driveway, which would only allow for one vehicle to use at a time. This would have created a conflict between drivers accessing and leaving the site and the potential for vehicles to stop on Collier Row Lane to gain access. Collier Row Lane is a classified route (B174) and conveys a significant volume of traffic, including buses.
- 6.39 In order to address this issue, the access driveway in this current proposal has been comprehensively re-designed to include a 5.5 metre wide driveway, including a 0.9 metre wide footway, and a broad pedestrian visibility splay.
- 6.40 The Local Highway Authority has raised no objections to the revised access arrangements and the proposal is considered to have satisfactorily addressed the previous highway safety concerns.
- 6.41 A communal refuse store would be set out adjacent to the access drive and within 25 metres of Collier Row Lane, and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.

- 6.42 Cycle storage areas have been indicated in the rear gardens of each new dwelling, but no details of this provision have been provided. As a result this will be secured via condition.

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

- 6.43 The proposed development will create 9no. residential units with 480 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £9,600 (subject to indexation) based on the calculation of £20.00 per square metre.

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

- 6.44 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.
- 6.45 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.
- 6.46 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.
- 6.47 There has been a 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.
- 6.48 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.

- 6.49 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.
- 6.50 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 unit 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.
- 6.51 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £30,000 for educational purposes would be appropriate.

## **7. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a 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 would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

None.

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

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

## BACKGROUND PAPERS

Application form, supporting statements, and drawings received 16 March 2017.

# REGULATORY SERVICES COMMITTEE

29 June 2017

# REPORT

**Subject Heading:**

P0587.17

Land at the junction of Crow  
Lane/Sandgate Close, Romford

Re-development of the site to provide 150  
dwellings, together with new access  
junctions, associated car parking,  
landscape and infrastructure works  
(Application received 05<sup>th</sup> April 2017)

**SLT Officer:**

Steve Moore  
Director of Neighbourhoods

**Report Author and contact details:**

Tom McCarthy  
Minerals & Projects Planning Officer  
tom.mccarthy@havering.gov.uk  
01708 431883

**Policy context:**

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

**Financial summary:**

Not relevant

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

This is an application for the re-development of land at the junction of Crow Lane and Sandgate Close. The development would provide 150 dwellings together with new accesses, associated car parking, landscaping and infrastructure works. The development would comprise five blocks of flats, up to five storeys in height, together with four blocks of terrace houses.

This site forms part of a secondary employment area however the Employment Land Review undertaken by the Council in 2015 identified an over-provision of such land and recommended change of use away from industrial, indicating residential would be a suitable alternative use. Accordingly, no principle land-use objection is raised to a residential led re-development of the site.

The application has been assessed in context of material planning considerations including design and layout, amenity and local character, highways and environmental impacts and staff consider that the development complies with relevant policy and guidance and recommend that planning permission be granted subject to conditions and appropriate legal agreement.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL), in accordance with policy 8.3 of the London Plan, and that the applicable levy, based on the creation of 13,700m<sup>2</sup> new floorspace, would be £274,000 (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following obligations by 29 December 2017 and in the event that the s106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- The provision of 16 affordable units in intermediate forms of tenure - block E as shown on the approved drawings;
- A management and maintenance plan for the public open spaces; non-adopted roads; car parking areas; and sustainable urban drainage; and
- A financial contribution totalling £900,000, to be paid in instalments at identified triggers, to be used towards education and projects required as a result of increased demand for school places in the Borough.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums shall be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the legal agreement, prior to the completion of the agreement, irrespective of whether the agreement is completed; and
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Subject to the appropriate notice being given to the Health and Safety Executive and no call-in from the Secretary of State it is 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 set out below:

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

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

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

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

3. The proposed development hereby approved shall be constructed in accordance with the materials and plans detailed/referred 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 Development Control Policies Development Plan Document Policy DC61.

4. No building shall be occupied 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. The scheme shall furthermore detail all proposed boundary treatments. 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 and boundary treatment proposed. Submission of a scheme prior to occupation will ensure that the development accords with Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

5. Before the development hereby approved is first occupied, a car parking plan shall be submitted to the Local Planning Authority for review and approval in writing. The parking plan shall clearly identify which spaces within the development would be assigned to each unit and/or as visitor, servicing and delivery spaces, together with those with electric charging points. All car parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority, in the interests of highway safety, and that the development accords with policies DC2, DC33 of the Development Control Policies Development Plan Document and policies 6.3 and 6.13 of the London Plan.

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

Reason: Insufficient information has been supplied with the application to demonstrate what facilities would be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and to comply with policy DC35 of the Development Control Policies Development Plan Document and policy 6.9 of the London Plan.

7. A Travel Plan shall be developed in accordance with details outlined in the document titled 'Residential Travel Plan', produced by Motion and submitted with the application. With regard to this, a travel survey shall be undertaken once the development is 75% occupied. This level of occupation shall be confirmed in writing to the Local Planning Authority. Within six months of this survey being undertaken a detailed Travel Plan for the site outlining targets, monitoring and review mechanisms shall be produced and this shall be



submitted to the Local Planning Authority for approval in writing. The Travel Plan shall be implemented as approved.

Reason: The applicant as part of this application has submitted a Framework Travel Plan which includes a number of initiatives and mitigation measures to ease potential impact on the highway. Ensuring that the applicant promotes, monitors and updates the Travel Plan, throughout the life of the development, will seek to ensure the development accords with policies CP10, DC32 and DC61 of the Development Control Policies Development Plan Document and policies 6.1 and 6.3 of the London Plan.

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

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

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

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

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

- a) the phasing of the build programme;
- b) vehicle routing and how construction vehicle movements would be optimised to avoid the am and pm traffic peaks;
- c) parking of vehicles of site personnel and visitors;
- d) storage of plant and materials;
- e) dust management controls;
- f) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- g) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- h) a scheme for monitoring noise and, if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- i) siting and design of temporary buildings;
- j) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and

k) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement. For the avoidance of doubt, this condition does not restrict demolition, site clearance, ground or site investigation, site surveys and/or site remediation.

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

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

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

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

The submission shall provide:

a) A plan showing where vehicles would be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic would access and exit the site from the public highway.

b) A description of how the parking area would be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;

c) A description of how vehicles would be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles would be cleaned.

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

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

- 13.No above ground works shall take place until a scheme/details of how principles and practices of the Secured by Design award scheme are proposed to be adopted within the development. The scheme shall include, but not be limited to, details on proposed boundary treatments and site security measures and shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to determine whether the proposals meet Secured by Design standards. Submission of such details is in the interest of crime prevention and community safety and guidance contained in policies CP17, DC49 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 7.3, 7.4 and 7.5 of the London Plan.

- 14.No above ground works shall take place until a Delivery and Servicing Plan is submitted to and approved in writing by the Local Planning Authority. The Plan shall seek to identify ways in which deliveries and collections (to in-particular occupiers of the flats), servicing, and waste removal would be organised and managed. The Plan shall include details of refuse and recycling facilities, where safe and legal loading would be permitted to take place, and any communal storage areas for deliveries or collections (inclusive of the management of such areas). The development shall be carried out in accordance with the approved Plan.

Reason: Insufficient information has been supplied with the application in respect of how deliveries and servicing would be managed. Submission of details prior to commencement will ensure due consideration of such issues and that the development accords with policies DC32 and DC61 of the Development Control Policies Development Plan Document and polices 6.1, 6.3 and 7.3 of the London Plan.

- 15.The development hereby permitted shall be undertaken in accordance with the details outlined in the submitted Energy Statement, dated June 2016, inclusive of the details of the proposed location of the solar panels as shown on the approved drawings referred as part of this decision notice.

Reason: In the interests of sustainable development, achieving aspirations for a reduction in carbon dioxide emissions and to ensure that the development accords with policies CP15, CP17, DC49, DC50, DC52 and DC61 of the Development Control Policies Development Plan Document and policies 5.3, 5.7 and 7.14 of the London Plan.

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

Reason: Insufficient information has been supplied with the application to judge the impact arising from any external lighting required in connection with the development. Submission of this detail prior to occupation will protect residential amenity and ensure that the development accords with policies CP15, CP16, CP17, DC58 and DC61 of the Development Control Policies Development Plan Document and policies 7.3, 7.4 and 7.5 of the London Plan.

17. No above ground works shall take place until details/specifications of the proposed measures for protecting potential occupiers from road and railway noise have been submitted to the Local Planning Authority for approval in writing. Such a scheme shall be based upon the details and technical specifications outlined with in the Noise Assessment and Addendum, submitted with the application, and cover the type of glazing; and mechanical ventilation, where appropriate, proposed for each unit. The development shall be implemented in accordance with the details approved.

Reason: Insufficient information has been supplied with the application to demonstrate that the specific detail of the outlined noise and air quality mitigation measures. Submission of the scheme prior to commencement will prevent noise nuisance to the development and subsequent complaints against established employment uses in the locality, in accordance with policies CP17, DC49, DC50, DC55 and DC61 of the Development Control Policies Development Plan Document and policies 3.5, 5.3, 5.7 and 7.15 of the London Plan.

18. The development hereby permitted shall be undertaken in accordance with the drainage scheme as shown on drawing titled 'Proposed Surface Water Drainage Strategy Plan', drawing no. C6712/SK1, dated 19/09/16.

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

19. The development hereby permitted shall be undertaken in accordance with the tree protection measures outlined in Appendix 5 of the submitted Arboricultural Impact Assessment, dated July 2016.

Reason: To ensure that the trees to be retained, many of which are subject of Tree Preservation Orders, are not harmed during the course of the development and to comply with policies CP16, DC60 and DC61 of the Development Control Policies Development Plan Document and policies 7.4 and policies 7.21 of the London Plan.

20. At least 15 of the units hereby approved shall be constructed to comply with Part M4 (3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. The remainder of the units hereby approved shall be constructed to comply with Part M4 (2) of the Building Regulations - Accessible and Adaptable Dwellings.

Reason: In order to accord with policy DC7 of the Development Control Policies Development Plan Document Policy and policy 3.8 of the London Plan.

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

Reason: In order to accord with policy 5.15 of the London Plan.

22. Prior to occupation of the development hereby permitted a verification report shall be submitted to the Local Planning Authority for approval in writing, demonstrating that the remediation works identified in the Geotechnical and Geoenvironmental Interpretative Report and Remediation Strategy, dated May 2016, submitted with the application, have been carried out satisfactorily and any longer-term monitoring, maintenance and contingency actions necessary identified.

Reason: Insufficient information has been supplied with the application to demonstrate no unacceptable risk arising from contamination. Submission of a verification report prior to commencement will ensure the safety of the occupants of the development and the public generally. It will also ensure that the development accords with policies CP15, DC53, DC54 and DC61 of the Development Control Policies Development Plan Document and policies 5.19 and 5.21 of the London Plan.

23. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the submitted assessment, then revised contamination and remediation proposals shall be submitted to the Local Planning Authority for approval in writing. The remediation strategy shall be implemented as approved. Following completion of any such remediation works a verification report shall be submitted demonstrating that the works have been carried out satisfactorily and remediation targets achieved.

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed, in order to protect those engaged in construction and occupation of the development and to comply with policies CP15, DC53, DC54 and DC61 of the Development Control Policies Development Plan Document and policies 5.19 and 5.21 of the London Plan.

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

Reason: In the interests of ensuring these houses have an appropriate sized private amenity area, to enable the Local Planning Authority to retain control over future development in the interests of the amenity of adjacent occupiers and those in Beechfield Gardens and the character of the development as a whole and in order that the development accords with policy DC61 of the Development Control Policies Development Plan Document.

Informative(s)

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

3. Due to the presence of National Grid apparatus in proximity to the application site, the applicant is advised to contact National Grid before any works are carried out to ensure that the aforementioned apparatus are not affected by the development.
4. As this site is adjacent to Network Rail's operational railway infrastructure, the applicant is advised to contact Network Rail at [assetprotectionanglia@networkrail.co.uk](mailto:assetprotectionanglia@networkrail.co.uk), prior to undertaking any works on

site. Network Rail recommends that the developer agrees an Asset Protection Agreement with Network Rail to enable approval of detailed works. Further information can be obtained from [www.networkrail.co.uk/aspx/1538.aspx](http://www.networkrail.co.uk/aspx/1538.aspx).

5. In aiming to satisfy the secure by design condition of this permission, the applicant should seek the advice of the Police's Designing Out Crime advice service. This service is available free of charge and officers can be contacted on 02082173813 or at [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk).
6. Before occupation of the residential units hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see: [www.haverling.gov.uk/Pages/Services/Street-names-and-numbering.aspx](http://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). Based upon the information supplied with the application, the CIL payable would be £274,000 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
8. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
9. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### 1.0 Call-In

- 1.1 This application has been called in by Councillor Benham on the basis of assessing whether this is an over-development of cramped design; that the development would be two storeys higher than other development at street level in Crow Lane; lack of amenity spaces; and that the proposals are not much different from the previous application that was refused.

### 2.0 Background

- 2.1 This is a re-submission of a previously refused application (ref: P1161.16). The previous application, which was for the same amount of units, was refused planning permission for three reasons:

- The proposed development would, by reason of its height, bulk and mass, result in a cramped, excessively dense over-development of the site detrimental to future occupiers and the local area as a result of lack of amenity space and car parking. The proposed development would furthermore be unacceptably dominant and visually intrusive in the streetscene, harmful to the appearance and character of the surrounding area, contrary to policies DC2, DC3, DC32, DC33 and DC61 of the Development Control Policies DPD and policies 3.5, 7.4 and 7.6 of the London Plan. It is not considered that the benefits of additional housing outweighs such concerns in this instance.
- The proposed development would, by reason of the site layout and close proximity to the adjacent Secondary Employment Area, result in unacceptable living conditions for future occupiers of the development as a result of high levels of pollution and noise. Some of the balconies facing Sandgate Close would not meet the 55dB BS8233/World Health Organisation criterion for amenity areas and furthermore when windows are open it is likely that some internal living areas would be adversely impacted, as a result of the 24 hour nature of the adjacent use. Accordingly, the development is considered to be contrary to the principles of policies DC3, DC10, DC52, DC55 and DC61 of the Development Control Policies DPD and policies 3.5, 7.14 and 7.15 of the London Plan.
- In the absence of a legal agreement to secure affordable housing and a financial contribution towards the demand for school places arising from the development, the proposal fails to comply with the principle of policies DC6, DC29 and DC72 of the Development Control Policies DPD and policies 3.11, 3.13 and 8.2 of the London Plan and/or 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.



- 2.2 The applicant has as part of this re-submission sought to review the design of the development and the use of open spaces in a bid to overcome reason for refusal two; and demonstrate that the development density is sustainable and would not be excessively cramped to the detriment of future occupiers. It is understood that the applicant also had a meeting with Royal Mail to discuss their concerns and alterations suggested/agreed with Royal Mail have been incorporated into the revised proposals. In this regard, Royal Mail has submitted a letter stating all of their concerns have been met and expressing their support for re-development of the site (refer to: 'Consultations/Representations' section of this report for further comment).
- 2.3 Whilst staff acknowledge the contents of reason for refusal one, and that the density of the development (the number of units); number of car parking spaces; and overall quantum of amenity space has remained the same, staff are re-presenting this re-submission to Members on the basis that when the previous application was considered the concerns about the relationship with Royal Mail supported the conclusions of an over-development. By addressing the second refusal reason, in staff's view, it is considered that the first reason for refusal would be difficult to substantiate in isolation for the reasons set out below. It is on this basis that the application is brought forward with a recommendation for approval. The impact of the proposals upon the appearance and character of the surrounding area do however require an element of subjective judgement. The revisions made to the original application are assessed in the below sections of the report in context of planning policy and the original reasons for refusal.

### **3.0 Site Description**

- 3.1 The application site lies on the northern side of Crow Lane, circa 1km to the south-west of Romford town centre and the railway station. The site can be accessed from Crow Lane and Sandgate Close, as existing, and forms a rough rectangle, measuring 1.5ha in size. The site is currently vacant although previously was used by National Grid in association with the gas works.
- 3.2 The site is bound to the north by an embankment to the railway line and its associated infrastructure. To the east of the site lies Sandgate Close, beyond which is the Royal Mail Romford Sorting Office. To the south is Crow Lane, beyond which is Romford cemetery. And, directly west of the site, separated by a row of trees and shrubs, lies the rear gardens of the residential properties in Beechfield Gardens.
- 3.3 The application site does not form part of a conservation area, and is not located within the immediate vicinity of any listed buildings.
- 3.4 The site forms part of a secondary employment area although it is noted that, as part of the Employment Land Review undertaken by the Council in 2015, this site was recommended as being suitable for de-designation and suitable for a residential led re-development.

#### **4.0 Description of Proposal**

- 4.1 The proposal is for the re-development of the site to provide 150 dwellings, together with new access junctions, associated car parking, landscaping and infrastructure works.
- 4.2 The development would comprise five blocks of flats, up to five storeys in height, together with 17 dwellings formed from four terrace rows of houses. In terms of layout, it is proposed that along Crow Lane the development would be three storeys, rising to five storeys as it moves into Sandgate Close, and adjacent to the Royal Mail sorting office. The two further blocks to the north of the site would fall to four storeys, with the row of terraces proposed to the west the site, to form a relationship with those along Beechfield Gardens.
- 4.3 The proposed mix of units is as follows:
- 18 x one bed, two people flats;
  - 19 x two bed, three people flats;
  - 74 x two bed, four people flats;
  - 22 x three bed, four people flats; and
  - 17 x four bed, six people houses.
- 4.4 225 car parking spaces are proposed, facilitated by two underground or basement car parking areas, together with 282 cycle spaces.
- 4.5 In terms of access, vehicular access has principally been confined to Sandgate Close, to avoid possible conflict with the Crow Lane roundabout. However, additional entry/exits points are proposed to be created. With regard to this, the first entry point to the site, from Sandgate Close, would provide access to a ground parking area and the underground car park below block B. The second access to the site forms one end of a loop road within the site providing access to the parking areas in front of the terrace houses and the underground car park beneath block C. This road loops around block D to come out just south of the bend in Sandgate Close as the road sweeps around the Royal Mail building. A pedestrian access point to the site would be created from Crow Lane and a new footpath installed along Sandgate Close to provide safe public access into the site.
- 4.6 In terms of design, and proposed building treatments, a brickwork façade is proposed to match the surrounding vernacular. Window bays, on the building blocks, are proposed to be articulated, with subtle changes in brick type, colour and detail to add interest. Cladding panels are nevertheless proposed at fifth floor level, and on corner junctions, to add interest and prominence. In terms of brick colour, it is proposed that blocks A, C and E and the terrace blocks 2 and 4 would be constructed in a handmade red brick, whereas blocks B and D and terrace blocks 1 and 3 would be constructed in a cream buff brick. All flats, with the exception of a few facing Sandgate Close, are proposed with either a private terrace or garden (ground floor) or a self-supporting or free standing balcony. The terrace houses would all be supported by private rear gardens. Two communal plays areas are furthermore proposed within the development.

## **5.0 Relevant History**

- Application ref: P1161.16 – Re-development of the site to provide 150 dwellings, together with new access junctions, associated car parking, landscape and infrastructure works – Refused 10/02/2017 please refer to ‘Background’ section of this report for full reasons for refusal. For reference, staff also confirm an appeal has been lodged against this decision.
- Application ref: P0989.14 - Change of use to provide a temporary car park for up to 290 spaces to serve Queen's Hospital employees, together with revised access and associated infrastructure - Approved 03/10/2014
- Application ref: P0607.11 - Change of use of land and positioning of 100 containers plus open storage for individual and business users - Approved 10/06/2011
- Application ref: P1521.10 - Proposed site remediation works - Approved 14/01/2011

## **6.0 Consultations/Representations**

61 properties were directly notified of this application. The application was also advertised in the local press and by way of site notice. Nine letters of representation have been received including one submitted on behalf of Royal Mail. Taking the comments received from Royal Mail separately, the eight letters of public representation raised concerns about the suitability of the site (from a contamination perspective) for residential use and potential implications from ground interference to nearby properties; traffic, parking and the efficient operation of the Crow Lane mini-roundabout; loss of privacy and light; amenity (dust and odour) impacts; the loss of TPO trees along the boundary with the properties on Beechfield Gardens; lack of communal amenity space; and inappropriate design/scale of development. Questions were also asked about the quality of life, mindful of the 24 hour nature of Royal Mail, occupiers would experience. A number of the representations also suggest concern about the strain additional households would put on local services but in-particular health care.

The representation submitted on behalf of Royal Mail was quite detailed, following the concerns raised to the previous version of this scheme. The representation received nevertheless confirmed the applicant has met with Royal Mail and discussed outstanding concerns. With regard to this, the letter states that as the balconies facing Sandgate Close have been removed/re-positioned; and the children’s playspace adjacent to Sandgate Close re-designated as simply general amenity/open space Royal Mail raise no objection and are happy to support the development coming forward.

Anglian Water - No comments received.

EDF Energy - No comments received.

Environment Agency - The proposed development appears to have been the subject of past industrial activity which poses a high risk of pollution to controlled waters. Where necessary, we advise that you seek appropriate planning conditions to manage both the risks to human health and controlled water from contamination.

Essex and Suffolk Water - No objection.

Health & Safety Executive - Advise against. The assessment indicates that the risk to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission in this case. If minded to grant planning permission HSE must be allowed 21 days from the date of notice to consider whether to request that the Secretary of State for Communities and Local Government call-in the application for their own determination.

Staff comment: The reason for the above response is on the basis that this site forms part of the outer consultation zone of the gas holders, to which there is a hazardous substance licence issued. The applicant has been in touch with HSE to discuss this and if anything can be done to amend the advice offered. However, HSE have confirmed that this initial position/guidance would be maintained until such a time that the hazardous substance licence is withdrawn or revoked. The gas holders were decommissioned some years ago (in 2010) and although the hazardous license remains it is within the Local Planning Authority's power to initiate the withdrawal/revocation process should a site (or license) be dormant for a number of years – as is the case here. Accordingly, whilst noting that the application would have to be referred back to HSE, staff in principle do not consider the consultation response received from HSE sufficient to form a potential reason for refusal. In coming to this conclusion, staff are also mindful that planning permission has been granted for other residential development closer to the gas holders, than this site, in recent years on the basis that the gas holders have been decommissioned.

Highway Authority - No objection subject to conditions. The applicant has reviewed the operation of the junction of Oldchurch Road and Oldchurch Rise which shows that this is currently running beyond capacity. The development would therefore put added pressure on this junction. This pressure has been deemed negligible, in the evening peak, by the assessment submitted by the applicant. The Highway Authority consider this opinion reasonable but believe it appropriate that Members should be aware of the capacity issues in this area and that this is a limiting factor to development, generally, coming forward.

Sandgate Close is a private road and therefore the Highway Authority has no control over its use of management. Any parking which may or may not have historically taken place is not within the Authority's legal interest. To confirm, the Highway Authority are not in a position to adopt Sandgate Close and accordingly would not adopt the roads forming part of this development.

HS1 - No comments received.

London Borough of Havering Environmental Health/Public Protection:

Contamination - No objection subject to conditions.

Noise/Air Quality - No objection.

Staff comment: The no objection comment received from the Council's Environmental Health/Public Protection team differs from concerns raised previously in respect of application ref: P1161.16. Previously concerns were raised about the quality of amenity areas facing onto Sandgate Close and whether these areas would meet the 55dB(A) guideline. The amendments made to the scheme, as outlined in this report, have therefore been deemed sufficient by the Council's Environmental Health/Public Protection team to withdraw such concerns about the development coming forward.

London Borough of Havering Lead Local Flood Authority - No objection.

London Borough of Havering Waste & Recycling - No objection.

London Fire Brigade - No objection.

Metropolitan Police (Designing Out Crime) - No objection subject to the imposition a condition requiring the submission of how the principles and practices of the Secured by Design Scheme are to be incorporated into the development.

National Grid - Due to the presence of National Grid apparatus in proximity to the application area, the applicant should contact National Grid before any works are carried out to ensure that apparatus are not affected by the development.

Network Rail - The applicant must ensure, both during construction and completion that the site does not:

- encroach onto Network Rail land;
- affect the safety, operation or integrity of the company's railway and its infrastructure;
- undermine its support zone;
- damage the company's infrastructure;
- place additional load on cuttings;
- adversely affect any railways land or structure;
- over-sail or encroach upon the airspace of any Network Rail land;
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

The applicant is strongly encouraged to contact Network Rail prior to commencement, should planning permission be granted.

Thames Water - No objection. It is the responsibility of the developer to make proper provision for drainage to ground, waters courses or a suitable sewer. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the planning application.

Transport for London - No objection in principle although it is recommended that the total number of spaces be reduced to no more than one space per unit; the small area of car parking to the south-west of the site be removed; and that conditions in respect of a site travel plan, delivery and service plan and construction logistics plan be secured by condition.

UK Power Networks - No comments received.

## **7.0 Relevant Policies**

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP01 - Housing Supply, CP02 - Sustainable Communities, CP09 - Reducing The Need To Travel, CP10 - Sustainable Transport, CP15 - Environmental Management, CP16 - Biodiversity and Geodiversity, CP17 - Design, DC02 - Housing Mix and Density, DC03 - Housing Design and Layout, DC06 - Affordable Housing, DC07 - Lifetime Homes and Mobility Housing, DC10 - Secondary Employment Sites, DC21 - Major Developments and Open Space, Recreation and Leisure Activities, DC29 - Educational Premises, DC30 - Contribution of Community Facilities, DC32 - The Road Network, DC33 - Car Parking, DC35 - Cycling, DC36 - Servicing, DC40 - Waste Recycling, DC48 - Flood Risk, DC49 - Sustainable Design and Construction, DC50 - Renewable Energy, DC51 - Water Supply, Drainage and Quality, DC52 - Air Quality, DC53 - Contaminated Land, DC54 - Hazardous Substances, DC55 - Noise, DC58 - Biodiversity and Geodiversity, DC60 - Trees and Woodlands, DC61 - Urban Design, DC72 - Planning Obligations

The Council's Landscaping SPD, Protection of Trees during Development SPD, Residential Design SPD, Residential Extensions and Alterations SPD, Sustainable Design and Construction SPD and Planning Obligations SPD (Technical Appendices)

London Plan: 3.3 - Increased Housing Supply, 3.4 - Optimising Housing Potential, 3.5 - Quality and Design of Housing Developments, 3.8 - Housing Choice, 3.9 - Mixed and Balanced Communities, 3.11 - Affordable Housing Targets, 3.13 - Affordable Housing Thresholds, 5.3 - Sustainable Design and Construction, 5.7 - Renewable Energy, 5.13 - Sustainable Drainage, 5.15 - Water Use and Supplies, 5.19 - Hazardous Waste, 5.21 - Contaminated Land, 6.1 - Strategic Approach, 6.3 - Assessing Effects Of Development On Transport Capacity, 6.9 - Cycling, 6.13 - Parking, 7.2 - An Inclusive Environment, 7.3 - Designing Out Crime, 7.4 - Local Character, 7.5 - Public Realm, 7.6 - Architecture, 7.14 - Improving Air Quality, 7.15 - Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes, 7.21 - Trees and Woodlands, 8.2 - Planning Obligations and 8.3 - Community Infrastructure Levy

## **8.0 Mayoral CIL Implications**

The application seeks planning permission for 150 residential units. In consideration of the net amount of residential accommodation which would be created, as detailed on the CIL liability form submitted by the applicant, a Mayoral CIL contribution of £274,000 (this figure may go up or down subject to indexation) would be required should planning permission be granted.

## **9.0 Appraisal**

### **Principle of Development**

- 9.1 Policy CP1 of the LDF states, as a headline objective, that a minimum of 535 new homes will be built in Havering each year. Table 3.1 of the London Plan supersedes this target and increases it to a minimum ten year target for Havering (2015-2025) of 11,701 new homes or 1,170 new homes each year. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.
- 9.2 As outlined previously in this report, this site forms part of a secondary employment area. Policy DC10 of the LDF states that within secondary employment areas, planning permission for non B use classes will only be granted in exceptional circumstances and when the applicant has demonstrated the following:
- the site is not needed to meet future business needs with regard to the difference between the current supply of employment land and the demand for employment land over the plan period;
  - the site is not considered fit for purpose when assessed against the economic, planning and property market criteria provided in Appendix A of Havering's Employment Land Review 2006; and
  - the site has proved very difficult to dispose of for B1 (b) (c), B2 and B8 uses.
- 9.3 The Employment Land Review undertaken by the Council in 2015 assessed the Crow Lane designation and recommended that all but the 2.4ha Royal Mail site could be released from industrial/employment use. The Employment Land Review concluded that there was an over-provision of employment land in the Borough and recommended releasing this site from such use as there is limited prospect of the site being re-developed for industrial uses. The position is confirmed in the marketing evidence submitted by the applicant in support of the application.

9.4 This site, in the majority, has been vacant for 10 years and staff consider the proposed residential led re-development would help meet housing and wider regeneration objectives. Accordingly, no in principle objection is raised to the development coming forward. This is nevertheless subject to the proposal meeting and satisfying all relevant policy and guidance in respect of design, highways, amenity and any specific individual site constraints. An assessment of the aforementioned can be found below.

### **Density, Scale, Mass and Design**

9.5 Policy DC2 of the LDF states that planning permission will only be granted for new housing if a design led approach is adopted in determining the type, size and form of new development with regard to:

- the type and size of new housing required to meet local and sub-regional housing needs and create mixed and balanced communities; and
- the densities detailed within the density matrix outlined in the policy which considers the Public Transport Accessibility Zone (PTAL) for the area.

9.6 This site has a PTAL rating of between 1b (very poor) and 2 (poor). The recommended density for development coming forward in such locations is between 30-50 units per hectare together with a parking provision of 2-1.5 spaces per unit. The London Plan however suggests a higher density of between 50-95 units per hectare (suburban setting at 2.7-3.0 habitable rooms per unit) or 70-170 units per hectare (urban setting at 2.7-3.0 habitable rooms per unit). Whether this area is representative of an urban or suburban area is a question of judgement with the area exhibiting many of the features of both settings, as suggested in the London Plan.

9.7 On the basis that this site has an area of 1.5ha, the development of 150 units represents a development density of 100 units per hectare. As per the above, this whilst representing a possible over-development in context of policy DC2 does represent a potentially acceptable density for an urban setting, as per Table 3.2 of the London Plan. With regard to policy DC2, the policy does nevertheless suggest that densities higher than 30-50 units outside the PTAL zones identified may be acceptable when:

- on a large development site;
- where the existing use is non-conforming or 'bad neighbour';
- on sites which are adjacent to higher PTAL zones; or
- the development is intended for permanent occupation by the elderly.

9.8 Staff consider that at 1.5ha this is a relatively large or major development site. Staff also note that being an industrial use, with residential to the west, the site is a potential non-conforming or bad neighbour use to the nearby residential properties. The site is also located within 400m of an area with a 6a PTAL. In context of this, the higher density ranges suggested in the London Plan and that density in any respect is only one measure of acceptability, staff do not



consider that this (the density) in itself is a sufficient reason to refuse the application.

- 9.9 The supporting text to policy DC3 of the LDF details that the Council requires good design in all new housing developments in order to create attractive, safe, secure and high quality living environments which are sustainable and where people will choose to live. Expanding on this, policy DC61 seeks to ensure that development proposals maintain, enhance or improve the character and appearance of the local area.
- 9.10 Given that the employment uses to the east do not form part of this application, a key objective identified by the applicant in formulating the proposed site layout was to design a development which positively responded to both characters/areas. With regard to this, the applicant has sought to create a new active frontage to Crow Lane and Sandgate Close in an attempt to add character and street interest but keep the taller elements of the proposal to the corner junction with Crow Lane and adjacent to the Royal Mail building, with the terrace housing to the west of the site to mirror the street form along Beechfield Gardens.
- 9.11 Staff concur with this approach adopted and consider that the rationale for locating the higher/taller elements of the development towards the east and Royal Mail logical. At five storeys it is acknowledged that the development would be higher than that surrounding it and this concern did form part of one of reasons why the previous version of this scheme was refused. Whilst the height of the development has not changed, as part of this re-submission, it is noted that the applicant has undertaken a further assessment of the locality and its character. This assessment seeks to demonstrate that Crow Lane has no particular homogeneity. The applicant has suggested that whilst responding to the height, bulk and mass of the new development at Oldchurch Hospital, the development has also sought to positively respond to the scale of the built form to the west. The transitional nature of this site, from the aforementioned Oldchurch Hospital development, gas holders and Royal Mail has furthermore been suggested in demonstration that height, where proposed on-site, is appropriate and would not appear overly dominant in the streetscene.
- 9.12 With regard to this, staff consider that the scale and nature of the Royal Mail building renders a block of flats more logical than say detached, semi-detached and terraced dwellings, given the interaction likely between the two sites and juxtaposition a lower form of development would create from a street scene perspective.
- 9.13 In terms of Crow Lane and the existing street scene, as one travels from the town centre, the residential nature of the streetscene changes from the roundabout with Dagenham Road. For a circa 330m stretch of road, there is very little active frontage on the northern side of the road, with Romford cemetery to the south. Looking at this stretch of road in more detail, on the northern side of the road you first come to the gas holders; then the Royal Mail building; and then the site to which this application relates. None of the aforementioned have a significant street appeal and a key objective of any re-

development of this site, for staff, was achieving this and seeking to create more interaction. The proposed development achieves this through the creation of private entrance doors to the ground floor units, new pedestrian footways through the site and new footways along Crow Lane and Sandgate Close.

- 9.14 In terms of building heights, part of block B and block C would be the tallest elements of the development, extending to five storeys. Whilst it is accepted that this would be relatively tall development in context, staff are of the opinion that height in this case, instead of seeking to maximise the number of units, has been used in a positive manner to help define the site. The applicant has not sought to seek five storey blocks of development across the entirety of the site and instead through appropriate variation of form and spacing in the opinion of staff been able to come forward with a site layout which can be both read in isolation and as part of the wider locality.
- 9.15 Staff, in support of this, note that the proposed material palette seeks to be traditional in form with a bit of a modern twist with the use of cladding on the taller elements and projecting aluminium balconies to break up the extent of the brick facades. The development would furthermore be broken up by additional landscaping and the three amenity/play areas.
- 9.16 Overall, whilst the overall height, bulk and mass of the development has not been amended with this re-submission, staff acknowledge that such issues in part involve a matter of judgement. In context of the additional assessments undertaken by the applicant and amendments made to the scheme, which suitably overcome reason for refusal two, on balance, staff bring the application back before Members with a recommendation for approval. Staff, in the absence of identified harm and/or conflict with policy consider substantiating such reasons for refusal at appeal may be difficult. This is a subjective judgement and it is recognised that Members may give greater weight to different issues and come to a differing opinion.
- 9.17 In terms of private amenity space, the Council's Residential Design SPD suggests that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. In this instance, all of the ground floor units proposed as part of this development would have a defensible garden or patio area; and above ground flats would be supplied with a balcony area, with the exception of 11 units that would just have a Juliette balcony (proposed as an amendment to the earlier application, at the request of Royal Mail). The terrace dwellings, to the west of the site, are all proposed with private rear gardens, circa 60m<sup>2</sup> in size.
- 9.18 Previous reasons for refusal included concerns about amenity space in general. In respect of this the revised proposals have sought to re-assign a previous child playspace to a general communal amenity area, adjacent to Block D. This area is approximately 230m<sup>2</sup>. Whilst this has not increased the overall

quantum of amenity space staff note that this change does mean the development now offers residents the use of a central general communal amenity area, whereas before only child playspace was proposed. Two formal children playspace areas would, to confirm, nevertheless remain (one to the west of the site and another to the north). These combined provide approximately 530m<sup>2</sup> of child playspace which is a compliant provision as per London Plan standards. Similarly to the opinion taken in terms of the scale, bulk and mass of the development, the quantum and quality of amenity space proposed and the acceptability of this is a subjective judgement and it is considered that Members may come to a differing opinion.

- 9.19 In terms of unit size, staff have also assessed the development against the Technical housing standards - nationally described space standard and confirm that each unit complies with the appropriate standard for the intended level of occupation.
- 9.20 With regard to accessibility at least 10% of the dwellings proposed would be constructed to comply with Part M4(3)(2)(a) of the Building Regulations - Wheelchair Adaptable Dwellings. With the remainder of the dwellings constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings, in compliance with that required by the London Plan.
- 9.21 From a sustainability perspective, it is proposed that enhanced insulation would be installed in all walls, floors, roofs and windows to reduce thermal leakage; with all units proposed to be heated by individual gas combi-boilers with mechanical heat recovery ventilation. Photovoltaic panels would furthermore be installed throughout the development to realise a policy compliant 35.12% reduction in CO<sub>2</sub> emissions relative to Building Regulations.
- 9.22 For the aforementioned reasons it is considered that the development complies with policies DC2, DC3, DC7, DC36, DC40 and DC61 of the LDF and policies 3.5, 5.3, 5.15, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan with regard to density, scale, mass and design.

### **Residential Mix and Affordable Housing**

- 9.23 Policy DC2, expanding on the above, details that the Council will, as part of any major residential development coming forward be seeking an indicative housing mix of: 24% one bedroom units; 41% two bedroom units; 34% three bedroom units; and 1% five+ bedroom units.
- 9.24 Policy DC6 states that the Council will aim to achieve 50% affordable housing provision as part of new major housing development in the Borough. In applying this target the Council, will through negotiation and agreement with the applicant, assess the suitability of on-site or off site provision for affordable housing the subsequent percentage that is sought with regard to:
- site, size, suitability and viability;
  - the need to achieve and deliver a successful housing development;
  - availability of public subsidy; and any

- other scheme requirements.

In determining planning applications for private residential schemes, including sheltered housing, the Council will seek the maximum reasonable amount of affordable housing having regard to the borough-wise target and tenure need.

- 9.25 Although the indicative mix of units does not comply with that outlined in policy DC2, staff consider that the mix at 12% one bedroom units; 62% two bedroom units; 15% three bedroom units; and 14% four bedroom units is acceptable in principle and sufficient to allow a mixed balanced community to form.
- 9.26 With regard to affordable housing, the applicant has submitted a viability appraisal which suggests that the development cannot support any affordable housing. Following independent review of this by two parties, the Council has negotiated that offer with the applicant following disagreement over suggested build costs. 16 affordable units have subsequently been offered on an ex gratia basis, which the Council's independent appraiser is content with as an offer. In respect of this, the applicant intends to offer block E in its entirety and has suggested all units would be offered in intermediate forms, including Discount Market Rent. The Council's preference is for a 50:50 split between affordable rent and shared ownership (intermediate), as outlined in the Housing Strategy 2014-17, but the applicant has suggested that Registered Providers spoken to would not accept such a split from one core (i.e. in one block). There is also added financial implications with affordable rent, when compared to shared ownership, which on the basis that the offer is ex gratia the applicant considers is unwarranted and not justifiable.
- 9.27 The Council's Housing department considers it important that any affordable housing provided meets Havering's needs. However, in context that Havering's identified need is not currently supported by policies in the LDF and recent guidance from the Mayor is only in draft, it is considered that there would be a significant risk in refusing the application solely on this basis (tenure split). Staff therefore are content, in this instance, to accept the offer as presented. In coming to this conclusion, staff have been mindful of negotiations which have already occurred, the basis (ex gratia) on which the units are coming forward and the actual number of units being created.

### **Impact on Amenity**

- 9.28 Policy DC61, in addition to that detailed above, states that planning permission will not be granted should development result in an unacceptable amount of overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.
- 9.29 Staff note that of the letters of public representation received, amenity impacts and the amenity likely to be experienced by potential occupiers of the development are raised as concerns. With regard to this, block A, along Crow Lane, at three storeys has been set in by approximately 2.5m from the site boundary and the residential property adjacent (number 4 Crow Lane). Whilst the height of the development would be taller than that adjacent by circa 0.5 of

a storey (the residential property being 2.5 storey - pitched roof), given the separation distance, the fact that the building line along Crow Lane would be maintained and that that the block has no flank windows staff do not consider that the development would result in amenity impacts, to number 4 Crow Lane, at a level to warrant refusal.

- 9.30 The terrace houses along the western boundary of the site would back onto the gardens of the properties on Beechfield Gardens. These gardens are approximately 25m in length which when combined with the rear gardens proposed for the terraces would result in a 35-40m distance between habitable room windows. The existing tree line along the boundary would also provide further screening.
- 9.31 At the northern end of the development, staff note that block E would be located approximately 20m from the western boundary. In terms of potential impact to numbers 46 and 48 Beechfield Gardens, mindful of the rear gardens of these properties, a separation of distance of approximately 45m would exist and staff accordingly do not consider the development would appear overbearing or result in a significant loss of privacy.
- 9.32 In terms of living conditions for potential occupiers, the applicant has submitted an internal daylight and sunlight study. The study demonstrates that the terrace houses, which was the area of staff concern in context of the five storey block adjacent, would enjoy good levels of internal sunlight, with all living rooms meeting the 25% Annual Probable Sunlight Hours standard. Approximately 70% of the units, across the site, would furthermore be dual aspect which would increase natural ventilation and levels of sunlight and daylight for the flats.
- 9.33 Turning to noise and air quality, following the amendments made to the design of the development and additional information submitted in respect of likely living standards, the Council's Environmental Health/Public Protection department have raised no objection to the development. Additional information/assessments submitted with the application demonstrate that subject to appropriate glazing both internal and external areas would comply with appropriate standards and the 55dB guidance figure for amenity areas. As a safeguarding measure, the applicant has also sought to ensure all flats are mechanically ventilated.
- 9.34 The previous version of this scheme was brought before Members on the basis of the quality of accommodation offered was a balanced decision or required a matter of judgement. It was acknowledged that the design of the development previously meant that there was the potential that some of the balcony areas would experience noise levels above the 55dB guidance figure. The amendments made to the scheme, in the form of the re-location or removal of these balconies overcomes this concern. Furthermore the provision of mechanical ventilation for the units, facing Crow Lane and Sandgate Close, seeks to ensure that at any time should a resident wish to keep their windows closed (for whatever reason) there will be a supply of fresh air to habitable rooms.

- 9.35 Staff note, in this respect, that Royal Mail no longer have concerns about the development or fears that, should the development come forward, noise complaints would arise from residents. Accordingly, it is considered that the additional information submitted and revisions made to the scheme suitably address previously reason for refusal two.
- 9.36 In terms of air quality, mindful for the above, staff do not consider that the existing nearby uses (or environmental conditions) would render this development unacceptable (i.e. the standard of living conditions offered would be sub-standard or fail to meet appropriate standards or guidance). It has been identified that during construction the development has the potential to result in dust emissions of medium significance. However, subject to suitable management and mitigation which could be secured by condition it is not considered that such impacts would warrant refusal.

### **Car Parking Provision & Highway Impact**

- 9.37 Sandgate Close becomes a private road just beyond the junction with Crow Lane. Sandgate Close is a two-way single carriageway that has double-lines either side of the road. It is understood that Royal Mail as part of their leasehold is not permitted to park along Sandgate Close although as a private road this is not managed or controlled by the Highway Authority.
- 9.38 Vehicular access to the site is proposed at five points, as part of the development proposals:
- one from Crow Lane; and
  - four from Sandgate Close.

The Crow Lane access would only serve four car parking spaces and would provide no permeability to the rest of the site. This replaces an existing access into the site in broadly the same location. Of the four accesses proposed from Sandgate Close; one provides access to a ground level parking area behind block A and B and the underground parking area beneath block B; one is an access to a car parking area to the north of the site; and the final two are the access/egress junctions for the main loop road serving blocks C, D and E and the terrace houses and associated car parking areas.

- 9.39 A total of 225 car parking spaces would be provided across the site. Of the spaces provided, 15 would be disabled bays and 20% would be provided with electric charging points; with a further 20% capable of being upgraded in the future. In addition 282 secure bicycle spaces would be provided.
- 9.40 In terms of the quantum of vehicle and bicycle spaces proposed, at a ratio of 1.5 vehicle spaces and 1.88 cycle spaces per unit, this represents a compliant provision in respect of policies DC2 and DC33 of the LDF. In terms of the London Plan, that proposed represents also represents a compliant provision as per that detailed in policies 6.2 and 6.3. The vehicle parking ratio, at 1.5 spaces per unit, for reference, is representative of the maximum possible provision which would be compliant with the London Plan for a development of this density in an area with a PTAL of between 1b and 2.

- 9.41 With regard to the above, staff nevertheless note that limited details have been provided in terms of management of spaces; and how spaces would be assigned to units and/or as visitor spaces. It is therefore considered that should planning permission be granted, whether by condition or legal agreement, a parking management plan and strategy should be secured.
- 9.42 Looking at highway impact and congestion, it is noted that the Transport Assessment submitted by the applicant suggests that at weekday morning peak (8:00-9:00am), 24 vehicles would arrive at the site and 102 depart. In terms of evening peak (17:00-18:00pm), it is suggested 76 vehicles would arrive and 33 depart. With regard to impact, it is suggested that once traffic has passed through Sandgate Close and the junction with Crow Lane, the impact on the highway network would be negligible. In terms of the actual junction (roundabout), it is suggested that the development would add to congestion but the junction would remain within theoretical capacity - peaking at 79% with a queue of four vehicles estimated from the eastern Crow Lane approach in morning peak. For reference, the baseline, for the eastern approach is currently three vehicles in the morning peak so in simple terms the development would increase the queue length by one vehicle.
- 9.43 The Highway Authority has not objected to the proposal although has sought to express that Sandgate Close is not adopted and therefore the existing parking issues on this road are outside the scope of consideration. The Highway Authority acknowledge that the highway impact as a result of the development and associated vehicle movements is likely to be negligible. However, many of the junctions to the east and towards Romford are as existing operating at or over capacity and accordingly, albeit negligible, the development would put further strain on these junctions.
- 9.44 Staff whilst mindful of the above consider the development, on balance, acceptable from a highway perspective. It is considered that substantiating a reason for refusal when the additional impact is likely to be negligible would be difficult at appeal, in context of that detailed at paragraph 32 of the NPPF.

### **Other Considerations**

#### **Contaminated Land**

- 9.45 Given that this site is noted as potentially contaminated, and mindful of the former site use, the applicant has submitted a full geotechnical and geo-environmental report and remediation strategy. The report submitted through the results of the site investigation indicate that any re-development of the site has the potential for unacceptable risks to human health given the concentrations of hydrocarbons, PAH and asbestos within shallow soils.
- 9.46 To mitigate such risks it is proposed to install a ventilated subfloor void or vapour resistant membrane in the buildings to the north of the site; install placement capping in soft landscaped areas; use appropriate water supply pipe material; and use an appropriate concrete mix for buried concrete to protect

against sulphate attack. The Council's Environmental Health/Public Protection department has assessed that submitted and offered in terms of mitigation and are content that subject to verification of the aforementioned being completed on-site that contamination and/or human risk is not a reason to withhold the granting of planning permission.

### Flood Risk

- 9.47 Policy CP15 of the LDF, in-part, details that new development should reduce and manage fluvial, tidal and surface water and all other forms of flood risk through spatial planning, implementation of emergency and other strategic plans and development control policies; have a sustainable water supply and drainage infrastructure; and avoid an adverse impact on water quality. Expanding on this policy DC48 states that development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Policy DC51 goes on detailing that planning permission will only be granted for development which has no adverse impact on water quality, water courses, groundwater, surface water or drainage systems unless suitable mitigation measures can be secured through conditions attached to the planning permission or a legal agreement.
- 9.48 This site is located within flood zone 1 with a low risk of fluvial flooding. There are no historical records of flooding on the site. With regard to run-off, assessments undertaken by the applicant suggest that the developed site would increase peak run-off rates and volume by around 4%. This would however be off-set by the larger permeable area of garden/landscaping proposed as part of the development when compared to the hardstanding as existing. Given the known site contamination issues, sustainable urban drainage in the form of soakaways and/or trenches are not appropriate in this instance. However, to off-set the increased run-off rate, permeable paving and cellular storage tanks are proposed to achieve a storage capacity of 167m<sup>3</sup> for a 1 hour storm. This although not representative of greenfield run-off rates is an improvement compared to the existing situation. Subject to suitable conditions to ensure the drainage strategy is implemented and maintained it is considered that the development complies with policy DC51.

### Trees & Ecology

- 9.49 Policy CP16 of the LDF states that Council will seek to protect and enhance the Borough's rich biodiversity and geodiversity, in particular priority habitats, species and sites. This is a position supported by policy DC42 and DC58. Policy DC60 furthermore details that the amenity and biodiversity value afforded by trees and woodland will be protected and improved. Policy 7.21 of the London Plan expanding on this states that existing trees of value should be retained and any loss as a result of development should be replaced following the principle of 'right place, right tree'.



- 9.50 The Council's Protection of Trees during Development SPD states that aged or 'veteran' trees found outside ancient woodland are particularly valuable for biodiversity and their loss should be avoided. An Arboricultural Assessment has been submitted with the application which notes the TPO on the 26 x Poplar trees and one Silver Birch along the western boundary of the site. The Assessment submitted has reviewed the quality of these and all other trees on-site and identified works necessary to facilitate the development and general good management. Whilst staff note that the Assessment suggests the removal of six trees - these are identified as of a condition that any existing value would be lost within 10 years and which should be removed irrespective of the development. Accordingly no objection is raised to this work occurring. In terms of the other works proposed, it is noted that many of the Poplars would receive a crown lift however such works is considered in good practice and accordingly would not seek to unduly open up views to the rear gardens of the properties along Beechfield Gardens. Further, the scheme landscape proposals show numerous additional trees being planted. Suitable conditions to ensure adequate tree protection measures during the development would nevertheless be necessary should planning permission be granted.
- 9.51 In terms of ecology, whilst the site itself is not designated for any ecological interest or merit, it is noted that railway verge and Romford cemetery are sites of local ecological importance. Given the existing site conditions; and mindful of the additional landscaping proposed as part of the development it is not considered that subject to acceptable mitigation during the course of the construction that the proposals would have significant ecological impacts.

## **10.0 Section 106**

- 10.1 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.
- 10.2 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.
- 10.3 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.

- 10.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 10.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 10.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 10.7 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.
- 10.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6,000 per dwelling for educational purposes would be appropriate.
- 10.9 In the event that planning permission is granted, this application as such would be liable for a £900,000 education contribution, in addition to any contribution under the Mayoral CIL. Should a recommendation for refusal be made, as there would be no mechanism for securing this contribution, this could form an additional reason for refusal.

## **11.0 Conclusion**

- 11.1 The Council is under increasing pressure to find additional housing stock and as evidenced as part of the Employment Land Review undertaken in 2015 have identified this site as potentially representing a suitable re-development site.

- 11.2 Whilst this is a re-submission of a previously refused scheme, which in essence has remained at the same density (150 units), staff, in the absence of significant identifiable harm, consider the scale, mass and form of the development acceptable. It is considered that the proposal would integrate within the immediate context and it is considered that the building design and material palette would positively contribute to the local area.
- 11.3 Amendments made to the design and location of the balconies facing Sandgate Close and Royal Mail overcome previous concerns from an amenity perspective and staff are content with the overall quantum and quality of private and communal amenity areas and child play space.
- 11.4 A policy compliant provision of car parking spaces is furthermore proposed and in view of the suggested negligible impact on highway capacity it is not considered a reason for refusal on highway grounds could be supported at appeal.
- 11.5 Accordingly, mindful of all other material planning considerations, staff recommend that planning permission be granted subject to conditions and legal agreement.

## IMPLICATIONS AND RISKS

**Financial implications and risks:** None

**Legal implications and risks:** Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

**Human Resources implications and risks:** None

**Equalities implications and risks:** The Council's planning policies are implemented with regard to equality and diversity.

## BACKGROUND PAPERS

1. Application form, plans and associated documents submitted with planning application ref: P0587.17, validated by the Local Planning Authority 05/04/2017.

This page is intentionally left blank

# REGULATORY SERVICES COMMITTEE

29 June 2017

# REPORT

**Subject Heading:**

P0671.17  
Mardyke Farm, Dagenham Road,  
South Hornchurch, Rainham, RM13 7RS

Variation of condition 1 (timeframe), 8 (landscaping) and 10 (drainage) attached to planning permission reference: P0455.14 (restoration, re-contouring and landscaping of land) to enable completion of outstanding works by July 2018 and amendments to the approved landscaping and drainage schemes  
(Application received 21st April 2017)

**SLT Officer:**

Steve Moore  
Director of Neighbourhoods

**Report Author and contact details:**

Tom McCarthy  
Minerals & Projects Planning Officer  
tom.mccarthy@havering.gov.uk  
01708 431883

**Policy context:**

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

**Financial summary:**

Not relevant

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

This application seeks the continuation of development (restoration, re-contouring and landscaping of land) at Mardyke Farm, most recently approved by application reference: P0455.14, without compliance with three conditions. In this regard the applicant is seeking an additional period of time, until July 2018, to complete the development together with amendments to the site landscaping and drainage schemes - in so much as the applicant now intends to leave the eastern drainage ditches and ponds as existing without intervention.

The variations proposed have been assessed in context of the site history and all material planning considerations and staff raise no policy objection. Accordingly, it is recommended that planning permission be granted subject to conditions and appropriate variation of the existing legal agreement.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 29 December 2017, varying the existing Legal Agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 and this development, to:

- Ensure that the existing schedules and covenants carry forward to this new planning permission.

In the event that the s106 agreement is not completed by such date the item shall be returned to the committee for reconsideration.

- The applicant shall furthermore 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.

Subject to above, it is recommended that the Director of Neighbourhoods be authorised to enter into the aforementioned variation and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. With the exception of aftercare works, the development hereby approved, including the approved engineering operations and landscaping works, shall be completed by 31<sup>st</sup> July 2018.

Reason: In the interest of amenity and to ensure the full restoration of the site within a reasonable timescale.

2. All construction traffic shall use the existing access onto Dagenham Road. There shall be no other vehicular access to the site.

Reason: To ensure that operations take place in an orderly fashion, with minimum harm to the amenities of the area and local infrastructure.

3. With the exception of after-care and tree planting, the development hereby permitted shall only be carried out between 08.00 and 18.00 on weekdays, 08.00 and 13.00 on Saturdays and not at all on Sundays and public holidays.

Reason: In the interests of local amenity, in accordance with Policy DC61 of the Development Control Policies Development Plan Document and the guidance contained in the NPPF.

4. The development shall be undertaken in accordance with the noise controls approved under condition 4 of planning permission P0432.10.

Reason: In the interests of local amenity, in accordance with Policy DC61 of the Development Control Policies Development Plan Document and the guidance contained in the NPPF.

5. The monitoring of noise emissions from the development hereby permitted shall be undertaken in accordance with the scheme approved under condition 5 of planning permission P0432.10. Monitoring data shall be retained during the life of the operation and shall be supplied to the local planning authority on request.

Reason: In the interests of local amenity, in accordance with Policy DC61 of the Development Control Policies Development Plan Document and the guidance contained in the NPPF.

6. All vehicles, plant and equipment used on the site shall be silenced, maintained and operated in accordance with the manufacturers specifications.

Reason: In the interests of local amenity, in accordance with Policy DC61 of the Development Control Policies Development Plan Document and the guidance contained in the NPPF.

7. The control and monitoring of dust emissions from the development hereby permitted shall be undertaken in accordance with the scheme approved under condition 7 of planning permission P0432.10 and shall be implemented for the life of the development.

Reason: In the interests of local amenity, in accordance with Policy DC61 of the Development Control Policies Development Plan Document and the guidance contained in the NPPF.

8. The development shall be undertaken in accordance with the approved landscaping plans approved as part of condition 8 of planning permission P0432.10, except as amended by the plans referenced "96000-LANDSCAPE-001 V1 (Revision E)" and "96000-BOUNDARY-022", dated 04/04/2017 and 05/06/2014 respectively, along with the fencing and gate details submitted with planning permission P0455.14 received 09/06/2014.

Reason: To ensure appropriate and proper restoration of the site, in accordance with the details approved.

9. Any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure appropriate and proper restoration of the site, in accordance with the details approved.

10. The development, with the exception of approved alterations to the eastern ecological zone as shown on plan reference "96000-LANDSCAPE-001 V1 (Revision E)", shall be undertaken in accordance with the drainage scheme approved as part of condition 10 of planning permission P0432.10.

Reason: To prevent the increased risk of flooding to third parties, to the site itself, to improve water quality and to enhance biodiversity.

11. Only restoration soils that are in accordance with the site specific environmental permit and exemption issued by the Environment Agency shall be imported onto the site and used for infilling.

Reason: To ensure that imported material is fit for purpose and proper restoration of the site to public amenity.

12. The final layer of covering material shall be at least 0.6m depth of topsoil or other soil-forming materials and this shall be increased to at least 1.5m depth in areas to be planted with trees and shrubs. Topsoil shall be graded to form the approved final contours and to provide an even surface for planting and grass sowing. The finished surface shall be ripped to disturb the whole soil profile to a depth of at least 0.4m in order to alleviate compaction. Soil material shall only be spread when friable in order to minimise compaction. Any soil or other material which is surplus to requirements shall be removed from the site within 1 month on completion of restoration.

Reason: To ensure proper restoration of the site.

13. Restoration materials shall not be stored in mounds exceeding 3m in height and all other materials shall be stored in mounds not exceeding 4m in height.

Reason: To ensure that operations take place in an orderly fashion with minimum harm to the amenities of the area and to ensure proper restoration of the site.

14. The development shall be undertaken in accordance with the wheel washing details approved as part of condition 14 of planning permission P0432.10.



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

15. All heavy goods vehicles that leave the site during the course of the approved engineering operations shall be cleaned in accordance with the details approved as part of condition 14 above.

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

16. Internal haul roads shall be constructed in accordance with the plans and specifications approved under planning permission P0432.10. All vehicles and machinery shall travel to the individual phases of the development within the site on the designated haul roads. Any alterations or amendments to the haul roads location and/ or specifications shall be submitted to and approved in writing by the local planning authority prior to their implementation. Upon completion of the site restoration, the haul roads shall be broken up and removed and the site restored in accordance with the details approved under condition 8 above.

Reason: In the interests of local amenity, in order to ensure timely restoration of the site and in accordance with Policy DC61 of the Development Control Policies Development Plan Document and the guidance contained in the NPPF.

17. The site perimeter fencing approved under condition 16 of planning permission P0432.10 shall be retained for the duration of the restoration works. Lockable gates shall be provided at the vehicular access to the land. The gate shall be kept locked at all times when the site is closed and the security fencing maintained throughout the construction period. Upon completion of the engineering operations, the perimeter fencing shall be removed or modified in accordance with the details approved as part of condition 8 above.

Reason: In the interests of local amenity, in order to ensure timely restoration of the site and in accordance with Policy DC61 of the Development Control Policies Development Plan Document and the guidance contained in the NPPF. For the purposes of this condition "Engineering Operations" means any phase of the development that has been completed and the final layer of topsoil spread made ready for planting/seeding.

18. The development hereby approved shall be undertaken in accordance with the details approved as part of condition 17 of planning permission P0432.10, and shall continue to be undertaken in accordance with the requirements of that condition.

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

19. The development hereby permitted shall be undertaken in accordance with the ecological management plan and protected species management plan approved as part of condition 18 of planning permission P0432.10. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with Policies DC58 and DC59 of the Development Control Policies Development Plan Document.

20. The development shall be undertaken in accordance with the details approved as part of condition 19 of planning permission P0432.10 for the removal or long-term management/eradication of Japanese knotweed, giant hogweed and New Zealand pygmyweed at the site.

Reason: To ensure the site is restored and managed and in the interests of overall ecological enhancement and public amenity value.

21. The local planning authority shall be notified in writing within 5 working days of the completion of the approved infilling of material and engineering operations, and within 5 working days of the completion of those landscaping and restoration works approved as part of condition 8 above.

Reason: In the interests of ensuring the development is completed on time and to establish the commencement date for the required aftercare period.

22. A plan showing the final site levels (with contours at 1m intervals), shall be submitted for the approval in writing of the Local Planning Authority, within 1 month following the completion of the approved infilling of material and engineering operations. A further plan showing final site levels shall be submitted to the Local Planning Authority for its written approval within 1 month following the completion of the landscaping and restoration works approved as part of condition 8 above.

Reason: In the interests of ensuring the development is completed in time and in accordance with the details approved.

#### Informative(s)

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per

request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

2. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:
  - a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
3. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### **1.0 Site Description**

- 1.1 The application site is located off Dagenham Road and is an irregular shaped area of land, approximately 37ha in size. The northern boundary of the site adjoins Dagenham Road along with residential properties located along Thorogood Way. The eastern boundary of the site predominately adjoins residential properties along Stanley Road North and Betterton Road, but also a sports field at its southern end. The southern boundary adjoins the aforementioned sports field but also at its western end residential development within or in close proximity to Orchard Village. The site is bounded to the west by Beam River, forming the Borough boundary with Barking and Dagenham.
- 1.2 The site has been subject to active land restoration since April 2011, involving the importation and deposition of inert material, and its shaping to form levels approved as part of planning permission reference: P0432.10. The proposed restoration of the site is to public open space and nature conservation.
- 1.3 In terms of designations, the site forms part of the Green Belt and in part forms part of a flood risk area and Site In Nature Conservation (SINC). The site is also noted as potentially contaminated by the Council, mindful of previous landfill operations on-site.

### **2.0 Description of Proposal**

- 2.1 This application seeks to vary condition 1 (timeframe), 8 (landscaping) and 10 (drainage) attached to the current planning permission for the site (application reference: P0455.14). The proposed variations seek to allow outstanding works to be completed by July 2018 (as per P0455.14 works were due to be completed by April 2017); and amend the approved landscaping and drainage

schemes in so much as, following discussions with Natural England, the applicant has decided to leave an area to the east of the site (the ecological zone) alone and not make any changes to it (i.e. it will be left in its current condition).

2.2 In all other respects, the development would be completed as previously approved.

### **3.0 Relevant History**

3.1 This site has an extensive planning history, with the site having been worked for sand and gravel since the late 1940s. Following extraction, the site was landfilled, but by modern standards, poorly restored. Planning permission was granted, on appeal, in 1995 (ref: P0186.93) to further restore the site through the importation of some 1.25 million cubic metres of inert materials. It was suggested that the material would cap the historical landfill and facilitate restoration to informal public open space and woodland. Approximately 70% of material was imported when works ceased in 2003 - leaving the site and scheme largely unfinished. The works re-commenced in 2011, following the grant of planning permission reference: P0432.10, which as referred previously in this report was varied by way of application reference: P0455.14. Full details of these two applications are provided below for completeness:

- P0432.10 - Restoration, re-contouring and landscaping of land without complying with conditions 2 (time limit for completion), 9 (landscaping), 11 (phasing), 13 (drainage ditches) and 15 (clay cap) of Planning Permission P0186.93. Approved subject to conditions and legal agreement 01/07/2010.
- P0455.14 - Variation of Conditions 1 and 8 of P0432.10 - extension of time for completion and reduce the number of site access points to two. Approved subject to conditions and legal agreement 17/07/2014.

### **4.0 Consultations/Representations**

106 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. No letters of public representation have been received.

Environment Agency - No objection.

Highway Authority - No objection.

Havering Friends of the Earth - Object on the basis that the planned re-landscaping appears to be proceeding in a haphazard manner, with no long-term oversight. Various extensions of time have previously been granted but yet the project still remains unfinished. Questions are furthermore raised with regard to if infilling has been completed; if Natural England have commented and confirmed that the proposed amendments to the landscaping and drainage plans are at their request; and compliance with existing (other) conditions.

Havering Friends of the Earth also raise a number of concerns with regard to the availability of information and documentation submitted with historical applications on the Council's website.

London Borough of Havering Environmental Health - No objection.

London Borough of Havering Lead Local Flood Authority - No comments to make.

Natural England - No comments to make.

## **5.0 Relevant Policies**

LDF Core Strategy and Development Control Policies Development Plan Document (LDF): CP10 - Sustainable Transport, CP11 - Sustainable Waste Management, CP15 - Environmental Management, CP16 - Biodiversity and Geodiversity, CP17 – Design, DC22 - Countryside Recreation, DC32 - The Road Network, DC42 - Minerals Extraction, DC45 - Appropriate Development in the Green Belt, DC48 - Flood Risk, DC51 - Water Supply, Drainage and Quality, DC52 - Air Quality, DC53 - Contaminated Land, DC55 – Noise, DC56 – Light, DC58 - Biodiversity and Geodiversity, DC59 - Biodiversity In New Developments, DC60 - Trees and Woodland, DC61 - Urban Design, DC72 - Planning Obligations, W1 - Sustainable Waste Management, W4 - Disposal of inert waste by landfilling and W5 - General Considerations with regard to Waste Proposals

London Plan: 2.8 - Outer London: Transport, 5.12 - Flood Risk Management, 5.13 – Sustainable Drainage, 5.14 - Water Quality And Wastewater Infrastructure, 5.16 - Waste Net Self-Sufficiency, 5.17 - Waste Capacity, 5.18 – Construction, Excavation and Demolition Waste, 5.19 - Hazardous Waste, 5.21 - Contaminated Land, 6.1 - Strategic Approach, 6.3 - Assessing Effects Of Development On Transport Capacity, 6.12 - Road Network Capacity, 7.4 - Local Character, 7.14 - Improving Air Quality, 7.15 - Reducing And Managing Noise, Improving And Enhancing The Acoustic Environment And Promoting Appropriate Soundscapes, 7.16 – Green Belt, 7.19 - Biodiversity And Access To Nature, 7.21 - Trees And Woodlands and 8.2 - Planning Obligations

Government Guidance: National Planning Policy Framework, National Planning Practice Guidance and National Planning Policy for Waste

## **6.0 Staff Comments**

### **Principle of Development**

- 6.1 The restoration works to this site have a long planning history, as previously outlined in this report. Staff, mindful of this, and the previous planning permissions issued, consider the Council has accepted the works, in principle, as appropriate, justified and policy compliant.

- 6.2 In context of the above, staff have sought to assess this application solely on the basis of the amendments proposed. With regard to this staff nevertheless note that this site is located in the Green Belt and an assessment of the circumstances advanced to prolong the development (landraising as an inappropriate use/operation) will therefore be necessary.

#### **Variation of Condition 1 (Timeframe)**

- 6.3 Conditions imposed as part of application reference: P0455.14 required the development including the approved engineering and landscaping works, but excluding the aftercare works, to be completed by 11<sup>th</sup> April 2017.
- 6.4 The applicant has suggested that the drainage and site boundary works and landscaping have not yet been completed on site. The applicant has suggested that this was due to the fact the earthworks (the importation of material) took longer to complete than expected. The delay it is suggested primarily resulted from extenuating circumstances, but namely extended periods of bad weather.
- 6.5 It is understood that all material required to complete the landform are now on-site, with final shaping works taking place to the landform. The additional period sought by this application, until July 2018, would therefore simply enable landscape seeding; and final ecological mitigation work to be undertaken in the appropriate season.
- 6.6 Mindful of the current state of the site and progression towards completion, it is not considered that the activities proposed to be occurring within the additional time period would fundamentally impact on the openness of the Green Belt, or result in impacts which have previously not been considered to be outweighed by the benefits the development would realise overall.
- 6.7 The proposed extension of working would delay final restoration and accordingly result in some visual harm to the amenity of the Green Belt through the prolongment of on-site works. However, given the works outstanding are fundamental to achieving the intended restoration, and the extension sought is relatively short, staff, whilst disappointed that the development hasn't been able to complete as per the 2014 permission, raise no objections to the additional period to complete the outstanding works. Subject to previous safeguarding conditions being re-imposed, but also mindful of the actual works likely to be occurring on-site, staff foresee no significant amenity impacts arising from the extension to nearby properties.

#### **Variation of Condition 8 (Landscaping) and 10 (Drainage)**

- 6.8 The applicant has suggested that following discussions with Natural England, preference exists to leave the ecological area/zone to the east of the site untouched. Originally the scheme sought a series of improvement works to this area, improving drainage ditches and constructing a series of ponds. However, it is now suggested that concerns exist in respect of the impact this work could have on the ecological status of the site as existing. The ponds did not perform

an active function in the drainage plans for the site so their removal has no implications in this regard.

- 6.9 It is noted that the landscaping scheme originally approved, as part of the 2010 application, suggested that the scheme sought to maximise potential ecological value. These works (the works to the ecological area/zone) were however only one aspect of the overall restoration package. In context of this and that Natural England has raised no concerns to the amendments staff raise no principle objection from an ecological perspective.
- 6.10 In terms of drainage, it is understood that the capacity of the drainage ditches and ponds/swales as existing is similar to that which was proposed. The works proposed to the ditches simply sought to re-define/re-locate the ponds in a more co-ordinated manner, to facilitate more uniformed management of the site. In context of this, and that the Environment Agency has raised no objection from a flood risk perspective, staff raise no objection to the proposal to simply leave this area as is.
- 6.11 To confirm, staff do not consider the changes proposed to the landscaping scheme, and accordingly the drainage plan, in any way undermine the overall quality of the restoration which would be delivered.

### **Other Considerations**

#### **Environmental Impact Assessment**

- 6.12 Consideration has been given to Section 13 (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) given the size of the development and that the proposal, as a whole, falls within the scope of a Schedule 2 development (Section 11 (b)). In this instance, in context of the variations proposed and guidance contained within the National Planning Practice Guidance, it is not considered that the development would result in any impacts of more than local significance. Accordingly, it is not considered that an Environmental Impact Assessment needs to be submitted in support of the application. In coming to this decision staff have carefully considered the planning history and whilst it is noted an ES was submitted with application ref: P0432.10, it was not considered an update was required with P0455.14 mindful of progress made with the development and the nature of the variations proposed in that case.

### **7.0 Conclusion**

- 7.1 In the absence of significant amenity impacts and that the variations are considered acceptable from a landscape perspective, it is recommended that planning permission be granted subject to the conditions previously imposed as part of planning application ref: P0455.15 (albeit updated) and the extant legal agreement being varied as appropriate.

## IMPLICATIONS AND RISKS

**Financial implications and risks:** None

**Legal implications and risks:** Legal resources would be required for the variation of the legal agreement. The amendment proposed to the existing Section 106 is nevertheless required to ensure that the existing schedules and covenants which are outstanding and relate to this site are carried forward.

**Human Resources implications and risks:** None

**Equalities implications and risks:** The Council's planning policies are implemented with regard to equality and diversity.

## BACKGROUND PAPERS

1. Application form, plans and associated documents submitted with planning application ref: P0671.17, validated by the Local Planning Authority 21/04/2017.



# REGULATORY SERVICES COMMITTEE

29 June 2016

# REPORT

**Subject Heading:**

**P0485.17**

123 Victoria Road, Romford

The demolition of a redundant joinery workshop and store and the construction of a terrace of four 2 bedroom homes (Application received 23-03-2017)

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

Cole Hodder  
Planner  
[cole.hodder@havering.gov.uk](mailto:cole.hodder@havering.gov.uk)  
01708 432829

**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 two existing buildings within a commercial yard and the formation of a terraced row comprising of four, two bedroom dwellings with off-street parking and private amenity space.

It raises considerations in relation to the impact on the character and appearance of the street-scene, the impact on the residential amenity of future occupants and that of neighbouring residents, in addition to matters relating to highways/parking.

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

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 874 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £500 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 29<sup>th</sup> December 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 £24,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

### **2. Materials**

Before any development above ground level takes place, 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.

### **3. Accordance with Plans**

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

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

### **4. Landscaping**

No development above ground level 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

## **5. Boundary Treatment**

No development above ground level shall take place until details of all proposed walls, fences and boundary treatment are 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.

## **6. Cycle Storage**

Prior to the first occupation of the development hereby permitted cycle storage shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

## **7. Refuse and Recycling**

Prior to the first occupation of the development hereby permitted, refuse and recycling facilities shall be 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.

## **8. 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 retaining a satisfactory level of amenity for future occupiers given the size of the plots, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## **9. 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.

## 10. Hours of Construction

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

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

## 11. Railway noise

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

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

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

**Reason:** To protect residents from transportation noise and vibration

## 12. Pedestrian Visibility Splay

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

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

## 13. Vehicle Access

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

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

## 14. 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.

## 15. Sprinkler System

No development above ground level shall take place until details of the proposed emergency sprinkler system, to be installed in the approved dwelling, have been submitted to and approved in writing by the Local Planning Authority. The approved sprinkler system shall be installed prior to the first occupation of the development and retained as such for the life of the development.

**Reason:** In the interests of fire safety and amenity, in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

## 16. Air Quality Assessment

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

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

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

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

## 17. 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:** 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.

## **18. Contaminated Land 2**

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

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

**Reason:** To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

## **19. Access**

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.

## **20. Water Efficiency**

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

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

## **21. Sound Insulation**

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties.

## **INFORMATIVES**

### **1. Planning Obligation**

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.

### **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.

### **3. Mayoral CIL**

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £500 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

### **4. Changes to the Public Highway**

Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been

submitted considered and agreed. If new or amended access as required (whether temporary or permanent) there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. please note that unauthorised work on the highway is an offence.

## **5. Highway Legislation**

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

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

## **6. Temporary use of the public highway**

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708434343 to make the necessary arrangements.

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

## **7. Street name/numbering**

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

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

## **8. AQA Modelling**

The applicant shall be aware of the following:

- AQ modelling must be based transport related inputs which have been approved by LB Havering's Transport Assessment team.

- It is essential that junctions and heavily congested roads are modelled accurately and this is reflected in the choice of relevant node spacing and vehicle speed inputs.
- Where under predictions occur nodes must be scrutinised and where necessary vehicle speeds adjusted to reflect queuing.
- It is the responsibility of the applicant to ensure that their appointed consultants' modelling verification is robust and adjustment factors clearly explained and justified, calculations and graphs must be provided at validation.
- Margin of error must not exceed 4 (refer to LAQM guidance as best practice).
- A cumulative assessment of major committed developments in the area must be incorporated into the modelling.
- Contrary to the values given in the EPUK guidance a magnitude of change greater than 0.5 µg/m<sup>3</sup> is considered significant in areas where present concentrations are breaching limit values and shall be assessed as such. Such changes do not contribute towards EU limit values (NPPF paragraph 124).
- Any other scenarios should be considered which are relevant to this site

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises of an area of land located on the North side of Victoria Road. The site at present has two existing buildings, both observed at the time of site inspection to be in a general state of disrepair and of no architectural merit.
- 1.2 The application site is located to the rear of an existing detached building in use as offices presently and backs onto the Railway Line to the north of the site.
- 1.3 The site is set back from the highway and is accessed via an existing service road which runs perpendicular to the shared boundary. Ground level is relatively even.

### 2. Description of Proposal

- 2.1 Permission is sought for the demolition of the existing redundant joinery building and lock-up store and the formation of a terraced row of four, two bedroom dwellings.
- 2.2 The existing vehicular access will be utilised, however the site will be resurfaced to accommodate vehicle parking. A total of 12 spaces are shown.

### **3. History**

ES/ROM/411/53 - Use for joinery shop - APPROVED

ES/ROM/411/B/53 - Permanent use of existing joinery workshop - APPROVED

408/58 - Extension to joinery workshop - APPROVED

1981/70 - New Storage Building - APPROVED

P1970.16 - The demolition of a redundant joinery workshop and construction of a terrace of five two bedroom homes - REFUSED

- The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area contrary to Policy DC61 and the Residential Design SPD.
- The proposed development would, by reason of its size, scale, design, position and proximity to neighbouring properties represent intrusive and overbearing development, which would be out of character with its surroundings and have a serious and adverse effect on the living conditions of adjacent occupiers, including potential for overlooking and loss of privacy, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
- In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

### **4. Consultation/Representations**

4.1 Neighbour notification letters were sent to 45 neighbouring occupiers. One letter of representation was received at the time of writing which expressed a concern over the access to the site and inadequate parking for residents/visitors. The highways impacts of the development will be fully assessed within the body of this report.

4.2 Highway Authority - No objections, subject to conditions.

4.3 Environmental Health - No objections, subject to conditions.

### **5. Relevant Policy**

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC03 (Housing Design and Layout), DC32 (The Road Network), DC29 (Educational Premises), DC33 (Car Parking) DC34 (Walking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places), DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 In addition the Residential Extensions and Alterations SPD and the Residential Design SPD
- 5.2 Policies 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) 7.4 (local character), 7.6 (Architecture), 8.2 (Planning Obligations) and 8.3 (Mayoral CIL) of the London Plan, are material considerations.
- 5.3 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

## **6. Mayoral CIL implications**

- 6.1 The proposed development will require the demolition of approximately 298m<sup>2</sup> of existing built form and the formation of four two bedroom units with a gross internal floor area of 323m<sup>2</sup>.
- 6.2 In total the proposal would create 25m<sup>2</sup> of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £500 based on the calculation of £20.00 per square metre.

## **7. Staff Comments**

- 7.1 The main considerations relate to the principle of the development and the layout of the scheme, the impact on local character/the established pattern of development, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.
- 7.2 In addition, this application follows a previous submission in 2016 and therefore whether the previous reasons for refusal have been addressed is a primary factor in the assessment of this current application.

## **8. Principle of Development**

- 8.1 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable. The proposal is therefore acceptable in land use terms.

## **9. Density/Site layout**

- 9.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning

permission will not be granted for proposals that would significantly diminish local and residential amenity.

- 9.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.
- 9.3 For two storey, two bedroom, three person dwellings the required gross internal floor area is set at a minimum 70m<sup>2</sup>. Each of the proposed units would exceed this standard, with floor area of 80m<sup>2</sup> measured internally. In addition to a satisfactory gross internal floor area, the proposed dwellings would benefit from sufficient headroom and bedroom size/mix. It is the opinion of staff that the proposed dwellings would comply with all other standards which must be applied. It can therefore be concluded that an internal arrangement capable of providing a standard of living acceptable for future occupiers which would meet the aims and expectations of the London Plan is demonstrated.
- 9.4 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. The previous application was unable to demonstrate an adequate arrangement of amenity space in line with the requirements of the SPD.
- 9.5 The current submission has relocated the terraced row from a position perpendicular to the shared boundary, to a position more central within the site. Whilst still allowing for adequate space for the manoeuvring of vehicles to/from the dwellings, the altered position and reduced number of units allows for a greater degree of separation from the rear boundaries of the site and thus an increased area set aside for amenity space. The rear gardens for the proposed dwellings in terms of size vary from between 35m<sup>2</sup> and 42m<sup>2</sup>. This is a significant improvement over the previous submission which demonstrated an outdoor area of only 15m<sup>2</sup> for each of the dwellings.
- 9.6 It is recognised that the surrounding dwellings within this location are characterised by private spacious rear gardens and therefore the view could be taken that the arrangement shown does not replicate that prevailing character.
- 9.7 However, the amenity space shown would nevertheless align with the requirements of the Residential Design SPD. Staff consider that an adequate and functional space would be provided. Therefore the previous reason for refusal has in the view of staff been overcome.

## **10. Design/Impact on Street/Garden Scene**

- 10.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context and the NPPF reinforces this by placing emphasis on good quality, design and architecture.
- 10.2 The proposed terraced row would share the same overall ridge height/eaves height among other unifying architectural qualities.
- 10.3 The previous submission sought a terraced row of five units, perpendicular to the shared boundary with adjacent residential occupiers. The current submission reduces the number of units and thereby the scale, bulk and mass of the development equivalent to one dwelling and relocates the terraced row to a position more central within the site with greater separation from site boundaries - and adjacent neighbouring occupiers.
- 10.4 The wider locality is not entirely devoid of backland development. It is recognised that parts of Victoria Road, particularly to the west of the site are characterised by development to the rear and that this is also a feature of the application site. The previous submission was judged to result in a discordant feature, visually out of scale with its surroundings.
- 10.5 The reduction in scale implemented by the applicant seeks to address the previous refusal reason. Whilst materially larger than the existing buildings which would be replaced, the terraced row would be satisfactorily set in from site boundaries so as not to appear overly cramped as is often the case with such development.
- 10.5 Staff consider the proposed development to represent an acceptable redevelopment of the site from its historic commercial use and that previous reasons for refusal have been overcome.

## **11. Impact on Amenity**

- 11.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 11.2 It is unlikely that the proposed development would result in any unacceptable loss of light, or give rise to a level of overshadowing outside of acceptable parameters due to the positioning of the terraced row within the plot and the orientation of the site relative to neighbouring premises/rear gardens.
- 11.3 The closest neighbouring property would now be in excess of 33 metres from the front elevation of the terraced row, which is an increase of some 10 metres. Previously, the close proximity to shared boundaries and unimpeded views from first floor rear windows was deemed to result in an



unacceptable level of overlooking, harmful to neighbouring amenity. Staff consider that this has now been addressed.

- 11.4 The relocation of the terraced row to a more central position has allowed for a greater separation from site boundaries and in reducing the number of units the bulk of the terraced row has also been scaled down. Therefore the visual impact of the dwellings from the rear windows of adjacent neighbouring occupier's rear gardens/windows has been lessened when seen within the context of the previous submission.

## **12. Highway/Parking**

- 12.1 The site would utilise an existing vehicle crossover from Victoria Road which has historically been used to gain access to the joinery/storage unit. The access would appear to of a sufficient width to accommodate traffic to/from the proposed dwellings with adequate space for manoeuvring.
- 12.2 The public transport accessibility level rating for the site is 6A which is the second highest rating and translates to good access to public transport. Consequently there are grounds to allow a reduced level of off-street parking, owing to the relatively central location of the proposed development.
- 12.3 The proposal makes provision for one off-street parking space per dwelling. It is considered that this arrangement is acceptable.
- 12.4 The development also shows the provision of a parking area to be laid out to the rear of no.123 Victoria Road. This has not been taken into consideration however as is not shown to be within the application site by the site location plan provided with the submission. Cycle storage could be secured by condition.
- 12.5 It must be recognised that the Highway Authority have not raised any objection, subject to the imposition of appropriate conditions.
- 12.4 The site does not enable access for refuse collection but no objection has been raised to this providing a communal bin or collection point is provided within 30m of the main road. Although not provided for in the proposals, this could by secured by condition in event of approval.

## **13. Section 106**

- 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 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.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 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 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.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 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 £6000 per new residential unit for educational purposes would be appropriate.

- 13.9 On the basis that five additional residential units are proposed, a financial contribution of £24,000 would be expected. On the basis that this scheme is recommended for refusal, the failure to secure this contribution forms grounds for refusal.

#### **14. Conclusion**

- 11.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or result in any highway issues subject to the monitoring of safeguarding conditions.

### **IMPLICATIONS AND RISKS**

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

None

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

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

None

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

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

This page is intentionally left blank

**REGULATORY SERVICES  
COMMITTEE  
29 June 2017**

**REPORT**

**Subject Heading:**

**P0729.17: 9 Fairlawns Close, Emerson Park**

**Erection of a detached two-storey, 5-bedroom detached house with separate double garage and formation of a new driveway with access onto Fairlawns Close. (Application received 27 April 2017)**

**Ward:**

**Emerson Park**

**SLT Lead:**

**Steve Moore  
Director of Neighbourhoods**

**Report Author and Contact Details:**

**Stefan Kukula  
Principal Development Management Officer  
01708 43 2655  
[stefan.kukula@havering.gov.uk](mailto:stefan.kukula@havering.gov.uk)**

**Policy context:**

**Local Development Framework  
London Plan, Planning Policy  
Statements/Guidance Notes**

**Financial summary:**

**None**

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

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

## SUMMARY

The proposal is for the erection of 1no. detached two-storey five-bedroom house and a detached double garage on a rectangular plot of land located to the south of a larger redevelopment site on land associated with the former property at 44 Herbert Road, and now referred to as 9 Fairlawns Close.

Planning permission for a new house was granted at the site in April 2016 and construction began in March 2017. However, the proposed house has not been built in accordance with the previously approved plans and this application is seeking to regularise the unauthorised development works. In terms of the main differences; the footprint of the building under construction has been shifted approximately 2 metres towards the northern boundary and an additional single storey rear extension to the south eastern corner of the building has been added.

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

The application has been called into committee by Councillor John Glanville for the reasons set out within the report below.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £5,449.80, subject to indexation. This is based on the creation of 272.49 square metres of new gross internal floor space.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement, completed on 26 April 2016, in respect of planning permission P0305.16 by varying the definition of Planning Permission which shall mean either planning permission P0305.16 as originally granted or planning permission P0729.17 and any other changes as may be required from this, to secure the following:

- A financial contribution of £6,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.

- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligations/ monitoring fee prior to completion of the agreement.
- It is resolved to grant planning permission subject to completion of the deed of variation to the original s106 agreement by 29 December 2017 or in the event that the deed of variation is not completed by 29 December 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 that planning permission is granted subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Parking Provision

Before the dwelling hereby permitted is first occupied, the car parking provision to the front of the proposed garage shall be laid out to the full satisfaction of the Local Planning Authority and be made available for use and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 4. External Materials

The external construction of the development shall be constructed in the materials approved under condition 4 of P0305.16; under discharge of condition reference Q0217.16.

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

#### 5. Landscaping

The hard and soft landscaping shall be carried out in accordance with the details approved under condition 5 of P0305.16; under discharge of condition reference Q0217.16, and as detailed on approved drawing no. 'A9/HR/02 Revision B' as submitted with this application. The 3no. Acer negundo trees must have a minimum height of 3 metres on planting. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

#### 6. Refuse and Recycling

The building hereby permitted shall not be occupied until the refuse and recycling facilities are provided in accordance with details approved under condition 6 of P0305.16, under discharge of condition reference Q0217.16 and as indicated drawing no. '887 10 A'. The refuse and recycling facilities shall be permanently retained thereafter.

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



## 7. Cycle Storage

The building hereby permitted shall not be occupied until secure cycle storage is provided in accordance with details approved under condition 7 of P0305.16, under discharge of condition reference Q0217.16 and as indicated drawing no. '887 10 A'. The secure cycle storage facilities shall be permanently retained thereafter.

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

## 8. Pedestrian Visibility Splay

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

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

## 9. Vehicle Access

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be in accordance with the details approved under condition 9 of P0305.16, under discharge of condition reference Q0217.16.

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

## 10. Boundary Screening/ Fencing

The boundary treatment shall be carried out in accordance with the details approved under condition 10 of P0305.16; under discharge of condition reference Q0217.16, and as shown on approved drawing no. 887 11 A.

**Reason:** To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document and in accordance with Section 197 of the Town and Country Planning Act 1990 to enhance the visual amenities of the development, and that the development

accords with the Development Control Policies Development Plan Document Policy DC61

#### 11. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the approved plans), 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.

#### 12. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), Article 3, Schedule 2, Part 1, Classes A, B, C or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the rear garden areas of the dwellings 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 which may be harmful to the amenity of neighbouring residents and the character and appearance of the rear garden setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

#### 13. Internal Sprinkler System

The building hereby permitted shall not be occupied until the emergency sprinkler system has been provided in accordance with details approved under condition 13 of P0305.16, under discharge of condition reference Q0217.16 and as indicated in the Fire Safety Plan, dated 21/11/16. The emergency sprinkler system shall be permanently retained thereafter.

**Reason:** In the interests of fire safety and amenity, in accordance with the LDF Development Control Policies Development Plan Document Policy DC61.

#### 14. Wheel Washing

The wheel washing and vehicle cleansing shall be carried out in accordance with the details approved under condition 14 of P0305.16; under discharge of condition reference Q0217.16, as detailed in the Traffic Management Plan.

Reason: To ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

#### 15. Construction Method Statement

The Construction Methodology shall be carried out in accordance with the details approved under condition 15 of P0305.16; under discharge of condition reference Q0217.16, as detailed in the Demolition and Construction Statement, dated July 2016.

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

#### 16. Hours of Construction

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

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

#### 17. Preserved Trees

The tree protection measures shall be carried out in accordance with the submitted 'Arboricultural Method Statement - REV B', and drawing no. A9/HR/01 Revision A.

Reason: To protect the trees on the site and in order that the development accords with the Development Control Policies Development Plan Document Policy DC60.

## 18. Garage - Restriction of Use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

## 19. Obscure Glazing

The proposed windows in the western elevation, namely the ground floor sitting room window and first floor ensuite bathroom window only, shall be permanently glazed with obscure glass and thereafter be maintained and permanently fixed shut to the satisfaction of the Local Planning Authority.

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

## **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 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
3. Thames Water Informative  
With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water

Developer Services will be required. They can be contacted on 0845 850 2777.

4. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,912 (subject to indexation). Further details with regard to CIL are available from the Council's website.
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. Highways Informatives:

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

Please note that a lamp column is affected by the new access. This will need to be relocated and potentially the lighting locally redesigned to accommodate the access. This will be at the applicant's cost.

Highway legislation

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

Temporary use of the public highway

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

arrangements. Please note that unauthorised use of the highway for construction works is an offence.

7. 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. Background

- 1.1 This matter is brought before committee because the application has been called in by Councillor John Glanville on the grounds that he feels that the departures which the developer has made from the original application as approved by the planning Inspector will have an adverse impact on the amenity of neighbouring residents living at nos. 6 and 7 Channing Close. He goes on to say that the house has been moved forward by approximately two metres in order to fit the house into the site, and the south-east corner of the house has been altered to provide a much larger kitchen area.

### 2. Site Description

- 2.1 The application relates to land at 9 Fairlawns Close, Emerson Park, formerly referred to as 44 Herbert Road. This is a rectangular plot of land remaining from the redevelopment of 44 Herbert Road in 2013, which has provided 3no. detached houses located to the north of the application site.
- 2.2 The site measures approximately 1,300 square metres (0.13 Hectares) with several trees which are subject to a Tree Preservation Order (TPO).
- 2.3 The site has a vehicular access onto Fairlawns Close and abuts the rear garden boundaries of houses at Channing Close and Beverley Close. The site is within the Emerson Park Policy Area and falls under the Sector Six guidance criteria.

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

- 3.1 The proposal is for the erection of 1no. detached five-bedroom house and a detached double garage.
- 3.2 Planning permission for a new house was granted at the site in April 2016 and construction began in March 2017. However, the proposed house has not been built in accordance with the previously approved plans and this application is seeking to regularise the unauthorised development works.
- 3.3 The main differences relate to the footprint of the building, which under construction has been shifted approximately 2 metres towards the northern boundary of the site. An additional flat roof single storey rear extension to the south eastern corner of the building, and a front porch structure have also been included in the revised scheme.
- 3.4 As with the previously approved scheme, the proposed dwelling would still be located centrally within the plot, despite the slight adjustment to the positioning within the site. The new house would consist of two storeys, including a hipped roof design with a ridge height of approximately 8 metres as per the approved design. The western elevation would feature an extended roof slope which will incorporate a single storey side section. The main difference would be inclusion of an additional single storey section to the south eastern corner of the property.
- 3.5 Internally the house would be arranged around a spacious layout including an entrance hall, study, dining room, sitting room, kitchen and utility room at ground floor level and the five bedrooms, bathrooms and en-suites at first floor level.
- 3.6 In terms of amenity space the proposed layout would include a spacious private rear garden of approximately 492 square metres enclosed by boundary fencing. To the front and side the proposal will provide landscaped garden areas and a driveway leading to a 5.7 metre wide by 5.9 metre deep double garage incorporating a pyramid hipped roof with a ridge height of 4.7 metres.
- 3.7 It is proposed that vehicular access to the site would be provided from Fairlawns Close with off street car parking provision along the driveway and within the detached double garage.

### **4. Relevant History**

- 4.1 P0305.16 - Erection of a detached two-storey, 5-bedroom detached house with separate double garage and formation of a new driveway with access onto Fairlawns Close - Approved, 26 April 2016

4.2 P0053.14 - Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close - Refused. Appeal Ref: APP/B5480/A/14/2216369 - Dismissed.

4.3 P1147.13 - Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close - Withdrawn

## **5. Consultations/Representations**

5.1 Notification letters were sent to 35 properties and 3 representations have been received. The comments can be summarised as follows:

- The current proposal would significantly increase the scale of an already substantial, and largely blank, side elevation.
- The reduction in the scale of this elevation was considered to be critical for the acceptability of the previously approved scheme.
- The proposed dwelling would form a visually intrusive and dominant feature, with an overbearing and enclosing effect on the neighbouring property.
- The proposed house would be located too close to existing properties and would represent a loss of privacy and an overcrowding which is not in keeping with the Emerson Park planning policy.

5.2 The following consultation responses have been received:

- Essex Water - no objection.
- Thames Water - no objection.
- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - have not commented on this application, but previously suggested that the existing turning facility at the end of Fairlawns Close does not appear to be of sufficient size for a pump appliance to reverse into turn and drive out. The inclusion of a condition requiring the provision of domestic sprinklers as an alternative would overcome this issue and has been carried over from the previous planning permission.
- The Local Highway Authority - no objection, subject to conditions relating to pedestrian visibility splays, vehicle access and wheel cleaning.
- Environmental Health - no objection, requested the inclusion of conditions relating to contaminated land issues.



## **6. Relevant Policies**

- 6.1 Policies CP1 (Housing Supply), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), 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.
- 6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD (Technical Appendices).
- 6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 8 (Promoting healthy communities) are relevant to these proposals.

## **7. Staff Comments**

- 7.1 When considering the previous application for the new dwelling, Staff took into consideration issues in relation to the principle of development, the density and layout, the design and impact on the streetscene, the impact on amenity, and the implications for parking and highways. Under the previous application these considerations were assessed and judged to be acceptable in all material respects, which in turn led to planning permission being granted.
- 7.2 This application concerns relocating the footprint of the house approximately 2 metres towards the northern boundary, and the erection of an additional single storey flat roof rear section to the south eastern corner of the dwelling. The new material considerations with regard to the amendments to the scheme relate to the impact on the character and appearance of the rear garden setting and the implications for the residential amenity of occupants of the neighbouring dwellings.

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

- 7.3 The principle of the development was established under planning permission P0305.16. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

- 7.4 The site was formerly part of the rear garden curtilage for the now demolished property at 44 Herbert Road. Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area. Policy CP1 states that outside these areas all non-designated land shall be prioritised for housing.
- 7.5 On this basis the proposal is still considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

***Density/ Layout***

- 7.6 The density and layout of a similar single detached dwelling scheme was assessed under planning application P0305.16 and judged to be acceptable.
- 7.7 The addition of the single storey rear extension to the south eastern corner of the dwelling would increase the footprint of the house by 12.7 square metres to 172.7 square metres, in comparison to the previously approved house with a total footprint of 160 square metres.
- 7.8 This increase is considered to be relatively minimal and not to an extent that would result in an excessively large footprint, particularly given the overall size of the house and the prevailing character of the surrounding properties in Sector Six of the Emerson Park policy area.
- 7.9 Likewise, given the size of the plot the repositioning of the house by some 2 metres towards the northern boundary would have little impact on the overall layout of the associated driveway, vehicle access and parking area. The development can still comfortably include provision for a detached double garage to the front with landscaping.
- 7.10 It is still considered that occupants of the proposed house would be served by a generous provision of outdoor amenity space, which would be more than adequate for the requirements of a five-bedroom house.

***Design/Impact on Street/Garden Scene***

- 7.11 The design and impact on the streetscene and rear garden setting of the new dwelling was assessed under planning application P0305.16 and judged to be acceptable.
- 7.12 The new dwelling would be positioned around 2 metres closer to the Fairlawns Close access than the previously approved scheme, but this is

not considered to be to an extent that would materially alter the view that the design and appearance would be acceptable.

- 7.13 The additional single storey section of the new house would be located to the rear and as such would not be visible from the streetscene at Fairlawns Close.
- 7.14 In terms of the rear garden setting, the additional section of the house would be single storey in height and would be absorbed into the scale and massing of the main two storey sections of the building.
- 7.15 It is considered that the repositioned dwelling, along with the additional single storey section, would still serve to maintain the character and appearance of the area in accordance with Policy DC61.

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

- 7.16 The impact on the amenity of the neighbouring residents was assessed under planning application P0305.16 and judged to be acceptable.
- 7.17 The additional single storey rear section of the new house would be located approximately 4.6 metres from the rear garden boundary of the neighbouring house at 6 Channing Close, and would include a relatively low profile flat roof height of 3 metres. Given the favourable north westerly orientation of the new house to the rear of 6 Channing Close, Staff are still of the view that the proposed house, along with the additional section rear section, would not result in an unacceptable degree of overshadowing, loss of daylight, or over-dominance to the neighbour at 6 Channing Close.
- 7.18 A landscaping scheme would also include the planting of three additional 3 metre tall trees along the boundary with 6 Channing Close to provide further screening, in order to address the concern of an overbearing impact.
- 7.19 Again, the amendment to the position of the dwelling in the site would also have a minimal impact on the neighbouring properties at Channing Close and Beverley Close, in comparison to the previously approved scheme.
- 7.20 It is not considered that the repositioned dwelling, along with the additional single storey section, would present undue issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

### ***Trees***

- 7.21 As per the previously approved scheme, several mature trees would be retained on site as well as the introduction of additional planting and trees.

The tree protection measures previously agreed under the extant planning permission will be carried over and included in this application.

### ***Environmental Issues***

- 7.22 The site was previously in use as a part of a residential garden curtilage and as such there are no historical contaminated land issues associated with the plot.
- 7.23 The site is not located within a Flood Zone and presents no issues in relation to flood risk.
- 7.24 The proposal is not considered to give rise to any significant noise issues subject to conditions required by Environmental Health.

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

- 7.25 The parking provision, servicing and highways implications were assessed under planning application P0305.16 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

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

- 7.26 The proposed development will create 1 no. new residential unit with 272.49 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £5,449.80 subject to indexation based on the calculation of £20.00 per square metre.

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

- 7.27 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.
- 7.28 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 7.29 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.

- 7.30 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.
- 7.31 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.
- 7.32 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough – (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.
- 7.33 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 7.34 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6,000 for educational purposes would be appropriate.

## **8. Conclusion**

- 8.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 8.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. The proposal is considered to be acceptable in all material respects.
- 8.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the street scene or rear garden setting nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the applicant entering into a Deed of Variation to secure the education contribution.

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the Deed of Variation.

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

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

None.

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

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

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 27 April 2017.

This page is intentionally left blank





**REGULATORY SERVICES  
COMMITTEE  
29 June 2017**

**Subject Heading:**

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

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

**Ward:**

**South Hornchurch**

**SLT Lead:**

**Steve Moore  
Director of Neighbourhoods**

**Report Author and contact details:**

**Stefan Kukula  
Principal Development Management Officer  
[stefan.kukula@havering.gov.uk](mailto:stefan.kukula@havering.gov.uk)  
01708 43 2655**

**Policy context:**

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

**Financial summary:**

**None**

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

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

## SUMMARY

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

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

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

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

The application was deferred from the 11 May 2017 meeting for staff to explore more parking spaces on site, whether the land to the north of the site is within the applicant's control, whether there is a highway safety issue in Passive Close arising from the proposal, and whether the new building can be located further away from the existing building to facilitate vehicular access from New Road instead of Passive Close. This information is presented in the 'Background' section at the start of the report.

## RECOMMENDATIONS

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

- A scheme for the payment and delivery by the Developer of the section of the proposed Rainham cycle/pedestrian link path running through the application site based on the details set out in the supporting statement and accompanying drawing '01002'.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- It is resolved to grant planning permission subject to completion of the s106 agreement by 29<sup>th</sup> December 2017 or in the event that the s106 agreement is not completed by 29<sup>th</sup> December 2017 the item shall be returned to the committee for reconsideration.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External Materials

Before any development above ground takes place, samples of all materials to be used in the external 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 materials to be used. Submission of samples prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

#### 4. Construction Methodology

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

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

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

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

#### 5. Hours of Construction

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

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

## 6. Refuse and Recycling

Prior to the occupation of the building hereby permitted, details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

## 7. Cycle Storage

Prior to the occupation of the building hereby permitted details of cycle storage shall be provided to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

## 8. Car Parking

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

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

## 9. Landscaping

No development above ground shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the

development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

#### 10. Screen fencing

No development above ground shall take place until details of any screen fencing, walls and other boundary treatment are submitted to and approved in writing by the Local Planning Authority. The approved fencing/boundary treatment shall be permanently retained and maintained thereafter.

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

#### 11. Cycle & Pedestrian Path Specification

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

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

## 12. External Lighting

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

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

## 13. Contaminated Land Investigation

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

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

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

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

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

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

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

If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals. For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

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

#### 14. Contaminated Land Monitoring

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

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

#### 15. Air Quality

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

a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)

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



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

- d) The air quality assessment should also consider the following information:
- A description containing information relevant to the air quality assessment.
  - The policy context for the assessment- national, regional and local policies should be taken into account.
  - Description of the relevant air quality standards and objectives.
  - The basis for determining the significance of impacts.
  - Details of assessment methods.
  - Model verification.
  - Identification of sensitive locations.
  - Description of baseline conditions.
  - Assessment of impacts.
  - Description of the construction and demolition phase, impacts/ mitigation.
  - Mitigation measures.
  - Assessment of energy centres, stack heights and emissions.
  - Summary of the assessment of results.

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

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

#### 16. Secured by Design

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

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

## 17. New Plant and Machinery

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

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

## 18. Archaeological Investigation

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

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

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

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

## 19. Sustainable Construction

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

Reason: Insufficient information has been supplied with the application to judge sustainability of the development. The approval of details prior to commencement of the use is necessary to ensure that a high standard of sustainable construction

and environmental performance is achieved in accordance with Development Control Policies Development Plan Document Policy DC49.

#### 20. Vehicle cleansing

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

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

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

#### 21. Highway Agreements

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

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

## 22. Pedestrian Visibility Splay

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

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

## 22. Road Safety Audit

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

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

## 23. Flood Risk Resilience

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

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

## **INFORMATIVES**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees

for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

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

#### **Highway legislation**

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

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

#### **Temporary use of the public highway**

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

5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### BACKGROUND

The application was deferred from the 11 May 2017 meeting for staff to explore more parking spaces on site, whether the land to the north of the site is within the applicant's control, whether there is a highway safety issue in Passive Close arising from the proposal, and whether the new building can be located further away from the existing building to facilitate vehicular access from New Road instead of Passive Close.

#### *Car parking provision*

The College have considered a number of options to increase the level of car parking proposed in support of the new CISIC centre. In order to provide additional car parking spaces, as well as improving access and connectivity for students, the proposed car parking has been relocated further south in the site. The principle car park is now located immediately north of the CISIC centre.

The original planning application included 106 car parking spaces, 55 of which are already present on site for the use of the wider Rainham construction campus facility. As such, an additional 28 car parking spaces were proposed as part of the CISIC planning application (as considered on 11 May 2017).

The amendments to the proposed layout has resulted in a net increase of 56 car parking spaces (uplift of 50%) from that previously proposed at Committee. The planning application therefore now incorporates a generous allocation of 162 car parking spaces, which is broadly broken down as follows:

- 100 student car parking spaces;
- 60 staff and visitor car parking spaces;
- 2 visitor car parking spaces; and,
- 136 cycle parking spaces (including 8 x visitor spaces).

The College has reviewed the use of its existing car park (55 spaces) which supports the existing construction centre at the Site. As the Site currently operates, the existing car parking is rarely fully occupied. The College's Information Services Team has reviewed the programme of existing courses and assessed its peak periods for car parking. Peak times at the College are associated with the evening classes associated with electrical and plumbing courses. At this time, as a maximum, the courses would not warrant demand for more than c.130 car parking spaces should all students drive. During these periods, there would be no greater than 20 staff on site. As

such, Havering College are content that the 135 car parking spaces proposed on the western boundary would be more than sufficient to accommodate student demand.

### ***Ownership***

As indicated by the information provided within the Application Form submitted with the planning application, Havering College have confirmed that all land within the red line boundary - including all vacant land immediately north of the proposed development (up to New Road) is owned by the College. As such, there is no constraint to providing additional car parking to the north of the site which was raised as a concern by Members at the 11 May meeting. However, it should be noted that not all of this land to the north of the proposed development can be utilised by the College for additional car parking as this would not be commercially viable. The additional land to the north is designated within the Rainham and Beam Park Planning Framework as a future development site for an educational land use. A new development in this location also arguably results in a more attractive built frontage to New Road than the car park as previously proposed.

### ***Passive Close***

At the Regulatory Services Committee meeting on 11 May 2017, Members raised concerns that it was not appropriate for the College to utilise the existing access via Passive Close (on the eastern site boundary). Whilst amendments have been made to the proposed development to address this, Havering College contend that there is additional background information that would assist Members in determining this planning application.

On 12 November 2009, planning consent was granted for the redevelopment of the wider site to provide up to 11,800 sq.m of D1 education use with ancillary sporting facilities and the detailed provision a new vehicular access. The planning application was renewed and subsequently extended on 1st March 2013 (ref: P1371.12). The first phase of the development (reserved matters) was approved in March 2013 (ref: P1473.12) and has since been implemented.

The historical outline planning consent approved a new vehicle access to the site to serve both the proposed new college and the residential development at Passive Close. At this time, the purpose was to segregate servicing to the west with student access to the east. The details of the new access road and junction at New Road were approved as part of planning application P0459.12.

In summary, the College were responsible for securing planning consent for the Passive Close access road. Further, the College advise that they paid a significant sum of money for the construction and delivery of the new road.

As such, in the applicants' view, there appears to be no material grounds on which restrict the use of Passive Close by the College. Staff recognise that Passive Close has, since its very first inception, been intended to form a new access road for the college site. Given the planning history associated with the road significant weight should therefore be given to this fact in determining the application. However, it should be noted that the associated costs of installing the road are not a material consideration.

Notwithstanding, the College have acknowledged that there are Member concerns regarding highways safety at Passive Close following the construction of the residential development by Circle Housing.

Accordingly, through the proposed amendments, the College have sought to reduce the level of vehicles using the Passive Close access. As detailed on revised Drawing 01001, the College now proposes to use the existing service access to the west of the Site to provide vehicular access to all students and the majority of the staff car parking. The student car parking to the west of the site will be barrier controlled, and fobs or swipe cards will be required to access this car park.

The Passive Close access to the east of the Site will now only be utilised for the 27 staff and visitor car parking spaces which are located in this area of the Site. Again, this access point will be barrier controlled to allow appropriate management by the College. Locating the staff only car parking via Passive Close will significantly reduce the frequency of vehicular movements and any potential conflict with the existing residents at Passive Close.

It should be noted that there have been no objections to the proposed development from Highways or Transport for London. In Staff's view, the amendments now proposed address the concerns raised by Members during the debate.

### ***Relocation of the CISIC building***

For the reasons set out in the Passive Close section above, and because the College need these new facilities to be located close to the existing building, the footprint of the proposed CISIC building has not been amended or relocated further north into the Site.

The college would also like Members to be aware that the proposed development has been subject to extensive dialogue with the Environment Agency, with the flood modelling and associated Flood Risk Assessment taking months to resolve. As such, any amendment to the proposed location and footprint of the CISIC building will open further issues, and potential objections from the Environment Agency regarding the revised footprint and associated site levels.



It is the view of Staff that the amendments proposed to the location and access of the student car parking, combined with the proposed barrier controls would be sufficient to mitigate the highways safety concerns which would warrant the need to relocate the proposed CISIC building.

### ***Other considerations***

The College would like to ensure that Members are aware of the funding constraints associated with this planning application, which make the positive determination of this application a time-critical matter.

A number of London FE capital projects were awarded London Enterprise Action Partnerships ('LEAP') grant funding in rounds one and two of the Growth Deal funding process. A number of these projects have now had their grant funding returned to the Greater London Authority ('GLA') FE capital grant funding pool as a consequence of being unable to finalise match funding or demonstrate certainty of delivery through planning. At this stage, the College has approved LEAP funding for the CISIC project. This funding is still in place, however if planning consent is not obtained by the end of June 2017, it is likely that the CISIC FE capital grant will be re-allocated to the GLA funding pool for other London FE capital projects. As a result, the College would be required to submit a new application to the GLA for capital funding to support this project. This is a lengthy process, with no certainty that funding will be obtained via this route. As such, the CISIC project is at risk of losing its grant funding, potentially resulting in the project not being delivered in the Borough.

The report set out below is the same as that previously presented to Committee on 11 May 2017.

## **1. Site Description**

- 1.1 The application relates to the Havering College of Further and Higher Education campus at New Road, Rainham. The site comprises a large three-storey detached building, known as Burnside House, used by the college as a Construction Centre, and an associated car park laid out to the front. The site is accessed directly from New Road via a 120 metre driveway.
- 1.2 The site is bound to the north by New Road and new residential development at Passive Close, to the east by the Dover's Corner Industrial Estate, to the west by Rainham Trading Estate, and to the south by the c2c and HS1 railway line.
- 1.3 The land is designated in the Local Development Framework as being within the Rainham West Site Specific Allocation, and also forms part of the Rainham and Beam Park Planning Framework area.

## **2. Description of Proposal**

- 2.1 The application is seeking planning permission for the erection of a part two/part three storey building to be used by the college as a 'Construction and Infrastructure Skills and Innovation Centre (CISIC)', providing 2,767 square metres of additional floorspace.
- 2.2 The application has been on hold since April 2015, and has finally been progressed to committee following the receipt of revised information relating to the strategic Rainham cycle/pedestrian path, which was received in February 2017, and the Flood Risk Assessment, which was received in April 2017.
- 2.3 The development would include external alterations to the existing college facility at Burnside House, including repainting the existing metal cladding light grey, to harmonise with the new building; the installation of a new aluminium composite panelling entrance façade, and; the erection of a covered pedestrian link structure between the Burnside House and the new CISIC building.
- 2.4 The new facility would be located to the front of the existing building in an off-set position with the car park area divided into two eastern and western sections in order to accommodate the new building. The western car park would provide 27 staff car parking spaces and would be accessed as per the current access road arrangements from New Road. The eastern car park would provide a further 32 spaces to be used by students, staff and visitors and would be accessed via the installation of a new gateway from the end of Passive Close. Overall, the proposal would increase on-site parking by 28 spaces providing a total of 106 spaces.
- 2.5 Internally the new building would provide a series of classrooms and specialised workshops associated with construction and infrastructure skills.
- 2.6 As part of the wider re-landscaping works the proposal would also deliver a section of the strategic Rainham cycle/pedestrian path, which would run from east to west through the site, along the boundary with Passive Close and around the northern flank of the proposed building.
- 2.7 There are currently approximately 318 students registered at the Rainham College campus. On completion of the CISIC, the college would be able to accommodate approximately 732 full time students and 551 part time students. The college expansion would also create a further 60 full time jobs, taking the number of employees from 30 to a total of 90.
- 2.8 The proposed opening hours would be 08:00 to 22:00 Monday to Friday, 09:00 to 18:00 on Saturday, and closed on Sunday, Public and Bank Holidays.

### **3. Relevant History**

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

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

- 4.1 Notification letters were originally sent to 205 properties in March 2015 and no representations were received at this time. A re-consultation of the 205 neighbouring properties was undertaken in February 2017 and again no representations have been received.

- 4.2 The following consultation responses have been received:

- National Grid - no objection.
- Network Rail - no objection.
- Transport for London - no objection.
- London Fire Brigade Water Team - no objection.
- Greater London Archaeological Advisory Service (GLAAS) - no objection, recommended a condition in relation to the undertaking of an archaeological evaluation.
- London Fire Brigade Water Team - no objection.
- Designing Out Crime Officer - no objection.
- Environmental Health - no objection, recommended conditions in relation to contaminated land and air quality.
- Environment Agency - no objection
- Local Highway Authority - no objection.

### **5. Relevant Policies**

- 5.1 Policies CP2 (Sustainable Communities), CP3 (Employment), CP4 (Town Centres), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP17 (Design), DC26 (Location of community facilities), DC29 (Educational Facilities), DC32 (The road network); DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC52 (Air Quality), DC54 (Contaminated Land), DC55 (Noise), DC56 (Light), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) of the Local Development

Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

- 5.2 Other relevant documents include the Site Specific Allocations DPD, Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.18 (Education Facilities), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) and 7.4 (local character) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework (NPPF), specifically Sections 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## **6. Staff Comments**

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

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

- 6.2 The NPPF attaches great importance to ensuring that a sufficient choice of education facilities are available to meet the needs of existing and new communities. Local Authorities are encouraged to take a proactive and positive approach to development that will widen choice in education, with great weight given to the need to create, expand or alter education facilities.
- 6.3 Replicating this, Policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.
- 6.4 As a broad approach Policy DC29 seeks to ensure the provision of education facilities is sufficient in quantity and quality to meet the needs of residents. More specifically, Policy SSA12 of the Site Specific Allocations Document states that educational uses will be allowed within the Rainham West site, which covers the area of the application site.
- 6.5 As such the proposed Construction and Infrastructure Skills and Innovation Centre is considered to be acceptable in principle in landuse terms, subject to further scale, layout and detailed design, and highways considerations.

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

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

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

- 6.10 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through over-dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, or noise and disturbance to existing properties.
- 6.11 The proposed building would be positioned within a relatively central section of the site over 30 metres away from nearest residential accommodation at

Passive Close. Given the distances and the oblique angles, it is not considered that the proposal would present any undue issues in terms of privacy, overshadowing and over-dominance to the neighbouring residents.

- 6.12 It is recognised that the new facility would result in an increase in student numbers attending the campus during the day and into the evening, as well as an intensification of activity on Passive Close as a result of vehicles travelling along it for a short distance to access one of the car parks. The sound of vehicles manoeuvring and car doors closing in eastern section of the car park could also raise some concerns in relation to noise and disturbance. However, in this instance the neighbouring residential accommodation is set away from the college site boundary on the opposite side of a public highway, which would help to reduce any potential noise impact from activities at the college. Nevertheless, the residential properties have been erected adjacent to an existing college campus, so any residents living nearby can reasonably expect to experience a greater element of noise and disturbance from general activity associated with the college than those living in a purely residential area. As a result Staff are of the view that the proposed development would be acceptable in terms of the impact on the amenity of neighbouring residents.

### ***Environmental Issues***

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

### ***Flood Risk***

- 6.15 The site is located within Flood Zone 3 which is classified as having a high risk of flooding. A supporting Flood Risk Assessment has been submitted which sets out a series of flood resilience measures which will be incorporated to mitigate a flooding event. Having requested several amendments, the Environment Agency is satisfied with the flood risk measures and has raised no objections to the scheme.

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

- 6.16 The site has a Public Transport Accessibility Level (PTAL) rating of 2; meaning that the premises currently has relatively poor access to public transport facilities.
- 6.17 The parking standard for colleges of further education, as set out in Annex 5 of the Core Strategy, is given as 1 space per 2 teaching staff, plus 1 space

per 15 students. The London Plan states that 1 space per 4 staff and 1 space per 20 full time students would be appropriate. The new education facility would create a further 60 full time jobs, taking the number of employees from 30 to a total of 90. On completion of the CISIC, the college would be able to accommodate approximately 732 full time students and 551 part time students.

6.18 As part of the development the existing staff and student car park area would be reconfigured and divided into two sections to accommodate the new building. Overall, the proposal would increase on-site parking by 28 spaces providing a total of 106 spaces. In terms of the staff and full time student parking provision, this would be in accordance with the parking standards and is considered to be acceptable.

6.19 As part of the wider re-landscaping works the proposal would also deliver a section of the strategic Rainham cycle and pedestrian link path. The proposed 5 metre wide route would run from east to west through the site, along the northern boundary with the swale at Passive Close and around the northern flank of the proposed building. It is anticipated that the cycle and pedestrian path route would eventually provide a dedicated east-west link from Rainham town centre, along the New Road corridor through to the proposed new station at Beam Park. Once in place the strategic route would serve to improve cycle and pedestrian access to the college site, reduce car dependency and encourage the use of more sustainable modes of transport.

6.20 It is anticipated that the section of cycle and pedestrian path running through the college site would be brought forward in three stages. A suggested delivery mechanism and timetable for implementation has been set out in a supporting statement and accompanying drawing '01002', and under these terms would be brought forward as follows:

- Section A: Secure Housing Zone funding from that already identified for the Rainham and Beam Park Housing Zone, to support the delivery of this section of the cycle/pedestrian route.

- Section B: Havering College to deliver this section as part of the wider works to build the new CISIC building. Details of materials and final layout to be agreed by discharge of condition.

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

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

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

## **7. Conclusion**

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

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

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

## **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

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

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

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



None.

**Equalities implications and risks:**

None

**BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 5 September 2016 and amended plans received on 22 November 2016, additional and amended statements and plans received 15 February 2017 and 21 April 2017.

This page is intentionally left blank

**REGULATORY  
SERVICES  
COMMITTEE**  
**29 June 2017**

**REPORT**

**Subject Heading:**

P0549.17 Site at Roneo Corner, Junction of Rom Valley Way & Rush Green Road, Romford

Amendments to development approved under P1918.11 which permitted the construction of 2no. part eight, part nine storey blocks containing a total of 141 flats.

**Ward:**

Brooklands

**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	[]
Connections making Havering	[]

## SUMMARY

The application seeks permission for amendments to the original planning permission for the construction of 2no. part eight, part nine storey blocks containing a total of 141 flats. The current scheme involves variations to the elevations and the height of the approved, second building which fronts Rush Green Road. The building fronting Rom Valley Way, known as Vickers House, is complete and occupied.

The proposal is considered acceptable and as such it is recommended that planning permission is granted subject to conditions and a variation of the legal agreement being completed.

## 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 the additional internal gross floor areas of 26.4m<sup>2</sup> which, at £20 per m<sup>2</sup>, equates to a Mayoral CIL payment of £528 (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 29 October 2017, entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 30 March 2012 in respect of planning permission P1918.11 by varying the definition of Planning Permission which shall mean either planning permission P1918.11 as originally granted or planning permissions P0827.15 and P0549.17.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 30 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 30 March 2012 will remain unchanged.

In the event that the Deed of Variation is not completed by such date the item shall be returned to the committee for reconsideration.

The Developer/Owner shall furthermore pay the Council's reasonable legal costs in association with the preparation of the agreement, irrespective of whether the legal agreement is completed.

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 Staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

1. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans submitted as part of P1918.11 and P0827.15 together with the current proposal P0549.17.

**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.

2. *Disabled parking* -. Before the building hereby permitted fronting Rush Green Road is first occupied provision shall be made within the area shaded pink on phasing plan SK.265C (phase 2) for 1 no. disabled car parking space in accordance with the approved details. Thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure adequate on-site parking is available for the disabled and to comply with the aims of Policy 6.13 of the London Plan.

3. *Materials* - The development hereby permitted shall be constructed with external materials as previously approved under application Q0034.13.

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

4. *Landscaping* - The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0295.12.. All planting, seeding or turfing comprised within the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in the first planting season following completion of the building fronting Rush Green Road and any trees or plants which within a period of 5 years from completion of this part of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

5. *Boundary treatment* - The development hereby permitted shall be constructed in accordance with the details of the boundary treatment as previously approved under application Q0294.12.

**Reason:** In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

6. *Secure by Design* - The development hereby permitted shall be implemented in accordance with principles and practices of the Secured by Design Scheme as previously approved under application Q0295.12.

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

7. *External lighting* - All external lighting to the development hereby permitted shall be provided in accordance with the details as previously approved under Q0295.12. The approved scheme, in so far as it relates to the area shaded pink on phasing plan SK.265C (phase 2), shall be implemented in strict accordance with the agreed details prior to the first occupation of the building fronting Rush Green Road and retained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

8. *Hours of construction* - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

9. *Wheel washing* - The development hereby permitted shall be implemented in accordance with the wheel washing details as previously approved under application Q0294.12. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

**Reason:** In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

10. Construction method statement - The development hereby permitted shall be implemented in accordance with the construction method statement as previously approved under application Q0294.12.

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

11. CCTV - Prior to first occupation of the development hereby permitted, CCTV shall be installed in accordance with details as previously approved under application Q0034.13 and thereafter, permanently retained and maintained.

**Reason:** In the interests of delivering a safer development, reflecting guidance set out in NPPF and Policy DC63 of the Core Strategy and Development Control Policies Submissions Development Plan Document.

12. *Archaeology* - The development hereby permitted shall be implemented in accordance with the Archaeological and Geoarchaeological investigation as previously approved under application Q0294.12

**Reason:** Important archaeological remains may exist on this site. The Local Planning Authority wishes to ensure that an investigation is carried out during the development's groundworks so that archaeological remains not protected by other measures are investigated and recorded, and in order that the development accords with Development Control Policies Development Plan Document Policy DC70.

13. *Native planting* - Planting to the west of the river Rom, in the buffer zone between the river's edge and the Rom Valley Way shall be of locally native plant species only, of UK genetic origin.

**Reason:** The use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that these plants provide. Introduced plants usually offer little to our native wildlife. Local plants are the essence of regional identity and preserve the character of the British landscape. Local plants are adapted to local soils and climate, so have low maintenance requirements. In addition, planting locally native plants helps to prevent the spread of invasive plants in the region.

14. *Pedestrian link* - Prior to the first occupation of units within the building fronting Rush Green Road hereby permitted, the remaining pedestrian paths falling within the area shaded pink on phasing plan SK.265C (phase 2) shall be fully constructed and available for use.

**Reason:** In the interests of highway safety and to ensure connection with the public rights of way network.

15. *Insulation* - The buildings shall be so constructed as to provide sound attenuation of not less than 45dB(A) against internally generated airborne noise and 62dB(A) against impact noise.

**Reason:** To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

16. *Noise assessment* -. Before the building fronting Rush Green Road hereby permitted is first occupied, the scheme for protecting occupants from road traffic noise shall be implemented in accordance with details approved under application Q0034.13 and thereafter, permanently retained and maintained.

**Reason:** To prevent noise nuisance to adjoining properties in accordance with Policy DC55 of the Development Control Policies Development Plan Document.

17. *Sustainability*: - The development hereby permitted shall be implemented in accordance with the sustainability statement as previously approved under application Q0034.13

**Reason:** In the interests of energy efficiency and sustainability in accordance with the Council's Planning Guidance on Sustainable Design and Construction and Policy 5.7 of the London Plan.

18. *Minimising carbon emissions* -. In the case of the building fronting Rush Green Road hereby approved, no units shall be occupied until the renewable energy generation system as approved under application Q0295.12 has been installed into the building in strict accordance with the agreed details and is operational to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of energy efficiency and sustainability in accordance with the Council's Planning Guidance on Sustainable Design and Construction and Policies 5.2 of the London Plan.

19. *Drainage 1* - Surface water drainage works shall be carried out in strict accordance with details that have been previously approved under application Q0295.12. The works serving the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

**Reason:** To prevent the increase risk of flooding to the site itself and third parties.

20. *Drainage 2* - Site drainage works shall be carried out in strict accordance with details that have been previously approved under application Q0295.12.. The works serving the area shaded pink on phasing plan SK.265C (phase 2) shall be carried out in full prior to the first occupation of the building fronting Rush Green Road.

**Reason:** To prevent pollution of the water environment.

21. *Drainage 3* - Notwithstanding the requirements of condition 22 above, the development hereby permitted shall be implemented in accordance with the details of appropriate measures to prevent pollution of groundwater and surface water as previously approved under application Q0294.12



**Reason:** To prevent pollution of the water environment

22. *Restricted storage or deposition* - No spoil or materials shall be deposited or stored on the part of the site lying within the area of land liable to flood during a 1:100 20% event.

**Reason:** To prevent the increase risk of flooding due to a reduction of flood storage capacity and impedance of flood flows.

23. *Details of culvert access* - The development hereby permitted shall be implemented in accordance with the details of the vehicle access ramp and turning area serving the River Rom culvert as previously approved under application Q0034.13

**Reason:** To retain access to the watercourse for the riparian owner or the Environment Agency to carry out maintenance and inspections and to prevent the increase risk of flooding to the impedance of flood flows.

24. *Air quality report* - The development hereby permitted shall be implemented in accordance with the details of the air quality as previously approved under application Q0034.13

**Reason:** To protect the amenity of future occupants and/or neighbours and in the interests of the declared air quality management area.

25. *Flood risk assessment* - The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) issue 2 (Final), dated December 2011, reference number 5093660 compiled by Bureau Veritas and the following mitigation measures detailed within the FRA:

- Lowest finished floor level, ground floor parking area, are set at 8.85m above Ordnance Datum (AOD) (FRA section 7.1.2, page 14).
- Limiting the post development surface water run off from the site to a maximum of 5 litres per second (FRA section 8.2.4, page 16).
- Provision of a new access ramp from South Street to the River Rom flood relief channel FRA section 10.1.1, page 19).
- Balconies over hanging the easement/access ramp will have a minimum headroom clearance of 6.0m.

**Reason:** To reduce the risk of flooding to the proposed development, future occupants and third parties.

26. *Water environment* - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** To protect the water environment. The report provides no information on proposed drainage systems. The site could have existing contamination owing to

the site history. No infiltration to ground should be used in contaminated soils. The perched water may be fairly shallow. Should soakaways be considered they should not intercept the water table and provide sufficient stand-off.

27. *Piling* - Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To protect the water environment. It is not clear if piling will be used. It is also envisaged to potentially use Ground Source Heat Pumps. Information on historic use and made ground is limited, any proposals need to take into account of potential contamination through appropriate mitigation measures or risk assessment.

28. *Stopping Up of Highway* - The development hereby permitted shall be implemented in accordance with the details of the stopping up of that part of the application site which comprises adopted highway as previously approved under application Q0294.12

29. Car Parking - Before the building fronting Rush Green Road hereby permitted is first occupied, the areas set aside for car parking as shown within the area shaded pink on phasing plan SK.265C (phase 2) shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The parking areas shall be 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC33.

Reason: To fully consider the impact of the proposed development in respect of public highway.

29. *Pedestrian access:* The pedestrian access which connects South Street to Rush Green Road to the eastern edge of the site shall be retained and secured during construction as per details previously approved under application Q0294.12

**Reason:** In the interest of ensuring good design and public safety and to comply with Policies DC61 of the Core Strategy and Development Control Policies Development Plan Document.

## **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. Under the terms of the Water Resources act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Please contact the Environment Management Team on 01707 632702 for further details.

4. Under the terms of the Water Resources act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. Please contact the Regulatory Water Quality team on 01707 632702 for further details.

5. Under the terms of the Water Resources act 1991 and the Land Drainage Bylaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under or within 8 metres of the Rom main River.

6. The applicant is advised that there are public sewers crossing the site and no building works will be permitted within 3 metres of the sewers without prior consent of Thames Water.

7. Japanese knotweed is present along many sections of the Rom. This is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring. The site should be assessed for non-native invasive plants prior to development and if present method statements developed accordingly. Development shall proceed in accordance with the approved method statement.

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

**REPORT DETAIL**

**1. Site Description**

- 1.1 The site is located to the west of the junction between Rom Valley Way and Rush Green Road and is trapezoidal in shape covering 0.6 hectares. The site is currently occupied by a newly built 8/9 storey flatted development known as Vickers House. The existing building on site is part one of an approved development for 2no. blocks of flats. A culvert of the River Rom is located to the west. The site is bound by Merritt House to the north, the Neopost building to the east, Rush Green Road to the south and Rom Valley Way to the west.
- 1.2 Vehicular access into the site is from South Street. There is an existing pedestrian way to the eastern boundary of the site linking South Street with Rush Green Road/Roneo Corner.

**2. Description of Proposal**

- 2.1. Planning permission is sought for amendments to Phase 2 of the approved scheme which may be summarised as follows:

Elevations

- Primary entrance relocated to the north elevation
- Slight change to window positions
- Cladding position amended
- Balcony positions changed
- Smaller sized windows introduced
- Grey brick positions amended to match the new core positions

Ground floor layout (internal)

- The layout re-planned to reflect removal of fire escape stair core
- Main entrance - lift and stair core relocated
- The omission of the fire escape stair core and relocation of the main entrance with straight alignment to flank walls of the block
- New ground floor projection for revised main entrance
- Refuse store reduced in size
- Cycle store re-planned to accommodate 41 cycles (51 as amended)
- Gas meter room added
- New position of refuse room, substation and switchgear

#### Ground floor external area

- One car parking space removed from new relocated entrance with the space replaced internally
- Lighting columns relocated to new entrance position
- Primary path to approved main entrance omitted
- New path to new entrance provided
- Vehicle entrance re-aligned to match adjusted ground floor layout
- Path to bin store adjusted to reflect new door position
- Paths to electric-substation and with room adjusted to reflect new door position
- Steps removed from path between two phases, and path regraded
- Gate and fence between two phases re-configured to accommodate changes to adjoining path
- Soft landscape positions adjusted to suite new paving positions

#### Upper floor residential layout

- Layout re-planned reflecting removal of stair core
- Dwelling mix amended to provide 8 one bedroom flats and 40 two bedroom flats with all 2 bedroom flats including en-suite showers
- Obscure glazed windows added to western elevation
- All three bed units omitted from the scheme

### **3. Relevant History**

- 3.1 P0827.15 - Variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 of P1918.11 in order to allow for phasing of development - Approved
- 3.2 P1061.13 - Variation of conditions 3, 4, 6, 9, 14, 17, 19, 21, 22 and 23 of P1918.11 in order to allow for the phasing of the development - Approved
- 3.3 P1918.11 - Construction of 2 no. part eight and part nine storey blocks containing a total of 141 flats; associated car, cycle and motor cycle parking; provision of relocated access from South Street; provision of landscaped pedestrian & cycle route linking South Street & Rush Green Road; formation of maintenance access ramp from South Street to the River Rom Culvert; part of the application site comprises adopted highway and would require a stopping up order under Section 247 of the Town and Country planning Act 1990 to facilitate the implementation of the development which will be considered separately - Approved
- 3.4 P1380.09 - Construction of 8 storey mixed use development containing 93 flats, healthcare facilities with offices, restaurant/cafe, associated highway alterations with new access, pedestrian & cycle route from South Street to Rush Green Road - Approved. This permission was valid until 6th July 2013.

- 3.5 P0269.08 - Removal of condition 33 attached to planning consent P1397.07, so as to allow vehicles to turn right from and into South Street when accessing or egressing the site - Approved.
- 3.6 P1397.07 - Construction of 8 storey mixed use development containing 121 flats, Healthcare facilities with assoc. offices, restaurant/cafe, ancillary parking & servicing, stopping up of no longer required highway land, provision of relocated access from South St, landscaped pedestrian & cycle route from South St to Rush Green Rd, maintenance access ramp from South St to culvert and new landscaping to either side of culvert - Approved.

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

4.1 Neighbour notification letters were sent to 663 properties and 15 letters of objection were received raising the following concerns.

- Insufficient car parking
- Increased congestion as the area is already very busy
- The number of dwellings would have an adverse impact on emergency services
- Overpopulation & overdevelopment
- Insufficient infrastructure provision in the area
- No room for more high rise building in the area
- Increased flood risk
- The proposal would result in a loss of amenity in the area
- The footpath is crucial to the area to enable access to local shops
- Removal of the fire escape core is a safety hazard

4.2 In response to the neighbour's concerns, it is noted that the main thrust of these concerns relate to the principal of the development and were addressed part of the original application. Therefore this response is confined to the additional issues arising out of the current application.

4.3 In this respect it is considered that the removal of one of the fire escape cores is a matter that would be addressed under separate legislation under the Building Regulations. Nevertheless, the applicant has provided the following detail in support of the proposed amendment.

4.4 The applicant states that there are eight floors of residential accommodation in the proposal each with six apartments in an identical layout on each floor. They state further that Part B of the Building Regulations allows a single escape route from the entrance door of an apartment if the apartment is separated from the stair by a protected lobby or common corridor which incorporates ventilation. The regulation also requires that the maximum travel distance from the apartment entrance door to the protected stair lobby is 7.5 metres.

4.5 They conclude by stating that the above requirements for safe means of escape are incorporated on all floor levels making the proposed single

escape stair arrangement fully compliant with Part B of the Building Regulations.

4.6 With regard to the footpath, it is noted that a footpath will be retained which would enable appropriate access.

4.7 The following consultation responses have been received:

- Metropolitan Police (Designing out Crime) - No objection subject to recommendations on a number of issues including lighting, landscaping and doors
- Environment Agency - No objection
- Essex & Suffolk Water - No objection subject to water being diverted from the site at full cost to the developer
- London Fire Brigade - No additional Hydrants required
- London Fire and Emergency Planning Authority - No objection
- Historic England - No further assessment required
- Environmental Protection - Recommend condition regarding air quality and noise
- Waste and Recycling Team - No objection subject to guidance being adhered to
- Highways - No objection
- Thames Water - No objection subject to appropriate arrangements for surface water drainage and piling

## **5. Relevant Policies**

5.1 Policies CP1 (housing supply), CP2 (sustainable communities), CP9 (reducing the need to travel), CP10 (sustainable transport), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC32 (the road network), DC33 (car parking), DC34 (walking), DC35 (cycling), DC36 (servicing), DC40 (waste recycling), DC50 (sustainable design and construction), DC55 (noise), DC61 (urban design), DC63 (crime) and DC72 (planning obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Design SPD is also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character) and 7.5 (Public Realm) of the London Plan (2011).

5.3 National Planning Policy Framework (NPPF) Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

## 6. *Principle of Development*

6.1 The principle of development has already been established by the original planning permission reference P1918.11 and subsequent amendments to the permission the most recent of which was reference P0827.15 which involved the phasing of the development.

6.2 Issues relating to density & layout; impact on amenity; highways and parking; the River Rom and the environmental impact of the proposal have already been considered and deemed to be acceptable on the original and subsequent variations to the original scheme.

### 6.3 **Staff Comments**

6.4 Staff consider that that the main considerations in this case relate to design, standard of accommodation, dwelling mix and impact on the amenities of surrounding occupiers. The proposal involves changes to the elevational treatment including changes to the position of windows balconies entrances and the height of the proposed building.

### 6.5 **Design and Appearance**

6.6 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 2008 accord with the NPPF in requiring development to and that new developments are 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.

6.7 The main changes affecting the appearance of the building relate to the repositioning of windows balconies and entrance and service doors, with the windows and balconies being repositioned typically by between 1 and 1.7m to front and rear elevations of the building. Side windows to Rom Valley Way would also repositioned some 0.5m from the previously approved position.

6.8 It is considered that the repositioning of the balconies windows and doors would not significantly affect the design and appearance of the building as the elevational changes are proportionate and the varied design approach remains intact.

### **Standard of Accommodation**

6.9 The original planning permission pre-dates the current floorspace standards and the proposed floor space follows on from this with the floor space set out as follows:



#### Approved Floor space

Unit Type	Floorspace
1B2P Type A	46.3
1B2P Type B	47.1
2B4P Type A	70.7
2B4P Type B	71.1
3B5P Type A	80.8

#### Proposed Floor Space

Unit Type	Floorspace
1B2P Type	45.7
2B4P Type A	70.9
2B4P Type B	76.9
2B4P Type C	69.9
2B4P Type D	69.6
2B4P Type E	70.2

- 6.10 The proposed floorspace is generally consistent with those of the approved scheme apart from slight shortfalls of less than 1m. However, it is not considered that such shortfalls would justify the withholding of planning permission given the overall quality of the proposed development.
- 6.11 It is submitted that given the history of the approvals at the site and the extant planning permission which effectively represents a fall-back position, it is difficult to insist that the floorspace is adjusted to meet the standards set out in Policy 3.15 of the London Plan.

#### **Dwelling Mix**

- 6.12 In relation to dwelling mix, the applicant has omitted the 3 bedroom flats from the current scheme on the basis of the following:

Firstly, by reason of the nature of this high-rise residential scheme, it is not possible to provide sufficient, safe and useable outdoor amenity space for family needs and the proposal as approved makes no provision for ground level communal amenity space.

Secondly, the sizes of the three bedroom units as approved fall well below the current national standards.

Thirdly, the applicant considers that there is little demand for family sized flats in this area, in part because of the site location next to busy roads, the unsuitable nature of high-rise environment for families with children and the absence of safe private or communal amenity space for use by children.

6.13 Officers consider that while the omission of three bed flats from the proposal would reduce the overall mix of housing in the development issues raised by the applicant have substance and in the circumstances it is not considered that this omission would be so harmful to the nature of the scheme as a whole as to diminish the overall benefits of the proposal.

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 or privacy to adjoining properties.

6.16 The main effect of the proposed window repositioning would be to the eastern elevation of the existing building Phase I. The separation distance between buildings would be between 4m and 9m. The side windows to application premises would be repositioned by no more than 0.5m to flank bedroom windows on all floors with the flank shower room windows being obscure glazed.

6.17 The relationship would differ slightly from that approved but the impact on amenity would remain acceptable.

6.18 The development is considered acceptable in terms of its likely impact on the amenities of neighbouring residential occupiers. 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.

6.19 *Parking and Highway Issues*

6.20 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. Issues relating to car parking and access have been agreed on the previously approved application. The revised arrangements involving the relocation of one of the parking spaces to within the building is acceptable and no concerns have been raised by the Highways officer.

6.21 The provision of cycle storage space was originally proposed to be reduced to 41 as part of the current proposals, seven short of the 48 spaces approved for this phase of the development. Following the expression of officer concern, the applicant has agreed to provide additional secure cycle storage for 10 cycles to the front wall immediately in front of the proposed cycle storage area. This would exceed the approved provision by three which is considered acceptable.

7. *Mayoral Community Infrastructure Levy*

7.1 The proposed development will create 141 no. new residential units, however the original application was approved prior to the Mayoral Infrastructure levy being introduced and as such only the slight increase in

new gross internal floorspace of 26.4m<sup>2</sup>. Therefore the additional floorspace is liable for Mayoral CIL and will incur a charge of £528.00 (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 accordance with the approved scheme reference P1918.11, the proposal is subject to the terms of a s.106 agreement containing obligations relating to (i) the provision of 93 affordable housing units with specified tenure mix, (ii) a highways contribution of £10,480, (iii) an education contribution of £180,000, (iv) a contribution of £20,960 towards the naturalisation of the River Rom culvert, and (v) a restriction on the rights of occupiers to obtain residents parking permits.

7.6 A Deed of Variation is necessary to ensure that these obligations agreed through the original s106 agreement dated 30 March 2012 are linked to this planning application.

## **8. Conclusion**

8.1 In conclusion, the proposed changes to the proposal as outlined in this report are considered to be acceptable in terms of appearance and relationship to the surrounding area. It is therefore recommended that planning permission be granted, subject to the completion of a Deed of Variation.

## IMPLICATIONS AND RISKS

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

Financial contributions are required through a legal agreement.

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

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

None.

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

The Council's planning policies are implemented with regard to Equalities and Diversity. The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

# REGULATORY SERVICES COMMITTEE

29 JUNE 2017

# REPORT

**Subject Heading:**

Planning obligations and agreements

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulations Manager  
01708 432685

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

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

## SUMMARY

Details of S106 agreements can be found as a download from our web page at [www.havering.gov.uk/planning](http://www.havering.gov.uk/planning). This report updates the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2017

## RECOMMENDATIONS

That the report be noted.

## REPORT DETAIL

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

## IMPLICATIONS AND RISKS

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

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

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

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

This page is intentionally left blank





# REGULATORY SERVICES COMMITTEE

29 JUNE 2017

# REPORT

**Subject Heading:**

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

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulations Manager  
01708 432685

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

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

**SUMMARY**

This report accompanies a schedule of appeals received and started by the Planning Inspectorate and a schedule of appeal decisions between 25 February 2017 and 31 May 2017

## RECOMMENDATIONS

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

## REPORT DETAIL

1. Since the appeals reported to Members in March 17, 36 new appeals have been received 49 appeals have been started. Decisions on 49 appeals have been received during the same period 37 have been dismissed, 10 allowed, , 1part allowed part refused and 1 appeal withdrawn

## IMPLICATIONS AND RISKS

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

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

**Human Resources implications and risks:** No implications identified

**Equalities implications and risks:** No implications identified

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0890.16</b>                      Youngs Farm St Marys Lane Upminster Essex  <i>Retention of external alterations to existing barn including formation of rear dormer and continuation of use as residential accommodation.</i></p>	Hearing	Refuse	Delegated	<p>The principle of development is unacceptable as the enclosure and change of use of the land is development which is inappropriate and harmful to the Green Belt and contrary to guidance on development in the Green Belt set out in the National Planning Policy Framework. The modifications to the barn conflict with the agricultural nature of its design and the rural nature of the location contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.</p>	<p><b>Dismissed</b></p> <p>There was an appeal hearing into conjoined enforcement and planning appeals at this site. The appeals concerned the material change of use of a building originally constructed as a barn but with 2012 permission for mixed use agricultural barn / office / 2 bed residential unit for a site manager without any garden space to a single dwelling house. The Enforcement Notice appeal was submitted on ground (a) i.e. planning permission should be granted for what is alleged in the notice and this sought permission for the retention of the development in the form as developed. The planning appeal sought retrospective permission for the change of use but was materially different as alterations to the building were proposed.</p> <p>In assessing whether planning permission should be granted in both appeals, the Inspector considered that residential use clearly differs from an agricultural use. By introducing a domestic use into these surroundings it severely diminished the rural qualities of the site. It was concluded that the use of the barn with a domestic garden failed to preserve the openness of the Green Belt and conflicted with the purposes of including land in the Green Belt. Both the use and fencing enforced against and that in the revised plans was inappropriate development in the Green Belt which is harmful by definition.</p> <p>In regard to character and appearance in</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 200</p>					<p>terms of the enforcement appeal, the development as built and enforced against had a significant adverse effect on the character and appearance of the barn and its surroundings. The scheme in the planning appeal would not be similar from the 2012 permission with the appearance of the barn being maintained and the Inspector did not find this to be harmful. However that did not change there being a significant reduction in openness and other harm to the Green Belt arising from the solely residential use and enclosure of garden space.</p> <p>The Inspector considered the appellant's argument that there was a functional need for the family to live on site to support the farming business. It was noted that much of the evidence talked of intention, hope and ambition rather than firm evidence of a viable business. The Inspector was not persuaded that the farming activities on site necessitated a single dwelling for the family to live on site particularly in view of the scale of operations. Moreover the appellant failed to adequately explain why the needs could not be met by a worker/s living off-site.</p> <p>The appeal on ground (a) failed and the deemed planning application off the back of this as well as the planning appeal were dismissed.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1407.13</b>                      Land adj Wennington Hall Farm Rainham  <i>Application for the winning and working of minerals, the erection of processing plant, workshop, site office, welfare unit, weighbridge and wheel cleaner and other ancillary buildings with restoration using pre-treated imported suitable inert materials to return the land to agricultural use</i></p>	<p>Hearing</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The London Borough of Havering has already made significant progress in terms of fulfilling the sand and gravel apportionment as required by policy 5.20 of the London Plan. Minerals can only be worked where they are found but it is considered that additional active sites in this locality would be detrimental to the environment and local community contrary to the principles of Policy DC42 of the Core Strategy and Development Control Policies Development Plan Document.                      The proposed development includes on-site processing and furthermore proposes an initial treatment of the infill material resulting in significant activity, plant and the exportation of recycled material. The processing plant and these activities themselves are inappropriate development in the Green Belt and would significantly harm the openness of the Green Belt and, for the duration of the development, undermine the purposes for which the land was designated. Very special circumstances that clearly outweigh the harm, by reason of inappropriateness and other harm, have not been demonstrated in this case. In this respect, the proposal is contrary to Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document. The proposed hours of working and levels of noise associated with plant and</p>	<p><b>Allowed with Conditions</b></p> <p>In assessing the proposal would result in harm to the Green Belt in terms of inappropriate development. This would result from the environmental bunds around the site, which would not preserve the openness of the Green Belt, and the processing of recycled aggregate on the site. Neither of these elements fell within the categories for development that are not inappropriate in the Green Belt as set out in the NPPF paragraph 90. This is harm to which substantial weight was attached. It was caveated though by noting that the harm related to two specific elements of the proposal which would be present for a period of some 9 years.</p> <p>The Inspector also found that the proposal would have a moderate adverse effect in terms of the living conditions of nearby residents in respect of noise and a limited adverse effect in terms of air quality, dust, mud and debris nuisance. This is harm to which the Inspector attached moderate and limited weight respectively.</p> <p>The Inspector assessed whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and, if so, whether this would amount to the very special circumstances required to justify the proposal. In examining the other considerations, the Inspector found that the proposal would benefit the supply of minerals to London and benefit the economy generally. Also the recycling element of the proposal would provide benefits in terms of</p>

Page 201

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>machinery necessary to facilitate the development would be harmful to nearby amenity. The development at its closest point is approximately 40m from the nearest residential property and, even with the proposed mitigation and further controls imposed by condition, the duration of impact is considered unacceptable and contrary to Policies DC42, DC55, DC61 of the Core Strategy and Development Control Policies Development Plan Document, Policy W5 of the Joint Waste Development Plan, Policy 7.15 of London Plan and guidance within both the NPPF and Technical Guidance to the NPPF. The proposal, by reason of the high number of HGV movements proposed each working day, would result in congestion on the local road network, causing inconvenience to road users and pedestrians, contrary to Policy DC32 of the Core Strategy and Development Control Policies Development Plan Document. The proposal, by reason of the high number of HGV movements proposed each working day, would adversely impact on the amenity of nearby residents. The vehicle movements associated with the development would be detrimental to the local air quality conditions and give rise to unwarranted noise, dust, mud and debris nuisance. In this respect, the proposal is contrary to Policies DC42, DC52, DC55 of the Core Strategy and Development Control</p>	<p>reducing the need for mineral extraction and importation into London and reducing the need for mineral transportation. All of these are benefits which were considered to have wide ranging positive impacts to which the Inspector attached great weight.</p> <p>In balancing these matters, the Inspector considered that the other considerations clearly outweigh the totality of the harm identified. Looking at the case as a whole, it was considered that very special circumstances exist which justify the development.</p> <p>The appellant and relevant landowners submitted a Unilateral Undertaking to the Council. The undertaking includes provision for a highway contribution, a traffic management routing schedule and a local liaison group. The Council was content that all the relevant landowners are party to this undertaking. The Inspector was satisfied that the undertaking would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Policies Development Plan Document, Policy W5 of the Joint Waste Development Plan, Policies 7.14 and 7.15 of London Plan and guidance within both the NPPF and Technical Guidance to the NPPF.	
<p><b>P0008.16</b>                      127 Wennington Road                      Rainham  <i>Proposed single storey rear extension to existing unit creating a one bedroom apartment (1b 1p) studio with associated amenity.</i></p> <p>Page 203</p>	Written Repls	Refuse	Delegated	<p>The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site which is materially harmful to the amenity of future occupiers contrary to Policy DC61 of the LDF Development Control Policies DPD and the Residential Design SPD. The proposed development would, by reason of its relationship with the commercial property and poor outlook result in an unacceptable impact on the amenity of future occupiers due to the potential for noise and disturbance and poor overall living conditions, contrary to Policy DC61 of the LDF Development Control Policies DPD and the Residential Design SPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector found that the development would provide harmful living conditions for future occupiers in respect of outdoor amenity space and levels of noise and disturbance</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>P0851.16</b> 15 St Andrews Avenue Hornchurch <i>Change of use of annex to a self contained dwelling</i>	Written Reps	Approved with Agreement	Delegated		<p style="text-align: center;"><b>Dismissed</b></p> The Inspector agreed with the conclusions of the Council on the issue of the failure to meet national internal space standards but not on the need for education infrastructure contributions.
<b>T0085.16</b> 4 Burges Close Hornchurch Essex uk <i>Conifer Roots damaging drive and boundary wall no TPO number known, permission required to remove tree</i>	Written Reps	Refuse	Delegated	The Lawson Cypress tree that subject of this application, stands centrally to the rear garden of 4 Burges Close on the curtilage of the rear wall adjacent to drive to the single garage. It is identified as being part of group G3 on the plan of Havering's TPO 9/71 has been inspected by the Council's Arboricultural Officer who is of the opinion that.  It is recommended that Lawson Cypress tree of group G3 on the plan of Havering's TPO 9/71 should be retained. The Lawson Cypress that is subject to this application is a healthy tree and the proposed works should not take place as this tree is an integral part of the tree canopy of Burges Close.	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector concluded that the TPO tree has a high amenity value and its removal is not justified based on the available evidence presented with this appeal.
<b>P0489.16</b> 25-29 Market Place Romford <i>Part change of use and conversion of ground, first and second floor retail floorspace; third floor extension; and elevational changes to accommodate an 85 bedroom hotel including restaurant</i>	Written Reps	Approved with Agreement	Committee	The proposed development would, by reason of its height, result in a unsympathetic, visually intrusive addition to the building. The proposed design, appearance and materiality of the development would not preserve or enhance the special character of this part of Romford Conservation Area and accordingly it is considered that the development is contrary to policies CP17, CP18, DC61, DC67 and DC68 of the Core Strategy and Development	<p style="text-align: center;"><b>Allowed with Conditions</b></p> On the first issue of whether the proposed development would preserve or enhance the character and appearance of the Romford Conservation Area, it was noted that the extended building would be higher than the neighbouring units to the west. The Inspector considered that given the variations in building heights in the immediate area, the proposal would not appear out of scale nor have an unacceptable dominant relationship with these properties. In its setting the appeal



**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 205</p>				<p>Control Policies Development Plan Document; and policies 7.4, 7.6 and 7.8 of the London Plan.</p> <p>The proposed development would, as a result of the lack of drop-off facility, result in vehicles parking and waiting on Market Link to the detriment of traffic flow and highway safety, contrary to policies DC32, DC33 and DC61 of the Core Strategy and Development Control Policies Development Plan Document; and policies 6.1, 6.3 and 6.13 of the London Plan.</p> <p>The proposed servicing arrangements would result in vehicles reversing from Market Link into Ducking Stool Court which would be hazardous to highway and pedestrian safety, contrary to policies DC32, DC36 and DC61 of the Core Strategy and Development Control Policies Development Plan Document; and policies 6.1 and 6.3 of the London Plan.</p>	<p>building could accommodate an additional storey without appearing excessively high or dominant and as such would not cause any material harm to the character of this part of the Conservation Area. The proposal would considerably improve the appearance of the building and would enhance the contribution that it makes to the townscape</p> <p>The Inspector considered that the lack of a drop off facility would not give rise to any highway or pedestrian safety concerns. Even if the current barrier arrangements regarding access to the Market Place on market days remained, given the relatively short distance to the proposed hotel entrance from the rest of Market Link as well as surrounding roads, it was unlikely that there would be any unacceptable accessibility problems.</p> <p>On the final issue, it was judged that there would be no material difference between the proposed serving arrangements and those that currently occur and have historically occurred. It was also unlikely to result in any significant increase in vehicular movements beyond those that previously occurred and there was no evidence to suggest that the proposed development would give rise to hazards to highway and pedestrian safety.</p>
	<p><b>P0759.16</b> Three Horseshoe Farm Noak Hill Road ROMFORD <i>Demolition of all existing</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The site is within the area identified in the Core Strategy and Development Control Policies Development Plan Document and Proposals Map as Green Belt. The Development Plan Document, the London Plan and Government</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>stabling, storage and residential buildings on site and construction of 4 x 4 bed and 1 x 3 bed dwellings, landscaping and associated works</i></p>				<p>Guidance in the National Planning Policy Framework all seek to protect the Green Belt from inappropriate development that would have a material impact on its openness. The proposed development is considered to be inappropriate development that would have a materially harmful impact on the openness of the Green Belt. Such development should only be permitted where it is clearly demonstrated that there are 'very special circumstances' sufficient to outweigh the harm that would be caused to the Green Belt and any other harm that would arise. No 'very special circumstances' have been demonstrated in this case that are sufficient to outweigh this harm. The increase in the height and bulk of the proposed dwellings, compared with the existing buildings on site, would result in development of alien appearance in the locality that would have a materially adverse impact on the character and appearance of the Green Belt and the Havering Ridge Special Landscape Area. As a consequence the proposal would be contrary to the guidance in the National Planning Policy Framework, Policies DC45 and DC69 of the Havering Core Strategy and Development Control Policies Development Plan Document and Policy 7.16 of the London Plan. In the absence of a legal agreement to secure contributions towards the demand for school places arising from</p>	<p>purposes of the National Planning Policy Framework (the Framework) as well as the effect of the proposal on the openness of the Green Belt.</p> <p>There are existing buildings on the site which vary in footprint, scale and their condition and some of these benefited from a certificate of lawful use as dwellings. A previous appeal decision which was dismissed established that the appeal site could be considered to be previously developed land.</p> <p>The Inspector noted that height of the new buildings would be greater than the existing buildings. However the height and bulk of the scheme would not lead to a substantial increase in physical presence; especially when considered in combination with the reduction in built footprint, floor space and volume when compared to the existing situation. The Inspector concluded that the proposal would not be inappropriate development as it would benefit from one of the exceptions listed in paragraph 89 of the Framework which allows the redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.</p> <p>The Inspector noted that there was no reference to any specific panoramic views or skylines that would be adversely affected by the scheme and judged the proposal would</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				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.	not harm the character and appearance of the Havering Ridge area  A unilateral undertaking was provided as part of the appeal process which would deliver the obligation referred to in the decision notice. Finally an application for costs against the Council was refused.
<p><b>P1167.16</b> 25 Squirrels Heath Road Romford <i>Conversion and extension existing house to create 4no. self-contained flats.</i></p>	Written Reps	Non-Determination	Delegated	N/A	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Council stated that had it been in a position to determine the application it would have refused planning permission for four reasons which the main issues below reflect. These included: The effect of the proposed development on the character and appearance of the surrounding area; the effect of the proposed development on the living conditions of future occupiers and the occupants of neighbouring dwellings with particular regard to overlooking and privacy; The effect of the proposed development on the living conditions of future occupiers and the occupants of No 27 Squirrels Heath Road with particular regard to noise and disturbance and whether a financial contribution to the provision of education facilities is necessary. The Inspector agreed with the Council on all matters apart from the <del>potential for overlooking and loss of privacy.</del></p>
<p><b>P1571.15</b> 30 Parsonage Road Rainham <i>Demolition of existing garage and construction of detached dwelling with</i></p>	Written Reps	Refuse	Delegated	The dwelling would, by reason of its height, bulk, mass, siting, proportions and proximity to the boundaries of the site, give rise to a cramped appearance, which would appear incongruous and out of character in the open and	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with the conclusions of the Council on all issues apart from the need for an education infrastructure contribution.</p>

Page 207

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>off street car parking, private amenity and private road.</i></p>				<p>spacious rear garden environment contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.                      The dwelling would, by reason of its height, bulk and mass, siting and proximity to the boundaries of the site, appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers, including No. 32 Parsonage Road and No. 3 Westview Close contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.                      The access road would, by reason of its position, length and proximity to neighbouring properties, result in noise and disturbance harmful to the amenity of adjacent occupiers, including No.'s 28 and 30 Parsonage Road, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.                      In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0339.16</b>                      R/O 13 &amp; 15 Parsonage Road Rainham  <i>Demolition of existing garage and construction of single storey dwelling with private amenity and off street car parking.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its scale, bulk and mass and proximity to the site boundaries, appear as a dominant and overbearing feature harmful to the visual amenity of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.                      The proposed development would by reason of its siting and uncharacteristic design appear as a visually incongruous feature within the Davies Close streetscene, to the detriment of its established character and appearance, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.                      In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p><b>Dismissed</b>                      The Inspector concluded that the overall design and appearance of the dwelling would appear at odds with the prevailing style and as a result appear incongruous. It would have a harmful effect on the living conditions of existing occupiers with particular regard to outlook. The Inspector did not consider the matter of education contributions due to the findings on the other issues.</p>
<p><b>P1043.16</b>                      260 Crown Public house London Road Romford  <i>Erection of a party tent within the existing beer garden together with the erecting of an additional</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, design and relationship to the existing public house, appear out of character and harmful to the appearance of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Dismissed</b>                      The Inspector agreed with the findings of the Council in relation to the effect of the proposal on the character and appearance of the area; its effect on the living conditions of occupiers of adjacent properties in respect of noise and disturbance</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>toilet block to the public house.</i></p>				<p>The proposal would by the nature of its design, by reason of noise and disturbance caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the evening hours of operation, be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of insufficient on-site parking provision, result in unacceptable demand on existing car parking provision, potentially resulting in overspill onto the adjoining roads to the detriment of highway safety and residential amenity, contrary to Policies DC2 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p>	
<p><b>P0585.16</b> 210 Mawney Road ROMFORD <i>Demolition of existing semi detached houses and construction of a two storey detached 3 bedroom detached House and a two storey apartment building to provide 4 two bedroom flats and 4 one bedroom flats.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal results in the loss of two houses and provides a housing mix with a preponderance of smaller units at the expense of larger dwellings contrary to Policy DC2 (Housing Mix and Density) of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed apartment building is proposed to be located in an area which is typified by two storey houses and would, because of its design and bulk, be out of place in both the street and garden scene and would be contrary to Policy DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector concluded that the proposed flatted block would appear to be uncharacteristically high and bulky in this setting and would consequently be a conspicuous and intrusive addition to the area. Resultantly it would have a harmful effect on the character and appearance of the area. The Inspector agreed with the Council on the issue of housing mix but not on the matter of refuse storage and collections.</p>

Page 210

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				The refuse store would not be serviceable, it does not comply with the requirements of Policy DC36 (Servicing) of the Core Strategy and Development Control Policies Development Plan Document.	
<p><b>P0941.16</b>                      13 Meadway Gidea Park Romoford Essex  <i>Pitched roof over garage and porch, external alterations and two storey side extension and rendering the dwelling.</i></p>	Written Reps	Refuse	Delegated	<p>The two storey side extension would, by reason of its width, siting and position close to the boundary of the site, be harmful to the open and spacious character of the streetscene and would neither preserve or enhance the character and appearance of the Gidea Park Conservation Area contrary to Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD. The front gable with timber fascia would appear as an unrelated addition and rendering the dwelling would appear incongruous, dominant and visually intrusive and neither preserve or enhance the existing dwelling, the character, appearance and setting of the neighbouring 1911 Exhibition properties in Meadway and the Gidea Park Conservation Area contrary to Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its width, height, siting and position close to the south western boundary of the site, be unneighbourly, provide a "wall of development" which would give rise to an uncomfortable</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector considered that the proposal would appreciably change the appearance of the house and increase its prominence in the street scene, to become a far more dominant element. The harm to the Gidea Park Conservation Area) would not be outweighed by any public benefits. Secondly it was concluded that the development would be harmful to the living conditions of adjoining occupiers.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>overbearing effect and sense of enclosure and be harmful to the amenity, including loss of light and outlook to the kitchen and bedroom windows of No. 11 Meadway contrary to Policies DC61 and DC68 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.</p>	
<p><b>P1008.16</b> 1-1A Grange Road ROMFORD <i>Proposed ground floor side &amp; rear extension and basement extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed rear extension would, by reason of its excessive depth, height and position close to the boundaries of the site, result in a development that is unacceptably dominant and visually intrusive when viewed in the rear garden environment and from the wider streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Dismissed</b> The proposal would project significantly beyond the rear elevation and infill the small gap to the side of the property. It would also be of a significant height, sitting just below the first floor of the building and resultantly it would cause considerable harm to the character and appearance of the area.</p>
<p><b>P0922.16</b> 25 Nelmes Way HORNCHURCH <i>Alterations to the front wall design (Revision to planning permission P0916.13)</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed boundary wall, railings and gates would, by reason of the positioning and close proximity to the front boundary of the site, fail to provide the required visibility splays of 2.1 metres by 2.1 metres on either side of the two proposed access gates, which would be detrimental to pedestrian safety contrary to Policies DC32 and DC61 of the LDF Core Strategy and Development Control Policies Plan Document.</p>	<p><b>Allowed with Conditions</b> The Inspector considered that there would be adequate inter-visibility between drivers of vehicles and pedestrians as a consequence of the design of the front boundary treatment. Consequently, the proposal would not unacceptably compromise pedestrian safety or have any adverse effect on the functioning of the road hierarchy.</p>
<p><b>P0545.16</b> 78 - 80 Straight Road Romford <i>Proposed erection of an apartment block</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development would, by reason of its proximity to the boundaries of the site, design and extent of site coverage and hard surfacing, represent an excessively dense, cramped</p>	<p><b>Dismissed</b> The Inspector found the parking provision to be acceptable and there would be no harm to highway safety, however there would be significant harm to the character and</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>comprising 19 no. units plus car parking, landscaping and associated development</i></p>				<p>development of the site, which would be out of character with the locality and contrary to Policy DC2 and DC61 of the Development Control Policies DPD. The proposed development would, by reason of its design, height and proximity to neighbouring properties, result in an overbearing relationship to neighbouring development, having an adverse impact upon residential amenity contrary to Policy DC61 of the Development Control Policies DPD. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC2 of the Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the and Policy 8.2 of the London Plan.</p>	<p>appearance of the area and harm to the living conditions of neighbouring occupiers, in terms of outlook. A unilateral undertaking was submitted and this addressed those reasons for refusal.</p>
<p><b>P1493.16</b> 92-94 North Street Romford <i>Alteration of the roof to a mansard construction to create residential dwellings with new</i></p>	<p>Written Repls</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its additional height, bulk and mass, appear as an incongruous and unacceptably dominant and visually intrusive feature in the street scene. The development would therefore be incongruous with the surrounding pattern of development and harmful to</p>	<p><b>Dismissed</b> The Inspector agreed with the Council in relation to the effect of the development on the character and appearance of the area and the effect on the living conditions of future occupiers of the site with respect to outdoor amenity space. In regard to</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>staircase, bin store and cycle store.</i></p>				<p>the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of the inadequate provision of usable amenity space, give rise to a poor quality living environment and result in a cramped over-development of the site to the detriment of the amenity of future occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD. The proposed development would, by reason of the absence of on site car parking provision for future residents and resultant impact on existing on-street parking bays, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>education contributions, a signed obligation was provided by the appellant which addressed that issue.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>A0053.16</b>                      Waterloo Road junction of Exchange Street (land at) Romford  <i>A 48 sheet internally illuminated digital LED advertising display.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed sign would, by reason of its illumination, frequently changing imagery and siting in relation to Waterloo Road being part of the pan London Strategic Road Network, result in a risk of motorist distraction, creating an unacceptable increase in tasking for drivers, resulting in adverse highway safety issues, contrary to Policies DC32 and DC65 of the LDF Development Control Policies DPD.</p>	<p><b>Allowed with Conditions</b>                      The Inspector considered that drivers approaching the junction from Exchange Street would travel along a relatively straight section of road and would be able to see the proposed advertisement before the traffic signals. Therefore it would not cause an unacceptable distraction to drivers.</p>
<p><b>Y0248.16</b>                      112 Wennington Road Rainham  <i>Single storey rear extension with an overall depth of 7.5metre, a maximum height of 6.6metre, and an eaves height of 2.4metre.</i></p>	<p>Written Reps</p>	<p>Refuse Prior Approval</p>	<p>Delegated</p>	<p>The Council consider that the impact of the proposed development would unacceptably harm the amenity of No. 114 Wennington Road, Rainham by reason of loss of light and overbearing effect on this property.                      This written notice indicates that the proposed development would not comply with condition A.4 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362 and SI 2013 No. 1101). It is important to note that this written notice does not indicate whether or not the proposed development would comply with any of the other limitations of conditions of Schedule 2 Part 1 Class A.                       The applicant has the right to an appeal against this notice to the Planning Inspectorate. see details below.</p>	<p><b>Allowed</b>                      The Inspector did not consider that the proposed development would adversely impact on the living conditions of the occupants of the neighbours in regard to loss of outlook and loss of light.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0319.16</b> 236 Main Road Romford <i>Change of use of the ground floor of the premises from financial and professional services (use class A2) to a micropub (use class A4)</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway and to the detriment of residential amenity through additional vehicular movement and on-street parking, contrary to Policies DC32, DC33 and DC61 of the LDF Core Strategy and Development Control Framework DPD.</p> <p>The proposed development would, by reason of its location in close proximity to residential properties be likely to give rise to a significant adverse impacts from noise and general disturbance, including pedestrian and vehicle activity associated with the development, to the material detriment of the amenity of local residents contrary to Policy DC61 of the LDF Core Strategy and Development Control Framework DPD.</p>	<p><b>Allowed with Conditions</b></p> <p>The Inspector found that the proposal would not have an unacceptable impact on highway safety. The appellant has submitted a Noise Impact Assessment in support of the proposal and the Inspector noted the proximity of the site to a neighbouring restaurant and Main Road and concluded in light of the evidence that it would not adversely impact on the living conditions of nearby residents, in regard to noise and disturbance.</p> <p>An application for costs against the Council was allowed in part as the conclusions reached in relation to living conditions were unsupported by any objective analysis, and thus it failed to substantiate the second reason for refusal.</p>
<p><b>P1677.15</b> 24 Maybank Avenue Hornchurch <i>Two bedroom attached dwelling. Part single, part first floor extension to 24 Maybank Avenue (as approved P0062.15)</i></p>	Written Reps	Refuse	Delegated	<p>The proposal, by reason of the scale, bulk and mass of the development and the uncharacteristically narrow plot width at this junction would result in a cramped form of development on the site, out of character with the locality and materially harmful to amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to</p>	<p><b>Dismissed</b></p> <p>The Inspector agreed with the Council in respect of both reasons for refusal</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
<p><b>P1687.15</b> 2 Ingrebourne Gardens Upminster <i>Erection of 1No. detached dwelling and alterations to existing vehicular access</i></p>	Written Reps	Refuse	Committee	<p>The proposed development would by reason its height, bulk, mass and proximity to the boundaries of the site, give rise to a cramped and overdeveloped visual appearance, which would be in contrast to the surrounding pattern of development thus harmful to the character and appearance of the Hall Lane Special Character Area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with the conclusions in regard for the need for an education infrastructure contribution but found the development would not harm the character and appearance of the surrounding area and was acceptable in all other respects.</p>
<p><b>P1587.16</b> 21A Frederick Road Rainham Essex <i>Change of Use of outbuilding to be used for business purposes to run a beauty room</i></p>	Written Reps	Refuse	Delegated	<p>The proposed business use would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the of the LDF Core Strategy.</p> <p>The proposed business use would result in unacceptable impact on the amenity</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed that the business use of the site would harm the living conditions of occupiers of neighbouring residential properties. On the second issue, there was limited evidence to suggest that the increase in vehicle movements and on-street parking would lead to a harmful effect on highway safety.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				of adjoining occupiers in a residential area as a result of increased activity and parking of vehicles contrary to Policy DC61 of the LDF Core Strategy.	
<b>P1343.16</b> 40 Lodge Lane Collier Row <i>Loft conversion to include front and rear dormers, single storey rear extension to include roof lanterns, removal of existing conservatory, and internal alterations.</i>	Written Reps	Refuse	Delegated	The proposed pitched roof front dormer window by reason of its pitched roof design, position bulk an unbalancing effect of the pair of semi detached properties, would appear out of scale and character with the dwelling and materially harmful to the visual amenity of the surrounding area contrary to Residential Extensions and Alterations Supplementary Planning Document, Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	The Inspector issued a split decision and dismissed the appeal in relation to the loft conversion and front and rear dormer extension. The scale, height and width of the double pitched front dormer would appear over-dominant on the front roof slope and would have an adverse impact on the character and appearance of the street scene. The single storey rear extension was however acceptable.
<b>P1264.16</b> 6 Balgores Square Gidea Park <i>Two storey side and part rear extensions, roof extension and front facade alterations</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design, height, bulk, mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area and failing to preserve or enhance the special character of this part of the Conservation Area contrary to Policies DC68 and DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed dormer would, by reason of its design, position and detailing appear out of character with the host dwelling and materially harmful to the visual amenity of the surrounding area and the special character of the Gidea Park Conservation Area, contrary to Policies DC61 and DC68 of the LDF	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector agreed that the proposal would harm the character and appearance of the host property which is a prominently-sited dwelling. As a result of that harm, the scheme would fail to preserve or enhance the character or appearance of Gidea Park Conservation Area.

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Core Strategy and Development Control Policies DPD.	
<p><b>P0875.16</b>                      49 Straight Road                      ROMFORD  <i>Demolition of existing dwelling and outbuildings, with proposed new build building compromising 7 self contained mixed apartments with associated parking and amenity</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of insufficient and impractical on-site parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its lack of landscaping to the front, appear as an dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Quality SPD.</p> <p>The proposed development would, by reason of the inadequate provision of amenity space o the first floor units, result in poor living conditions to the detriment of future occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Quality SPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with the conclusions of the Council on all four of the reasons for refusal.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
<p><b>P1597.16</b>            9 Victor Gardens            Hornchurch  <i>Single storey side extension</i></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 220</p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of its bulk, mass and proximity to neighbouring properties, give rise to an intrusive and unneighbourly development, which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed extension would, by reason of its excessive width, be out of scale and character with the existing dwelling, as well as closing down the openness of this site, resulting in development that is visually intrusive in the streetscene and harmful to local character, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The main issues in this appeal were the implications of the proposal for (1) the character and appearance of the area and (2) the living conditions of occupiers of No 11 Victor Gardens, by virtue of the potential for intrusive, overbearing effects. Although the Inspector judged that the proposal would harmonise with the host dwelling and wider setting, the proposal would be unacceptably harmful to the amenities of occupiers of the neighbouring property as a result of its oppressive, overbearing effects</p>
<p><b>P1304.16</b>            2 Harbour Way            Hornchurch Essex  <i>Sub division of existing property to form seperate two bedroom house with rear first floor extension and raising roof to existing garage for a garage conversion.</i></p>	Written Reps	Refuse	Delegated	<p>The amenity space for the proposed dwelling is of poor quality, given its small size, limited depth, triangular shape and its siting adjacent to the flank wall of the existing single storey rear extension and would be overshadowed for most of the day harmful to the amenity of future occupiers and contrary to Policy DC61 of Local Development Framework Core Strategy and Development Control Policies Development Plan Document</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with the conclusions of the Council on all issues aside from the reasoning in relation to parking provision and impacts on highway safety.</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 221</p>				<p>and the Design for Living Residential Design Supplementary Planning Document.</p> <p>The proposed car parking spaces for the donor and proposed dwellings, would by reason of their insufficient depth, result in vehicles overhanging the footway to the detriment of pedestrian comfort and safety contrary to Policies DC33 and DC34 of the Local Development Framework of the Local Development Framework and the guidance contained in the National Planning Policy Framework.</p> <p>The creation and access of the north eastern car parking space for the donor property would require the removal of a large street tree contrary to Policy DC60 the Local Development Framework and Policy 2 of the Havering Tree Strategy. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
	<p><b>P1531.16</b> 12 Willow Parade (land adj) Moor Lane Cranham <i>Proposed two storey side extension incorporating a new ground floor shop</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass and forward position of the properties along Chipperfield Close, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>unit and a new first floor bedsit.</i>				surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	education facilities.
<b>P1380.16</b> Halesworth Road Harold Hill Two Bedroom link attached house Page 2222	Written Reps	Refuse	Delegated	The proposed development would, by reason of its design and relationship to the existing dwelling and terrace, be out of character with the surrounding area and harmful to the appearance of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its height, bulk, mass and position, result in unacceptable impacts on the amenity space of an adjoining dwelling, to the detriment of occupiers and the character of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development fails to meet Nationally Prescribed Space Standards for new residential accommodation resulting in an unsatisfactory quality of accommodation which is materially harmful to the amenity of future occupiers contrary to Policy DC61 of the	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector considered the proposal to be unacceptable in regards to the effect of the proposed development on the character and appearance of the area, internal living space and the provision of education infrastructure. The findings in regards to effects on the living conditions of neighbours and highway safety did not outweigh these conclusions.

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 223</p>				<p>LDF Core Strategy and Development Control Policies DPD, Policy 3.5 of the London Plan and the London Plan Housing Supplementary Planning Guidance Note.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the Development Control Policies DPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
	<p><b>P1870.15</b> 330 Abbs Cross Lane (adj) Hornchurch <i>To build 3 detached houses, landscaping of site to form new vehicle access, parking and amenity space.</i></p>	<p>Written Reps</p>	<p>Approved with Agreement</p>	<p>Committee</p>	<p>The proposed development by reason of its access arrangement, the proximity of the access to the road bridge and the limited visibility for drivers in relation to oncoming traffic, together with the nature of local traffic conditions on Abbs Cross Lane, would adversely affect highway safety in the vicinity of the site entrance contrary to the provisions of Policy DC32 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				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.	
<b>P1698.16</b> 3 Squirrels Heath Avenue Romford <i>Proposed first floor rear extensions over previously added ground floor extensions.</i> Removal of rear window and double doors, installation of bi-fold style glazed timber doors into enlarged opening.	Written Reps	Refuse	Delegated	The proposal would by reason of its unsympathetic design and massing and detailing would be harmful to the intrinsic character of the host premises and would therefore neither preserve nor enhance the special character of this part of the Conservation Area. The development sought is therefore contrary to Policies DC61 and DC68 of the Core Strategy and Development Control Policies Development Plan Document, the Heritage SPD and the guidance in the NPPF.	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector considered that the proposals would fail to respect the original form and appearance of the property, a 1911 exhibition house which is of heritage significance. Resultantly it would harm the character and appearance of the property, moreover it would fail to preserve or enhance the character or appearance of Gidea Park Conservation Area.
<b>P1267.16</b> 16 Ashleigh Gardens Upminster <i>Front dormers, roof extension and dormers to rear - internal alterations and new garage roof.</i>	Written Reps	Refuse	Delegated	The proposed rear and front extensions would, by reason of their excessive depth and height, as well as the gabling of the roof and the size of the front dormer windows, result in a visually intrusive form of development, that unbalances the pair of dwellings, as well as being out of character within the streetscene and rear garden environment, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations Supplementary Planning Document. The proposed extensions, by reason of their scale, bulk, mass and proximity to	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector concluded that the proposal overall would be an incongruous form of development that would appear wholly out of keeping with the prevailing pattern of development in the area. Whilst there would not be harm to living conditions in respect of outlook, it would result in a harmful loss of privacy to neighbours.

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				the boundaries of the site, would be intrusive and overbearing in relation to neighbouring property, as well as resulting in unacceptable loss of privacy by reason of the proposed upper floor rear dormer windows, materially harmful to neighbouring amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<p><b>P1511.16</b>                      292 Elm Park Avenue                      HORNCHURCH  <i>Proposed conversion of existing dwelling into 1 x 2 bed flat and 1 x 1 bed flat with dual entrance. Single storey rear extension at 4.0m</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the Development Control Policies DPD.</p> <p>The proposed development fails to meet Nationally Prescribed Space Standards for new residential accommodation resulting in an unsatisfactory quality of accommodation which is materially harmful to the amenity of future occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, Policy 3.5 of the London Plan and the London Plan Housing Supplementary Planning Guidance Note.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with the conclusions of the Council on the issues of internal space standards and education infrastructure contributions but not on parking provision and impacts on highway safety.</p>

Page 225

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				Policies DPD and Policy 8.2 of the London Plan.	
<p><b>P1175.16</b>                  22A Berther Road                  HORNCHURCH  <i>Part demolition of an existing dwelling and construction of a new two storey dwelling with loft conversion consisting of six bedrooms</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its resultant scale, bulk and mass, and close proximity to site boundaries, close down the characteristic spacing between dwellings located on the southern side of Berther Road which would be harmful to the open and spacious character of the streetscene and the visual amenities of Emerson Park Policy Area, contrary to the Emerson Park Supplementary Planning Document (SPD) and policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector agreed with the Council that the proposed dwelling would result in an adverse effect on the character and appearance of the street and Emerson Park area
<p><b>P1467.16</b>                  28 Squirrels Heath Lane                  ROMFORD  <i>Two storey detached house</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its siting, lack of active frontage and proximity to the boundaries of the site, appear as an incongruous and unacceptably cramped over-development of the site, to the detriment of local character and the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its height, scale, bulk, mass, siting, combined with its position close to the boundaries of the site, give rise to a cramped appearance and appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector agreed with the conclusions of the Council in regard to the effect of the proposed development on the character and appearance of the area as well as the effect on the living conditions of the neighbouring dwelling in Westmoreland Avenue with particular regard to outlook and overbearing effects. The Inspector concluded that the absence of a planning obligation meant that the proposal would fail to make provision for education infrastructure necessary to allow the development to proceed conflicted with the Development Plan.

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.	
<p><b>P0366.16</b> 39 Links Avenue Romford <i>Demolition of existing garage and outbuildings and construction of double storey side and rear extension, garage with first floor accommodation, internal alterations, new roof with accommodation and external works (As previously approved). Variation of hipped garage roof to hipped roof overhang with supporting brackets.</i></p>	Written Reps	Refuse	Delegated	The proposed alteration to the garage roof, would by reason of its height, bulk and mass, poorly relate to the existing dwelling and appear as an unacceptably dominant and visually intrusive feature in the street scene. The development is therefore harmful to the appearance of this part of the Gidea Park Special Character Area and is thus contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The Inspector considered that the design was not as visually intrusive as the Council suggested and judged that proposal would not adversely impact on the character and appearance of the host dwelling or the Gidea Park Special Character Area</p>
<p><b>P1585.16</b> 117 Stanley Road Hornchurch <i>Loft conversion and roof alterations to include rear dormer and two front</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed that the proposal would harm the character and appearance of the area but no unacceptable overshadowing or loss of sunlight and daylight would result from it.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<i>dormers</i>				Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed roof extension would, by reason of its excessive height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<b>P1502.16</b> 10 Herbert Road HORNCHURCH <i>Construction of new boundary wall to the front and side of the site. Bricks to match house.</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its location, height, bulk and position close to the boundary of the site, result in an overbearing and visually intrusive development in this setting which would be harmful to the character and appearance of the streetscene, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document, and the Emerson Park Policy Area Supplementary Planning Document .	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector agreed with the Council in regard to matters of character and appearance but not on highway safety.
<b>P1706.16</b> 41 Parkland Avenue UPMINSTER <i>Rear ground floor extension, rebuild ground floor side garage and convert to habitable space, with first floor side extension over and new porch.</i>	Written Reps	Approve With Conditions	Committee	The proposed development would, by reason of its excessive bulk, size and proximity to the boundary, disrupt the symmetry of the pair creating a terracing effect harmful to the appearance of the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of its overbearing and excessive enclosure effect on neighbouring properties (Nos.39 and 43) resulting from the size and position of the	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector agreed with the findings of the Council about the harm to character and appearance of the pair of dwellings and the street scene as well as to residents' living conditions at no. 39.



**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				extension; the single storey element in respect of No.39 and both single/two storey elements in respect of No.43, be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<b>P0955.16</b> 104 Links Avenue ROMFORD <i>First floor side extension and change of garage to habitable room</i>	Written Reps	Refuse	Delegated	The proposed first floor side/rear extension, by reason of its height and width, would fail to appear subservient to the property and would neither enhance or retain the architectural style of the house. The proposal would appear as an unsympathetic and visually intrusive form of development, causing unacceptable harm to the visual amenities of Gidea Park Special Character Area, contrary to policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extensions and Alterations Supplementary Planning Document.	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector considered the proposal to be an unsympathetic form of development which would cause significant harm the character and appearance of the local area.
<b>J0007.16</b> 113 Upminster Road South Rainham Essex <i>Prior Approval application for the conversion of rear offices into 2 residential studios units.</i>	Written Reps	Refuse Prior Approval	Delegated	Prior Approval is refused as there is no parking provision for the two residential units. The proposal would therefore result in increased parking congestion in surrounding streets, contrary to Policies DC32 and DC33 of the Local Development Framework and the guidance contained in the National Planning Policy Framework.	<p style="text-align: center;"><b>Allowed with Conditions</b></p> The Inspector did not consider that the absence of parking spaces would result in the proposal having an unacceptable effect upon highway safety as the proposed development would be unlikely to have a significantly greater effect upon parking in the area than the permitted office use during office hours.
<b>P1414.16</b> 240 Rainham Road RAINHAM <i>Two storey front</i>	Written Reps	Refuse	Delegated	The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of internal space.	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector agreed with the conclusions of the Council on the issues of internal space standards but not on education infrastructure

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><i>extension, single storey rear extension and conversion of the property into two dwellings.</i></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 230</p>				<p>As a result, the development represents an overdevelopment of the site, which would be detrimental to future residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, Policy 3.5 of the London Plan (as amended) and the DCLG Technical Housing Standards. The proposed development would, by reason of the inadequate on site car parking provision, result in an acceptable overspill onto the highway to the detriment of highway safety and residential amenity, contrary to Policies DC32, DC33 and DC61 of the Local Development Framework and guidance contained in the National Planning Policy Framework.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>contributions and parking provision and potential impacts on highway safety.</p>

**TOTAL PLANNING =** 43

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>APPEAL DECISIONS - ENFORCEMENT</b>					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/472/15/</b> Youngs Farm St Mary's Lane Upminster</p>	<p>Hearing</p>				<p style="text-align: center;"><b>Dismissed</b></p> <p>There was an appeal hearing into conjoined enforcement and planning appeals at this site. The appeals concerned the material change of use of a building originally constructed as a barn but with 2012 permission for mixed use agricultural barn / office / 2 bed residential unit for a site manager without any garden space to a single dwelling house. The Enforcement Notice appeal was submitted on ground (a) i.e. planning permission should be granted for what is alleged in the notice and this sought permission for the retention of the development in the form as developed. The planning appeal sought retrospective permission for the change of use but was materially different as alterations to the building were proposed.</p> <p>In assessing whether planning permission should be granted in both appeals, the Inspector considered that residential use clearly differs from an agricultural use. By introducing a domestic use into these surroundings it severely diminished the rural qualities of the site. It was concluded that the use of the barn with a domestic garden failed to preserve the openness of the Green Belt and conflicted with the purposes of including land in the Green Belt. Both the use and fencing enforced against and that in the revised plans was inappropriate development in the Green Belt which is harmful by definition.</p> <p>In regard to character and appearance in</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/472/15/</b> Youngs Farm St Mary's Lane Upminster</p>	<p>Hearing</p>				<p style="text-align: center;"><b>Dismissed</b></p> <p>terms of the enforcement appeal, the development as built and enforced against had a significant adverse effect on the character and appearance of the barn and its surroundings. The scheme in the planning appeal would not be similar from the 2012 permission with the appearance of the barn being maintained and the Inspector did not find this to be harmful. However that did not change there being a significant reduction in openness and other harm to the Green Belt arising from the solely residential use and enclosure of garden space.</p> <p>The Inspector considered the appellant's argument that there was a functional need for the family to live on site to support the farming business. It was noted that much of the evidence talked of intention, hope and ambition rather than firm evidence of a viable business. The Inspector was not persuaded that the farming activities on site necessitated a single dwelling for the family to live on site particularly in view of the scale of operations. Moreover the appellant failed to adequately explain why the needs could not be met by a worker/s living off-site.</p> <p>The appeal on ground (a) failed and the deemed planning application off the back of this as well as the planning appeal were dismissed.</p> <p>On the enforcement appeal, on the ground (f) appeal the Inspector considered that the requirements to cease the residential use and</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/472/15/</b> Youngs Farm St Mary's Lane Upminster</p>	<p>Hearing</p>				<p><b>Dismissed</b> to remove the structures amounting to operational development were not excessive and the appeal failed on that ground. On the ground (g) appeal, in assessing the circumstances of the case, the Inspector was satisfied that a 6 month compliance period would be reasonable and proportionate and the appeal on ground (g) succeeded.</p>
<p><b>ENF/518/14/</b> Unit 9 Stafford Industrial Estate Hillman Close Hornchurch</p>	<p>Written Reps</p>				<p><b>Dismissed</b> The appeal was dismissed and the enforcement notice is upheld as varied. The appellant appealed on ground (c) and to succeed on this ground it needs to be clearly shown that there has not been a contravention of planning control. This may be because there is already a permission in place; that permission is not required or that, whatever has been done, constitutes permitted development.</p> <p>The Inspector concluded that planning permission was required for the operational development as carried out; there was no express permission in place and the development was not permitted under any part of the GPDO. The appeal failed on this ground. On the ground (g) appeal seeking an extended time to comply with the requirements of the notice, the Inspector considered it reasonable to extend the compliance period to 3 months.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>ENF/94/14/</b> 29 Roslyn Gardens Gidea Park Romford	Written Reps				<p style="text-align: center;"><b>Dismissed</b></p> The appeal was dismissed however the Inspector considered it was appropriate that the notice be varied to give the appellant the option of either demolishing the unauthorised extension or making alterations to accord with the terms of the new planning permission P0257.17
<b>ENF/409/16</b> 1 Beaumont Close Romford  Page 235	Written Reps				<p style="text-align: center;"><b>Dismissed</b></p> The Inspector found that as a matter of fact that at the relevant date the property was in use as a sui generis HMO as alleged in the notice and that such use constitutes a breach of planning control. The appellant sought planning permission for the development however no arguments were advanced to justify that position. The Council's considered that the use is contrary to the development plan and set out its case. Given that the appellant did not submit a statement of case the Inspector found that were no considerations to warrant a decision other than in accordance with the development plan. In the absence of any justification from the appellant for a longer period to comply with the notice this ground of appeal also failed.  The Inspector found for the Council on all of the four grounds appealed by the appellant and an application for costs submitted by the Council against the appellant was allowed.

**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
ENF/458/14/ 35A New Road Rainham	Written Reqs				<p style="text-align: center;"><b>Dismissed</b></p> <p>The appellant appealed on ground (g) only requesting that the period of compliance with the notice be extended to 6 months in order to allow more time to seek out alternative premises The Inspector noted that 5 months had elapsed since the appeal was submitted, with enforcement action suspended and saw no good reason to justify extending the compliance period further. One month was sufficient time to comply with the notice.</p>

**TOTAL ENF =** **5**



**LIST OF APPEAL DECISIONS MADE BETWEEN 25-FEB-17 AND 31-MAY-17**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b><u>Summary Info:</u></b>					
Total Planning =		43			
Total Enf =		5			
Appeals Decided =		49			
Appeals Withdrawn or Invalid =		1			
Total =		48			
	<b>Dismissed</b>		<b>Allowed</b>		
Page 237	Hearings	2	4.17%	1	2.08%
	Inquiries	0	0.00%	0	0.00%
	Written Reps	35	72.92%	10	20.83%

This page is intentionally left blank

# REGULATORY SERVICES COMMITTEE

29 JUNE 2017

# REPORT

**Subject Heading:**

Schedule of Enforcement Notices

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulations Manager  
01708 432685

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

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

## SUMMARY

Attached are schedules detailing information regarding Enforcement Notices updated since the meeting held on 16 March 2017

## RECOMMENDATIONS

For consideration.

**REPORT DETAIL**

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

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

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

The grounds are:

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

**BACKGROUND PAPERS**

Schedule A & B.

This page is intentionally left blank

# SCHEDULE A

## CASES AWAITING APPEAL DETERMINATION

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
Land at 56 Linley Crescent Romford  ENF/527/14/	Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen	29-01-16	08-03-16
Raw Ind Training Crow Metal Estate  ENF/595/16	Without benefit of planning permission material change of premises occupied by Raw Inc. from B1, B2m & B8 use to D2 (Gym activities)	12-12-16	23-01-17
12 Morris Road Harold Hill Romford  ENF/152/15/	Without planning permission , the material change of use of the premises into six self-contained studio flats with one communal kitchen	09-06-16	08-07-16
35A New Road Rainham  ENF/458/14/	Without planning permission, the change of use of the premises to a place of worship	28-10-16	14-02-17
Land known as Aveley Marshes 9-15 Juliette Way Purfleet Ind Park Aveley	13 Notices - Various breaches	02-11-16	12-12-16

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
27 Wenworth Way Rainham  ENF/102/15	Without planning permission, the erection of an outbuilding.	30-11-16	05-01-17
Wyema 9 North Road Havering-atte-Bower  ENF/420/16	Without planning permission , the erection of a single storey family dwelling	22-11-16	21-12-17
61 Crow Lane Romford  ENF/820/16	Without planning permission, the material change of use of the car parking area to front of the residential property	22-12-16	31-12-16
12 Bridge Close Romford  ENF/746/16	Without planning permission, the material change of use of the northern unit of 12 Bridge Close to a banqueting hall	22-12-16	30-01-17
Unit 11 Folkes Farm Folkes Lane Upminster  ENF/538/12/CM	Without Planning permission , the unauthorised change of use of unit 11 Folkes Farm from Use Class B8 to storage of motor vehicles in the covered area and on hard standing area in connection with motor vehicle recovery business	09-01-17	01-02-17
5C & 5D Salamons Way Rainham  ENF/550/16	Without planning permission, the unauthorised change of use of 5A & 5B Salamons Way from Use Class B8 to car breakers yard, storage of containers, storage and selling of motor vehicles including carrying out of motor vehicle repairs	16-01-17	13-02-17
Units 5A & 5B Salamons Way Rainham  ENF/547/16	Without planning permission , the unauthorised change of use of 5A& 5B Salamons Way from Class B8 to car breakers yard, storage of conatiners, storage and selling of motor vehicles including the carrying out of motor vehicles repairs (Use Class Sui Generis )	16-01-17	24-02-17



ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	ENFORCEMENT NOTICE SERVED	APPEAL LODGED
22A Laburnham Gardens Upminster  ENF/538/15/	Without planning permission, the erection of a part single-part 2 storey extension including the extension to the roof of the existing dwelling	22-02-17	22-03-17
6 Salamons Way Rainham  ENF/549/16	Without planning permission, the unauthorised change of use of 6 Salamons Way, Rainham from Class B8 to car breakers yard , storage and selling of motor vehicles and carrying out motor vehicle repairs (Use Class Sui Generis)	16-01-17	13-02-17
Willow Tree Lodge Brookmans Park Drive Upminster	4 Notices - Various breaches	02-03-17	05-04-17

This page is intentionally left blank

# SCHEDULE B

## ENFORCEMENT NOTICES – LIVE CASES.

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

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

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Damyns Hall Aveley Road Upminster	Unauthorised construction of a Hanger and various breach  (9 Notices served)	Committee 18.09.08	23.12.08  24-04-09	23.12.08  24-04-09	02-02-09  26-05-09	Various decisions (9 Notices)	Pursuing compliance
64 Berwick Road Rainham	Unauthorised fence	Delegated 27-08-09	27-08-2009	02-10-09	12-03-10	Appeal dismissed	Non -compliance Prosecution pending
118 Mashiters Walk Romford	Development	Delegated 20-08-09	23-12-09	24-12-09	11-08-09	Appeal dismissed	Pursuing compliance
179-181 Cherry Tree Lane Rainham	Use	Delegated 03-08-10	28-01-10	29-01-10			Pursuing compliance
Folkes Farm Folkes Lane Upminster	Use x 2	Committee 11-03-10	07-10-10	07-10-10	01-11-10	Appeal dismissed	Non- compliance- Prosecution pending
The Former Brook Street Service Station Colchester Road Harold Wood	Use & Development	Delegated 01-07-10	22-07-10	23-07-10	26-08-10	Temporary Permission given	New application submitted P0398.16 – Monitoring
Land off Church Road Noak Hill Romford	Development	Committee 15-07-10	10-09-10	10-09-10			Pursuing compliance
1a Willoughby Drive Hornchurch	Use	Committee 14-08-11	14-10-11	21-10-11			No action at present time Notice remains on land.
Folkes Farm (Field) Folkes Lane Upminster	Development	Delegated 22-12-11	23-12-11	23-11-11			Non - compliance – Prosecution pending
Cranham Hall Farm The Chase Cranham Upminster	Use x 5 Development x7	Committee 17-11-11	15-03-12	15-03-12	13-04-12	Appeal Dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Benskins Lane east of Church Road Harold Wood Romford	Development	Delegated	14-05-12	15-05-12	14-06-12	Appeal Dismissed	Pursuing compliance
72 Crow Lane Romford	Use	Committee 19-07-12	28-08-12	28-08-12	19-09-12	Appeal dismissed	Prosecuted –pursuing compliance
14A Lower Mardyke Avenue Rainham	Development	Delegated	28-08-12	28-08-12			Pursuing compliance
Welstead Place Benskins Lane Neak Hill Romford	Development/Use	Delegated	23-05-13	23-05-13	04-07-13	Appeal allowed	Pursuing compliance
76 Lower Bedford Road Romford	Development	Committee 06-06-13	12-08-13	12-08-13	19-08-13	Appeal dismissed	Pursuing compliance
34 Lake Rise Romford	Development	Delegated	23-10-13	23-10-13	27-11-13	Appeal dismissed	Pursuing compliance
Hogbar Farm West Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Notice quashed	Temporary planning permission granted for 3 years expiring 28-07-18
Hogbar Farm East Lower Bedfords Road Romford	Development/Use	Delegated	12-02-14	13-02-14	13-03-14	Appeal dismissed	Notice to be complied with by 28-07-17
14 Rainham Road Rainham	1. Breach of conditions 2. Development	Committee 14-11-13	15-01-14	16-01-14	13-02-14	Appeal part allowed/part dismissed	Pursuing compliance – Partly complied

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
3 Austral Drive Hornchurch	Development	Committee 03-10-13	23-12-13	23-12-13	30-01-14	Appeal dismissed	Pursuing compliance
Prime Biomass Unit 8 Dover's Corner New Road Rainham	Use	Delegated	11-03-14	11-03-14			Monitoring
Folkes Farm Folkes Lane Upminster	Use Notice A	Delegated	24-04-14	24-04-14			Pursuing compliance – Prosecution pending
Folkes Farm Folkes Lane Upminster	Use Notice B	Delegated	24-04-14	24-04-14			Pursuing compliance – Prosecution pending
Folkes Farm Folkes Lane Upminster	Use Notice C	Delegated	24-04-14	24-04-14			Pursuing compliance – Prosecution pending
1 Spinney Close Rainham	Development	Committee 17-07-14	26-08-14	26-08-14			Pursuing compliance
Leprechauns Gerpins Lane Upminster	Development	Delegated	26-08-14	26-08-14	29-08-14	Appeal Dismissed	High court challenge dismissed , Pursuing compliance
Tyas Stud Farm r/o Latchford Farm St Marys Lane Upminster	Use/Development	Delegated	05-12-14	05-12-14	15-01-15		Monitoring – Planning application expected

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Land at Yard 3 Clockhouse Lane Collier Row Romford	Use/Development	Delegated	14-01-15	15-01-15	16-02-15	Appeal dismissed	Pursuing compliance
203 Upper Rainham Road Hornchurch	Use/Development	Committee 28-01-15	23-02-15	23-02-15	30-03-15	Appeal dismissed	Pursuing compliance
Guvners Grill 2-4 Eastern Road Romford	Use	Delegated	22-10-15	22-10-15			Pursuing compliance
59 Linley Crescent Romford	Use	Delegated	29-01-16	29-01-16	08-03-16		See Schedule A Public Inquiry 20-21 June 2017
14 Lower Mardyke Avenue Rainham	Use	Delegated	17-02-16	17-02-16			Pursuing compliance
Land at Wyema 9 North Road Havering-atte-Bower	Development	Delegated	22-11-16	22-11-16			Pursuing compliance
Kings Oak Clay Tye Road Upminster	Development	Delegated	18-11-16	18-11-16			Pursing compliance
Unit 9 Stafford Industrial Estate, Hillman Close Hornchurch	Use	Delegated	15-04-16	15-04-16	16-05-216	Appeal dismissed	Pursuing compliance
7 Boundary Road Romford	Use	Delegated	14-04-16	14-04-16	16-05-16		Notice complied 19-12-16



ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
12 Ardleigh Green Road Hornchurch	Use	Delegated	09-06-16	09-06-16			Pursuing compliance
201B Crow Lane Romford	Use & Development	Delegated	18-05-16	18-05-16			Pursuing compliance
12 Morris Road Harold Hill Romford	Use	Delegated	09-06-16	09-06-16	08-07-16		See Schedule A Public Inquiry 20-21 June-2017
Young's Farm St Marys Lane Upminster	Use	Delegated	02-08-16	02-08-16	12-08-16		Pursuing compliance
Beaumont Close Romford	Use	Delegated	19-08-16	19-08-16			Compliance date 05-07-17
39B Navarre Gardens Collier Row Romford	Use	Delegated	16-08-16	16-08-16			Notice complied with 06-09-16
140 Straight Road Romford	Use	Delegated	16-08-16	16-08-16	27-09-16	Appeal invalid	Pursuing compliance
52 Station Road Upminster	Development/use	Delegated	10-06-16	10-06-16			Pursuing compliance
29 Roslyn Gardens Romford	Development	Delegated	27-08-16	27-08-16	23-08-16	Appeal dismissed	Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
2 Berwick Pond Close Rainham	Use	Delegated	30-06-16	30-06-18			Notice complied with 22-12-16
38 Derby Avenue Upminster	Development	Delegated	09-09-16	09-09-16	12-10-16	Appeal dismissed	Pursuing compliance
Harlow Gardens Playsite Harlow Gardens Romford	Development	Delegated	07-10-16	07-10-16			Pursuing compliance
9 Como Street Romford	Use	Delegated	14-10-16	14-10-16			Pursuing compliance
Land at Crow Lane Metals Crow Lane Romford	Development/use	Delegated	29-09-16	29-09-16			Pursuing Compliance
2 Notices 14-02-							
35a New Road Rainham	Use	Delegated	28-10-16	28-10-16	14-02-17		See Schedule A
11 Stanford Close Romford	Use	Delegated	28-10-16	28-10-16			Notice complied with 08-12-16
Land known as Aveley Marshes to north west of 9- 15 Juliette Way Purfleet Ind Park. Aveley	Use/development	Delegated	02-11-16	02-11-16	12-12-16		See Schedule A

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
13 Notices							
27 Wentworth Way Rainham	Development	Delegated	30-11-16	30-11-16	05-01-17		See Schedule A
Wyema North Road Havering-atte-Bower	Development	Delegated	22-11-16	22-11-16	21-12-16		See schedule A
61 Crow Lane Romford	Development & Use	Delegated	22-12-16	22-12-16	31-12-16		See schedule A
Raw Inc Training Crow Metal Estate Crow Lane Romford	Use	Delegated	23-01-17	23-01-17	20-01-17		See Schedule A
39 Epping Close Romford	Development	Delegated	22-12-16	22-12-16			Pursuing compliance
Harefield Manor 48 Main Road Romford	Development	Delegated	22-12-16	22-12-16			Pursuing compliance
12 Bridge Close Romford	Use	Delegated	22-12-16	22-12-16	30-01-17		See schedule A
14 Balgores Square Romford	Development	Delegated	22-12-16	22-12-16			Pursuing compliance
15 Kingshill Avenue Romford	Use	Delegated	01-12-16	01-12-16			Notice complied with 20-03-17

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Unit 11 Folkes Farm Folkes Lane Upminster	Use	Delegated	09-01-17	09-01-17	01-02-17		See Schedule A
Unit 5A & 5B Salamons Way. Rainham	Use	Delegated	16-01-17	16-01-17	24-02-17		See Schedule A
5A & 5D Salamons Way Rainham	Use	Delegated	16-01-17	16-01-17			See Schedule A
6 Salamons Way Rainham	Use	Delegated	16-01-17	16-01-17	13-02-17		See Schedule A
39A Farm Road Rainham	Development	Delegated	03-02-17	03-02-17	02-02-17	Appeal withdrawn	Notice complied with
22A Laburnham Gardens Upminster	Development	Delegated	24-02-17	24-02-17	22-03-17		See Schedule A
The land in front of Mirrors Turkish Restaurant 3-7 Billet Lane Hornchurch	Development & Use	Delegated	15-02-17	15-02-17			Pursuing compliance
1 Westmoreland Avenue	Development	Delegated	24-03-17	24-03-17			Pursuing compliance

ADDRESS	SUMMARY OF BREACH OF PLANNING CONTROL	DATE OF COMMITTEE AUTHORITY	NOTICE ISSUED	NOTICE SERVED	APPEAL LODGED	APPEAL DECISION	COMMENTS
Land adjacent to Willow Tree Lodge	Development & Use	Delegated	02-03-17	02-02-17			See Schedule A
28 Lodge Lane Romford	Development	Delegated	14-03-17	14-03-17			Pursuing compliance
Land rear of 411 Upminster Road North	Development	Delegated	08-05-17	08-05-17			Pursuing compliance
20 Wilfred Avenue Hainchurch	Development	Delegated	06-05-17	08-05-17			Pursuing compliance
Land SE of 7-11 Alan Gardens Romford	Development	Delegated	05-05-17	05-05-17			Pursuing compliance
293 Mawney Road Romford	Development	Delegated	02-05-17	02-05-17			Pursuing compliance

This page is intentionally left blank

# REGULATORY SERVICES COMMITTEE

29 JUNE 2017

# REPORT

**Subject Heading:**

Prosecutions update

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulations Manager  
01708 432685

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

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

## SUMMARY

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

## RECOMMENDATIONS

That the report be noted.

## REPORT DETAIL

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

There have been no prosecutions this quarter.

## IMPLICATIONS AND RISKS

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

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

**Human Resources implications and risks:** None identified.

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



# REGULATORY SERVICES COMMITTEE

29 JUNE 2017

# REPORT

**Subject Heading:**

Schedule of complaints

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulations Manager  
01708 432685

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

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

**SUMMARY**

The attached schedule lists the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 25 February 2017 and 31 May 2017

**RECOMMENDATIONS**

That the report is noted and the actions of the Service agreed.

**REPORT DETAIL**

Prior to this meeting, Members have been emailed the schedule listing the complaints received by the Planning Control Service over alleged planning contraventions. Since the matter was last reported to this Committee on the 16 March 2017 some 206 complaints have been received