



## REGULATORY SERVICES COMMITTEE AGENDA

|                |                                  |   |
|----------------|----------------------------------|---|
| <b>7.30 pm</b> | <b>Thursday<br/>13 July 2017</b> | <b>Havering Town Hall,<br/>Main Road, Romford</b> |
|----------------|----------------------------------|---|

Members 11: Quorum 4

### COUNCILLORS:

**Conservative  
(5)**

Robby Misir (Chairman)  
Philippa Crowder  
Melvin Wallace  
Michael White  
Roger Westwood

**Residents'  
(2)**

Stephanie Nunn  
Reg Whitney

**East Havering Residents'  
(2)**

Alex Donald (Vice-Chair)  
Linda Hawthorn

**UKIP  
(1)**

Phil Martin

**Independent Residents  
(1)**

Graham Williamson

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

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

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

Reporting means:-

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

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

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

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

## **AGENDA ITEMS**

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

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

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

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

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

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

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

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

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

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

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

### **4 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 1 - 22)**

### **5 P2036.16 - 2 BROOKLANDS ROAD, ROMFORD (Pages 23 - 40)**

### **6 P1812.16 - 226-232 MAIN ROAD, ROMFORD (Pages 41 - 66)**

**7 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**

## Regulatory Services Committee

13 July 2017

| Application No. | Ward                 | Address   |
|-----------------|----------------------|---|
| P0528.17        | Rainham & Wennington | 136 Wennington Road, Rainham                    |
| P0611.17        | Upminster            | Clay Tye Farm, Clay Tye Road, Upminster         |
| P0687.17        | Havering Park        | 16 Kiln Wood Lane, Havering-atte-Bower, Romford |

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 13th July 2017

APPLICATION NO. P0528.17  
WARD: Rainham & Wennington **Date Received:** 30th March 2017  
**Expiry Date:** 25th May 2017  
ADDRESS: 136 Wennington Road  
RAINHAM  
PROPOSAL: Retrospective planning permission for an outbuilding  
DRAWING NO(S): Site Location Plan  
136-01  
Site Location Plan (Proposed)  
136-02  
136-03  
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### CALL-IN

This application has been called-in to committee by Councillor David Durant on the grounds that the proposal raises concerns in regards to over-development of the rear garden and its impact on the neighbour at No.134 Wennington Road, Rainham.

### SITE DESCRIPTION

The application site is to the rear garden of a two storey detached house sited on the southern side of Wennington Road. The rear garden is bounded to the south by properties along Parkview Mews.

The property has been previously extended to the rear. Ground level is fairly flat with off-street parking for at least two cars to the front on hardstanding.

The surrounding area is predominantly residential and characterised by a mixture of two storey dwellings and bungalows.

### DESCRIPTION OF PROPOSAL

The applicant is seeking planning permission for the retention of an outbuilding in the rear garden.

It has been confirmed by the applicant that the building is currently being used to provide a family recreation and activity space. A site visit has been conducted, which included an internal inspection of the outbuilding, to confirm that the outbuilding is being used for recreational activities ancillary to the main house.

### RELEVANT HISTORY

ENF/99/17 Alleged unauthorised outbuilding

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## **CONSULTATIONS / REPRESENTATIONS**

Letters of notification were sent to neighbouring properties. A letter of objection was received from a neighbouring resident.

The objector expressed concerns with regard to the loss of light and loss of view. The loss of light is a material planning consideration, however, it should be noted that there is a clear distinction between the loss of outlook and a loss of view. Loss of outlook arises from development taking place in close proximity to existing development and introducing or significantly increasing a sense of enclosure. Loss of outlook is a material planning consideration whereas the loss of a view, which relates to what can be seen over much greater distances, is not.

The objector has also mentioned that the outbuilding together with the extensions to the house would exceed 50% of the residential curtilage of the site, exceeding what is allowed under 'Permitted Development'. Details shown on the proposed block plan indicate the existing extensions to the house and outbuilding to be covering 47% of the residential curtilage of the site. However, it must be noted that the outbuilding is not 'Permitted Development' as the height of the building exceeds 4 metres.

## **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**

Not CIL liable.

## **STAFF COMMENTS**

Plans indicate the outbuilding to be set in at least 2 metres from the neighbouring boundaries and including the extensions to the house does not cover more than 50% of the residential curtilage of the site. Given these circumstances, the use and footprint of the building would comply with 'Permitted Development' regulations.

However, the height of an outbuilding with a 'dual-pitched' roof must be no higher than 4 metres and not within 2 metres of the site boundary in order to constitute 'Permitted Development'. The

roof of the outbuilding has a maximum height of 4.25 metres, so therefore requires planning permission as the ridge of the roof is 250mm higher than the above 4 metre 'rule'.

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

When viewed from the street, the outbuilding is only visible from Parkview Mews. Given that the outbuilding is set behind the rear gardens of the neighbouring properties on Parkview Mews and Wennington Road, it is only part of the roof of the outbuilding which is visible from the street. Staff do not consider the design or height of the roof to appear visually obtrusive amongst the two storey houses and 'chalet' style bungalows along Parkview Mews. Thus the development is not considered to be harmful to the streetscene.

In terms of the rear garden scene, it is recognised that the size of the outbuilding is of a greater scale, bulk and mass than other neighbouring outbuildings within the immediate surrounding area. However, it is also noted that the subject site has a larger rear garden than the immediate surrounding neighbours. On a smaller garden area, the size of the outbuilding may be considered excessive but, in the context of the substantial rear garden of the application site, it is not judged that the building is of unacceptable scale.

The outbuilding features a 'dual-pitched' roof and is set in at least 2 metres from the side and rear boundaries. As mentioned above, the 4.25 metre high outbuilding exceeds the 4 metre height allowed under 'Permitted Development' regulations and therefore requires planning consent. If the ridge of the 'dual-pitched' roof was 250mm lower then the building would not require planning permission. The additional 250mm increase in height from 4 metres is considered to be marginal in contrast with the overall scale of the building and its pitched roof design.

Given that a building of the same footprint, but built at a lower height of 4 metres could be constructed without planning permission, staff do not consider the impact of the 4.25 metre high outbuilding to be visually much greater than an outbuilding which could be built at this site under 'Permitted Development'.

Although the subject building is of a greater scale than other neighbouring outbuildings within the vicinity, the refusal of this application would not prevent a development of this nature and scale to be introduced to the rear garden environment as a similar visual impact could be achieved without requiring planning permission.

For the reasons outlined above, on the balance the development is not considered harmful to the character and appearance of the surrounding area.

## **IMPACT ON AMENITY**

The outbuilding is sited at the foot of the rear garden. Given the depth of the adjacent neighbouring rear gardens at Nos.134 & 138 Wennington Road, together with the separation distance provided from the shared boundaries of the above neighbours, staff do not consider the outbuilding to be causing a material loss of amenity to the above neighbouring occupiers in terms of overshadowing, loss of sunlight/ daylight, overbearing impact or loss of outlook and loss of privacy.

In terms of the neighbour to the south at No.4 Parkview Mews, it is noted that this neighbouring property occupies a triangular shaped plot, the rear garden boundary of No.4 is set at an angle



where the outbuilding is set in from by a distance of 2.1 metres increasing to 2.7 metres towards the back garden of this neighbour. Staff consider the separation distance provided from the shared boundary does not create an unreasonable loss of outlook or overbearing impact to the occupiers at No.4. In addition, the outbuilding is built along the northern boundary of No.4 and therefore is not considered to overshadow or create a material loss of light to No.4.

It is considered necessary to impose a planning condition to prevent the insertion of flank or rear windows without requiring planning permission in order to prevent any unreasonable increase in noise transmission or the potential of overlooking issues from arising.

The internal layout of the outbuilding has been expected and Staff are satisfied that, as constructed, it is required for purposes incidental to the enjoyment of the dwelling. Given the size of the building however it is considered reasonable that a condition be imposed that ensures the building remains used for these purposes, so that the impact on neighbouring amenity is controlled.

In light of the above, the development is not considered to cause a material loss of amenity to surrounding neighbours.

## **HIGHWAY / PARKING**

The development is not considered to adversely affect car parking provisions or impact on the use and efficiency of the highway.

## **KEY ISSUES / CONCLUSIONS**

The outbuilding demonstrates clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.136 Wennington Road. The outbuilding is not judged to be harmful to the surrounding area and officers are of the opinion that the development does not result in an undue impact on the amenity of neighbouring residents.

As such the development is considered to be in accordance with the provisions of Policy DC61 and the Residential Extensions & Alterations SPD and it is recommended that planning permission is granted.

## **RECOMMENDATION**

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

### **1. 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.

### **2. SC31 (Use as part of main dwelling)**

The outbuilding hereby permitted shall be used only as an integral part of the existing dwelling known as 136 Wennington Road, Rainham and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

**3. SC46 (Adapted flank and rear window condition)**

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

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## **INFORMATIVES**

**1. Approval - No negotiation required**

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 13th July 2017

|                 |   |   |
|-----------------|---|---|
| APPLICATION NO. | P0611.17  |   |
| WARD:           | Upminster   | Date Received: 28th April 2017<br>Expiry Date: 23rd June 2017 |
| ADDRESS:        | Clay Tye Farm<br>Clay Tye Road<br>UPMINSTER   |   |
| PROPOSAL:       | Proposed energy storage facility to provide energy balancing services to the National Grid  |   |
| DRAWING NO(S):  | Location Plan - Red Line<br>Block Plan<br>General Arrangement - Battery Container Layout (Rev C)<br>Landscape Strategy (Sheet 1 of 3) - EDP3953/04a<br>Landscape Strategy (Sheet 2 of 3) - EDP3953/04a<br>Landscape Strategy (Sheet 3 of 3) - EDP3953/04a |   |
| RECOMMENDATION  | It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report   |   |

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### SITE DESCRIPTION

The application site is located to the south of the main built form of Clay Tye Farm, to the east of Clay Tye Road. Clay Tye Road, which in-part is residential lined, is located approximately 90m to the west. To the immediate east of the site is the Warley National Grid electricity substation. The general character of the area is rural and agricultural, with fields delineated by hedgerows, although the electricity substation is a defining feature in the landscape.

The area to which this application relates (0.9ha), forms part of a field, which is currently used for grazing (pastoral farming). It is suggested that the land is of poor agricultural quality/classification and cannot support arable crops.

The site forms part of the Metropolitan Green Belt. The actual area to which this request relates is nevertheless not noted for any ecological, landscape or historical merit. No Public Rights of Way would furthermore be impacted by the proposal.

### DESCRIPTION OF PROPOSAL

To construct an energy storage facility which would comprise 17 high-efficiency battery storage units housed within individual containers. In addition there would be containers housing transformers, converters and control/switchgear equipment. The containers housing the batteries and ancillary equipment would be of a similar style to a shipping container, polyester powder-coated in grey-green finish. The batteries, themselves, would be charged solely from renewable energy sources which would be secured through a Power Purchase Agreement and would have an approximate 20 year life.

It is proposed that the complete compound would be surrounded by a 2.4m palisade fence with access to the site proposed via the existing access track which leads to the substation. A new

section of track into the site would be required to facilitate direct access.

In respect of need, it has been suggested that with the closure of thermal generation plants, the National Grid is experiencing a reduction in system inertia - which will continue as more fossil fuel powered generation capacity is retired. At the same time, high volumes of intermittent renewable generation (wind and solar) have been installed. Mindful of the intermittent nature of renewable generation, the National Grid procures a range of grid balancing services from third parties to help them manage the supply and demand of electricity across the network and ensure constant power supplies for all electricity users. The proposed facility would be one of the aforementioned balancing services.

## **RELEVANT HISTORY**

P0938.17 - Construction of a new site access road to Warley 275kV Electricity Substation  
Awaiting Decision

P1249.14 - Installation of a solar park with an output of approximately 16MW on land associated with Clay Tye Farm.  
Refuse 06-01-2015

P1183.10 - Construction of new access and access track to serve existing substation  
Apprv with cons 15-10-2010

## **CONSULTATIONS / REPRESENTATIONS**

CPRE - No comments received

EDF Energy - No comments received

Environment Agency - No comments received

Havering Friends of the Earth - No comments received

Highway Authority - No objection

London Borough of Havering Environmental Health - No objection

London Fire Brigade - No objection

National Grid - No comments received

Thames Chase - No comments received

Thurrock Council - No objection

UK Power Networks - No comments received.

Public consultation: 25 properties were directly notified of this application. Four letters of public

representation have been received. Three of the four letters received raise objection to the development, with the fourth whilst not objecting in principle raising a number of comments. The concerns/comments received are summarised below:

- visual impact for all adjoining properties;
- significant increase in traffic on already busy and dangerous roads;
- noise;
- loss of Green Belt land;
- questions as to the proposed duration/life of the site; and
- request that, should planning permission be granted, a construction management plan be secured by condition.

Concerns were also raised in one of the letters received about hedgerow removal and whether such works are permitted to occur given the permission for the new access to the substation, along Clay Tye Road, which expired in 2013 (ref: P1183.10).

Staff comment: Hedgerow removal can occur without planning permission. The hedgerow, in question, is not protected by preservation order and therefore, subject to the removal not occurring with the bird nesting season or, if so, a survey being undertaken before removal, the landowner is entitled to carry out such works. In terms of the new access to the substation staff seek to point out that recently a new planning application for a revised access to the substation has been submitted (ref: P0938.17) and this is currently pending determination.

## **RELEVANT POLICIES**

### LDF

|        |   |
|--------|---|
| CP10 - | Sustainable Transport                     |
| CP14 - | Green Belt                                |
| CP15 - | Environmental Management                  |
| CP16 - | Biodiversity and Geodiversity             |
| CP17 - | Design                                    |
| DC22 - | Countryside Recreation                    |
| DC32 - | The Road Network                          |
| DC45 - | Appropriate Development in the Green Belt |
| DC47 - | Agriculture                               |
| DC50 - | Renewable Energy                          |
| DC52 - | Air Quality                               |
| DC55 - | Noise                                     |
| DC56 - | Light                                     |
| DC58 - | Biodiversity and Geodiversity             |
| DC60 - | Trees and Woodlands                       |
| DC61 - | Urban Design                              |

### OTHER

- LONDON PLAN - 5.7 - Renewable energy
- LONDON PLAN - 5.8 - Innovative energy technologies
- LONDON PLAN - 7.14 Improving air quality

-

LONDON PLAN - 7.15 Reducing noise and enhancing soundscapes

-

LONDON PLAN - 7.16 Green Belt

-

LONDON PLAN - 7.21 Trees and woodlands

-

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 8.3 - Community infrastructure Levy

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

Not CIL liable.

## **PRINCIPLE OF DEVELOPMENT**

The NPPF at paragraph 93 states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

Expanding on this, at paragraph 98, it is suggested when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application, unless material planning considerations indicate otherwise, if its impacts are (or can be made) acceptable.

In context of the above, policy DC50 of the LDF and policies 5.7 and 5.8 of the London Plan provide in principle policy support for developments such as this, subject to the development being deemed acceptable in respect of all other material planning considerations.

## **GREEN BELT IMPLICATIONS**

This site is located in the Green Belt and the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. Paragraph 80 of the NPPF explains that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 of the NPPF states that, as with previous Green Belt policy, inappropriate

development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to explain that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings in the Green Belt will constitute inappropriate development subject to the following exceptions:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 of the NPPF provides that certain other forms of development will not constitute inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

Policy 7.16 of the London Plan states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as out in national guidance.

Policy DC45 of the LDF states that the Council will promote uses in the Green Belt that have a positive role in fulfilling Green Belt objectives. Planning permission for development in the Green Belt will only be granted if it is for the following purposes:

- agriculture and forestry, outdoor recreation, nature conservation, cemeteries;
- mineral extraction provided policies in the Council's Local Development Framework are complied

with; and

- Park and Ride facilities provided that the criteria in Annex E of PPG13 are met.

Planning permission for new buildings will only be granted for the following purposes:

- they are essential for the uses listed above; or
- they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46.

Policy DC45 of the LDF refers to a number of developments and/or uses to which it is considered development would not be considered inappropriate. These however are not consistent with the NPPF (paragraph 89) and therefore it is considered only limited weight can be afforded to this policy. Irrespective, neither the NPPF or policy DC45 suggest that development pursuant to energy generation or storage is an appropriate form of development in the Green Belt and accordingly the energy storage facility proposed, in this instance, would constitute inappropriate development and the applicant therefore needs to establish the existence of very special circumstances to outweigh the inappropriateness by definition and any other identified harm.

The applicant as part of the case advanced for very special circumstances has sought to suggest that the proposal would not conflict with the purposes of the Green Belt. In support of this it is furthermore advanced that the pressing need for the UK to adopt the type of energy storage technology proposed by this application has a vital role to play in maintaining Grid stability and ensuring that the power supply remains reliable.

In suggesting/bringing forward this site, the applicant has sought to identify a series of operational constraints for a suitable site:

- connected to a part of the electricity network that has capacity;
- located near the junction of a 132kV circuit and a 22kV circuit (a strategic substation); and
- located at a substation with demand capacity.

With regard to the above it is suggested that the key component, from a viability perspective, is connection distance. Firstly, the further away from a connection point the greater the potential for voltage drop during transfer. Secondly, costs associated with large amounts of connecting cable render sites a significant distance from substations unviable/unsuitable.

This substation was identified by the applicant as having network capacity and also demand capacity. Accordingly, in looking to bring forward a site the applicant sought to search a 2km area for potential development sites. The applicant found, in this regard, that the majority of the area search, with the exception of the south-eastern edge of Upminster, which is already developed, formed part of the Green Belt. For a development, such as this, to come forward at this site it was therefore concluded it was going to be within the Green Belt.

The applicant, on review, sought to propose this development adjacent to the existing substation as it was considered its (Green Belt and landscape) impact here would be at its lowest. This area, from a technical/operational perspective, also represented the best location given the limited connection cable required to join the site to the Grid. Staff acknowledge the locational constraints



associated with this development and accept that this needs to be considered in the balancing exercise in the context of any principle harm which would result to the Green Belt, should planning permission be granted. Accordingly, staff consider an assessment as to any potential harm which may arise from the development needs to be undertaken to conclude if the need argument advanced in this case is sufficient in terms of demonstrating very special circumstances.

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

A general arrangement plan has been provided with this application, together with a 'Landscape and Visual Appraisal'. This Appraisal has sought to assess the visual impact of the development from Clay Tye Road and the nearby footpaths. In this respect the Appraisal predicts a moderate impact in year 1 and moderate/minor impact in year 15 from footpath 232 (south of the site); a minor/negligible impact for the entirety of the development from footpath 232 (east of the site); a minor impact in year 1 and minor/negligible impact in year 15 from Clay Tye Road; and a minor impact for the entirety of the development from footpath 04 (north of the site).

It is considered within the Appraisal that the development would have a beneficial impact on landscape fabric (in context of the proposed landscaping strategy) and a negligible impact in terms of landscape character. With regard to the development staff note that with a maximum height of 8.6m, the site would be dwarfed by the existing substation; and from a design perspective it is accepted would largely appear akin to the substation and structures/plants generally associated with such uses.

Staff acknowledge that the character of this area is to some degree compromised or impacted by the existing substation. The area nevertheless, in staff's view, maintains a relatively open nature in context of the surrounding farming uses. Without question it is considered that the development would accordingly result in some harm to the openness of the Green Belt. Openness is in effect the absence of development and this application proposes such development. The key consideration therefore is if this harm is outweighed by other considerations.

Staff note that the applicant as part of this application proposes to plant a hedgerow, around the original field boundary where this development is proposed. The hedging would not be tight around the development but would instead seek to offset impact and seek to redefine the existing field boundary which is currently fenced. Mindful of the conclusions of the Landscape and Visual Impact Appraisal submitted it is considered that seeking to argue any significant harm to landscape fabric or character would be difficult. The more subjective element, that of visual impact, is however where an element of judgement is required. In staff's view, it is not considered that the development would appear so out of character or detrimental to warrant refusal, solely on design or landscape impact grounds. Given the size of the site; the development elements and their scale, bulk and mass; and the proposed location, it is considered that the development would largely be seen as an extension to the substation and accordingly would not significantly detract from the existing local character. However, it is acknowledged that Members may come to a different opinion as to the degree of impact, and the weight given to such impact as part of the overall balancing exercise required in this case.

## **IMPACT ON AMENITY**

Policy DC61 of the LDF, in-part, details that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact, hours

of operation, vibration and fumes between and within developments. A Noise Impact Assessment Report has been submitted with this application. This assesses the sound power level associated with the proposed converter unit (71dB(A)) and the integrated cooling system for the battery units (62dB(A)). On this basis, and the distance to nearby residential properties, it is concluded as part of the Report that noise levels would comply with relevant standards and guidelines for both internal areas and external amenity areas.

This opinion is supported by the Council's Environmental Health/Public Protection department who have raised no objection to the development coming forward on such grounds.

## **HIGHWAY / PARKING**

The application proposes the use of the existing access to the substation, off Clay Tye Road. In response to concerns raised by the public, after construction, vehicle movements to and from the site would solely relate to maintenance. The applicant has suggested that such visits would likely be in the region of four per year and would involve one or two person in one small van. In context of the above, and the no objection comment received from the Highway Authority, staff do not consider the development would give rise to significant impacts in terms of highway safety or efficiency.

Staff acknowledge, as also raised in a few of the letters of representation received, that no details have been provided on how the construction programme would be managed. Whilst impacts during construction would not normally be so significant as to warrant refusal, given that such impacts would only be temporary, staff consider securing a construction management plan by condition would be appropriate in this instance, should planning permission be granted.

## **OTHER ISSUES**

### **ECOLOGY**

Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. The application is accompanied by an Ecological Assessment which demonstrates that the proposal, subject to appropriate mitigation measures and good practice during construction, would not give rise to any significant harm to protected species or habitat. No objection from an ecological perspective is therefore raised.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

Consideration has been given to Section 3 (Energy Industry) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Energy storage facilities are not expressly detailed in Section 3 although it is considered that the development could be construed as akin to an installation for the production of electricity, steam and/or hot water. The screening threshold for such development is the area of the development exceeds 0.5ha. At 0.9ha (site area) this site does exceed that threshold although it should be noted that should you exclude the access road and landscaping area, the actual area of development would only be 0.5ha. Staff, in context of this and that the Regulations do not specifically detail energy storage facilities, have sought to review guidance contained within the Planning Practice Guidance (PPG). In this regard the PPG states an indicative criteria/threshold for requiring EIA as thermal output of more than 50MW with key issues to consider being the level of emissions to air, arrangements for transport of fuel and any

visual impact. Staff initially note the difficulty applying these criterion/thresholds to this development given it doesn't specifically fit within the development description type. Overall however, mindful of the conclusions drawn from an emission, transport and visual perspective it is not considered that the development, in isolation or cumulatively with other development in the area, would result in any impacts of more than local significance and as such it is not considered that an Environmental Impact Assessment needs to be submitted in support of the application.

## **KEY ISSUES / CONCLUSIONS**

Whilst staff acknowledge that a solar farm application, which included the land to which this application relates, was previously refused planning permission when similar very special circumstances were advanced, staff note that the proposed solar farm covered a significantly larger area (30ha) of Green Belt. In that case it was not considered that the benefits the proposal would realise sufficiently outweighed the harm by reason of inappropriateness and the effect on the openness of the Green Belt. The development in that case was considered to represent a significant encroachment of built development into the countryside.

At 0.9ha in site size, and with a smaller (0.5ha) built footprint, staff consider this development to represent a more even balance in terms of harm by way of inappropriateness and the effect on the openness of the Green Belt and the benefits that would be realised. Staff acknowledge that the NPPF suggests that any harms should be clearly outweighed however in context of the limited 'other' harms which would result from the development, beyond definitional harm, and mindful of the wider benefits this development would bring in connection with renewable energy storage, on balance, staff recommend that planning permission be granted for an extended temporary period, subject to appropriate 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. In this regard written notification of the date commencement shall be sent to the Local Planning Authority within seven days of such commencement.

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. SC17 (Temporary use)**

This permission shall be for a limited period, expiring 20 years after the commencement date. After this date the use hereby permitted shall be discontinued and all built form, including all hard surfacing and access tracks, removed from the site in accordance with a restoration scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted restoration scheme shall detail the site's restoration to agricultural land.

Reason:-

This application has required a balanced judgement to be made as to overall acceptability of the development, in context of the definitional harm to the Green Belt and openness. It is noted that the applicant applied for permanent planning permission but it is also noted that the

batteries have a general 20 year life expectancy. Whilst it is accepted that the batteries could simply be replaced, by limiting the life of the site initially to 20 years it is considered the Local Planning Authority are able to retain control and ensure that in the future the proclaimed benefits of the facility still exist. The condition, through the required restoration, will also seek to safeguard the Green Belt, in accordance with the NPPF, and ensure that future developments do not come forward on this site under the pretence of it being brownfield land. Albeit a temporary planning permission, it is not considered that this restriction would render the development unviable.

**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. NSC01 (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.

**5. SC13B (Boundary treatments)**

Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter, for the life of the development, 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 and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

**6. SC11 (Landscaping scheme compliance & management)**

All planting, seeding or turfing comprised within the landscape scheme, as shown on the approved drawings, shall be carried out in the first planting season following completion of the development. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure the landscaping scheme is implemented and maintained in accordance with the details submitted and that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197

**7. SC57 (Wheel washing)**

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

The submission will provide;

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

Reason:-

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

**8. SC63 (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

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## INFORMATIVES

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

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 13th July 2017

|                 |   |   |
|-----------------|---|---|
| APPLICATION NO. | P0687.17  |   |
| WARD:           | Havering Park   | Date Received: 23rd April 2017<br>Expiry Date: 17th July 2017 |
| ADDRESS:        | 16 Kiln Wood Lane<br>Havering-atte-Bower<br>ROMFORD   |   |
| PROPOSAL:       | Loft conversion to form additional bedroom  |   |
| DRAWING NO(S):  | D5018/PA/02D<br>D5018/PA/01   |   |
| RECOMMENDATION  | It is recommended that <b>planning permission be GRANTED</b> subject to the condition(s) given at the end of the report |   |

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### SITE DESCRIPTION

This detached property is located to the north of the borough in Havering-atte-Bower. The spacious plot is adjoined to the east and west by uniquely designed detached dwellings of varying scales.

The site lies within the Metropolitan Green Belt and the Havering Ridge Area of Special Character.

### DESCRIPTION OF PROPOSAL

Planning permission is sought for a loft conversion which will form an additional bedroom. The works will involve a gabling of an existing hip end roof and the construction of a new rear dormer window.

### RELEVANT HISTORY

P1883.05 - Raising roof to form first floor and single storey rear infill extension  
Apprv with cons 18-11-2005

### CONSULTATIONS / REPRESENTATIONS

Letters were sent to 14 neighbouring properties. No objections were received.

Environmental health - no objections.

Highways - no objections.

### RELEVANT POLICIES

#### LDF

|        |             |
|--------|-------------|
| CP14 - | Green Belt  |
| CP17 - | Design      |
| DC33 - | Car Parking |

- DC45 - Appropriate Development in the Green Belt
- DC61 - Urban Design
- DC69 - Other Areas of Special Townscape or Landscape Character

#### OTHER

LONDON PLAN - 7.16 Green Belt

-

LONDON PLAN - 7.4 - Local character

NPPF - National Planning Policy Framework

#### **MAYORAL CIL IMPLICATIONS**

Not CIL liable

#### **STAFF COMMENTS**

The main issues arising from this application are:

- Whether the proposal would constitute inappropriate development within the Green Belt after considering the National Planning Policy Framework and any relevant development plan policies.
- The effect of the proposal on the openness of the Green Belt.
- Whether any harm arising would be sufficiently outweighed by other considerations or circumstances which would justify the proposal.
- Issues relating to amenity and design.

#### **PRINCIPLE OF DEVELOPMENT**

The application site is situated within the Metropolitan Green Belt, where Policy DC45 applies.

Policy DC45 of the LDF Core Strategy and Development Control Policies DPD states that extensions, alterations and replacement of existing dwellings are acceptable provided the resultant building is not more than 50% greater than that of the original dwelling.

The NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, other than for specified exceptions. The NPPF provides that one exception is when an extension or alteration does not result in disproportionate additions over and above the size of the original building. Given that the NPPF is more up to date than the LDF, it is considered that greater weight should be attached to the policies of the NPPF.

Having estimated an volume of 314m<sup>3</sup> for the original property, the proposed main dwelling will be just shy of double that (624m<sup>3</sup>). While staff recognise that 16 Kiln Wood Lane has been the subject of previous extensions, this specific proposal is for a relatively minor loft conversion. Staff have attributed a volumetric increase of approximately 11% (34m<sup>3</sup>) to the loft conversion proposed. The development in question is not judged to add such volume or bulk that it should be judged to represent a disproportionate addition to the original building.

In light of the above, staff regard the proposed development to be consistent with the NPPF. That said, the acceptability of the proposal will also be dependent on whether it has a greater impact on



the openness of the Green Belt.

## **GREEN BELT IMPLICATIONS**

The fundamental aim of Green Belt policy, as set out in paragraph 79 of the NPPF, is to prevent urban sprawl by keeping land permanently open. Land within the Green Belt should therefore be kept generally free from development. Where buildings are considered to be appropriate, in principle, the Council will carefully control the scale and position of any buildings to ensure that the predominantly open character of Green Belt sites is protected.

The loft conversion will represent an additional volume of approximately 34m<sup>3</sup>. This loft conversion will appear as an infill development which will not increase the maximum height of the property or extend beyond the existing building envelope. The overall bulk, scale and mass of the proposed loft conversion is not expected to result in unacceptable additional harm to the area and staff do not envisage a resultant loss of Green Belt openness.

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

As noted above the proposed loft conversion will appear as an infill development. It is contained within the existing building lines at the rear of the property and provides a sufficient degree of both subservience and symmetry to No.16. The development has been suitably designed and is of an acceptable scale, bulk and mass. As such, staff do not anticipate the proposal negatively impacting upon the garden scene.

After considering the spacious nature of the plot in question, along with the assortment of property styles nearby, officers do not foresee the proposal notably detracting from the street scene. The works are not considered to be harmful to the dwelling's overall appearance and staff do not expect an inappropriate precedent will be set. Rather, this addition is expected to establish a more balanced elevation which will aesthetically enhance No.16 when viewed from Kiln Wood Lane.

In light of the above, and after considering the scale and design proposed, officers do not anticipate this loft conversion to harm the special character of Havering Ridge or obstruct the established views to and from the area.

## **IMPACT ON AMENITY**

As the development will be positioned a sufficient distance from the nearest neighbour to the west and designed so as not to protrude beyond the existing building lines, this aspect of the scheme will not notably effect the amenity of the surrounding properties/facilities.

What is more, staff have noted the neighbour's own extension which wraps around the rear and side of No.18. This substantial addition will contribute towards the mitigation of the proposal's impact. The remainder of the space between the dwellings has previously been utilised for car parking purposes and staff do not expect levels of amenity to be unacceptably compromised as a result of the development.

In order to determine this application, staff have also taken into account the orientation of the application site. It is considered that the proposal would not give rise to an unacceptable loss of outlook, overbearing impact or visual intrusion. The proposed loft conversion will be sited to the

east of No.18 and as such, no significant loss of sunlight or overshadowing is anticipated.

## **HIGHWAY / PARKING**

Sufficient parking will remain onsite.

## **KEY ISSUES / CONCLUSIONS**

The proposal is considered to be appropriate development which will not detrimentally affect the openness of the Green Belt.

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. 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.

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## **INFORMATIVES**

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

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

# REGULATORY SERVICES COMMITTEE

## REPORT

13 July 2017

**Subject Heading:**

P2036.16 - 2 Brooklands Road, Romford

Erection of a 2 storey apartment building to provide 8no. 2 bedroom flats and associated vehicular access, drainage works, landscaping and car parking for 10 vehicles and demolition of all existing buildings (Application received 20 December 2016)

**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 431738

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

The proposal is for the demolition of all existing buildings on site and construction of a 2 storey building to provide 8 two bedroom flats and associated vehicular access, drainage works, landscaping and car parking for 10 vehicles.

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

## RECOMMENDATIONS

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

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 13 November 2017, entering into a legal agreement subject to Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations. In the event that agreement is not completed by such date the item shall be returned to the committee for reconsideration.

- A financial contribution of £48,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

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

### 1. Time Limit

The development to which this permission relates must be commenced not later

than three years from the date of this permission.

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

## 2. In Accordance with Plans

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

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

## 3. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the satisfaction of the Local Planning Authority and be made available for 10 no. 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.

## 4. External Materials

Before any development above ground level takes place, samples of the external finishing materials are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

## 5. Landscaping

No development above ground shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to

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

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 17 of the Town and Country Planning Act 1990.

## 6. Refuse and Recycling

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

**Reason:** 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 LDF Development Control Policies Development Plan Document Policy DC61.

## 7. Hours of Construction

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

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

## 8. External Lighting Scheme

No flat shall be occupied until external lighting (including along the access drive) 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. Submission of this detail prior to occupation will protect residential

amenity and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 9. Wheel Washing

No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously 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. The submitted scheme will provide the following details:

- 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, including their 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 washed 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.
- g) A description of how any material tracked into the public highway will be removed.

Should material be deposited in the public highway, then all operations at the site shall cease until such time as the material has been removed in accordance with the approved details.

**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.

#### 10. Boundary Screening/Fencing

No development above ground shall take place until details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

**Reason:** Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to

commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 11. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum values) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

**Reason:** To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

#### 12. Construction Methodology

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

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

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

**Reason:** Insufficient information has been supplied with the application in relation to 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.



### 13. Accessible and Adaptable Dwellings

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

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

### 14. Water Efficiency

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

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

## INFORMATIVES

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

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

3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £7,648.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further, details with regard to CIL are available from the Council's website.

4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

5. Please note that by virtue of Condition(s) 12, you are required to notify the relevant Building Control body of these conditions as part of any application.

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

## REPORT DETAIL

### 1. Site Description

- 1.1 The application relates to previously developed land to the rear of No's. 4-12 Brooklands Road. The land is currently occupied by R&L Stevens used car dealership and comprises two existing buildings 1-1.5 storeys in height and an expansive area of hardstanding used for the display of vehicles and car parking.
- 1.2 An enforcement notice was served on the premises in 1972 to cease the use of the building and land for the parking, storage, display, preparation or sale, and sale of motor vehicles and to remove from the site any apparatus and equipment introduced upon the site in connection with the unauthorised use. The enforcement notice was appealed and dismissed in 1973. No action was taken until further complaints were received in 1995. Legal advice was sought in 1996 and 2002 and it was concluded that it was not expedient to prosecute non-compliance with the notice.
- 1.2 The site is relatively flat and access to the site is currently provided along a driveway to the south of No. 4 Brooklands Road.
- 1.3 The character of the immediate locality consists of predominantly 2-storey terraced dwellings with the exception of flats to the northeast of the site.

### 2. Description of Proposal

- 2.1 Planning permission is sought for the demolition of the existing buildings on the site and the erection a 2 storey building to provide 8 no. 2-bedroom flats.
- 2.2 Amenity space provision is in the form of a 109m<sup>2</sup> communal amenity area to the rear of the proposed building.

- 2.3 On-site parking will be provided for 10 no. vehicles to the front of the proposed building. Access to the property would be gained via an existing access drive off Brooklands Road.
- 2.4 Refuse storage would be provided in the south-western part of the site approximately 30m from Brooklands Road. Secure cycle storage providing 8 storage spaces for cycles is proposed in an outbuilding in the rear of the site.

### **3. Relevant History**

- 3.1 Enforcement notice served on 23 March 1972 as the site was used for the parking, storage, display, preparation for sale and sale of motor vehicles, without the grant of consent. The notice came into effect on 21 April 1973 (date of appeal decision) and required the occupier to within 3 months to discontinue the use of the said building and land for the parking, storage, display, preparation for sale and sale of motor vehicles; to remove from the site any apparatus and equipment, including motor vehicles introduced upon the site, in connection with these unauthorised uses, and to restore the site to its former condition before development took place
- 3.2 ENF/430/13/ - Alleged unauthorised car repairs in the street - Determined that it was not expedient to enforce given the amount of time that had elapsed.
- 3.3 ENF/502/15 - Alleged unauthorised car sales and repairs - Activity has been determined to be on-going for more than 14 years and considered immune to enforcement.
- 3.4 In August 2016, planning permission was refused for the erection of an apartment building to provide 10 no. 2 bedroom flats and associated vehicular access, drainage works and landscaping, reference P1652.15. A subsequent appeal was dismissed.
- 3.5 In dismissing the appeal, the Inspector made clear that the principle of development was acceptable and that the proposal would not harm the character and appearance of the area, would not lead to a loss of privacy and would make adequate provision for education. However, the Inspector considered it would result in substantial harm to outlook for existing occupiers in Brooklands Road.
- 3.6 The proposal differs from the previous scheme as follows:
- The two flats in the roof-space previously proposed have been omitted from the proposal
  - The overall height of the building has been reduced from 2 1/2 to 2 storeys
  - The maximum ridge height has been reduced by 1.3m

- The reduction in the number of units has enabled the inclusion of two visitor car parking spaces

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

4.1 Councillor Robert Benham objects to the proposal for the following reasons: overdevelopment, cramped, lack of parking and amenity space, not in keeping with the local area and poor design

4.2 Neighbour notification letters were sent to 74 properties and 11 letters of objection were received raising the following concerns.

- Insufficient parking
- the road is too small for the plan
- no access for fire vehicles out
- out of keeping
- loss of privacy
- loss of light
- increased noise
- overbearing
- the building is too close to neighbouring dwellings
- bins will increase risk of vermin
- bats have been seen in the area

Response to concerns raised:

4.3 The main issues of concern relating to privacy, loss of light and overbearing impact, car parking and access arrangements have been considered by the Inspector as part of the appeal. In dismissing the previous appeal, the Inspector took the view that the development would not result in a material loss of privacy to neighbouring properties. The separation distance between the proposed building and neighbouring dwellings would be approximately 24m with a 2m separation to the back gardens of neighbouring premises. Staff consider that the long back gardens of these properties would mitigate against any material loss of privacy or loss of light. The Inspector did however take the view that the development would result in substantial harm to the outlook for properties in Brooklands Road, by reason of a combination of the height of the building and the number of openings. P2036.16. The height and scale of the proposed roof has been reduced and as such, Staff consider that this would address issues relating to any overbearing relationship.

4.4 Issues relating to car parking and access arrangements are addressed in the relevant sections in the body of this report. 4.5 The following consultation responses have been received:

- London Fire Brigade Water Team - Confirm that a new fire hydrant would be required for the development
- Highways - Objection raised due to the lack of pedestrian visibility splays

- Essex & Suffolk Water - No objection subject to compliance with the companies requirements
- Thames Water - No objection subject to appropriate arrangements for surface water drainage

## 5. Relevant Policies

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

5.2 Other relevant documents include the Residential Design SPD and the Planning Obligations SPD (Technical Appendices).

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.15 (reducing noise and enhancing soundscapes), 8.2 (planning obligations) and 8.3 (community infrastructure levy) of the London Plan, are material considerations.

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

## 6.6 Staff Comments

6.1 The Inspector's decision is a material consideration in the assessment of this application. It is considered that the main issues for consideration relate to the impact of the proposal on the character and appearance of the streetscene, impact on residential amenity and parking and access arrangements

### 6.2 *Principle of Development*

6.3 The site lies within a predominantly residential area wherein the principle of residential development is considered acceptable subject to the policies outlined in this report.

### 6.4 *Density and Layout*

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

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

- 6.6 The proposal would provide 8 no. residential dwellings with a density equivalent to approximately 73 dwellings per hectare. This is in accordance with Policy DC2 which states that a dwelling density of between 50 to 110 dwellings per hectare would be appropriate in this location.
- 6.7 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The Technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 6.8 The proposal would provide 8 residential units with floor areas of between 61 and 70.5 sq.m all of which would meet the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.
- 6.9 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. Communal amenity space is provided for the proposed flats of some 109 m<sup>2</sup>.
- 6.10 It is considered that the proposed amenity space would be functional and of reasonable quality and as such would be fit for the purpose of meeting the amenity needs of future occupants. The general site layout is considered to be in accordance with Policy DC61 and the Residential Design SPD.
- 6.11 *Design, Character and Appearance*
- 6.12 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies DC61 and CP17 of the Core Strategy and Development Control Policies Development Plan Document accord with the NPPF in requiring development to be satisfactorily located and of a high standard of design and layout, requiring development to maintaining or improving the character and appearance of the local area in terms of scale and design.
- 6.13 The area is characterised by a mix of mainly semi-detached and terraced housing of two storeys in height. The design and appearance of the proposed building would vary significantly from the design of surrounding dwellings as it involves a single building with an uncharacteristic footprint. However, as the Inspector pointed out in paragraph 8 of the appeal decision, whilst the building would not replicate the form or layout of the surrounding buildings she did accept that the wider area contains flatted development. Thus considering this and given the reduction in height of the proposed building, it is considered that the development would be satisfactorily absorbed into the character of the area.

- 6.14 The revised aspects of the design of the building relate to the lowering of the height by approximately 1.3m, the removal of dormer windows and a general reduction in the mass and bulk of the roofing.
- 6.15 The Inspector's decision made it clear that, in terms of design and subject to the use of appropriate materials, the building would not be harmful to the character and appearance of the area and as such would not be in conflict with DPD policy DC61. The current scheme maintains the overall design of the original building but involves a reduction in height and scale of the roof. It is considered that the revisions respond positively to the Inspector's conclusions.
- 6.16 Impact on Amenity 6.17 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.18 It is not considered that the proposal would have a detrimental impact on the amenity of neighbouring occupiers in terms of loss of privacy or loss of light and the reduction in height and the overall scale of the roof would improve the relationship of the building to neighbouring occupiers.
- 6.19 It is not considered that the proposal would have an unacceptable impact on the amenities of neighbouring occupiers to the north as there are no flank windows proposed at first and second floor levels, the proposed roof is hipped away and there is a separation distance of approximately 24m between the proposed building and the neighbouring dwellings and a distance of 2m to their back gardens which would mitigate against any overbearing impact.
- 6.20 Neighbouring premises to the south have a separation distance of 32m between facing elevations, with a separation distance of 8m between the development and the neighbouring rear boundaries. Given the separation distances involved, staffs do not consider that the proposal would result in an overbearing relationship or material loss of amenity
- 6.21 The separation distance between the proposed application premises and neighbouring dwellings to the southwest would be approximately 23m from the proposed development with a distance of some 8m from the rear fences of the rear gardens to the block of flats. On the previous proposal there would have been a degree of overlooking from the loft/dormer windows, however, this aspect of the proposal has been omitted from the current proposals and the relationship is not considered to be harmful.
- 6.22 With regard to privacy and outlook to premises along Brooklands Close and Como Street, the Inspector conclusions were as follows:

"The side elevation of the building would sit on the common boundary with the building in Brooklands Close. I appreciate that it would be a taller building than existing. However, the roof of the new building would slope

away from the boundary. In addition it would not extend along the entire length of the common boundary. The dwellings along Como Street have long gardens and the building would be set away from the common boundary areas. When taken together these factors would ensure that there would not be excessive loss of privacy to the garden areas of these dwellings. Overall, for these reasons, I do not consider that there would be harm to the outlook of the dwellings in Brooklands Close or Como Street". The current proposals do not materially change the relationship of the proposed development to these properties and, as such, the relationship is judged to be acceptable.

- 6.23 With regard to the impact of the proposal on the outlook of occupiers fronting Brooklands Road, the Inspector's decision considered that the proposal would result in "substantial harm to outlook for existing occupiers in Brooklands Road". This was considered by the Inspector to be the case because of the degree of visibility of the building from neighbouring rear gardens and rear facing windows, the fact it was taller than the existing buildings and as it contained a number of openings.
- 6.24 In order to address the Inspector's concerns the ridge height has been dropped by 1.3m and the dormers have been omitted from the scheme.
- 6.25 While the outlook from neighbouring occupiers fronting Brooklands Road would differ from that which currently exists, it is considered that the amendments made to the height and bulk of the proposed roof are such that a further refusal on these grounds would be difficult to justify. The height of the building has been reduced to more acceptable proportions and no accommodation is now proposed at roof level, enabling the removing of second floor dormers, windows and rooflights. On balance and given also the position some 7m from the shared boundary with the rear garden of Brooklands Road properties, on balance it is judged that the proposal would result in an acceptable relationship to neighbouring occupiers including those fronting onto Brooklands Road.
- 6.26 *Parking and Highway Issues*
- 6.27 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 4 and. The development would provide a total of 10 parking spaces including two spaces for visitors.
- 6.28 Policy 6.13 of The London Plan relates to parking provision and states that an appropriate balance is to be struck between promoting new development and preventing excessive parking provision. In this case the maximum standards are less than 1 parking space per unit for 2 bed units. Thus the proposal would also comply with the requirements of the London Plan and are considered acceptable.
- 6.29 The provision for the secure storage of cycles is included for up to 10. No. cycles. These would be provided in an outbuilding to the rear of the block of flats. Refuse storage will also be provided close to the front of entrance of the block and within 30m from the collection point which meets with the



approval from Streetcare. A refuse storage condition will be added in the event of an approval.

- 6.30 The Highways Authority has raised an objection regarding the lack of pedestrian visibility splays. Staff acknowledge that very limited weight can be given to the existing use of the site as it is not lawful; however, it has been operating since before 1972 with vehicle movements in and out of the site. The proposal utilises the existing access arrangement and given the existing vehicle movement, although associated with an unlawful use, staff do not consider that the lack of visibility splays to constitute a sufficient reason for refusal. Additionally, the lawful residential use of the site would have allowed a substantial residential dwelling with parking for at least 4 vehicles which could arguably be associated with a large dwelling. The lack of visibility splays would therefore have been an existing scenario and Staff do not consider the vehicle movements resulting from the proposed use to result in a harmful impact on pedestrian visibility over and above that which would have resulted from the lawful residential use of the building. The provision of traffic calming speed humps could be introduced close to the entrance of the site in order to mitigate against the lack of pedestrian visibility splays. 6.31 *Other Matters*

#### *Ecology*

- 6.32 The applicant has re-submitted a Bat survey undertaken in 2015 which states that no bat activity was detected at the site. Since this time there have been no significant changes in site conditions as the existing buildings are still in use. Moreover, should this application be approved, the applicant would be required to comply with the statutory obligations for the protection of bats during demolition and construction.

#### *Affordable Housing*

- 6.33 As a result of the number of dwellings being reduced from 10 to 8 which is below the threshold. Affordable housing is no longer applicable and has not been sought as part of this application.

#### *Trees*

- 6.34 There are trees on site none of which are protected, however scope for replacement planting will be considered as part of the landscaping scheme.

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

- 7.1 The proposed development will create 8 no. new residential units with 382.4m<sup>2</sup> of new gross internal floorspace Therefore the proposal is liable for Mayoral CIL and will incur a charge of £7,648.00 (subject to indexation this figure may go up or down) based on the calculation of £20.00 per square metre.

## 8. *Infrastructure Impact of Development*

- 8.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.

- 8.7 In accordance with the SPD, a contribution of £6000 per dwelling is sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 per dwelling towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 8.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £48,000 for educational purposes would be appropriate.
- 8.9 On the previous application the applicant did not agree to the Council's requirement for contributions toward education as outlined above. However, following the appeal decision, in which the Inspector supported the Council's requirement for contributions, the applicant's agent has advised that the applicant is willing in principle to make a contribution towards education in the borough.

## **9. Conclusion**

- 9.1 Having regard to all relevant factors and material planning considerations Officers are of the view that this proposal is acceptable. It is considered that the proposal as revised addresses the concerns raised by the Planning Inspector. The impact of the proposal on the amenity of the neighbouring residents is considered acceptable. The proposal relates satisfactorily to the surrounding area and car parking and access arrangements are considered appropriate. The proposal is considered acceptable in all other respects.

### **IMPLICATIONS AND RISKS**

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

Financial contributions will be sought through the legal agreement.

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

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

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

None.

**Equalities implications and risks:**

None

**BACKGROUND PAPERS**

Application form, updated drawings and supporting statements received on 21 December 2016 and 8 May 2016.



## REGULATORY SERVICES COMMITTEE 13 July 2017

### Subject Heading:

**P1812.16: 226-232 Main Road, Romford**

**Demolition of existing buildings and erection of a 3 storey building, plus active roof space, mixed use development comprising of 5 no. ground floor commercial units and 9 no. residential apartments with associated parking, servicing open space, landscaping, utilities and infrastructure. (Application received 10 November 2016)**

### Ward:

**Squirrels Heath**

### 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 buildings and erection of a three-storey mixed use building, comprising of 3no. ground floor commercial units and 8no. residential apartments in the upper floors..

It raises considerations in relation to the impact on the special character and appearance of the Gidea Park Conservation Area, 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.

## **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 237 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £4,740 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 13 January 2018, entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations. 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 £48,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner 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 or commercial units hereby permitted are first occupied, the car parking as indicated in drawing no. '103 A' shall be laid out to the full satisfaction of the Local Planning Authority 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 with 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.

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

17. 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.

18. 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.

19. 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.

## 20. 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.

## 21. Secure 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.

## 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 £4,740 (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. **Fire Safety**  
The applicant is advised that a pump appliance should be able to approach to within 45 metres of all points within each dwelling measured along a line suitable for laying a hose. If this cannot be met, a fire main should be provided and a pump appliance should be able to approach to within 18 metres of the inlet to the main, which should be visible from the appliance. The fire main (two in this case) should comply with BS9990:2015. There should also be a fire hydrant within 90 metres of the inlet to the fire main. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.
4. **Changes to the public highway (including permanent or temporary access)**  
Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant or highway authority assets 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 Street Management should be contacted make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

**Surface water management**

The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such 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.
6. 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.
7. 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.

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:

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

## REPORT DETAIL

### **1. Site Description**

- 1.1 The application relates to the premises at 226-232 Main Road, Romford. The site is occupied by Gidea Park Motors and comprises a car servicing workshop and repair building, with a car sales forecourt to the front. To the rear the site backs onto residential accommodation at Crossways and Gidea Lodge.
- 1.2 The site is located within the Gidea Park Conservation Area and the premises forms part of the fringe area of the Main Road Major District Centre.

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

- 2.1 The application is seeking planning permission for the demolition of the existing buildings and erection of a three-storey mixed use building, comprising of 3no. ground floor commercial units and 8no. residential apartments in the upper floors. The accommodation would comprise 2no. one bedroom units and 6no. two-bedroom units.
- 2.2 The proposed building would be set back from Main Road, but forward of the building line of the existing building. The layout would retain much of the front forecourt arrangement. To the rear the building would be set some 8.3 metres off the closest point of the rear boundary.
- 2.3 The existing access point from Main Road would be retained with an additional dropped kerb arrangement installed adjacent to No.224. The proposal would incorporate an undercroft vehicle access arrangement



through the centre of the building leading out to a rear car park. The proposal would provide a total of 9no. residents car parking spaces located to the rear of the site and a further 3no. customer parking bays in the forecourt area to the front to serve the three ground floor commercial units.

- 2.4 A communal resident's refuse store would be positioned to the rear of the site and a separate commercial waste store located at the front of the building.

### **3. Relevant History**

- 3.1 No recent relevant planning history relating to the site.

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

- 4.1 Notification letters were sent to 48 properties and some 292 representations have been received.

- 4.2 The Council has also been in receipt of several different signed pro-forma documents, which include:

- A pro-forma signed by some 717 persons stating their support for retaining the car servicing business at the site.

- A pro-forma which sets out an objection to the development on the grounds that it would represent a significant overdevelopment of the site has been signed by 72 people.

- A pro-forma stating that 'we prefer that there is no residential development on the site occupied by Gidea Park Motors' has been signed by 7 people.

- 4.3 The individual representations can be summarised as follows:

- Loss of the established car repair garage business which provides a service to the local community.
- Exacerbate existing acute parking and traffic problems in the area.
- Insufficient car parking provision for the proposed commercial units and residential flats.
- Overdevelopment of the site and an unsuitable location for additional flats.
- The appearance of the development is not in keeping with the area and would be harmful to the streetscene and conservation area.
- The design, height, bulk and massing of the development is inappropriate and would detract from the special character of the conservation area and locally listed buildings.
- Additional commercial units are not needed in this location.
- Loss of privacy and overlooking to neighbouring residential properties.
- Inadequate waste management, servicing and access arrangements.

- Loss of employment for car mechanics/ skilled technicians, as well as opportunities for apprentices and automotive students.
  - The car garage business is a viable asset to the locality contributing footfall, daytime activity, and vitality to the local centre. Neighbouring retailers and the local centre would struggle if the car garage was lost.
  - The variety of uses in the local centre are currently declining and the proposal would result in more vacant commercial premises as well as more A3 restaurant and cafe uses in this part of Main Road.
- 4.4 In response to the above: the application has been submitted by the site owner and the Council must assess the loss of the car servicing garage against the wider implications for the viability and vitality of the fringe area of the Main Road district centre. This assessment is set out below in the 'Principle of Development' section of the report. Issues in terms of design, streetscene, conservation area, residential amenity, and highways implications are discussed in the following sections of the report.
- 4.5 In addition, a detailed representation, which includes accompanying photographs and diagrams, has also been received alleging that there are several discrepancies on the submitted drawings. This is with regard to the comparative height of the proposed building with the adjacent existing buildings, and in relation to the indication that there are two existing vehicle access points from Main Road.
- 4.6 In response to the building heights: the applicant has confirmed that a detailed topographical survey of the site was undertaken to ensure that the site levels and proposed building heights are accurate. The topographical drawings have been submitted with the application. The applicant has also confirmed that all of the drawings are based on the scaled topographical survey and that the drawings have been prepared by RIBA Chartered Architects under the RIBA Professional Code of Conduct. The illustrative images provided by the objector are without scale, and do not therefore give an accurate measurable drawing that can provide a suitable comparison. Staff have considered the objectors comments in detail, but find no clear evidential basis to suggest that the submitted drawings do not provide an accurate representation of the site and adjacent buildings.
- 4.7 With regards to the two access points onto Main Road: Staff can confirm that there is currently a single dropped kerb vehicular access onto the site. A second vehicular access from Main Road is proposed and is illustrated on the application drawings.
- 4.8 The following consultation responses have been received:
- Essex Water - no objection.
  - Thames Water - no objection.
  - Secured by Design Officer - no objection, recommended a standard secured by design condition.

- London Fire Brigade Water Team - no objection.
- London Fire and Emergency Planning Authority - satisfied with the proposals with regard to the ground floor commercial units. However, access to the residential parts is in doubt as a pump appliance would have to remain in Main Road due to the restrictive head height of the undercroft access. To address this a fire main should be provided and a pump appliance should be able to approach to within 18 metres of the inlet. This requirement will be set out through a relevant informative.
- Place Services Heritage Consultants - there are concerns over the application however these are not considered significant enough to refuse on conservation grounds alone. There is no substantial objection to the works.
- Gidea Park Civic Society – raised concerns in relation to excessive height and bulk of the proposed building, which would dominate the streetscene and overwhelm the adjacent solicitors office. Officers are currently awaiting further comments on the revised proposal, which will be reported to Members verbally.
- 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 as well as a restriction on future residents obtaining car parking permits.

## **5. Relevant Policies**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC16 (Core and Fringe Frontages In District and Local Centres), 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), DC68 (Conservation Areas), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Heritage 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),

7.8 (heritage assets and archaeology), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.

- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), and 12 (Conserving and enhancing the natural environment), are relevant to these proposals.

## **6. Staff Comments**

- 6.1 The main considerations relate to the principle of the development, the impact on the special character and appearance of the streetscene and conservation area, the implications for the residential amenity of the future occupants and of nearby properties, and the suitability of the proposed parking, access and servicing arrangements.

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

- 6.2 The NPPF and Policy CP1 support the increase in the supply of housing in existing urban areas where development is sustainable.
- 6.3 The land is located within the Gidea Park Conservation Area, and forms part of the fringe area of the Main Road Major District Centre. Planning permission for development in a conservation area is acceptable in principle as long as it preserves or enhances the character or appearance of the Conservation Area and is well designed. New buildings within such areas should also be sympathetic/subordinate to the mass and height of the surrounding buildings and complementary in terms of design, detailing and materials.
- 6.4 Retaining a commercial use at ground floor level and introducing residential use at first floor level would be considered acceptable in principle, subject to scale, layout and detailed design considerations. The site currently provides car servicing and sales use, and the proposed development would retain a commercial use at ground floor level, introducing three separate commercial units. The ground floor element would provide opportunities for a range of commercial uses helping to ensure the building creates an active frontage at ground floor level. This will aid in enhancing the vitality of the town centre in accordance with policy DC16. There is no planning objection in principle to the loss of the car repair garage or the creation of 3no. new commercial units.

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

- 6.5 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.

- 6.6 The proposal would provide 8no. residential units at a density equivalent to approximately 88 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 70 to 170 dwellings per hectare would be appropriate in this location.
- 6.7 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.
- 6.8 The proposed dwellings would meet the internal floor space standards for two-person one-bedroom flats and four-person two-bedroom flats. 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 flats would provide an acceptable amount of space for day to day living.
- 6.9 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.
- 6.10 The proposed dwellings would be served by an 80 square metre communal garden area to the rear of the site, positioned in the southern corner of the site, adjacent to the resident's car park. In addition, each of the flats would have a private balcony ranging in size from between 3.5 square metres up to 8 square metres. The amenity space provision is considered to be of sufficient size to provide adequately for the size of dwellings proposed. Accordingly, the communal garden space and balconies would be to a functional size and which would provide a satisfactory environment for their occupiers.

### ***Conservation Area***

- 6.11 The site lies within the Gidea Park Conservation Area which includes other listed fabric, as well as various locally listed/heritage asset sites which are also in the vicinity. The statutory duty applied to Local Planning Authorities in the exercise of their planning function in respect of listed buildings and conservation areas is set out in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These tests require that, in exercising any of their powers under the Act with respect to any buildings or

other land in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Further, it will constitute a material consideration in determining whether planning permission should be granted or refused. Case law has established that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm “considerable importance and weight” as material consideration.

- 6.12 LDF Policy DC68 sets out criteria for new development in conservation areas. The main issues are that it should not involve demolition of a building that makes a positive contribution to the conservation areas and that new buildings should preserve or enhance the existing character and are well designed.
- 6.13 Current government guidance on heritage matters is set out in the NPPF and NPPG. This is more recent than the LDF and carries significant weight. The Conservation Area is a designated heritage asset in terms of the guidance in the NPPF. This states that in determining planning applications account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. In making these considerations great weight needs to be given to the asset's conservation. Where there would be substantial harm caused planning permission should be refused, but where any harm is less than substantial the harm needs to be weighed against any public benefits of the development.
- 6.14 The National Planning Practice Guidance advises that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 6.15 Not all elements of a Conservation Area will necessarily contribute to its significance. The existing car servicing and repairs building at the site has been identified in the Gidea Park Conservation Area Management Appraisal as having a neutral contribution, whereby it detracts from streetscape/character of the conservation area. Given its neutral contribution the loss of the existing building is not considered to amount to substantial harm or less than substantial harm in terms of the guidance. Accordingly it is considered that the Conservation Area would not be harmed by the loss of the existing building, however, it is the quality of the replacement building that is the important factor in terms of impact on the Conservation Area.
- 6.16 In considering the proposed development the guidance in the NPPF is that new development should make a positive contribution to local character and distinctiveness and better reveal the significance of the Conservation Area. It should preserve those elements of the conservation area that make a positive contribution to it or better reveal its significance.

- 6.17 The application site has a relatively wide prominent frontage onto Main Road, and is flanked on either side by two storey properties. Given the tight arrangement of the properties along this section of Main Road, the buildings are read visually as a grouping rather than individual premises. As such, within the row there are variations in design, appearance, and ridge heights, which introduce interest and individuality to this part of the Conservation Area.
- 6.18 It is acknowledged that in terms scale the proposed new block would form a more prominent feature in this location than the existing car servicing garage. Nevertheless, the frontage of the proposed building would be set out in a staggered arrangement in recognition of the off-set building line that runs between the adjacent flanking buildings. Staff are of the view that this element would allow the new building to harmonise well with the streetscene at street level and ensure that the building sits more comfortably within the immediate road frontage setting.
- 6.19 In terms of the design, the building would be of a contemporary appearance featuring a double gable frontage, which to some extent would follow the design principles of the adjacent building at 236 Main Road. The Council's heritage consultants, Place Services, have noted that this would help to ensure the overall design is a modern interpretation of the positive aspects of character of the conservation area, and that the design is therefore considered to be in keeping with the conservation area.
- 6.20 The new building would feature regressive pitched roof sections, which would help to break up some of the additional bulk. The roof ridge height would be approximately 0.75 metres taller than 236 Main Road, which is currently the tallest building in this grouping. Given the varied design and appearance of the buildings along both sides of this section of Main Road; Staff are of the view that, on balance, much of the bulk and massing of the block would be absorbed into the tight urban grain and would not appear unduly prominent within the streetscene.
- 6.21 What is more of a judgement is the resultant relationship between the proposal and the adjacent solicitor's office building at 224 Main Road. Whilst it is two-storey in height, No.244 incorporates a shallow hipped roof design, it is smaller in scale than typical two storey buildings and is set well back from the Main Road frontage. As such the flank elevation of the new block would appear much larger and dominant than the immediately adjacent solicitor's offices. Staff have given consideration to the existing relationship between the buildings and the scale and height of the car serving garage relative to its neighbours and the wider grouping. Mindful of this existing arrangement, staff consider that on balance the resultant relationship between the flank of the proposed building and No.224 Main Road would be acceptable in this instance. The scaling of the proposed building incorporates a transition such that the tallest element of it is set well within the site boundaries and away from No. 224.

- 6.22 Place Services note that revisions to the scheme have reduced the massing to be more in line with the adjacent buildings. They also acknowledge that the overall size and massing of the proposal would be large for the conservation area, however, it is not considered to be overly large enough to be significantly incongruous in this setting.
- 6.23 It is considered that the modern touch to the design of the new building, including the full height glazing elevations and setback from the road frontage, would generally be complementary to the surrounding conservation area in comparison to the utilitarian appearance of the existing building.
- 6.24 As a result it is considered that the proposed building would suitably preserve the fundamental character and appearance of the surrounding conservation area, making a positive contribution to local character and distinctiveness in accordance with the aims of the NPPF.
- 6.25 Staff recognise that this is matter of careful judgement, and in this instance have given considerable weight to the overall improvement the development would bring to the character and appearance of this part of the conservation area.

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

- 6.26 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.
- 6.27 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook to the occupants of the surrounding dwellings at Main Road, Crossways and Gidea Lodge.
- 6.28 The adjacent premises at 224 Main Road is currently used as a solicitors office and as such there would be no harm to the amenity of residential occupiers in this instance. Likewise, the ground floor element of the premises to the east at 234 Main Road is used as a restaurant. The premises also has the address of 234a, suggesting that there could be a first floor flat. The first floor rear windows are already set adjacent to the large bulk and massing of the existing car repair workshop. Given the distance from the windows and the prevailing character of the tight urban grain; it is not considered that the proposed development would present an undue impact on the outlook, or amenity of this neighbouring property to such an extent to justify refusing the scheme.



- 6.29 Of particular concern would be the impact on the occupants of 2 Crossways, which shares a side garden boundary with the rear of the application site. Whilst the new block would introduce habitable room windows and balconies, the rear elevation of the proposed block would be positioned some 13.5 metres from the garden boundary with 2 Crossways. Staff are of the view that on balance this distance would mitigate any potential undue impact of overlooking or loss of privacy
- 6.30 Issues of overlooking or inter-looking between dwellings with the closest residential flats at Gide Lodge would be mitigated by the off-set orientation between the proposed and existing building as well as the separation distance of approximately 12 metres at an oblique angle.
- 6.31 The new building would be positioned away from the rear boundary and would provide some immediate relief in terms of outlook in comparison to the existing arrangement, whereby the 7 metre tall car servicing building directly abuts the rear boundary of the application site.
- 6.32 The proposal would introduce a resident's car park into a rear section of the site positioning five of the resident's parking spaces perpendicular to the garden boundary with 2 Crossways. This raises some concerns in relation to noise and disturbance from vehicles entering/ leaving, manoeuvring within the car park and car doors closing. However, consideration must be given to the existing use of the site as a car repair workshop and the potential noise emissions this type of use can give rise to. Therefore, the location of the resident's car park is not considered to be materially more harmful in terms of noise and disturbance than the existing use of the premises.
- 6.33 Given the separation distances, spacing, and favourable southern orientation between the rear elevation of the proposed block and the existing dwellings at 2 Crossways and Gidea Lodge; it is not considered that the proposed development would present an undue impact on the outlook, privacy or amenity of these neighbouring properties to such an extent to justify refusing the scheme.
- 6.34 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.

### ***Environmental Issues***

- 6.35 Environmental Health have raised no objections in relation to any historical contaminated land issues.
- 6.36 The site is not located within a Flood Zone and presents no issues in relation to local flood risk.

- 6.37 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***

- 6.38 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 3, meaning that the site offers an average degree of access to surrounding public transport.
- 6.39 The proposed development can demonstrate a total of 9no. residents car parking spaces located to the rear of the site to serve the 8no. flats. A further 3no. customer parking bays would be laid out in the forecourt area to the front to serve the three ground floor commercial units. This level of provision is acceptable and meets London Plan Policy 3.5.
- 6.40 The Local Highway Authority have raised no objection subject to the applicant entering into a legal agreement to prevent future occupiers from applying for parking permits. Subject to the completion of this agreement, the proposal would be acceptable in highway terms and it is not considered that the proposed development would result in parking or highway safety issues. The legal agreement would be consistent with the other residential developments within this area.
- 6.41 A communal resident's refuse store would be positioned to the rear of the site within 25 metres of Collier Row Lane, and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste. A separate waste store would be located at the front of the building to serve the ground floor commercial units.
- 6.42 A secure cycle store would be provided to the rear of the site for residents and a cycle rack installed to the front for customers of visiting the commercial units.

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

- 6.43 The proposed development will create 8no. residential units and three commercial units with 237 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4,740 (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 £48,000 for educational purposes would be appropriate.

## **7. Conclusion**

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. 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 conservation area 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.

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| <b>BACKGROUND PAPERS</b> |
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Application form, supporting statements, and drawings received 10 November 2016, amended plans and supporting documents received on 16 May 2017, and additional plans received on 23 June 2017.

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