



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
3 August 2017**

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

Members 11: Quorum 4

**COUNCILLORS:**

**Conservative  
(5)**

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

**Residents'  
(2)**

Stephanie Nunn  
Reg Whitney

**East Havering Residents'  
(2)**

Alex Donald (Vice-Chair)  
Linda Hawthorn

**UKIP  
(1)**

Phil Martin

**Independent Residents  
(1)**

Graham Williamson

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

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

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

Reporting means:-

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

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

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

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

## **AGENDA ITEMS**

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

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

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

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

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

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

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

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

(if any) - receive.

### **3 DISCLOSURE OF INTERESTS**

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

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

### **4 MINUTES (Pages 1 - 16)**

To approve as a correct record the minutes of the meetings of the Committee held on 29 June and 13 July 2017 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 17 - 94)**

- 6      **P0046.17 - 11 QUEENS GARDENS, CRANHAM** (Pages 95 - 114)
  
- 7      **P0569.17 - ST EDWARDS COURT** (Pages 115 - 132)
  
- 8      **P0787.17 - HARE LODGE, UPPER BRENTWOOD ROAD** (Pages 133 - 158)
  
- 9      **P0729.17 - 9 FAIRLAWNS, HORNCHURCH** (Pages 159 - 178)
  
- 10     **URGENT BUSINESS**

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which will be specified in the minutes, that the item should be considered at the meeting as a matter of urgency

**Andrew Beesley**  
**Head of Democratic Services**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
29 June 2017 (7.30 - 10.30 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Melvin Wallace,  
Michael White, +John Crowder and Roger Westwood

**Residents' Group** Reg Whitney and +Nic Dodin

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

**UKIP Group** Phil Martin

**Independent Residents  
Group** Graham Williamson

Apologies were received for the absence of Councillors Philippa Crowder and Stephanie Nunn.

+Substitute members: Councillor John Crowder (for Philippa Crowder) and Councillor Nic Dodin (for Stephanie Nunn).

Councillors Robert Benham, Osman Dervish, Viddy Persaud, Damien White, Ron Ower and John Glanville were also present for parts of the meeting.

60 members of the public and a representative of the Press were present.

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

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

## 266 **MINUTES**

The minutes of the meeting held on 1 June 2017 were agreed as a correct record and signed by the Chairman.

267 **P0433.17 - 36 COLLIER ROW LANE**

The proposal before Members was for the demolition of the existing garages and erection of five two storey-houses on land to the rear of 36, 38 & 40 Collier Row Lane.

Members noted that the application had been called-in by Councillor Osman Dervish on the grounds that he believed the proposed development was an overdevelopment of the site and would harm local residential amenity.

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

The objector commented that the proposal would be an illegal use of the land and that very little had changed from a previous application that had been refused. The objector also commented that the plot was not derelict and that that the proposal was of a garden grabbing nature and was an overdevelopment of the site which would out of character with the surrounding area.

In response the applicant's agent commented that the land was in the applicant's ownership and that the previous Highways objections have been addressed. The agent also commented that the applicant had taken on board the previous objections and amended the application accordingly.

With its agreement Councillor Osman Dervish addressed the Committee.

Councillor Dervish commented that he was in support of new development within the borough but the proposal in front of the Committee was a back garden land grab. Councillor Dervish also commented that the proposed development would provide homes that people had to live in rather wanted to live in and was an overdevelopment of the site. Councillor Dervish concluded that there would be access/egress issues at the site and that the proposal would be in a cramped area.

During the debate Members sought and received clarification regarding the access/egress, refuse arrangements and distances between existing properties.

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

Inadequacy of proposed access to the site including proposed shared surface, leading to an increase in vehicular movements and vehicular conflict around the entrance and danger to pedestrians.

The lack of S106 agreement for School places demand arising from the development.

268 **P0600.17 - 7 CHASESIDE CLOSE, ROMFORD**

The application before Members sought planning permission for ground floor rear and side extensions and to convert the existing garage into a habitable area.

Members noted that the application had been called-in by Councillor Osman Dervish on the grounds of overdevelopment and being out of keeping.

With its agreement Councillor Osman Dervish addressed the Committee.

Councillor Dervish commented that the proposal would be an overdevelopment of the site and could possibly lead to the property being used as a HMO. Councillor Dervish advised that a recent application for a dropped kerb, allowing access to the rear of the property in Campbell Close, had been refused.

During the debate Members sought and received clarification of Article 4 Directions.

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

An additional Condition requiring a Construction Method Statement in particular ensuring that construction vehicles and materials were not brought onto the site via Campbell Close and an additional Informative that access over the kerb in Campbell Close would require the prior approval of the Council as the Highways Authority.

The vote for the resolution to grant planning permission was carried by 5 votes to 3 with 3 abstentions.

Councillors Misir, Crowder and Martin voted against the resolution to grant planning permission.

Councillors Westwood, Donald and Williamson abstained from voting.

269 **P0537.17/P0539.17 - 8 ROWAN WALK, HORNCHURCH**

The two reports before Members were considered together but voted on separately.

P0537.17 sought planning permission for a garage conversion into a habitable room and single storey front (side) extension.

P0539.17 sought planning permission for a first floor rear extension which would extend the full width of the existing dwelling and have a depth of between 2m and 3m. The proposal would have a combination of a pitched and flat roof to mirror the existing dwelling.

Members noted that both applications had been called-in by Councillor Damian White on the grounds of the size, scale and impact upon the local area neighbouring properties. Also, being out of keeping with the surrounding built environment.

With its agreement Councillor Damian White addressed the Committee.

Councillor White commented that the proposals would have a detrimental impact on neighbouring properties particularly No 6. Councillor White also commented that the proposals were out of keeping with the streetscene and that he did not agree with officer's comments in the report that the proposals would only have a modest impact on the site.

During the debate Members discussed the impact the proposals would have on existing properties.

It was **RESOLVED** that P0537.17 be refused, contrary to recommendation, on the grounds of:

Due to its height, location on boundary and forward projection from the garage, there would be an adverse impact on amenities of occupiers of neighbouring dwellings, resulting in a loss of light and outlook from the kitchen window. Impact on streetscene.

The vote for the resolution to refuse the granting of planning permission was carried by 9 votes to 2.

Councillors Wallace and Hawthorn voted against the refusal to grant planning permission.

It was **RESOLVED** that P0539.17 be granted planning permission subject to the conditions as set out in the report.

#### 270 **P0729.17 - 9 FAIRLAWNS**

The proposal before Members was for the erection of one detached two-storey five-bedroom house and a detached double garage on a rectangular plot of land located to the south of a larger redevelopment site on land associated with the former property at 44 Herbert Road, and now referred to as 9 Fairlawns Close.

Members noted that the application had been called in by Councillor John Glanville on the grounds that he felt that the departures which the developer had made from the original application as approved by the planning inspector would have an adverse impact on the amenity of neighbouring residents living at nos. 6 and 7 Channing Close. Councillor Glanville also stated that the house had been moved forward by approximately two metres in order to fit the house onto the site, and the south-east corner of the house had been altered to provide a much larger kitchen area.



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

The objector commented that the Council's Supplementary Planning Document (SPD) stated that no development should be to the detriment of existing residents. The objector also commented that one of the conditions placed on the original planning permission stipulated that there should be no departure from the submitted plans. The objector concluded by commenting that the revised layout impacted on neighbour's amenity and that a site visit should be undertaken by Members to observe the detriment that would be caused.

In response the applicant's agent commented that the development had been moved two metres north to avoid a pinch point at the southern end of the site.

The agent also confirmed that the kitchen had been extended by 10m<sup>2</sup>.

With its agreement Councillor John Glanville addressed the Committee.

Councillor Glanville commented that the building works were at an advanced stage and that there was lots of change from what was originally granted planning permission and that there were some discrepancies in measurements.

During the debate Members discussed the possible need for a site visit to see how the changes impacted on neighbouring properties.

It was **RESOLVED** that consideration of the report be deferred to allow Members to undertake an accompanied site visit.

271 **P0549.17 - SITE AT RONEO CORNER**

The application before Members sought permission for amendments to the original planning permission for the construction of two part eight, part nine storey blocks containing a total of 141 flats. The current scheme involved variations to the elevations and the height of the approved, second building which fronted Rush Green Road. The building fronting Rom Valley Way, known as Vickers House, was complete and occupied.

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

The objector commented that that the proposal provided insufficient parking, was to be built on land that was known to flood and needed larger windows. The objector also commented that following the recent fire at Grenfell Tower in North Kensington it seemed foolish to be removing one of the stairwells from the proposal and that there needed to be a greater emphasis on including fire doors and sprinklers to the building.

In response the applicant's agent commented that planning permission had already been granted for the proposal and this application was just seeking to make minor amendments. The agent also confirmed that the applicant was prepared to submit details of materials to be used prior to commencement.

During the debate Members sought and received clarification of bedroom numbers and parking arrangements.

The Committee noted that the proposal qualified for an additional Mayoral CIL contribution of £528 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant, by 29 October 2017, entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 30 March 2012 in respect of planning permission P1918.11 by varying the definition of Planning Permission which should mean either planning permission P1918.11 as originally granted or planning permissions P0827.15 and P0549.17.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 30 March 2012 and all recitals, terms, covenants and obligations in the said Section 106 agreement dated 30 March 2012 would remain unchanged.

In the event that the Deed of Variation was not completed by such date the item should be returned to the Committee for reconsideration.

The Developer/Owner should furthermore pay the Council's reasonable legal costs in association with the preparation of the agreement, irrespective of whether the legal agreement was completed.

That the Director of Neighbourhoods be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report with an amendment to condition three to require submission of details of materials prior to any above ground works.

272 **P0587.17 - CROW LANE/SANDGATE CLOSE, ROMFORD**

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

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

The Committee noted that the application had been called in by Councillor Robert Benham on the grounds of assessing whether this would be an over-development of cramped design; that the development would be two storeys higher than other development at street level in Crow Lane; lack of amenity spaces; and that the proposals were not much different from the previous application that was refused.

With its agreement Councillor Robert Benham addressed the Committee.

Councillor Benham commented that the proposal was not too dissimilar from the previous application and that there had been no change to number of units proposed on the site. Councillor Benham also commented that the proposal would be very cramped and would provide little amenity for future occupiers.

During the debate Members discussed the lack of parking on the site and the effect that the adjacent Royal Mail sorting office would have on future occupier's quality of life.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission which was carried by 10 votes to 1.

It was **RESOLVED** that planning permission be refused on the grounds that:

- The adverse effect on living conditions for future occupiers of the development caused through unacceptably high levels of pollution and noise likely to be associated with the extent and hours of continued operation of the adjacent sorting office premises.
- Harm caused by the development would outweigh the benefits of additional housing provision. Particularly relating to the noise impact on all occupiers from the close proximity of a 24hr depot.
- Cramped, excessively dense overdevelopment of the site harmful to the appearance of the streetscene and with a layout which failed to provide sufficient amenity space and parking for future residents
- Failure to secure affordable housing and education contributions through a legal agreement.

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

Councillor Robby Misir voted against the resolution to refuse the granting of planning permission.

273 **P0655.17 - 66 SHEPHERDS HILL, ROMFORD - SINGLE STOREY GROUND FLOOR FRONT EXTENSION INCLUDING GARAGE CONVERSION INTO A HABITABLE ROOM**

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

274 **P1927.16 - CREEK WAY, RAINHAM - CONSTRUCTION OF 13 COMMERCIAL UNITS WITHIN 4 NEW BUILDINGS WITH ASSOCIATED ACCESS, PARKING AND STORAGE (B1/B2/B8 USE)**

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

275 **P0671.17 - MARDYKE FARM, DAGENHAM ROAD - VARIATION OF CONDITION 1 (TIMEFRAME), 8 (LANDSCAPING) AND 10 (DRAINAGE) ATTACHED TO PLANNING PERMISSION REFERENCE: P0455.14 (RESTORATION, RE-CONTOURING AND LANDSCAPING OF LAND) TO ENABLE COMPLETION OF OUTSTANDING WORKS BY JULY 2018 AND AMENDMENTS TO THE APPROVED LANDSCAPING AND DRAINAGE SCHEMES**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant, by 29 September 2017, varying the existing Legal Agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 and this development, to:

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

In the event that the s106 agreement was not completed by such date the item should be returned to the Committee for reconsideration.

- The applicant should furthermore pay the Council's reasonable legal costs associated with the legal agreement, prior to the completion of the agreement, irrespective of whether the agreement was completed.

Subject to above, it was recommended that the Director of Neighbourhoods be authorised to enter into the aforementioned variation and upon completion of that agreement, grant planning permission subject to the conditions as set out in the report.

276 **P0485.17 - 123 VICTORIA ROAD - DEMOLITION OF A REDUNDANT JOINERY WORKSHOP AND STORE AND THE CONSTRUCTION OF A TERRACE OF FOUR 2 BEDROOM HOMES**

The Committee considered the report noting that the proposal qualified for a Mayoral CIL contribution of £500 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and

Country Planning Act 1990 (as amended), to secure the following obligations by 29 December 2017 and in the event that the Section 106 agreement was not completed by such date the item shall be returned to the Committee for reconsideration:

- A financial contribution of £24,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

An additional clause would be entered into the agreement to prevent future occupiers of the development from obtaining on-street residents parking permits.

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

277 **P0196.15 - HAVERING COLLEGE**

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

The application was deferred from the 11 May 2017 meeting for staff to explore more parking spaces on site, whether the land to the north of the

site was within the applicant's control, whether there was a highway safety issue in Passive Close arising from the proposal, and whether the new building could be located further away from the existing building to facilitate vehicular access from New Road instead of Passive Close.

An update of those issues was given in the report.

During the debate Members discussed the increase in traffic using Passive Close and the impact this could have on children playing nearby.

The report recommended that planning permission be granted, however following a motion to refuse the granting of planning permission that was carried by 6 votes to 5 it was **RESOLVED** that planning permission be refused on the grounds that:

Use of Passive Close as an access would result in noise disturbance, danger to pedestrians and inconvenience to residents.

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

Councillors White, Donald, Hawthorn, Dodin, Whitney, Martin and Williamson voted for the resolution.

Councillors Misir, Crowder, Wallace and Westwood voted against the resolution.

## 278 **PLANNING OBLIGATIONS/LEGAL AGREEMENTS**

The Committee considered a report that updated Members on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2017.

The Committee **NOTED** the report and the information contained therein.

## 279 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 25 February 2017 and 31 May 2017.

The report detailed that 36 new appeals had been received since the last meeting of the Monitoring Committee in March 2017.

The Committee **NOTED** the report and the results of the appeal decisions received.

#### 280 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in March 2017.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

#### 281 **PROSECUTIONS UPDATE**

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

#### 282 **SCHEDULE OF COMPLAINTS**

Members had previously been emailed a schedule which listed the complaints received by the Planning Control Service regarding alleged planning contraventions for the period 25 February 2017 to 31 May 2017.

The Committee **NOTED** the report and **AGREED** the actions of the Service.

#### 283 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

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**Chairman**



**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
13 July 2017 (7.30 - 9.00 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Melvin Wallace,  
Michael White, Roger Westwood and +Carol Smith

**Residents' Group** Stephanie Nunn and +Nic Dodin

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

**UKIP Group** +John Glanville

**Independent Residents  
Group** Graham Williamson

Apologies were received for the absence of Councillors Philippa Crowder, Reg Whitney and Phil Martin.

+Substitute members: Councillor Carol Smith (Philippa Crowder), Councillor Nic Dodin (for Reg Whitney) and Councillor John Glanville (for Phil Martin).

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

35 members of the public and a representative of the Press were present.

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

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

**284 P1812.16 - 226-232 MAIN ROAD, ROMFORD**

The proposal before Members was for the demolition of the existing buildings and erection of a three-storey mixed use building, comprising of three ground floor commercial units and eight residential apartments in the upper floors.

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

The objector commented that a three-storey building would have a harmful impact on the character and appearance of the conservation area due to its prominent location, height, bulk and mass, and would be a visually intrusive feature in the streetscene. The objector also commented that the proposal contravened the Highways Act and Traffic Management Act due to obstruction and congestion. The objector concluded by commenting that there had been over a thousand objections to the proposal and not one recorded supporter.

In response the applicant commented that the proposal was for eight residential units and not nine as had been quoted in some places. The objector also commented that there was a family history relating to the premises and that the proposed residential units would be for future generations of the family. The applicant concluded by commenting that there were alternative car servicing providers within a short distance of the premises and that the submitted plans were correct and matched what was quoted in the officer's report.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that he had visited the site and that the proposed development would be out of keeping with the streetscene especially when compared to neighbouring buildings which were of a smaller nature. Councillor Thompson concluded by commenting that the proposal by bringing forward the building line in front of what was already there would contribute towards the bulk and massing of the building which would be unacceptable.

During the debate Members sought and received clarification of the proposal's dimensions and those of the neighbouring properties and also how close the proposed development would be to Gidea Lodge.

Members also discussed the need for more homes in the borough but agreed that they shouldn't be built at any cost and that the proposed development would not sit comfortably in the streetscene and would harm the conservation area.

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

1. Impact of the proposals upon the Gidea Park Conservation Area.
2. Lack of infrastructure contribution towards education provision.

285 **P2036.16 - 2 BROOKLANDS ROAD, ROMFORD**

The proposal before Members was for the demolition of all existing buildings on site and the construction of a two-storey building to provide eight two-bedroom flats and associated vehicular access, drainage works, landscaping and car parking for ten vehicles.

Members noted that a previous planning permission in August 2016 had been refused and a subsequent appeal to the Planning Inspectorate had been dismissed. The proposal before Members varied from the previous application.

Members also noted that the application had been called-in by Councillor Robert Benham for the following reasons. The proposal was an overdevelopment of the site, cramped, lack of parking and amenity space, not in keeping with the local area and poor design.

Due to another commitment Councillor Benham was unable to address the Committee and had asked his fellow ward Councillor, Councillor Viddy Persaud, to speak on his behalf to the Committee.

Councillor Persaud commented that the proposal was an overdevelopment of the site, cramped and would lead to a loss of light to neighbouring properties. Councillor Persaud also commented that the proposal was a back land development and that one of the current buildings on the site and the hardstanding had been built without planning permission. Councillor Persaud concluded by commenting that the proposal would lead to a loss of privacy to neighbouring properties by overlooking existing gardens, shortage of parking and narrow access/egress arrangements.

During the debate Members sought and received clarification on Highways objections and the enforcement history of the site.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 10 votes to 1 it was **RESOLVED** that planning permission be refused for the following reasons:

1. Impact of the proposals upon outlook. By reason of height, bulk, design, scale and position the proposal would create an intrusive and overbearing development out of character with locality and harmful to amenity of neighbouring properties' outlook, privacy and rear garden enjoyment.
2. Lack of infrastructure contribution towards education provision.

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

Councillor Misir voted against the resolution.

286 **P0528.17 - 136 WENNINGTON ROAD, RAINHAM - RETROSPECTIVE PLANNING PERMISSION FOR AN OUTBUILDING**

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

287 **P0611.17 - CLAY TYE FARM, CLAY TYE ROAD, UPMINSTER - PROPOSED ENERGY STORAGE FACILITY TO PROVIDE ENERGY BALANCING SERVICES TO THE NATIONAL GRID**

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

288 **P0687.17 - 16 KILN WOOD LANE, HAVERING-ATTE-BOWER, ROMFORD - LOFT CONVERSION TO FORM AN ADDITIONAL BEDROOM**

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

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Chairman

## Regulatory Services Committee

3 August 2017

<b>Application No.</b>	<b>Ward</b>	<b>Address</b>
A0012.17	Rainham & Wennington	Tesco Stores Ltd, Bridge Road, Rainham
P0306.17	Rainham & Wennington	Tesco Stores Ltd, Bridge Road, Rainham
P0645.17	Romford Town	14 South Street, Romford
P0732.17	Hylands	Rodwell House, 199-209 Hornchurch Road, Hornchurch
P0765.17	Mawneys	2 Hamlet road, Romford
P0796.17	Emerson Park	18 Tyle green, Hornchurch
P0813.17	Cranham	The Pavilion, Hall Lane Playing Fields
P0882.17	Rainham & Wennington	Farm House, East Hall Lane, Wennington
P0905.17	Upminster	Railway Sidings Caravan Site, Ockendon Rd, Nth Ockendon
P0938.17	Upminster	Warley 275kV Electricity Substation, Clay Tye Road, Warley
P0950.17	Upminster	Railway Sidings Caravan Site, Ockendon Rd, Nth Ockendon

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

APPLICATION NO. A0012.17  
WARD: Rainham & Wennington Date Received: 5th May 2017  
Expiry Date: 31st July 2017  
ADDRESS: Tesco Stores Ltd  
Bridge Road  
RAINHAM  
PROPOSAL: Signage (in association with P0306.17)  
DRAWING NO(S): B372-04  
B372\_IF\_01 Rev !D  
B272\_IF Rev 1  
B372-05 Rev A  
B372-03  
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

The application called-in to committee by Councillor Tucker on the grounds that a very similar proposal has previously been refused and that if permitted to go ahead the development would have a major impact on the Rainham Village community shopping centre.

### SITE DESCRIPTION

The application site comprises a large Tesco superstore building and associated surface car parking areas. It is located on Bridge Road, Rainham and is bounded by Viking Way to the south, Bridge Street to the west, a recreation ground to the east and the Ingrebourne River to the north.

The site is within the Rainham Minor District Centre and as such the surrounding area is characterised by predominantly town centre commercial uses. The nearest residential properties are located in excess of 100m away.

### DESCRIPTION OF PROPOSAL

The proposal is for new signage on a proposed pod to accommodate dry cleaning, key cutting, shoe & watch repairs on the Tesco site. The application is seeking advertisement consent for the installation of 7 illuminated signs and 5no. non-illuminated signs:

- 3 illuminated fascia signs on the sides and front elevation of the pod - all 2.1m above ground level and 0.35m high with width of 2.7m on the sides and 6.7m on the front;

- 4 non-illuminated board signs - one each on the sides and two on the front elevation of the pod; these vary between 1.35 and 2.1 m in height and between 0.9m and 1.65m in width.

The proposed signage will be installed on a freestanding pod 2.6m wide by 6.5m long in size and 2.65m high, with a flat roof which is proposed under a separate planning application (P0306.17). The signage will advertise the various uses of the kiosk which will offer services ranging from dry

cleaning, key cutting, shoe and watch repairs.

## **RELEVANT HISTORY**

A similar proposal for a pod and associated signage were refused in 2014 (A0042.14). The reason for refusal of the signage was:

- the proposed signage, by reason of its duplication and excessive, cluttered appearance would be harmful to visual amenity and contrary to the provisions of Policy DC65 of the LDF Core Strategy and Development Control Policies DPD.

A0066.14 - Advertisement consent for 5 no. fascia signs and 14 no. freestanding signs (Non-Illuminated)

Apprv with cons 27-01-2015

A0042.14 - Advertisement consent for 4no. statically illuminated signs and 5no. non-illuminated signs on Dry Cleaning, Key Cutting, Shoe & Watch Repairs retail Pod.

Refuse 16-12-2014

A0009.14 - 14 illuminated and Non illuminated car park signs, building signs, petrol filling station and gantry/totem signs.

Apprv with cons 17-04-2014

A0064.13 - 6 non-illuminated free standing signs and 2 non-illuminated signs

Apprv with cons 20-11-2013

## **CONSULTATIONS / REPRESENTATIONS**

A total of 28 neighbouring occupiers were consulted and one letter of objection was received from Councillor Tucker on the basis that previous applications seeking development of a similar nature were refused and the perceived impact of the new business on the Rainham Village Community Centre.

## **RELEVANT POLICIES**

### LDF

DC61 - Urban Design

DC65 - Advertisements

### OTHER

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 the acceptability of the signage in terms of design and impact upon the street scene, as well as amenity and highway considerations.

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

In comparison to the surrounding buildings and structures the proposed signage will be attached to a modest sized single storey pod structure.

The only illuminated elements are the fascia signs just below roof level at the front and sides of the pod. Within the context of the signage on this large site and the commercial building within it, these fascia signs are not considered excessive in scale.

Although the signage boards on the side elevations will be relatively large in comparison to the pod, these boards would be non-illuminated and it is considered that given the nature of this type of commercial structure the signage will not unduly impact on the appearance of the elevations and will serve to complement the form and composition of the building.

It is noted that a previous signage application for a similar pod was refused in 2014. The currently proposed pod would be in a different location within the site from that which was refused. This pod would be close to and in front of the right hand side of the main entrance to the Tesco store towards the northern part of the site whereas the refused pod was to be on the southern edge of the site.

There are clearly differences between this scheme and the one which was refused. On balance, it is considered that the size, design, siting and degree of illumination would be in character with the surrounding commercial area and would not materially harm the visual amenity of this section of Viking Way in accordance with policies DC61 and DC65.

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would be detrimental to the character of surrounding area. However, the proposed signage is located within a large supermarket car park which has no nearby residential properties and the signs are relatively modest in scale. Their appearance does not detract from their surroundings and will not create a significant visual impact outside of the wider retail site within which it is located.

## **IMPACT ON AMENITY**

The proposed signage is located entirely within a large customer car park for a large supermarket with no residential properties nearby. Given the modest scale of the proposed signage, its location within a large supermarket site and its commercial setting distant from any residential properties it is not considered that the signage will result in any undue impact on the amenity of the neighbouring residents.

In addition, in the proposed location, it is not considered that the proposed signage would be overwhelming to pedestrians or unduly compromise public safety in accordance with policy DC65.

## **HIGHWAY / PARKING**

Given its location within the supermarket car park away from any road, no traffic or highway issues arise from this proposal.

## **KEY ISSUES / CONCLUSIONS**



Having regard to material planning considerations, staff are of the view that this proposal is acceptable subject to conditions. It is therefore recommended that advertisement consent is granted.

## RECOMMENDATION

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

### 1. SC01A (Standard advert condition)

i. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

ii. No advertisement shall be sited or displayed so as to:-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

iii. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

iv. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

v. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity. Reason: These conditions are specified by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### 2. SC01B (Maximum luminance) ENTER DETAILS

The maximum luminance of the illuminated fascia signs hereby permitted shall not exceed 128 cd/m<sup>2</sup>.

Reason:-

To comply with the recommendations of the Institute of Public Lighting Engineers Technical Report No. 5 (Third Edition) in the interests of amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC65

### 3. 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).

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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 - 3rd August 2017

APPLICATION NO. P0306.17  
WARD: Rainham & Wennington Date Received: 5th May 2017  
Expiry Date: 31st July 2017  
ADDRESS: Tesco Stores Ltd  
Bridge Road  
RAINHAM  
PROPOSAL: Installation of dry cleaning, key cutting, shoe & watch repairs pod to  
Tesco premises  
DRAWING NO(S): B372\_IF\_01 Rev 1D  
B372\_IF\_02 Rev 1D  
B372\_06  
B372\_04  
B372\_05  
B372\_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

The application has been called-in to committee by Councillor Tucker on the grounds that a very similar proposal has previously been refused and that if permitted to go ahead the development would have a major impact on the Rainham Village community shopping centre.

### SITE DESCRIPTION

The application site comprises a large Tesco superstore and associated surface car parking areas. It is located on Bridge Road, Rainham and is bounded by Viking Way to the south, Bridge Street to the west, a recreation ground to the east and the Ingrebourne River to the north.

The nearest residential properties are located in excess of 100m away. The nearest residential properties are located in excess of 100m away.

### DESCRIPTION OF PROPOSAL

The proposal is to install a pod on the site to accommodate dry cleaning, key cutting, shoe & watch repairs.

The elevations include various signage, the consent for which is being sought under a separate application for advertisement consent (A0012.17).

### RELEVANT HISTORY

A0012.17 - Installation of dry cleaning, key cutting, shoe & watch repairs pod to Tesco premises  
Awaiting Decision

- P1640.14 - Change of use for nine parking spaces to hand car wash and valeting operation including installation of an office and erection of a canopy.  
 Apprv with cons 27-01-2015
- P1070.14 - Erection of of Dry Cleaning, Key Cutting, Shoe & Watch Repairs Pod to Retail Premises.  
 Refuse 16-12-2014
- A0009.14 - 14 illuminated and Non illuminated car park signs, building signs, petrol filling station and gantry/totem signs.  
 Apprv with cons 17-04-2014
- P0708.08 - Install lobby at front  
 Apprv with cons 26-06-2008
- P0387.07 - Extension of existing ATM room to include an additional ATM.  
 Apprv with cons 24-04-2007
- P1849.06 - Replacement of existing recycling area with a single TOMRA recycling unit, together with associated engineering works  
 Apprv with cons 07-12-2006
- P0831.02 - Bulk store extension, cage marshalling area and amendments to service yard with accompanying ancillary works  
 Apprv with cons 10-07-2002
- P1124.01 - Single storey extension to west side of building  
 Refuse 06-12-2001
- P0777.99 - Alterations to car park and installation of 8 No. covered trolley bays  
 Withdrawn 22-07-1999
- P0167.99 - Extension of existing store, alterations to car park layout and bus layby, and ancillary works  
 Apprv with cons 23-07-1999

## **CONSULTATIONS / REPRESENTATIONS**

A total of 277 neighbouring occupiers were consulted and one letter of objection was received from Councillor Tucker on the basis that previous applications seeking development of a similar nature were refused and the perceived impact of the new business on the Rainham Village Shopping Centre.

## **RELEVANT POLICIES**

### LDF

- CP17 - Design
- DC16 - Core and Fringe Frontages in District and Local Centres
- DC33 - Car Parking
- DC61 - Urban Design

### OTHER

- 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 the acceptability of the proposed pod in terms of its design and impact upon the street scene/local character, as well as any amenity and highway considerations.

In assessing the current application, consideration is given to relevant case history and whether the current submission satisfactorily overcomes those issues identified previously.

It should be noted that planning permission was previously sought under application reference P1070.14 for a similar style pod, to be used for the same types of purposes. Although recommended for refusal, the application was refused by Regulatory Services Committee for the following reasons:

1. The building by reason of its utilitarian, basic design and appearance coupled with its position within the site would represent an obtrusive feature in the otherwise open character of this part of the site harmful to visual amenity. The proposal is therefore contrary to the provisions of Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.
2. By reason of its position close to the pedestrian crossing and kerb, the building would adversely affect drivers' visibility of pedestrians and thereby be harmful to highway safety. The proposal is therefore contrary to the provisions of Policies DC32, DC34, DC36 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

In assessing the merits of the current application, Members will note that the proposed pod, whilst of similar design and appearance to that previously refused, is located in a materially different position within the site. The implications of this will be considered below.

## **PRINCIPLE OF DEVELOPMENT**

Policy DC16 states that, within District Centres, planning permission for A1 retail uses will be granted at ground floor level.

The proposed pod will primarily be used for A1 retail uses, such as receipt of clothes for dry cleaning, key cutting, watch and shoe repairs. As such, the proposal is considered to be acceptable in principle within this Minor District Centre and to complement the range of uses already available. It is therefore considered that the proposal could enhance the vitality and viability of this part of the Rainham Minor District Centre.

Whilst concern is raised as to the perceived impact of the new business on the commercial vitality and viability of Rainham Village centre, this did not form grounds for refusal of the previous application. Given the proposed use of the pod is an A1 retail use, providing the type of services commonly to be found within a shopping centre and that the location of the development is within the boundaries of the Minor District Centre, it is not considered that there are material grounds for refusal on retail shopping grounds.

Accordingly, in land use terms, the principle of the proposed development is considered to be

acceptable as it is in accordance with the provisions of Policy DC16.

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

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would be detrimental to the character of surrounding area.

The proposed pod would be a sizeable structure but located within a very large car park and beside a very large retail building. The size and design of this pod is considered appropriate for this commercial site. In terms of its visual impact, the pod would be viewed against the backdrop of the large retail store building and across the expansive car park.

It is noted that a very similar previous proposal was refused in 2014 on the grounds that its basic design and appearance coupled with its position within the site would represent an obtrusive feature in an otherwise characteristically open part of the site, harmful to visual amenity. Whilst materially larger than the previously refused pod (2.65m height as opposed to 2.0m previous), the current proposal relates to an entirely different position within the site, where the pod would be seen against the backdrop of the main building, as opposed to the previous proposals where the pod was sited at the edge of the vehicular route through the site, adjacent to the pedestrian crossing into the site. As such, it is considered that the visual impact of the pod is considerably lessened.

It stands to reason that there are fundamental differences between the current scheme and that previously considered. Staff are of the view that the relocation of the pod to a position adjacent to the main building entrance has satisfactorily addressed the issues relating to openness and character. The visual impacts of the development are therefore negligible.

### **IMPACT ON AMENITY**

The proposals present no issues in terms of the amenity of adjacent occupiers, as the closest residential dwelling would be some 150 metres to the south. The pod is considered to be suitably sited and designed, and therefore would not prejudice the amenities of any surrounding properties.

### **HIGHWAY / PARKING**

The proposed development would not result in any loss of parking, which is in contrast to the previous application. Furthermore its positioning adjacent to the form of the main building would not impede the views of drivers/pedestrians and give rise to any conflict. As such the previous grounds for refusal are considered to have been overcome.

Staff consider the proposals to not be detrimental to highway safety, nor to impede the free flow of pedestrians into/out of the Tesco store. The Highway Authority have raised no objection.

### **KEY ISSUES / CONCLUSIONS**

Having had regard to the above, in particular the case history relevant to the site, all planning policy and material considerations APPROVAL is recommended accordingly.

### **RECOMMENDATION**

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

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

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

Reason:-

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

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

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

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

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

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

Reason:-

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

**4. SC19 (Restricted use) ENTER DETAILS**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be for purposes falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any other Order subsequently revoking, amending or re-enacting that Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the 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 - 3rd August 2017

APPLICATION NO. P0645.17  
WARD: Romford Town Date Received: 20th April 2017  
Expiry Date: 15th June 2017  
ADDRESS: 14 South Street  
Romford  
PROPOSAL: CHANGE OF USE FROM A1 SHOP TO A3 RESTAURANT  
DRAWING NO(S): 01  
02  
03  
04  
05  
07

**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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### BACKGROUND

This application is reported to Committee as it has been advertised in the press as a departure from policies of the Development plan as it involves a change of use from retail A1 to restaurant A3 within a Core Retail Area.

### SITE DESCRIPTION

The application site comprises a 2 storey vacant commercial building within a main shopping street in Romford town centre. The building was formerly occupied by a retail unit on the ground floor with a small ancillary storage area at first floor level. Part of the upper floor, not forming part of this application, appears to have been in use as offices. The site lies within the core retail area of Romford Romford Town Centre. The site has a frontage on to Romford Conservation Area.

To the rear of the site is a service area that also forms an entrance to a 4 storey block of flats (Amber Court). The site adjoins commercial premises on either side.

### DESCRIPTION OF PROPOSAL

The proposal is for a change of use from the current A1 use to a restaurant (A3) on the ground floor with an ancillary storage area at first floor level. The proposals also include provision of an extraction flue pipe at the rear of the premises and this will extend above the roof of the building to the rear. No changes to the shop front are proposed in this application.

According to the application form, the proposal would employ 3 full time employees and 3 part-time employees. It is also intended that the restaurant would operate between the hours of 11:00 to 22.30 on Monday to Friday, 10.30 to 23.00 on Saturdays and 11:00 to 23:00 on Sunday and Bank Holidays.



## RELEVANT HISTORY

None

## CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 97 neighbouring occupiers but no responses have been received. At the time of writing this report the publicity for this application had yet to expire. The consultation period expires on 28th July and the Committee will be advised if any representations are received.

Council Traffic & Streetcare Team - no objection

Environmental Health - no objection with regard to contaminated land or air quality; with regard to noise, recommends refusal unless suitable conditions attached on plant and extraction equipment

## RELEVANT POLICIES

### LDF

- DC15 - Retail and Service Development
- DC23 - Food, Drink and the Evening Economy
- DC32 - The Road Network
- DC33 - Car Parking
- DC61 - Urban Design
- ROM09 - Romford: Metropolitan Shopping Centre
- ROM10 - Retail Core

### OTHER

- LONDON PLAN - 2.15 Town Centres
- 
- LONDON PLAN - 4.7 - Retail and town centre development
- NPPF - National Planning Policy Framework

## MAYORAL CIL IMPLICATIONS

There is no Mayoral CIL liability for this proposal as the application concerns a change of use without the creation of additional floor space.

## STAFF COMMENTS

The main issues for this application will be the impact of the proposed A3 use on the vitality and viability of the retail parade, its impact on the character of the area and on the amenity of neighbouring residential occupiers, parking and highway issues. Potential impacts from the rear extraction flue pipe on amenity also need to be considered.

## PRINCIPLE OF DEVELOPMENT

The site lies within the retail core of the Romford Major District Centre. Policy ROM10 states that within the retail core of Romford town centre, planning permission for service uses such as A3/A5 will be granted at ground floor level, subject to the proposal meeting criteria concerning uses

appropriate to a town centre, not producing a grouping of more than three A2-A5 uses and maintaining an active frontage.

Policy ROM10 restricts non-A1 uses that produce a grouping of more than three A2-A5 uses together. This proposal would not give rise to a grouping of more than three non A1 uses within the parade as the uses in this section of the parade are:

- No. 4 - pawnbroker (A2)
- No. 6 - Bakers (A1)
- No. 8-10 - Bank (A2)
- No. 12 - Vacant shop (A1)
- No. 14 - Application site (proposed A3)
- No. 16 - vacant shop (A1)
- No. 18 - Jewellers (A1)
- No. 20 - Vape Shop (A1)
- No. 22 - Vacant shop (A1)
- No. 24 - Vacant shop (A1)
- No. 26-30 - Building Society (A2)

Policy ROM10 also states that not more than 15% of the length of the relevant frontage should be in non-retail use following implementation of the proposal. Given the nature of South Street it is difficult to define the 'relevant frontage' of this shopping parade. However, looking first at the short section of commercial units from No.4 South Street through to No. 30 (between the High Street and Brewery walk), the proposal would result in approximately 36% of the frontage being in non-retail use. If the whole of South Street between the High Street and Romford station is taken, the Non-A1 proportion would be approximately 44%. This indicates the Policy RM10 criterion has already been greatly exceeded whatever frontage is taken and makes it difficult to justify a further Non A1 use.

Based on the above pattern of uses, the proposal would not obviously result in an over-dominance of non-retail uses in this short section of South Street. However, looking at South Street as a whole, this would not be the case.

At the same time, there are already 4 vacant shops, including the application site, out of 11 units in this section of South Street and the proposal would bring a vacant unit back into use adding to the vitality of the parade. It is noted that the current LDF policies date from 2008 and, as part of the proposed Local Plan, a less restrictive approach than the 15% limitation that currently exists is likely to come forward. The Local Plan is however at a very early stage in the plan-making process and, as such, little weight can presently be attached to its policies.

Information has been sought from the agents on how long the unit has been vacant and attempts made for marketing it for retail use. The information submitted by the marketing agent advises that the premises has been advertised as vacant for around eighteen months. It has been advertised by way of a 'To Let' board on the premises and via a number of property websites and there have been few enquiries over this period for A1 retail use, enquiries mainly being for A3 use. The requested rent per annum has also recently been reduced.

The information submitted with regard to marketing is not particularly extensive and it is for members to judge whether they are satisfied reasonable attempts have been made to market the property for a retail use. Staff are however satisfied that the premises has been vacant for some time, with photographic evidence of the site from two years ago available, showing the premises closed and with a 'To let' board on display.

On balance, while the proposed change of use to A3 would fail to meet one of the criteria of Policy RM10 and would add to the already high proportion of Non-A1 uses, the high vacancy level in this part of the parade and the benefits of an active use to the vitality of the parade can be considered to justify an exception to the policy. It is therefore regarded as being acceptable as an exception to Policy ROM10.

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

No changes are proposed to the existing shop front or front elevation in this application and therefore there will be no harm to the streetscene of the character of the Conservation Area. The only alteration to the rear is the erection of an extraction flue on the rear elevation and this will extend 1.8m above the level of the flat roof to the single storey rear element of this building.

The flue would not therefore be visible from South Street. Although it is clearly visible in the rear servicing area, given the nature of the surrounding area where other plant and equipment can be seen, it is not judged to unduly harm the character of the building or streetscene. As a result the external alterations to the building are considered to be in accordance with Policy DC61

### **IMPACT ON AMENITY**

The restaurant would operate between the hours of 11:00 to 22.30 on Monday to Friday, 10.30 to 23.00 on Saturdays and 11:00 to 23:00 on Sunday and Bank Holidays. A condition can be applied to restrict operations to these hours, which are not unreasonable for a town centre location. Given the site is in a town centre location it is considered reasonable that the condition enables opening from 9am rather than the mid-morning opening requested by the applicant.

The nearest residential properties are in Amber Court, a 4 storey block of flats to the rear but this lies over 30m away from the rear of the restaurant.

A new extraction/air conditioning duct is proposed above the roof of the single storey rear building. Environmental Health require various conditions to control noise from machinery and ventilation equipment and regarding the ventilation system to control odours. Subject to these conditions, the extraction ducting is considered acceptable.

With the conditions proposed, impacts on residential amenity are considered to be adequately mitigated.

### **HIGHWAY / PARKING**

The proposed change of use would be located within the town centre close to rail and bus transport links and town centre car parks. As a result the proposal is not expected to provide off street car parking. Consequently the proposed restaurant use is considered to be acceptable on highway and parking grounds. No objection has been made to the proposed use by the Traffic &

Streetcare team.

## **KEY ISSUES / CONCLUSIONS**

No residential properties immediately adjoin the site and potential impacts on residential amenity from noise and odours and by noise and disturbance should be dealt with by the conditions applied. The proposed change of use to A3 would increase the proportion of the parade frontage in Non-A1 use, in conflict with Policy RM10 but given the high vacancy level in this part of the parade and the benefits of an active use to the vitality of the parade can be considered to justify an exception to the policy. On this basis, approval is recommended.

## **RECOMMENDATION**

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

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

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

Reason:-

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

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

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

Reason:-

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

### **3. Non Standard Condition 1 (Pre Commencement Condition)**

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as very high. Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.

Reasons: Insufficient information has been supplied with the application to judge the technical specifications of the extract ventilation system. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

### **4. SC27 (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 to 22.30 on Monday to Friday, 09.00 to 23.00 on Saturdays and 09:00 to 23:00 on Sundays, Public and Bank Holidays without the prior consent in writing of the Local

Planning Authority.

Reason:-

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

**5. Non Standard Condition 32**

The premises shall be open to customers for the purposes hereby permitted for at least 4 hours a day between the hours of 09:00 and 18:00 on Monday to Saturday.

Reason:-

In order to mitigate the loss of a town centre retail unit by ensuring that the vitality and viability of Romford Town Centre is protected, and in order that the development accords with Romford Area Action Plan Development Plan Document Policy ROM10.

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

Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the technical specifications of the new plant or machinery. Submission of this detail prior to commencement of the use will prevent noise nuisance to adjoining/adjacent properties protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

**7. Non Standard Condition 2 (Pre Commencement Condition)**

Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: Insufficient information has been supplied with the application to judge the technical specifications of the mechanical ventilation system. Submission of this detail prior to commencement of the use will protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

**8. SC49 (Waste disposal A3 uses) (Pre Commencement Condition)**

No building shall be occupied or use commenced until details of a waste management scheme is submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the method and location of refuse and recycling storage, including provision for all refuse to be properly contained within the approved facility, together with arrangements for refuse disposal. The scheme shall be implemented on site, in accordance with the approved details, prior to the first occupation or commencement of the use hereby approved and retained permanently thereafter.

Reason:-

Insufficient information has been supplied with the application to judge how waste 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 nearby premises, and ensure that the development accords with the 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.

### 2. Non Standard Informative 1

The applicant should have regard to the following guidance and issues as an informative to the decision notice.

Guidance is provided in:

- The Food Industry Guides to Good Hygiene Practice:
- Workplace, Health, Safety and; Welfare Approved Code of Practice L24 ISBN 0-7176-0413-6 available to order from book shops.

Further information is available at the following web sites:

- Food safety - [www.food.gov.uk/foodindustry/](http://www.food.gov.uk/foodindustry/)
- Occupational safety & health - [www.hse.gov.uk](http://www.hse.gov.uk)

Applicants have found it beneficial to consider the items below before final detailed plans are produced

- 1.provision of suitable outside bin storage
- 2.provision of a grease trap on the foul drainage
- 3.proper storage and disposal of waste oil
- 4.vehicle and pedestrian routes when loading and unloading
- 5.vehicle and pedestrian routes for customers

Finally, food premises must be registered with us at least 28 days before opening. It is an offence for premises to trade without registration. A registration form is available from our office or at our web site:

[online.havering.gov.uk/officeforms/licence\\_food\\_business.ofml](http://online.havering.gov.uk/officeforms/licence_food_business.ofml) .

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

**APPLICATION NO.** P0732.17  
**WARD:** Hylands **Date Received:** 2nd May 2017  
**Expiry Date:** 7th August 2017  
**ADDRESS:** Rodwell House  
199-209 Hornchurch Road  
Hornchurch  
**PROPOSAL:** Change of use of first floor of building from Class B1 (business) to create a gym falling within Class D2  
**DRAWING NO(S):** RAW/17/01  
RAW/17/03  
RAW/17/02  
**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**

The application has been called in by Councillor Ganly who has expressed concerns over increased demand for vehicle parking which would be to the detriment of neighbouring amenity. She considers that there are not enough parking spaces provided and that the roads around Rodwell House already suffer with parking congestion from St. Marys School, the nursery in Vicarage Road and the PSPO that was implemented at Wykeham School.

### **SITE DESCRIPTION**

The application site comprises of a detached building in commercial use located on the southern side of Hornchurch Road (A124). The ground floor of the unit is associated with a day nursery with the first floor, the subject of this current application, vacant. The previous lawful use of the building (and first floor) was for manufacturing, with ancillary offices at second floor. The applicant has advised that the first floor has been vacant since 2008.

In 2015 (P1611.15) planning permission was granted for the partial demolition of the building to the rear and the formation of an undercroft to provide additional vehicle parking. This application allowed for the formation of an internal lift and secondary access to the site.

The first and second floors of Rodwell House are not the subject of any planning condition restricting hours and are currently able to operate on an unrestricted basis.

### **DESCRIPTION OF PROPOSAL**

The application under consideration seeks permission for the change of use of the first floor of the building to D2 (Gymnasium).

The applicant conveys within their supporting statement that it is their intention to offer personal training and group sessions. The applicant currently operates out of a different site, however it is envisioned to transpose this arrangement to the new premises.

Early morning classes are proposed starting at 06:00 and 06:15 and are attended by no more than

16 people, per class with advance bookings made via the Gym's website and pre-booking necessary to ensure that classes are not oversubscribed. Early evening classes starting at 18:30 and 19:00 are attended by no more than 25 people.

From review of information provided by the applicant it would appear that during normal working hours (09:00 to 17:00) fewer classes are held with a lower average attendance.

The applicant seeks in conjunction with the change of use, hours of operation between 06:00 to 21:00 Monday to Thursday, 06:00 to 20:00 Friday, 08:00 to 16:00 Saturday and 09:00 to 16:00 Sundays and Bank/Public holidays.

## RELEVANT HISTORY

Q0083.16 - Discharge of Condition 3 of P1611.15

DOC Dischge Complete 07-06-2016

P1611.15 - Partial demolition of existing building to create additional space for car parking, together with the making good of the existing east facing flank wall of the building.

Apprv with cons 23-12-2015

P0265.13 - Change of opening times to 07.00am to 6.00pm (variation of Condition 6 of P0075.12).

Apprv with cons 25-07-2013

N0004.13 - Non-material amendment to P0075.12 - extending opening hours of Early Years nursery

Awaiting Decision

P0075.12 - Change of use of the ground floor unit from office (B1 use) to Nursery (D1 use)

Apprv with cons 08-06-2012

D0009.01 - Three dual polar antennae and three UMTS antennae and a cabin 3.73m long x 2.53m wide x 2.47m high, together with ancillary development

PP not required 15-02-2001

## CONSULTATIONS / REPRESENTATIONS

Neighbouring occupiers were consulted by way of direct notification, 59 letters of objection were received which will be outlined below.

- Inappropriate location for use
- Increased parking congestion/demand for parking
- Highway safety
- Noise
- Proliferation of other similar uses
- Safeguarding
- Late night use inappropriate
- Reduced air quality

Some matters were raised which cannot be considered material in the assessment of a planning application, such as increased competition for similar business uses. However, in the assessment



of the application all relevant matters raised will be fully considered.

In addition the following comments were received from stakeholders.

Environmental Health - No objection, condition recommended relating to noise.

Highway Authority - The Highway Authority raised no objection and note that no requests had been made to extend the existing parking restrictions in terms of area or time.

## **RELEVANT POLICIES**

### LDF

- CP4 - Town Centres
- DC15 - Retail and Service Development
- DC20 - Access to Recreation and Leisure, Including Open Space
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC36 - Servicing

### OTHER

- LONDON PLAN - 3.19 Sport facilities
- 
- LONDON PLAN - 4.7 - Retail and town centre development
- LONDON PLAN - 6.10 Walking
- 
- LONDON PLAN - 6.13 Parking
- 
- LONDON PLAN - 6.9 - Cycling

## **MAYORAL CIL IMPLICATIONS**

The application is not liable for Mayoral CIL.

## **STAFF COMMENTS**

The application is seeking planning permission for the change of use of the first floor of the building from a light industrial use (B1) to a gym (Class D2).

The applicant states that the premises (first floor) has been vacant for a period of nine years and that despite sustained marketing efforts the building's owner has been unable to find a tenant to occupy the space. Staff consider that the re-use of a long term vacant building is generally acceptable in principle. The reuse of existing buildings is supported by the core planning principles of the NPPF.

In addition, the proposed change of use would provide economic benefits and represent an addition to existing leisure and recreational facilities within the borough.

No objections are therefore raised in principle.

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

There would be no external changes to the host building, therefore no objections are raised from a visual perspective.

## **IMPACT ON AMENITY**

Policy DC61 states that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact and hours of operation.

It must be noted that the historic use of the building is for light industrial purposes, primarily manufacturing. The lack of recent history for the site is such that there is no restriction on the hours of operation and in its current use the premises could operate on an unrestricted basis. The proposed change of use of the first floor would enable controls to be imposed over opening hours, as well as other noise related conditions and, as such, represents an opportunity to control the potential impacts of the site on nearby amenity.

As above, the application premises has historically been used for commercial purposes. At present a day nursery is in operation at ground floor level. Residents have raised concerns regarding the transfer of noise from the premises to the exterior and between the proposed use and that of the existing use at ground floor level. This concern, could in part, be exacerbated by the prolonged period for which the premises has remained vacant.

The building is of solid construction and no clear fenestration was observed to the flank wall of the premises perpendicular to the Church. It is reasonable to conclude that much of the noise associated with the use proposed would therefore be contained to the building. Measures can be implemented to provide sound insulation and suitable conditions can be attached to any grant of planning permission to secure control over the noise (including amplified noise) from the facility. Staff are satisfied that these measures could prevent any detrimental impact to the amenity of residents and adjacent premises.

The proposed use does create potential for the comings and going of gym users to represent an increase in noise and general disturbance. To this end, the application site is located in an area where a certain level of activity and associated noise is to be expected during daytime and into early evening. The site is located on a busy main road and is close to a designated Minor Local Centre, where it is expected there would be a level of evening activity.

Hornchurch Road is heavily trafficked and due to the presence of other existing commercial uses, similarly are the side roads surrounding the application site. The concentration of gym users would appear to be focused outside of core hours, where it stands to reason that vehicles arriving at the site would be able to park within the yard area of the site or by utilising pay and display parking close to the main road, thereby focusing vehicular activity close to Hornchurch Road. It is not considered that the proposed change of use, given prevailing local conditions, the reasonable opening hours and the anticipated number of patrons, would be of detriment to neighbouring amenity.

## **HIGHWAY / PARKING**

The application site has a public transport accessibility level (PTAL) of 1A which translates to a

poor access to public transport. Whilst the supporting statement of the applicant conveys that there is an adequate level of public transport to serve the site and that members would choose to use these facilities, given the PTAL staff consider it more likely that visitors to the gym would travel by private car to the site.

In policy terms, the level of parking required would be equivalent to one per full time member of staff, with the site itself capable of accommodating 6 parking spaces in total.

Consideration must be given to the level of off-street parking provided by the applicant and the availability of on-street parking within nearby roads. Hornchurch Road is subject to a waiting restriction, operational between 8am and 6.30pm Monday to Saturday and this extends a short distance into the immediate side roads. It is noted that on street parking controls in Hornchurch Road cease early in the evening when the peak demand for gym classes occurs. Also that on street parking would be possible on Sundays. As such, it is considered that, in addition to the on-site parking provided, there would be scope for visitors to the site to park in Hornchurch Road.

In assessing this application, Staff have observed daytime parking conditions in nearby roads. It was observed during site inspection that residents of Vicarage Road generally benefit from vehicle crossovers and park their vehicles off of the public highway. The number of vehicle crossovers means that on-street parking opportunities in Vicarage Road are limited but that, where they exist, these could be utilised without harm to the function of the highway.

Within the immediate vicinity there are 16 pay and display spaces and more a short walk away which operate during the day close to the site and within the Minor Local Centre. On all side roads in the vicinity of the site once approximately 100 metres away from Hornchurch Road there are no parking restrictions in addition to the following pay-and-display spaces.

- Vicarage Road - 6 spaces - 3 hours max
- Cheviot Road - 3 spaces - 3 hours max
- Southdown Road - 4 spaces - 3 hours max
- Candover Road - 6 spaces - 3 hours max parking
- Hornchurch Road - 22 spaces total - 3 Hours max

In addition there is a single yellow line in force which would restrict parking from 8:00am to 9:30am and 16:00pm to 18:30pm

In addition it should also be noted that the existing ground floor nursery has some six spaces to the front of the site. The nursery would be closed during evenings and weekends and it has been confirmed by the applicant that the spaces could be utilised by gym members during times when the nursery is closed, although this would be an informal arrangement and could not be secured through this planning application..

The Day Nursery use at ground floor operates between 07:00 and 18:00 Monday to Friday and not

at all on Saturdays, Sundays or Bank/Public Holidays. Given the nature of the business use proposed, which focuses activity to scheduled classes with a restricted user base there is unlikely to be any conflict between the proposed use and the existing use at ground floor. Peak drop off and collection times for the nursery would generally be outside the times when the gym is at its busiest,

The Highway Authority have raised no objections to the proposed change of use on highways/parking grounds.

Having regard to the proposed opening hours, the expected peak times of usage, the availability of on site parking, including the potential for overspill usage of the nursery parking area when the nursery is closed, together with the availability of unrestricted off street parking in surrounding road, particularly during the evening and at weekends, and the existence of pay and display facilities nearby, Staff do not consider it can be demonstrated that the proposal would adversely impact on the functioning of the highway.

### **KEY ISSUES / CONCLUSIONS**

Members are advised that the judgement in this respect is balanced. However, on weighing up the relevant issues staff consider that the application should be recommended for approval subject to the imposition of safeguarding conditions.

### **RECOMMENDATION**

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

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

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

Reason:-

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

**2. SC19 (Restricted use) ENTER DETAILS**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be as a gym only and shall be used for no other purpose(s) whatsoever including any other use in Class D2 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To restrict the use of the premises to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application, and that the development accords with the Development Control Policies Development Plan Document Policy DC61

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

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

Reason:-

The Local Planning Authority consider it essential that the whole of the development is

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

**4. SC27 (Hours of use) ENTER DETAILS**

The premises shall not be used for the purposes hereby permitted other than between the hours of 06:00 and 21:00 on Mondays to Thursday, 06:00 to 20:00 Friday, 08:00 to 16:00 Saturday and 09:00 to 16:00 Sunday, Bank/Public Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

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

Before the development hereby approved commences, details of a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to first occupation and thereafter retained in accordance with the approved details.

Reason: To prevent noise nuisance to adjoining/adjacent premises.

**6. Non Standard Condition 31**

Before the use hereby approved first commences, the parking area shown on drawing number RAW/17/02 hereby approved shall be laid out as shown on the proposed site plan and shall be retained permanently thereafter for use in connection with the approved use of the premises as a gym.

Reason: To ensure adequate provision of car parking and prevent harm to the functioning of the highway.

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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 - 3rd August 2017

**APPLICATION NO.** P0765.17

**WARD:** Mawneys

**Date Received:** 3rd May 2017

**Expiry Date:** 28th June 2017

**ADDRESS:** 2 Hamlet Road  
Romford

**PROPOSAL:** Erection of new house with a basement

**DRAWING NO(S):** A102-4a  
A102-6  
A102-5a

**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**

The application has been called-in by Councillor Dilip Patel on the following grounds:

- He believes that the three front dormer windows will directly overlook the gardens of the property located opposite.
- He is concerned that the property could be used later as a House of Multiple Occupation (HMO).

### **SITE DESCRIPTION**

The application relates to the site at 2 Hamlet Road, Romford. This is a vacant rectangular plot, which was formerly occupied by a two-storey detached house, which was demolished in October 2015. The site is located at the end of a row of detached two-storey houses and bungalows. The surrounding area is predominantly residential in character.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for the erection of a new house.

Prior to the submission of this application planning permission (P1744.15) for a new dwelling was granted by committee on 16 March 2016 and construction works are currently underway. However, the house has not been built in accordance with the previously approved plans as a basement area has been excavated. It is also the applicant's intention to replace roof light windows in the front roof slope with dormer windows, although this part of the development has not been undertaken.

As such the current application is seeking to regularise the unauthorised basement works and the proposed amendments to the front roof level windows.

As with the previously approved scheme the proposed detached house would measure approximately 12.2 metres in depth and 8.2 metres in width. The dwelling would incorporate a mansard roof design with a ridge height of 8.4 metres.

The house would be laid out on the same footprint as the previously approved scheme, with the front elevation orientated to face out onto Hamlet Road, and a garden and car parking spaces to the front and garden to the rear.

Internally, the dwelling would include a living room, kitchen/ dining room, three lounge rooms and WC at ground floor level, as well as a basement level measuring approximately 35 square metres. At first floor level the house would provide 4no. bedrooms (two with en-suite), a bathroom and an office. In the attic space an additional 2no. bedrooms and a gym/ games room would be provided.

A private garden amenity area of approximately 150 square metres would be provided to the rear of the dwelling.

Off-street car parking provision for 3no. cars would be provided to the front of the house accessed from the existing driveway from Hamlet Road.

## **RELEVANT HISTORY**

- P1744.15 - Erection of a new house  
Apprv with cons 19-05-2016
- P1464.12 - Two storey rear and side extension  
Refuse 25-04-2013
- P0517.12 - Raising of roof, two storey rear and side extension and two storey front extension  
Withdrawn 01-08-2012
- P2283.06 - Single storey side/rear extension  
Apprv with cons 24-01-2007

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 28 properties and representations have been received from 6 neighbouring properties. The comments can be summarised as follows:

- Noise, fumes, disruption and disturbance due to the on-going construction works.
- The construction hours restriction condition from the previous planning permission has been consistently breached.
- An access to rear garages has been blocked due to the construction works.
- Damage to grass verges.
- No justification for having a basement level.
- Overdevelopment of the site/ unsuitable location.
- Concerns the house could be used as an HMO.
- Overlooking from the front dormer windows.

In response to the above: Issues of disruption during construction are not a material planning consideration on which a refusal could be based. Conditions would be carried over from the previous consent in any approval notice, which would restrict the hours of construction and set out a construction methodology to ensure development works are satisfactory and to minimise noise

and disturbance. Compliance with these conditions would be monitored by officers in Planning Enforcement. Any disputes over private land boundaries, rights of way and/ or access are a civil matter between adjoining landowners. A condition would also be carried over preventing the use of the property as a HMO. Issues concerning privacy and overlooking are considered in the residential amenity section.

Thames Water - no objection.

London Fire Brigade - no objection.

London Fire and Emergency Planning Authority - no objections.

Environmental Health - no objection.

Local Highway Authority - no objections.

## **RELEVANT POLICIES**

### LDF

CP1 -	Housing Supply
CP17 -	Design
DC2 -	Housing Mix and Density
DC3 -	Housing Design and Layout
DC33 -	Car Parking
DC34 -	Walking
DC35 -	Cycling
DC36 -	Servicing
DC55 -	Noise
DC61 -	Urban Design
DC72 -	Planning Obligations
SPD11 -	Planning Obligation SPD
SPD4 -	Residential Extensions & Alterations SPD
SPD9 -	Residential Design SPD

### OTHER

LONDON PLAN - 3.3 -	Increasing housing supply
LONDON PLAN - 3.5 -	Quality and design of housing developments
LONDON PLAN - 7.4 -	Local character
NPPF -	National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The proposed development will create 1 no. residential unit with 199 square metres of new gross internal floorspace. Therefore the proposal is liable for a Mayoral CIL payment and will incur a charge of £3980.00 (subject to indexation) based on the calculation of £20.00 per square metre.

## **STAFF COMMENTS**



When considering the previous application for the new dwelling, Staff took into consideration issues in relation to the principle of development, the density and layout, the design and impact on the streetscene, the impact on amenity, and the implications for parking and highways. Under the previous application these considerations were assessed and judged to be acceptable in all material respects, which in turn led to planning permission being granted.

This application concerns the unauthorised excavation of a basement level and the proposed amendments to the front roof level to provide dormer windows. The new material considerations with regards to the amendments to the scheme relate to the impact on the character and appearance of the streetscene and the implications for the residential amenity of occupants of the neighbouring dwellings.

### **PRINCIPLE OF DEVELOPMENT**

The principle of the development was established under planning permission P1744.15. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

The site was formerly a residential plot for the now demolished property at 2 Hamlet Road. Under the provisions of the NPPF there is no priority given to garden land as a redevelopable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.

The proposed development will result in the erection of a replacement dwelling. The site has an established residential land use and the proposal will seek to retain this use. The proposed development raises no material concerns with regard to the continued land use and is therefore considered to be acceptable in principle, subject to the suitability of the detailed design proposals. The previous grant of planning permission for a replacement dwelling on this site is also a material planning consideration.

### **DENSITY / SITE LAYOUT**

The density and layout of a similar single detached dwelling scheme was assessed under planning application P1744.15 and judged to be acceptable.

The addition of the basement level would increase the footprint of the house by approximately 35 square metres to 263 square metres, in comparison to the previously approved house with a total footprint of 228 square metres.

This increase in basement floor space is considered to be relatively minimal in comparison to the overall size of the dwelling and not to an extent that would result in an excessively large property. In addition, given the positioning of the basement the use of this area for habitation would be severely limited.

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

The design and impact on the streetscene was assessed under planning application P1744.15 and judged to be acceptable.

The basement level would not be visible and would have no impact on the streetscene.

In comparison to the previously approved scheme, the new dwelling would feature three projecting front dormer windows instead of three roof light windows. The dormer windows would project approximately 1.2 metres out from the roof slope. Given the design of the house, the dormers would have the appearance of a mansard level. It is not considered that this amendment would be to an extent that would materially alter the previously established judgement that the design and appearance would be acceptable. As such the dwelling would still serve to maintain the character and appearance of the area in accordance with Policy DC61.

### **IMPACT ON AMENITY**

The impact on the amenity of the neighbouring residents was assessed under planning application P1744.15 and judged to be acceptable.

The basement level would not result in any direct impact on the amenity of neighbouring occupiers.

As mentioned, in comparison to the previously approved scheme, the new dwelling would feature three projecting front dormer windows in place of three roof light windows. It is not considered that the installation of the dormer windows, which would project approximately 1.2 metres out from the roof slope, would be materially different in terms of privacy and overlooking to the approved scheme. The dormers would be located on the front elevation and would provide an outlook over the public highway at Hamlet Road and onto the front gardens of the opposite dwellings, which are already in public view from the road and pavement.

It is not considered that the new dwelling would present undue issues in relation to privacy and overlooking in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

The floorplans submitted with the application do not indicate any intended use as an HMO and the application cannot be refused on the grounds of any alternative use of the premises that may be made in the future. A planning condition is however proposed that would ensure that planning permission would be required for any future conversion of the property to an HMO and the merits or otherwise of such a use could be considered at that time.

### **HIGHWAY / PARKING**

The parking provision, servicing and highways implications were assessed under planning application P1744.15 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

The scheme can demonstrate off street car parking provision for 3no. vehicles located to the front of the site, which exceeds the maximum standards set out in the policy. The Local Highway Authority has raised no objection to the proposal. Details of vehicle cleansing facilities had previously been agreed under the previous consent. As such the condition would be carried over to prevent mud being deposited onto the public highway during construction works.

## SECTION 106

The proposal would not result in a net increase in residential units and would not therefore give rise to any payments under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs).

## KEY ISSUES / CONCLUSIONS

Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the street scene or rear garden setting nor would it result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions.

## RECOMMENDATION

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

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

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

Reason:-

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

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

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

Reason:-

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

### 3. **SC10A (Matching materials & samples) (Pre Commencement)**

The external construction of the development shall be constructed in the materials approved under condition 3 of P1744.15; under discharge of condition reference Q0129.16.

Reason:-

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

### 4. **SC11 (Landscaping) (Pre Commencement Condition)**

The hard and soft landscaping shall be carried out in accordance with the details approved under condition 4 of P1744.15; under discharge of condition reference Q0129.16. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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

**5. SC13B (Boundary treatment) (Pre Commencement)**

The boundary treatment shall be carried out in accordance with the details approved under condition 5 of P1744.15; under discharge of condition reference Q0129.16.

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

**6. SC62 (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. SC06 (Parking provision)**

Before the building(s) hereby permitted is first occupied, the area set aside for car parking as detailed on drawing no.A102-5a shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

Reason:-

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

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

The construction of the development hereby approved shall be carried out strictly in accordance with the Construction Methodology details which have been previously approved under discharge of condition reference Q0129.16.

Reason:-

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

**9. Vehicle Cleansing (Pre Commencement Condition)**

The construction of the development hereby approved shall be undertaken in accordance with the wheel washing and vehicle cleansing details, which have been previously approved under discharge of condition reference Q0129.16.

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.

**10. SC58 (Refuse and recycling)**

The building hereby permitted shall not be occupied until the refuse and recycling facilities are provided in accordance with details approved under condition 10 of P1744.15; under discharge of condition reference Q0129.16 and as indicated drawing no. a102-6. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

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

**11. SC59 (Cycle Storage)**

The building hereby permitted shall not be occupied until the secure cycle storage facilities are provided in accordance with details approved under condition 11 of P1744.15; under discharge of condition reference Q0129.16 and as indicated drawing no. a102-6. The secure cycle storage facilities shall be permanently retained thereafter.

Reason:-

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

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

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

Reason:-

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

**13. SC45A (Removal of permitted development rights) EDIT DETAIL**

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

Reason:-

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

**14. SC86 Minor Space Standards**

The dwelling 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.

**15. SC87 Water Efficiency**

The dwelling 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.

**16. Restriction on use as HMO**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3 Class L, the building shall be used solely as a single family dwelling and not for any other purpose including as a house in multiple occupation (Use Class C4) without the express permission of the Local Planning Authority following a planning application.

Reason:-

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

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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.

**2. Approval and CIL (enter amount)**

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 £3980.00 (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.

**3. Highways**

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

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

**4. Thames Water informative**

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

prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

#### **5. Fee Informative**

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

**APPLICATION NO.** P0796.17  
**WARD:** Emerson Park **Date Received:** 11th May 2017  
**Expiry Date:** 30th August 2017  
**ADDRESS:** 18 Tyle Green  
HORNCHURCH  
**PROPOSAL:** Retrospective planning permission for front boundary wall.  
**DRAWING NO(S):** PL-001  
PL-002  
PL-003  
PL-008  
PL-005  
PL-006  
PL-007  
PL-004  
**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 by Cllr Roger Ramsey who has expressed the following concerns:

- that the development is visually intrusive
- is inconsistent with the open plan nature of the rest of the estate and
- is in breach of the covenant given to the Council when the estate was developed

### **SITE DESCRIPTION**

Extended detached residential property situated opposite the large public open space of Tyle Green . This is a retrospective planning application as the boundary wall has already been erected to the front and the return boundaries of the site frontage.

### **DESCRIPTION OF PROPOSAL**

The application seeks retrospective planning permission for front boundary wall and railings. The wall is brick built with railings. The brick wall measures 380mm high topped with railings. The maximum height of the brick piers is 1m.

### **RELEVANT HISTORY**

ENF/192/1 Alleged unauthorised erection of a boundary wall  
7 -

Awaiting Decision

P1923.16 - Proposed Porch to Front Elevations  
Aprv with cons 30-01-2017



- P1005.16 - Proposed changes to roof to previously approved rear extension and pool house to include roof lantern and roof lights  
Apprv with cons 11-08-2016
- P1423.14 - Removal of Existing Conservatory. Proposed single storey rear extension of 5m depth with additional 8.5m conservatory to rear. First floor Balcony to front. Front porch to be glazed with increased height. Parking supervision for 2 cars to front with dropped kerb.  
Apprv with cons 10-12-2014
- P0893.14 - Removal of existing conservatory and erection of single storey rear extensions. Front porch and first floor front balcony and creation of two parking spaces at front.  
Apprv with cons 05-09-2014
- P1576.01 - First floor side extension  
Apprv with cons 13-12-2001

## **CONSULTATIONS / REPRESENTATIONS**

Four letters of objection have been received raising the following issues:

- that the wall and railings are visually intrusive and unsightly and out of keeping with the local area especially when viewed from the Tyle Green open space and that, if allowed, the wall and railings would create a precedent which could in turn lead to a proliferation of such structures.
- there is a restrictive covenant allowing side (dividing walls) but no front walls, fences or gates.

In response to the objections staff note that a boundary wall already exists opposite the application property and so the application, if approved, would not be the first in the street. The design and appearance of the wall and railings is covered in the report below.

Objectors refer to a restrictive covenant. Covenants are not a planning consideration and therefore cannot be taken into account as part of the assessment process.

## **RELEVANT POLICIES**

### LDF

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

### OTHER

LONDON PLAN - 7.4 - Local character

## **MAYORAL CIL IMPLICATIONS**

Not relevant.

## **STAFF COMMENTS**

Staff note planning permission P0839.86 contained the condition (Condition 10) which states that:

Notwithstanding the provisions of Article 3 and Schedule 1, Class II to the Town and Country Planning General Development Order 1977, no walls, gates, fences, screens or other means of enclosure shall be erected between the houses and the highway boundary except 3' (915mm) high brick walls of a brick to be agreed in writing with the Local Planning Authority without the prior permission in writing of the Local Planning Authority.

The height of the wall and railings which has been erected is shown as 103 cm, this has been checked by staff on site and found to be correct.

It should be noted that the landscaping and the block work on the ground to the rear of the wall and railings does not form part of this application.

### **PRINCIPLE OF DEVELOPMENT**

The Council's policy objectives in respect of urban design (Policy DC61) state that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. In order to achieve this the guidance states that development must respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context as well as complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

The Council's Residential Extensions and Alterations Supplementary Planning Document states that boundary treatments should reinforce the prevailing character of the streetscape.

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

The local street scene in Tyle Green is characterised by open plan frontages to almost all residential properties and this important characteristic gives the local area a very distinct appearance.

However staff note 21 Tyle Green (which is the residential property opposite the application site) does have a boundary wall 0.91m in height. which is visible when viewed from the south west along Tyle Green and from the adjacent public open green space. The height of this wall does comply the Council's condition to the planning consent referred to above. However its visual impact is considered to be greater than the wall and railings which are the subject of this application because of its solid form of construction and its corner location adjacent to the public open space which renders it visible from a significant distance along Tyle Green to the south west.

Staff consider that the wall and railings to the front of 18 Tyle Green are less visually intrusive because they are a combination of wall and railings and that the greater part of them lies parallel to the highway and that only a short section of each return (which are at right angles to the highway) is noticeable by people approaching along the street.

Staff consider that the boundary treatment does retain a degree of openness, given the use of railings and as there are openings either side of the front wall to allow vehicular ingress and egress. Combined with the modest overall height of the boundary it is considered, on balance, that material harm to the character and appearance of the streetscene does not result.

## **IMPACT ON AMENITY**

There are no privacy or overlooking issues arising from this application.

## **HIGHWAY / PARKING**

No issues arising.

## **KEY ISSUES / CONCLUSIONS**

Staff do not consider that the walls and railings which are the subject of this application are so harmful to the overall street and front garden scene that planning permission should be refused.

## **RECOMMENDATION**

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

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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 - 3rd August 2017

**APPLICATION NO.** P0813.17  
**WARD:** Cranham **Date Received:** 9th May 2017  
**Expiry Date:** 4th July 2017  
**ADDRESS:** The Pavillion  
Hall Lane Playing Fields  
Upminster  
**PROPOSAL:** Change of use from D2 (Assembly and Leisure) to allow a D1 use (Day Nursery)  
**DRAWING NO(S):** Site Location Plan  
Clubroom Layout Plan (Appendix 3)  
**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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### **SITE DESCRIPTION**

The application relates to the Pavilion at Hall Lane Playing Fields, Upminster. This is a detached club house currently in D2 use. The building is set on the edge of the open parkland area with paved access leading to Hall Lane. A public car park and Tithe Barn Museum are located to the west. The site is located within close proximity to residential properties, namely those on Holden Way to the south.

### **DESCRIPTION OF PROPOSAL**

The application is seeking planning permission for a flexible change of use from D2 (assembly and leisure) to a day nursery (D1 non-residential institution use).

It is intended that the nursery would operate between the hours of 09:00 and 15:00 Monday to Friday, 38 weeks a year (in line with school term times) and would care for up to 25 children aged between 2 and 5 years. In addition the nursery would employ up to 4 members of staff.

There would be staff parking provision for up to six cars adjacent to the pavilion, at the end of the drive from the playing fields car park.

There is parking for circa sixty vehicles in the playing fields car park, located adjacent to the Tithe barn. It is anticipated that this area would be used for the dropping off and collection of the children attending the nursery. Under current arrangements the playing field car park is available seven days a week, twenty four hours a day.

### **RELEVANT HISTORY**

P0230.09 - Permanent retention of 2 in number steel containers. For the storage of sports equipment. (Renewal of temporary planning consent given on 15 September 2003 Application number P1836.03)  
Apprv with cons 05-10-2009

## **CONSULTATIONS / REPRESENTATIONS**

Notification letters were sent to 30 properties and one letter of representation has been received. The comments are summarised as follows:

- Unsuitable facility for a day nursery and lacks the correct provisions.

LBH Environmental Health - no objection.

Local Highway Authority - no objection.

## **RELEVANT POLICIES**

### LDF

- CP8 - Community Facilities
- DC11 - Non-Designated Sites
- DC26 - Location of Community Facilities
- DC33 - Car Parking
- DC55 - Noise
- DC61 - Urban Design

### OTHER

- LONDON PLAN - 3.17 Health and social care facilities
- 
- LONDON PLAN - 6.10 Walking
- 
- LONDON PLAN - 6.13 Parking
- 
- NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

The application is for the change of use of existing floor space and therefore would not be liable for any payments under the Mayoral CIL regulations.

## **STAFF COMMENTS**

The main considerations relate to the principle of the change of use, the impact on amenity of neighbouring residential occupiers and the implications for parking and highway safety.

## **PRINCIPLE OF DEVELOPMENT**

Nurseries are accepted as being community facilities, where there is a requirement for places within the Borough. The Borough's Childcare Sufficiency Report highlights areas of need within the Borough and supports the evidence that there is a fundamental shortage of childcare provision in Havering.

LDF policy CP8 aims to retain and re-provide community facilities where a need exists. Community facilities include, among others, day care nursery facilities. The provision of community facilities forms a vital component in improving quality of life and in line with the NPPF and the London Plan, policy CP8 seeks to reduce social inequalities and address accessibility both in terms of location and access.

The proposal would further be subject to policy DC26 of the LDF, which states that new community facilities will only be granted where they:

- a) are accessible by a range of transport modes;
- b) do not have a significant adverse effect on residential character and amenity; and
- c) are, where practicable, provided in buildings which, are multi-use, flexible and adaptable.

Issues concerning accessibility and residential amenity are discussed in the sections below.

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

The proposal would not result in any alterations to the external appearance of the building. No concerns are therefore raised from a design or local streetscene/character perspective.

### **IMPACT ON AMENITY**

Policy DC61 states that planning permission will not be granted where the proposal has adverse effects on the environment by reason of noise impact, hours of operation and fumes.

The site is located within a public park and some 7 metres from the side garden boundary of 53 Holden Way. A paved public path runs between the pavilion building and the dwelling boundary.

It is intended that the nursery would operate between the hours of 09:00 and 15:00 Monday to Friday, 38 weeks a year (in line with school term times), and would care for up to 25 children aged between 2 and 5 years old. In addition the nursery would employ up to 4 members of staff.

It is recognised that with nursery proposals there are some areas of judgement around noise, intensity of activity and the degree of impact this would have on nearby residents' living conditions. In this instance the premise is currently used as a sports club house and has an established D2 assembly and leisure use. The building is mainly used at weekends and during the evening time.

The property at 2 Holden Way is located adjacent to a public park, and given the existing use of the pavilion the residents of this property can reasonably expect a different environment to that of a purely residential area. Nevertheless, it is not considered that the proposal would result in a materially greater amount of noise and or activity than what could be undertaken lawfully as part of the existing assembly and leisure use. As such the potential harm to residential amenity would, subject to suitable safeguarding conditions, be minimal and not the extent which would support a reason for refusal.

### **HIGHWAY / PARKING**

The parking requirement for day nurseries are listed within Annex 5 of the Development Control

Policies DPD, and this sets out that the maximum parking standard is 1 space per member of staff plus a drop off facility.

The proposal would employ 4 members of staff and could provide provision for up to six cars adjacent to the pavilion at the end of the drive from the playing fields car park.

There is parking for circa sixty vehicles in the playing fields car park, located adjacent to the Tithe barn. It is anticipated that this area would be used for the dropping off and collection of the children attending the pre-school. Under current arrangements the playing field car park would be available seven days a week twenty four hours a day.

The Local Highway Authority have raised no objections in relation to parking and highway safety. As such the proposed parking and access arrangements are in accordance with policy and are considered to be acceptable.

### **KEY ISSUES / CONCLUSIONS**

It is not considered that the proposal would result in a materially greater amount of noise and or activity than what could be undertaken lawfully as part of the existing assembly and leisure use.

The development is considered to be in accordance with the provisions of Policies DC26, DC33 and DC61 and it is recommended that planning permission be approved subject to conditions.

### **RECOMMENDATION**

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

#### **1. 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. 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. Hours of use**

The premises shall not be used for child care purposes other than between the hours of 08:30 and 18:00 on Monday to Friday and not at all on Saturday, Sunday, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

**4. Number of children**

The maximum number of children accommodated by the nursery hereby approved shall not exceed 25 at any one time, without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control and to avoid disturbance to adjoining residents, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

**5. Parking and drop-off**

The parking and drop-off areas shall be kept free of obstruction and available for the parking of vehicles and dropping-off/picking-up of children associated with the development at all times.

Reason:-

To ensure that there are adequate parking and drop-off/pick up facilities to serve the development in the interests of highway safety and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

**6. Restriction of use**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than as a day nursery, the premises shall not be used for any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, 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 - 3rd August 2017

**APPLICATION NO.** P0882.17  
**WARD:** Rainham & Wennington **Date Received:** 18th May 2017  
**Expiry Date:** 13th July 2017

**ADDRESS:** Farm House  
East Hall Lane  
Wennington  
RAINHAM

**PROPOSAL:** Proposed rear extensions

**DRAWING NO(S):** Existing Floor Plans and Elevations, drg no. 49-01  
Proposed Floor Plans and Elevations, drg no. 49-02

**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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### **BACKGROUND**

This application is presented to Members on the basis that the extensions proposed, when viewed cumulatively with previous additions to the property, would result in a property more than 50% larger (cubic capacity) than originally built. Accordingly, the application is contrary to principle of policy DC45 of the LDF Core Strategy, albeit only limited weight can be apportioned to this policy given identified conflict with that detailed in the National Planning Policy Framework (NPPF). This is assessed in greater detail in the body of this report.

### **SITE DESCRIPTION**

The application site is located on the north side of East Hall Lane; and comprises the former East Hall farm house. The house is two storey with a facing brickwork exterior. The property has previously been extended to the side and rear. In 2003 planning permission was granted to convert the building into 7 self contained flats and this is the current use of the building.

The site benefits from hard surfacing to the front which provides car parking for residents. The site is located adjacent to a former warehouse which burnt down a few years ago. This site is currently in use for the sale of vehicles, although staff seek to confirm that planning permission does not exist for this use. Albeit an application to regularise this is currently pending determination.

The site forms part of the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

This application seeks planning permission for a two storey rear extension; a second storey extension; and a single storey rear extension. The two storey extension is proposed towards the west of flank of the building and would measure approximately 4.8m wide by 3.2m deep. The extension is proposed with a hipped roof, 7.3m to ridge (matching the ridge height of the original building).

The second floor extension is proposed above the existing rear projection. This would match the dimensions of the two storey extension (4.8m wide by 3.2m deep) proposed at the other end of the

building.

The single storey extension is proposed to the rear of the existing single storey rear projection. This would measure approximately 9.4m by 3m and is proposed with a twin pitch roof - an extension of the existing roof form of this projection.

## RELEVANT HISTORY

P0668.02 - Conversion of building to use as 7 no. self-contained flats  
Apprv with cons 04-04-2003

## CONSULTATIONS / REPRESENTATIONS

Highway Authority - No objection.

Historic England - No objection, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

London Borough of Havering Environmental Health - No objection.

Public Consultation:

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

## RELEVANT POLICIES

### LDF

CP14 - Green Belt  
CP17 - Design  
DC03 - Housing Design and Layout  
DC33 - Car Parking  
DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design  
SPD04 - Residential Extensions & Alterations SPD

### OTHER

LONDON PLAN - 7.16 Green Belt  
-  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 7.6 - Architecture  
NPPF - National Planning Policy Framework

## MAYORAL CIL IMPLICATIONS

Not CIL liable.

## STAFF COMMENTS

It is considered that the key issues for consideration in the determination of this application are design and the impact of the development on the Green Belt and streetscene; the impact on nearby amenity; and any potential impact on highways.

## **GREEN BELT IMPLICATIONS**

As this site forms part of the Metropolitan Green Belt, policy DC45 of the LDF Core Strategy is applicable. Initially however, it is acknowledged that this policy predates the NPPF. Policy DC45 in this regard refers to a number of developments and/or uses to which it is considered development would not be considered inappropriate. These are not consistent with that detailed in the NPPF and therefore it is considered only limited weight can be afforded to this policy.

Unlike policy DC45, which suggests extensions, alterations and replacement buildings will be allowed in the Green Belt provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original, the NPPF does not set a figure limit on when an extension would form inappropriate development in the Green Belt. Instead, as detailed at paragraph 89, it is suggested that extensions or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building should not be deemed inappropriate.

Staff in respect of the above acknowledge that this property has previously been extended. Staff calculations suggest the original floorspace of the property was circa 259m<sup>2</sup>; but now, with the existing extensions, the floorspace of the property is approximately 406m<sup>2</sup>. The extensions proposed by this application would, cumulatively, add a further 75m<sup>2</sup> of floorspace bringing the property, without prejudice, to 481m<sup>2</sup>.

On review, staff consider that this property has been quite comprehensively extended. That said, in context of the size of the extensions proposed by this application it is not considered that these would in isolation, or when viewed on the property as it now stands and/or originally constructed, appear overly disproportionate and/or significantly change the character of the property. It is considered the original form and character of the property has to some degree already been eroded by the substantial side extension but it is not considered that the extensions now proposed seek to heighten this or further detract from being able to view the farm house as it originally was constructed.

To confirm, in context of the existing site use, it is not considered that there would be any undue impact on the openness of the Green Belt as a result of implementation of the proposals.

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

In the majority as rear extensions, the development proposed by this application would only be visible from the rear. Views of the two storey extension would exist from East Hall Farm but it is not considered that the proposals would duly impact on the streetscene and/or appear particularly out of character.

Staff, mindful of the conclusion formed in respect of this site being in the Green Belt, consider the rear extensions to be sufficiently subservient in appearance and raise no objection on design grounds. Whilst the character of the rear of the property would change, staff note that the two, two storey rear extensions would create a new symmetry to the property which from the rear is

currently missing given the ranging proportions of previous additions.

### **IMPACT ON AMENITY**

In context of the site location and existing use, staff raise no objections to the development from an amenity perspective. Whilst the single storey rear extension would further extend this projection, staff consider sufficient separation would exist to the boundaries. No additional flank windows are proposed and accordingly it is not considered the development would give rise to any overlooking or privacy issues.

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

### **HIGHWAY / PARKING**

Although this application would facilitate the creation of larger residential units (flats), the development would not result in additional units. No change is proposed to the existing access and/or car parking area and as such it is not considered the development would give rise to any significant highway or parking issues. It is considered any refusal on parking grounds would be difficult to substantiate on appeal given planning permission already exists to use the building for 7 flats.

### **KEY ISSUES / CONCLUSIONS**

The proposal is not judged to represent inappropriate development in the Green Belt and no objections are raised to the proposals from a design perspective. Staff do not consider the extensions would furthermore give rise to any significant amenity or highway impacts and accordingly it is recommended that planning permission is granted subject to conditions.

### **RECOMMENDATION**

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

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

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

Reason:-

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

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

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

Reason:-

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

**3. SC10 (Matching materials)**

All new external finishes shall be carried out in materials to match those of the existing building 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.

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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 - 3rd August 2017

**APPLICATION NO.** P0905.17  
**WARD:** Upminster **Date Received:** 24th May 2017  
**Expiry Date:** 19th July 2017

**ADDRESS:** RAILWAY SIDINGS CARAVAN SITE  
Ockendon Road  
NORTH OCKENDEN  
UPMINSTER

**PROPOSAL:** Variation of condition 2 attached to planning permission reference: P0318.09 (stationing of two mobile homes and one touring caravan) to allow a different family to occupy the site

**DRAWING NO(S):** Location Plan  
Block Plan

**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 by Councillor Ower on the basis of this being an inappropriate use of the Green Belt.

### **SITE DESCRIPTION**

The application site is located on the northern side of Ockendon Road, immediately to the west of the railway line. The site is 19m wide and 41m long and benefits from a permanent, personal planning permission for two mobile homes and one touring caravan.

The application site is currently vacant, albeit completely hardsurfaced. Staff understand from historical aerial photography that the two mobile homes and touring caravan were previously located along the western boundary of the site, with an access way adjacent to the railway line. To the north, of the area to which this application relates, used to be a former stable block associated with the site. Some time between 2013-2016 staff nevertheless note that the site layout was changed, without the benefit of planning permission, with more spaciouly spaced pitches (mobile homes x 3) created on-site. This re-configuration extended approximately 120m from the site entrance over part of the former stable area.

In terms of designations, the site forms part of the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

This application seeks planning permission for a traveller family (family A) to occupy the site, instead of the previous family (family B), as per the details originally approved as part of application ref: P0519.03. The application proposes no additional development with the application simply seeking to vary the personal restriction currently imposed on occupation of the site. To confirm, as existing there is no temporary time frame condition imposed on occupation of the site by family B, owing to the conditions of P0318.09 not continuing the temporary nature of the permission previously granted.

## RELEVANT HISTORY

Enforcement Update: The Council have taken enforcement action against the current owner and currently hold an injunction against occupation of the land, pending determination of this application. The Council took such action as staff were concerned about the level of works being undertaken and fears that the site was being laid out as a general traveller site for an extensive number of pitches.

- P0950.17 - Material change in use of land to provide 5 pitches for stationing of caravans for residential occupation by Traveller families, together with associated operational development including the installation of light columns, fencing, walls and a electricity cabinet  
Awaiting Decision
- P0318.09 - Vary condition 1 and remove or vary condition 2 from planning application P0519.03 (allowed on appeal 25-03-2004)  
Apprv with cons 15-06-2009
- P0519.03 - Change of use of land to residential - stationing of two mobile homes and one touring caravan for a gypsy family.  
Refuse 19-06-2003

## CONSULTATIONS / REPRESENTATIONS

Campaign to Protect Rural England (CPRE) - No comments received.

London Borough of Havering Environmental Health/Public Protection - No objection.

London Borough of Havering Highways - No comments received.

Network Rail - No comments received.

Thames Chase - No comments received.

Public Consultation:

22 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. Four letters of representation have been received. Material planning considerations raised in the letters of representation received are summarised below:

- inappropriate use of Green Belt land;
- previous permission was granted to a named family with very special circumstances;
- fears of undue intensification and occupation by more than one family;
- poor road visibility; and
- works already undertaken to the site.

## RELEVANT POLICIES

LDF

CP02 - Sustainable Communities

CP14 - Green Belt

DC08 - Gypsies and Travellers

DC45 - Appropriate Development in the Green Belt

## LONDON PLAN

3.8 - Housing choice

7.16 - Green Belt

8.3 - Community infrastructure Levy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning Policy for Traveller Sites (PPTS)

Background papers: Gypsy and Traveller Accommodation Assessment 2017 and Gypsy and Traveller Position Statement 2017

## MAYORAL CIL IMPLICATIONS

Not CIL liable.

## STAFF COMMENTS

For reference, it is considered that the key issues for consideration in the determination of this application are the conclusions of the Inspector as part of the appeal decision for application ref: P0519.03 and if the new proposed occupiers of the site exhibit the same very special circumstances to outweigh the definitional harm and any other harms identified from occupation of this Green Belt site.

## GREEN BELT IMPLICATIONS

As this site forms part of the Metropolitan Green Belt, policy DC45 of the LDF Core Strategy is applicable. Initially however, it is acknowledged that this policy predates the NPPF. Policy DC45 in this regard refers to a number of developments and/or uses to which it is considered development would not be considered inappropriate. These are not consistent with that detailed in the NPPF and therefore it is considered only limited weight can be afforded to this policy.

That said neither policy DC45 or the NPPF suggest a traveller site is not inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances. The guidance in the NPPF is that 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.

As part of the Inspector's conclusions for application ref: P0519.03 it was considered that the circumstances advanced by family B - the lack of council owned/operated sites; the educational needs for their children; and the problems associated with a nomadic existence for the one of the family members amounted to very special circumstances. The Inspector considered the site reasonably well screened, with the locality representing relatively flat countryside with no particular features of merit. The Inspector furthermore noted that the site had previously been fly-tipped and had concerns of this re-occurring if the site was not in constant use. Mindful of this, the Inspector considered that the harm arising from the inappropriate development was solely a conflict with



policy and he was unable to detect any other significant harm to warrant refusal. Expanding on this, it was stressed that this decision was nevertheless based upon the personal circumstances of the applicant (family B) and the permission should not entitle others to reside on the land.

In context of the above, this application is supported by a planning statement which seeks to outline the circumstances of family A which it is suggested are similar, and if not more very special, than those which existed for family B.

Before considering the circumstances advanced, staff initially seek to assess if the applicant (the family A) meet the definition of a gypsy/traveller as per the PPTS: 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'. Staff, on the basis of information submitted with the application have not been able to confirm that the the family fall within this definition. The history of the family suggest a nomadic habit however without fully assessment of individual circumstances, under interview, this cannot be confirmed. That said, staff note that the Council are unsure whether the previous occupier, family B, would meet the definition and accordingly consider the application has to be assessed on its individual merits.

In terms of suggested very special circumstances, it has been suggested that the two eldest children of one of the members of family A have not been able to attend school, as the family have never been situated in one place long enough to enrol their children. The only education the children have received is when an education bus has visited an unauthorised encampment to which they have been residing. Neither child can read or write and both parents have limited literacy skills. In addition to this, another family member is separated from her husband and has two children (aged 2 and 1). Furthermore, the mother of these two family members (aged 60) has lived on the road all her life and currently has health issues. As the family are homeless, she is however not registered with a GP and is unable to get the medical attention she requires without visiting A&E.

Policy E of the PPTS states that traveller sites in the Green Belt are inappropriate development. Subject to the 'best interests of the child', personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt.

Policy H of the PPTS sets out the main considerations for new traveller sites, but in the Green Belt these would still need to amount to 'very special circumstances' if permission is to be granted. The relevant matters identified in the policy include the existing level of provision and need for sites; the availability (or lack) of alternative accommodation and other personal circumstances and locally set criteria for traveller site identification.

Policy DC8 of the LDF Core Strategy sets out criteria for the consideration of gypsy and traveller sites. These include meeting identified need and criteria where sites might be acceptable in the Green Belt. However, these criteria have been largely superseded by the PPTS. In respect of this staff consider that, at best, only very limited weight can be given to the policies of the new Local Plan, given its stage of adoption, but note that, as part of the evidence base for this, the Council have published a Gypsy and Traveller Accommodation Assessment (2017) and Gypsy and

Traveller Position Statement (2017). Pitch turnover does not form part of this Assessment but the Position Statement does seek to outline that the Council's preferred approach to meeting gypsy and traveller need is to formalise and where appropriate intensify existing occupied sites. This site is not one of the sites mentioned in this regard but, for reference, within the Position Statement it is suggested that the provision of stable, safe and secure places to live and the benefits of enabling settled children continued access to schools they currently attend likely to constitute very special circumstances, in light of the inability to provide such accommodation elsewhere.

Whilst it is acknowledged that the proposed occupiers of the site did not form part of the 'need' assessment of the Gypsy and Traveller Accommodation Assessment 2017, and the applicant's children do not currently attend schools in the Borough, this pitch provision is identified/listed in the Assessment as an existing site. Land ownership is not in itself a material planning consideration, and as all existing gypsy and traveller sites in the Borough are privately owned, staff consider that there has to be an acceptance of the potential for sites to be sold or change hands. In comparison to an unrestricted permission residing with land, the personal restriction imposed does impact on the default planning position but, in this instance, it is considered the greater control was deemed necessary in context of the very special circumstances previously advanced and to allow the Local Planning Authority the ability to assess the circumstances of any other potential occupier in ensuring/concluding if these suitably outweigh any identified harms from continued occupation.

In respect of this, staff consider the circumstances of family A are as special/pressing and do not consider that the continued occupation of the site, albeit by a different family, would give rise to any additional harms beyond the definitional Green Belt harm which was previously found to be acceptable. Although the use of this site by family A would not seek to assist the Council's overall shortfall in gypsy and traveller pitches, staff consider a refusal on Green Belt impact and lack of very special circumstances would be difficult to substantiate on appeal in context of the site history.

#### **IMPACT ON AMENITY**

Staff do not consider the development would give rise to any amenity implications. The site would be occupied as per details previously approved and there would be no intensification of use. The fact that the site is being occupied by a different family gives rise to no amenity considerations.

#### **HIGHWAY / PARKING**

No issues arising.

#### **KEY ISSUES / CONCLUSIONS**

Staff acknowledge that the use of this site as a gypsy and traveller site is inappropriate in the Green Belt. This site nevertheless benefits from a permanent planning permission for such a use, albeit this is restricted to members of a particular family.

Staff have failed to identify any additional harms to the Green Belt from occupation of the site by a different family, above the principle policy conflict and definitional harm, which staff consider is outweighed by the personal circumstances advanced.

Subject to a condition which seeks to limit occupation of the site to relevant members of family A, in the interests of retaining control of the site use, staff accordingly recommend that planning

permission be 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. SC21 (Personal permission)

The application site, and 2 x mobile homes and 1 x touring caravan, shall only be occupied by Mr James Sweeney, Mrs Priscilla Sweeney and their children Crystal, Polyanna, Tommy and Billy; Ms Caroline Mongen and her children Megan and Noritta; and Mrs Noreen Sweeney. When the site ceases to be occupied by the above named persons, the use hereby permitted shall cease and all materials and equipment brought onto the land in connections therewith shall be removed.

Reason:-

The proposed use of the site is inappropriate development in the Green Belt. The personal circumstances of the applicant, in this case, amount to the very special circumstances which render the development acceptable. In context of this, the Local Planning Authority are keen to retain control of the site and ensure any future occupiers, should the site be sold or change hands, similarly meet the definition of a gypsy/traveller and personal circumstances advanced acceptably outweigh the harm(s) caused to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

### 3. NSC01 (Maximum number of mobile homes/touring caravans)

No more than 2 x mobile homes and 1 x touring caravan shall be present on-site at any one time.

Reason:-

In the interests of retaining control, to ensure that any occupation of the site remains as per the details approved and to ensure no undue intensification of the site and/or additional harm to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

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## INFORMATIVES

### 1. Non Standard Informative 1

The applicant is reminded that this application does not allow for any additional development to occur on-site. The variation sought and hereby approved solely relates to the personal restriction previously imposed. The land must be occupied as per the approved details of application ref: P0519.03.

### 2. Approval - No negotiation required

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

**APPLICATION NO.** P0938.17  
**WARD:** Upminster **Date Received:** 1st June 2017  
**Expiry Date:** 27th July 2017

**ADDRESS:** Warley 275kV Electricity Substation  
Clay Tye Road  
Warley

**PROPOSAL:** Construction of a new site access road to Warley 275kV Electricity Substation

**DRAWING NO(S):** Site Location Plan, Document Number: PDD-32686-LAY-001 (Rev 03)  
Existing Topographical Survey & Contours, Document Number: PDD-32686-LAY-002 (Rev 01)  
Proposed Access Road General Arrangement, Document Number: PDD-32686-LAY-010 (Rev 03)  
Proposed Access Road Proposed Drainage Layout, Document Number: PDD-32686-LAY-0050 (Rev 01)  
Figure 9 Landscape Mitigation Proposals  
Section 278 Works Existing & Proposed Junction Arrangement, Document Number: PDD-32686-LAY-0005 (Rev 01)

**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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### **SITE DESCRIPTION**

The application site is located on the eastern side of Clay Tye Road and forms part of land associated with Clay Tye Farm. The site is within the Metropolitan Green Belt, forms part of the Thames Chase Community Forest and is directly north of a Site of Importance of Nature Conservation (SINC). Directly south of the southern boundary of the site is a Public Right of Way which runs along the rear of the substation.

Clay Tye Road is the primary route connecting the A127 with South Ockendon passing through Ockendon and North Ockendon. The majority of the route is a two-way single carriageway road and subject to a 40mph speed limit. The location is semi rural and is characterised by small farmsteads and scattered dwellings.

The Warley Substation is located between Clay Tye Farm, to the north, and Fairplay Farm, to the south. There are open agricultural fields to the east, north and south of Warley Substation. The substation is set back from the edge of Clay Tye Road by approximately 300 metres. The existing shared access to the substation, for reference, is located approximately 250 metres north of the proposed site access.

There is a small dry ditch running along the boundary of the field adjacent to which the proposed access would be sited. There is also a hedgerow running along the boundary with Clay Tye Road.

### **DESCRIPTION OF PROPOSAL**

The current access to the substation is shared between National Grid and the owner of Clay Tye

Farm. National Grid's operational requirements are for a 24/7 unrestricted access, which has proven difficult, given the operational requirements of livestock farming. The proposal, before the Local Planning Authority, is therefore for the construction of a new junction off Clay Tye Road and a new access road providing sole access to the substation.

The new access is proposed to be constructed adjacent to Clay Tye Cottage and follow the Clay Tye Farm field boundary round to the substation. The proposal would result in the loss of some agricultural land as well as hedgerows within the site.

It is not anticipated that the site would generate significant amounts of traffic with approximately 5 daily vehicles expected for general routine inspection and maintenance purposes. Occasional HGVs are expected on an infrequent basis.

For the purposes of clarity, the existing access road would, following construction of the new access, be transferred to the owner of Clay Tye Farm for his sole use as a farm access road.

## **RELEVANT HISTORY**

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.

Havering Friends of the Earth - No comments received.

Highway Authority - No objection subject to conditions.

London Borough of Havering Environmental Health - No objection.

London Borough of Havering Lead Local Flood Authority - Ditch line would need to be culverted, as connections upstream from properties and highway drainage flow into ditch line. Proposed details of ditch headwalls, pipe size and construction to be secured by condition.

London Fire Brigade - No objection.

Thames Chase - No comments received.

Public consultation: 23 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. Two letters of public representation have been received. The concerns/comments received are summarised below:

- visual impact;
- further increase in road safety danger;
- noise;
- potential damage to property through increased levels of vibration; and

- loss of vegetation/hedgerow.

## **RELEVANT POLICIES**

### LDF

CP10 -	Sustainable Transport
CP14 -	Green Belt
CP15 -	Environmental Management
CP16 -	Biodiversity and Geodiversity
CP17 -	Design
DC32 -	The Road Network
DC33 -	Car Parking
DC45 -	Appropriate Development in the Green Belt
DC48 -	Flood Risk
DC51 -	Water Supply, Drainage and Quality
DC55 -	Noise
DC56 -	Light
DC58 -	Biodiversity and Geodiversity
DC60 -	Trees and Woodlands
DC61 -	Urban Design
DC62 -	Access

### 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**

It is considered that the key issues for consideration in the determination of this application are the impact of the development on the Green Belt and local character; the impact on nearby amenity; and any potential impact on highways.

With regard to the above, as will be noted from the 'Relevant History' section of this report, this is a re-submission of a previously approved proposal which has lapsed. Mindful of this, this report seeks to assess the conclusions formed in respect of the proposal previously and assess if there has been any changes in Government guidance, policy or site conditions to suggest a different opinion/decision should now be formed/made.

## **GREEN BELT IMPLICATIONS**

As this site forms part of the Metropolitan Green Belt, policy DC45 of the LDF Core Strategy is applicable. Initially however, it is acknowledged that this policy predates the NPPF. Policy DC45 in this regard refers to a number of developments and/or uses to which it is considered development

would not be considered inappropriate. These are not consistent with that detailed in the NPPF and therefore it is considered only limited weight can be afforded to this policy.

With regard to the above, the NPPF suggests that engineering operations (paragraph 90) are not inappropriate in the Green Belt provided that they do not conflict with the purposes of including land in the Green Belt. This position is however not reflected in policy DC45 with this suggesting only development for agricultural and forestry, outdoor recreation, nature conservation, cemeteries, mineral extraction and park and ride facilities are, in principle, acceptable.

In respect of this, staff note that previously application ref: P1183.10 was determined in context of guidance contained within Planning Practice Guidance 2 (Green Belts) and the LDF. PPG2 has now been replaced by the NPPF. That said, PPG2 similarly to that now detailed in the NPPF suggested engineering operations were inappropriate unless they maintained openness and did not conflict with the purposes of the Green Belt. The difference being that PPG2 required development to maintain openness, a criteria which is not detailed in the NPPF as part of the paragraph 90 exemptions.

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.

Potentially staff consider that this development could be considered contrary to the purpose of safeguarding the countryside from encroachment. Indeed, as part of the report produced to accompany the decision issued in respect of P1183.10, staff previously came to the conclusion that the development would harm the openness of the Green Belt. As part of that decision it was nevertheless considered that the very special circumstances advanced (the need for 24/7 guaranteed unrestricted access) outweighed any such harm. Staff note that these very special circumstances still support the application and, in context that the area has not significantly changed, have no reason to question or challenge this position. Due assessment of the specific site circumstances/appearance and potential impacts in terms of nearby amenity and local infrastructure can nevertheless be found below.

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

A substantial part of open grassland would be lost as a result of implementation of the development, replaced with a tarmac access track. This, as considered previously, would materially change the character and appearance of the area, with the proposal visible to pedestrians making use of the Public Right of Way, running directly south of the proposed road, from vehicles driving on Clay Tye Road and residential properties in the vicinity.

Staff nevertheless consider the proposed landscaping and hedgerow planting would reduce the overall visual impact of the development. With regard to this, and in-particular the proposed hedgerow removal, staff note the general protection offered to hedgerows in the Hedgerow



Regulations 1997 but do not consider the hedgerow, in this case, to meet the definition of 'important' as per the criteria of the Regulations. In view of this, on balance, it is not considered, as before, that the level of harm which would arise from a visual perspective would be so significant to warrant refusal.

An updated Landscape and Visual Impact Assessment has been submitted with this re-submission. This, similarly to that as concluded by staff, suggests the development would have adverse impacts on three hedgerows within the site; but this impact is mitigated by the provision of new hedgerow planting and new tree planting alongside the development. With such mitigation the overall landscape impact is defined as minor; and moderate from a visual perspective (from the properties along Clay Tye Road with views of the field).

In context of the need argument proposed, and the limited scope for alternative access routes, staff consider this impact outweighed. Staff nevertheless in this regard recommend appropriate conditions to ensure the proposed landscaping is implemented and maintained; and appropriate tree protection measures and construction management procedures are secured should planning permission be granted.

### **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. As concluded with the previous application it is not considered that the proposal would give rise to significant amenity impacts, including unreasonable levels of noise and/or activity, in context of the likely use of the access road on a daily basis.

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 proposal would not involve any alterations or extensions to the existing substation which has been operating as a high voltage substation since 1965. There would be no rise in traffic volumes, number of staff or any alterations to parking spaces at the substation. The proposal would therefore not give rise to an increase in traffic volumes or generate parking issues.

A Transport Statement and Stage 1 Road Safety Audit have been submitted with the application and these seek to demonstrate that the access would have an appropriate visibility splay and not cause any conflict with existing traffic conditions. The Highway Authority has assessed this and have raised no objection from a safety or efficiency perspective subject to conditions requiring further safety audits and the necessary agreement, notice or licence to enable alterations to the public highway.

### **OTHER ISSUES**

#### **ECOLOGY**

Policy DC58 of the LDF states that the biodiversity and geodiversity of sites of this nature will be protected and enhanced. As suggested earlier in this report, this site forms part of the Thames

Chase Community Forest and is directly north of a Site of Importance of Nature Conservation (SINC). An Ecological Impact Assessment has been submitted with the application. This concludes that subject to good practice and appropriate mitigation measures being implemented during the construction phase of the development, the proposal should not give rise to any significant ecological impact. Staff note a similar conclusion was formed previously and accordingly subject to such measures being secured by condition raise no objection from an ecological perspective.

## **KEY ISSUES / CONCLUSIONS**

This is a re-submission of a previous, albeit lapsed, approved development. Staff have sought to review the original report and decision made and also re-assess the proposal in context of current policy and guidance.

In conclusion, staff do not consider that any circumstances have changed to warrant a different recommendation being formed, considering, in the absence of significant harm, the development acceptable in the Green Belt. It is therefore recommended that the application be approved subject to conditions.

## **RECOMMENDATION**

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

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

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

Reason:-

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

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

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

Reason:-

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

### **3. SC11 (Landscaping)**

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 Policies CP16, DC58, DC60 and DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

**4. SC13B (Boundary treatment)**

Prior to the commencement of the development hereby approved, details of all proposed fencing and gates shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved details with all fencing and gates 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.

**5. SC12 (Preserved trees/methodology)**

Prior to the commencement of the development hereby approved, a scheme for the protection of retained trees and vegetation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.

Reason:-

Insufficient information has been supplied with the application to demonstrate how existing trees and vegetation on-site would be adequately protected during construction. Submission of details prior to commencement will ensure that the measures to be employed are robust and that the development accords with the Development Control Policies Development Plan Document Policies CP15, CP16, DC58, DC60 and DC61.

**6. NSC01 (Ecological mitigation)**

The development hereby permitted shall be undertaken in accordance with the ecological mitigation measures outlined in Section 4 of the submitted Ecological Impact Assessment, dated May 2017.

Reason:-

To ensure that the development does not give rise to any significant ecological impacts, good practice is maintained during construction and to comply with the Development Control Policies Development Plan Document Policies CP15, CP16, DC58, DC60 and DC61.

**7. NSC02 (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 the development.

Reason:-

In the interests of ensuring good design, public safety and to comply with the Development Control Policies Development Plan Document Policies CP10, CP17, DC32 and DC61.

**8. NSC03 (Road safety audit)**

Prior to the commencement of the development hereby approved, the proposed site access shall be subject to the first two stages of the road safety audit procedure, as defined in HD 19/15 of the Design Manual for Roads & Bridges. Before substantial completion, the access shall furthermore be subject to stage three of the audit process. The results of each stage together with a schedule of works to be undertaken, in context of any recommendations

made as part of the audit, shall be submitted to the local planning authority for approval in writing. Any works subsequently approved shall be completed, to the satisfaction of the local planning authority, prior to the opening and beneficial use of the access.

Reason: In the interests of ensuring good design, ensuring public safety and to comply with the Development Control Policies Development Plan Document Policies CP10, CP17, DC32 and DC61.

#### **9. NSC04 (Drainage details)**

Prior to the commencement of the development hereby approved, details of the proposed engineering works where ditches are proposed to be in-filled shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include information on proposed ditch headwalls as well as replacement pipe size. The development shall be implemented in accordance with the details approved.

Reason:-

Insufficient information has been supplied with the application to demonstrate how surface water drainage would be managed. Submission of such details will ensure that flooding does not occur, that mitigation works are sufficient to cope with existing run-off/discharge rates and that the development accords with the Development Control Policies Development Plan Document Policies CP15, CP16, DC48, DC51, DC58 and DC61.

#### **10. NSC05 (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.

#### **11. SC63 (Construction methodology)**

Prior to the commencement of the development hereby approved, a Construction Method Statement, to control the adverse impact of the development on the amenity of the public and nearby occupiers, shall be 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) a scheme for monitoring noise and, if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- f) siting and design of temporary buildings;
- g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies; and
- h) 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.

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

Reason:-

Insufficient information has been supplied with the application in relation to the proposed

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

## **12. SC62 (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.

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## **INFORMATIVES**

### **1. Highways Informatives**

The Applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

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

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

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

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 3rd August 2017

**APPLICATION NO.** P0950.17  
**WARD:** Upminster **Date Received:** 8th June 2017  
**Expiry Date:** 3rd August 2017

**ADDRESS:** Railway Sidings  
Ockendon Road  
UPMINSTER

**PROPOSAL:** Material change in use of land to provide 5 pitches for stationing of caravans for residential occupation by Traveller families, together with associated operational development including the installation of fencing, walls and a electricity cabinet

**DRAWING NO(S):** Location Plan  
Proposed Site Layout Plan (Rev B)  
Proposed Utility Blocks

**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 by Councillor Ower on the basis of this being an inappropriate use of the Green Belt.

### **SITE DESCRIPTION**

The application site is located on the northern side of Ockendon Road, immediately to the west of the railway line. The site is 19m wide and approximately 200m long, from the northern extent of the shared access with Network Rail. The southern part of the site benefits from a permanent, personal planning permission for two mobile homes and one touring caravan.

The application site is currently vacant, albeit completely hardsurfaced. In respect of this staff understand from historical aerial photography that the two mobile homes and touring caravan (which benefit from planning permission) were previously located along the western boundary of the site, with an access way adjacent to the railway line. To the north of this used to be a former stable block associated with the site. Some time between 2013-2016, while the site was still occupied by the former traveller family, staff note that the site layout was changed, without the benefit of planning permission, with more spaciouly spaced pitches (mobile homes x 3) created on-site. This re-configuration extended approximately 120m from the site entrance over part of the former stable area.

In terms of designations, the site forms part of the Metropolitan Green Belt.

### **DESCRIPTION OF PROPOSAL**

This application seeks planning permission to utilise the complete site as a traveller site. The site would provide five pitches, each comprising a mobile home and utility block, with space for a touring van. Associated operational development includes the installation of lighting, fencing, walls and a electricity cabinet is furthermore proposed.

The application seeks permission for the site to be occupied by a specific traveller family. The individual circumstances of the family are discussed in greater detail in the latter sections of this report.

The applicant commenced works on-site in late April/early May 2017 believing planning permission was not required as this site benefited from a permanent planning permission for such a use. In this regard, the applicant has erected fencing, laid sewer and water pipes and renewed areas of hardstanding.

## **RELEVANT HISTORY**

**Enforcement Update:** The Council have taken enforcement action against the current owner and currently hold an injunction against occupation of the land, pending determination of this application and application ref: P0905.17. The Council took such action as staff were concerned about the level of works being undertaken and fears that the site was being laid out as a general traveller site for an extensive number of pitches.

- P0905.17 - Variation of condition 2 attached to planning permission reference: P0318.09 (stationing of two mobile homes and one touring caravan) to allow a different family to occupy the site  
Awaiting Decision
- P0318.09 - Vary condition 1 and remove or vary condition 2 from planning application P0519.03 (allowed on appeal 25-03-2004)  
Apprv with cons 15-06-2009
- P0519.03 - Change of use of land to residential - stationing of two mobile homes and one touring caravan for a gypsy family.  
Refuse 19-06-2003

## **CONSULTATIONS / REPRESENTATIONS**

Anglia Water - No comments received.

Campaign to Protect Rural England (CPRE) - No comments received.

Essex & Suffolk Water - No objection.

London Borough of Havering Environmental Health/Public Protection - No objection.

London Borough of Havering Highways - No objection but refuse collection point would be required near Ockendon Road. A condition in this regard is recommended.

London Borough of Havering Lead Local Flood Authority - No objection although the site will require a drainage strategy as surface water run-off cannot flow towards railway line. If soakaways are proposed, full design details to be submitted and agreed in writing.

London Borough of Havering Streetcare Waste Recycling - No objection subject to appropriate waste storage/collection areas being secured by condition.

London Fire Brigade - No objection.

National Grid - No comments received.

Network Rail - The developer/applicant must ensure their proposal, both during construction and after completion does not:

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

Network rail strongly recommends the developers contacts their Asset Protection department prior to undertaking any works on-site.

Thames Chase - No comments received.

Thames Water - No comments received.

UK Power Networks - No comments received.

Public Consultation:

22 properties were directly notified of this application. The application was also advertised by way of site notice and press advert. Six letters of representation have been received. Material planning considerations raised in the letters of representation received are summarised below:

- inappropriate use of Green Belt land;
- out of character and an eyesore;
- fears of undue intensification and occupation by more than one family;
- fears of increased levels of crime;
- lighting already installed is excessive and unsightly;
- poor road visibility/access; and
- works already undertaken to the site.

## **RELEVANT POLICIES**

LDF

CP02 - Sustainable Communities

CP14 - Green Belt

CP15 - Environmental Management

CP17 - Design

DC08 - Gypsies and Travellers

DC32 - The Road Network

DC33 - Car Parking

DC40 - Waste Management

DC45 - Appropriate Development in the Green Belt



DC48 - Flood Risk  
DC51 - Water Supply, Drainage and Quality  
DC56 - Light  
DC61 - Urban Design

## LONDON PLAN

3.8 - Housing choice  
5.12 - Flood risk management  
5.13 - Sustainable drainage  
5.14 - Water quality and wastewater infrastructure  
6.1 - Strategic approach  
6.13 - Car parking  
7.4 - Local character  
7.16 - Green Belt  
8.3 - Community infrastructure Levy

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Planning Policy for Traveller Sites (PPTS)

Background papers: Gypsy and Traveller Accommodation Assessment 2017 and Gypsy and Traveller Position Statement 2017

## **MAYORAL CIL IMPLICATIONS**

Not CIL liable.

## **STAFF COMMENTS**

It is considered that the key issues for consideration in the determination of this application are the impact of the increased intensification of use on the Green Belt and local character; the very special circumstances advanced by the applicant in context of this representing inappropriate development in the Green Belt; and any amenity and highway implications.

## **PRINCIPLE OF DEVELOPMENT**

Policy DC8 of the LDF Core Strategy sets out criteria for the consideration of gypsy and traveller sites. These include meeting identified need and criteria where sites might be acceptable in the Green Belt. However, these criteria have been largely superseded by that suggested in the Planning Policy for Traveller Sites (PPTS). In respect of this staff consider that, at best, only very limited weight can be given to the policies of the new Local Plan, given its stage of adoption, but note that, as part of the evidence base for this, the Council have published a Gypsy and Traveller Accommodation Assessment (2017) and Gypsy and Traveller Position Statement (2017) with the Position Statement suggesting the Council's preferred approach to meeting gypsy and traveller need is to formalise and where appropriate intensify existing occupied sites.

This site is not one of the sites mentioned in this regard but, for reference, within the Position Statement, it is suggested that the provision of stable, safe and secure places to live and the

benefits of enabling settled children continued access to schools they currently attend likely to constitute very special circumstances, in light of the inability to provide such accommodation elsewhere.

As this is a privately owned site which has recently been sold/changed hands staff note that the proposed occupiers of the site did not form part of the 'need' assessment of the Gypsy and Traveller Accommodation Assessment 2017. However, land ownership is not in itself a material planning consideration, and as all existing gypsy and traveller sites in the Borough are privately owned, staff consider that there has to be an acceptance of the potential for sites to be sold or change hands and individual family circumstances and needs change. The weight to be apportioned to this, in this case, is however intrinsically linked to the personal restriction on occupation of the site being varied to allow some members of the family to occupy the site as per the details previously approved as part of P0519.03 (application ref: P0905.17).

For reference, in terms of the above and the applicant's gypsy/traveller status, it has been suggested that the family meet the definition of a gypsy/traveller. Staff however on the basis of information submitted cannot verify this is the case. The PPTS defines a gypsies/travellers as 'persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'. The history of the family suggest a nomadic habit however without full assessment of individual circumstances this cannot be confirmed. Accordingly, staff consider the application has to be assessed on its individual merits with it considered, without prejudice, should planning permission be granted, a temporary permission may be appropriate to allow further assessment of the family circumstances/need.

### **GREEN BELT IMPLICATIONS**

As this site forms part of the Metropolitan Green Belt, policy DC45 of the LDF Core Strategy is applicable. Initially however, it is acknowledged that this policy predates the NPPF. Policy DC45 in this regard refers to a number of developments and/or uses to which it is considered development would not be considered inappropriate. These are not consistent with that detailed in the NPPF and therefore it is considered only limited weight can be afforded to this policy.

That said neither policy DC45 or the NPPF suggest a traveller site is not inappropriate development in the Green Belt. 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. At paragraph 80 of the NPPF it is detailed 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 detailing 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.

Although a permanent, personal planning permission does exist on the southern part of the site, the northern part of the site does not benefit from any extant planning permission for use as a traveller site. Accordingly, the material change of use of this part of the site is inappropriate development; as is all associated development within the site (including the mobile homes and utility blocks themselves; the fencing; and lighting). The applicant in context of this has suggested a number of very special circumstances which principally surround need and the personal circumstances of the family.

In respect of this, and who would occupy the site, it has been suggested:

- Pitch A would be occupied by a family member, his wife and their four children, aged between 8 and 2. Their two eldest children have, to date, not been able to attend school due to the family not stopping long enough in one place. The only education the children have received is when an education bus has visited an unauthorised encampment to which they have been residing. Neither child can read or write and both parents have limited literacy skills.
- Pitch B would be occupied by a family member who is separated from her husband and has two children (aged 2 and 1).
- Pitch C would be occupied by a family member (aged 60) who has lived on the road all her life. This individual currently has health issues but as the family are homeless, they are not registered with a GP and is unable to get the medical attention she requires without visiting A&E.
- Pitch D would be occupied by a family member, his wife and their four children, aged between 13 and 2.
- Pitch E would be occupied by a family member, his wife and their five children, aged between 17 and 5. The only education these children have received, to date, was when the family lived with the wife's parents on a pitch in Maidstone. The eldest son currently works with his Father and Uncles who undertake grounds works, gardening and exterior painting.

Policy E of the PPTS states that traveller sites in the Green Belt are inappropriate development. Subject to the 'best interests of the child', personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt.

Policy H of the PPTS sets out the main considerations for new traveller sites, but in the Green Belt these would still need to amount to 'very special circumstances' if permission is to be granted. The relevant matters identified in the policy include the existing level of provision and need for sites; the availability (or lack) of alternative accommodation; and other personal circumstances and locally set criteria for traveller site identification.

To determine if the circumstances advanced by the applicant therefore outweigh the harm staff consider it necessary to assess the extent of harm(s) resulting from the development. This is duly considered below.

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

Policy DC61 of the LDF Core Strategy details that planning permission will only be granted for

development which maintains, enhances or improves the character and appearance of the local area.

This area is considered relatively rural and countryside in character. The site is however secluded and as noted by the Inspector, as part of the determination of application ref: P0519.03, representative of relatively flat countryside with no particular features of merit. The site is bound by the railway line to the east and by Ockendon Road to the south. The site is also dissected by two overhead power/electricity cables. Views of the site do exist from the bridge over Ockendon Road but footfall is limited, in context of the location.

Staff acknowledge that this site had previously developed, or grown, from that originally granted on appeal and been more extensively developed than permitted. Staff nevertheless note that such development has now been removed and whilst the site is now completely hardsurfaced is vacant of all buildings. Green Belt impact requires consideration of two elements: visual and spatial; with the latter ultimately seeking to ensure that something which cannot be seen is not necessarily acceptable solely for this reason.

In respect of this, by hardstanding and board-fencing the complete site, staff consider that the proposal would result in some harm to the visual element of the Green Belt. In addition the hardstanding and urbanising elements (fencing, walling, lighting etc...) proposed as part of this application, together with the regimented layout of pitches and buildings (mobile homes and utility blocks) would be harmful to both visual (where seen) and spatial elements. It is accepted that this development is replacing former buildings on site, but in staff's view the nature of the use and the layout of the site is fundamentally different to that of a stables and barns. Without question it is considered that the development would 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 however is the extent of harm and if this is outweighed by other considerations.

Staff in relation to this, and mindful of the views of the Inspector as part of P0519.03, consider the degree of harm which would result from the development would be relatively modest. This site represents a small, narrow strip of land adjacent to the railway line. The railway line and overhead wires already to some degree compromise the quality of the landscape and although the site use would be intensified (enlarged), staff consider that the harms to the Green Belt to be quite minor. This is however a matter of judgement and should Members consider differently this could potentially represent a reason to refuse the application, should it be considered the very special circumstances advanced do not clearly outweigh the aforementioned harm.

Staff through negotiation with the applicant, have sought to explore if any identified harms could in any be reduced and in this regard the lighting columns (which have been erected along the western boundary) have been removed from that proposed as part of this application. Staff considered these excessive and, without prejudice, should the extension and intensification of use be considered acceptable in principle, it is considered the site layout and supporting infrastructure needs to be far less intrusive, more akin to the details of P0519.03 and relative to that being applied for.

Lighting would be required on-site but the columns erected, in the event of approval, would be

removed and replaced with more appropriate lighting, likely attached to the perimeter fencing, which would be agreed in writing with the Local Planning Authority before installation. Through the use of additional conditions, in the event of approval, staff could furthermore ensure the materials of the utility blocks are appropriate and any internal boundary treatments do not give rise to an undue sense of enclosure.

With regard to the mobile homes, utility blocks and proposal in general, staff note that the NPPF suggests that 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 are potentially not inappropriate. Staff consider that the land could be characterised as previously developed given the use as a traveller site over part and stables/paddocks over the remainder, but staff air caution in terms of the weight which should be apportioned to this exemption given the nature of the current planning application.

With regard to this Members may could choose to attribute significant weight to the identified harms, resulting from the re-development, and consider the need or very special circumstances could be delivered elsewhere or in a less intrusive way. For example, it could be argued that the harm of re-developing the whole site is greater than say a more intensified use of a smaller proportion of the site. This again is however a matter of judgement.

#### **IMPACT ON AMENITY**

Policy DC61 of the LDF Core Strategy, in addition to that suggested above, details that planning permission will not be granted where a proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy and/or unreasonable effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

This site is set well away from the main urban area, although it is close to a number of residential properties. Staff, subject to suitable safeguarding conditions, do not consider that the proposed development would give rise to any amenity impacts to warrant further consideration or refusal. 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 no change to the existing access to the site from Ockendon Road. Whilst staff note that concerns have been raised about the suitability of this junction in general, in the letters of public representation received, the Council's Highway Department have raised no objection on such grounds. Accordingly, staff do not consider that the limited intensification of the access would give rise to highway safety or efficiency concerns to render the development fundamentally unacceptable or contrary to policy DC32 of the LDF Core Strategy.

#### **KEY ISSUES / CONCLUSIONS**

This proposal represents inappropriate development in the Green Belt and accordingly very special circumstances need to be shown to outweigh the harm to the Green Belt by definition and any

other harm(s) identified.

Staff acknowledge that this site already in part benefits from a planning permission to be used as a traveller site. This is however a personal permission which it is considered impacts on the weight to be given to this but irrespective this is still a consideration.

Whilst this site is not currently proposed to be one of the sites expanded and/or formalised in the Green Belt as part of the new Local Plan, staff note that the Gypsy and Traveller Accommodation Assessment 2017 specifically states that the Council will need to carefully consider how to address the needs associated with unknown travellers, as it is unlikely that this need will be addressed through the provision of conditioned or allocated pitches. In Havering all existing gypsy and traveller accommodation is in private ownership and accordingly the Havering 'need' is potentially subject to change should sites be sold, change hands or personal occupation conditions be varied.

Noting the above, although this application would intensify a use and site in the Green Belt, staff consider the very special circumstances advanced suitably outweigh the identified harms. It is accepted that the development would impact on openness by reason of the increased number of buildings, including the permanent utility blocks proposed by this application; and infrastructure associated with the use but in context of the site location, the size of the site and its historical use staff do not consider the impact on the Green Belt would be substantial. Mindful of this, staff consider the very special circumstances advanced, which stem from need and the individual circumstances of the proposed occupiers, more pressing.

Staff nevertheless acknowledge that the acceptance of this application could put greater pressure on Havering's 'need' in the future, given the number of children involved. As existing none of the traveller family children, intended to occupy the site, currently attend school in the Borough. Staff have apportioned considerable weight to the benefits allowing these children access to education; and also elder family members the ability to receive medical attention. However, this application does require quite a bit of judgement and staff consider this quite a balanced argument.

That said overall staff do not consider that the development would fundamentally undermine the purposes of the Green Belt and consider the benefits the development would result in, albeit largely personal and specific to the family, do outweigh the harms to the Green Belt.

Staff on the other hand note that suggested in the PPTS and the emerging status of the Local Plan and accordingly, whilst are minded to recommend that planning permission be granted, consider a two year temporary planning permission appropriate. This period would duly allow the Local Plan to be adopted and for the Council to have a more firm policy position in which to determine this application in context of the applicant's status as gypsies/travellers and the Havering 'need' moving forward.

Staff in coming to this conclusion seek to confirm that this judgement has been made on the basis of one family occupying the site and the site not being occupied by multiple families. The impact on the openness of Green Belt it is considered would likely be considerably higher if the site was to be laid out as five independent pitches. Whilst it is noted the plans show sub-division of the pitches, through appropriate conditions staff can ensure that such fencing is appropriate to that which it is intended and the site continues to be read as one allocation moving forward.

Obviously, there is the potential that the site will be sold or change hands again in the two year period but with a suitable condition limiting occupation to the one family staff consider that the Local Planning Authority will be able to retain control of the site and in the event of such a situation actively ensure any future occupiers exhibit very special circumstances, that there is no further intensification of use and no further impact on the Green Belt during this period.

To confirm, should Members give different weight to any of the above and consider the very special circumstances identified, including the best interests of the children of the family, do not clearly outweigh the harm to the Green Belt for a temporary period then there would be a case for refusing planning permission and pursuing enforcement action in respect of works already undertaken on-site.

## **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 accord with the approved plans (as set out on page one of this decision notice).

Reason:-

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

### **2. SC16 (Temporary permission)**

This permission shall be for a limited period only expiring two years from the date of this decision notice. On or before this date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason:-

In the interests of retaining control and in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

### **3. SC21 (Personal permission)**

The application site, and five pitches hereby approved, shall only be occupied by Mr James Sweeney, Mrs Priscilla Sweeney and their children Crystal, Polyanna, Tommy and Billy; Ms Caroline Mongen and her children Megan and Noritta; Mrs Noreen Sweeney; Mr Thomas Sweeney, Mrs Bernadette Sweeney and their children Caitlin, Nikita, Bernadette and John; and Mr Martin Sweeney, Mrs Maria Sweeney and their children Jimmy, Caroline, Martin, Olivia and Maria. When the site ceases to be occupied by the above named persons, the use hereby permitted shall cease and all materials and equipment brought onto the land in connections therewith shall be removed.

Reason:-

The proposed use of the site is inappropriate development in the Green Belt. The personal circumstances of the applicant, in this case, amount to the very special circumstances which render the development acceptable. In context of this, the Local Planning Authority are keen to retain control of the site and ensure any future occupiers, should the site be sold or change hands, similarly meet the definition of a gypsy/traveller and personal circumstances

advanced acceptably outweigh the harm(s) caused to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

**4. NSC01 (Maximum number of mobile homes/touring caravans)**

No more than 5 x mobile homes and 5 x touring caravan shall be present on-site at any one time.

Reason:-

In the interests of retaining control, to ensure that any occupation of the site remains as per the details approved and to ensure no undue intensification of the site and/or additional harm to the Green Belt, in accordance with that suggested in the National Planning Policy Framework and Planning Policy for Traveller Sites.

**5. Materials (Details no samples)**

Before any works on the utility blocks, hereby permitted, is commenced and/or any occupation of the site, written specification of external walls and roof materials to be used in the construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

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

**6. SC11 (Landscaping)**

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

Reason:-

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

**7. SC13B (Boundary & internal treatments)**

No occupation to the site shall take place until details of all proposed walls, fences and boundary treatment around and within the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be carried out in accordance with the approved details 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 internal and boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue sense of enclosure and the site being viewed as five unrelated pitches and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.



## **8. NSC02 (Lighting)**

The existing external lighting erected, without the benefit of planning permission, shall be removed from the site within three months of the date of this decision. No occupation of the site shall furthermore occur until an external lighting scheme has been submitted to the Local Planning Authority for review and approval in writing. 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:-

No lighting details have been supplied with the application to judge the impact arising from the installation of external lighting. Submission of this detail prior to installation will ensure any such lighting is appropriate to the use and locality; in the interests of amenity; and to ensure that the development accords with Development Control Policies Development Plan Document Policies DC56 and DC61.

## **9. NSC03 (Drainage)**

No occupation to the site shall take place until a drainage strategy for both surface water and foul water has been submitted to the Local Planning Authority for review and approval in writing. The strategy shall detail all on and/or off site drainage works proposed including the full design of soakways, if proposed, with micro-drainage calculations and proposed maintenance measures for cesspools. The strategy shall be implemented as approved.

Reason:-

Insufficient information has been supplied with the application to demonstrate how foul and surface water drainage would be managed. Submission of such a strategy will ensure that sewage flooding does not occur, that sufficient capacity is made available to cope with the new development and to ensure that the development accords with Policies DC48, DC51 and DC61 of the Development Control Policies Development Plan Document and Policies 5.12, 5.13 and 5.14 of the London Plan.

## **10. SC58 (Refuse and recycling)**

No occupation to the site shall take place 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 Policies DC40 and DC61.

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## **INFORMATIVES**

### **1. Fee informative**

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

**2. Network Rail informative**

As this site is adjacent to Network Rail's operational railway infrastructure, the applicant is advised to contact Network Rail at [assetprotectionanglia@networkrail.co.uk](mailto:assetprotectionanglia@networkrail.co.uk), prior to undertaking any works on site. Network Rail recommends that the developer agrees an Asset Protection Agreement with Network Rail to enable approval of detailed works. Further information can be obtained from [www.networkrail.co.uk/asp/1538.aspx](http://www.networkrail.co.uk/asp/1538.aspx)

**3. Cadent/National Grid informative**

Due to the presence of Cadent/National Grid apparatus in proximity to the application site, the applicant is advised to contact Cadent/National Grid before any works are carried out to ensure that the aforementioned apparatus is not affected by the development.

**4. Non standard informative**

The applicant is reminded that this application does not grant planning permission for the palisade fencing/gate which has been installed at the access point on Ockendon Road.

**5. Approval following revision**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the applicant's agent by telephone, during the course of determination. The revisions involved removing the lighting columns from that applied for and also receiving confirmation that the applicant was content with the requirement for further details in terms of materials, drainage and boundary treatments to be secured by condition. Amendments to the application were subsequently submitted on 14/07/2017.

# REGULATORY SERVICES COMMITTEE

3 August 2017

# REPORT

**Subject Heading:**

**P0046.17**

11 Queens Gardens, Cranham

Convert and extend existing detached garage to new detached chalet style bungalow dwelling.

(Application received 13-03-2017)

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

Adèle Hughes  
Senior Planner  
adele.hughes@havering.gov.uk  
01708 432727

**Ward:**

Cranham

**Policy context:**

Local Development Framework  
The London Plan

National Planning Policy Framework

**Financial summary:**

None

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

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

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

## SUMMARY

This proposal seeks consent to convert and extend the existing detached garage to a new detached chalet style bungalow dwelling. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 3<sup>rd</sup> December 2017 and in the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £6,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

### 1. Time Limit

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

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

## **2. 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 the LDF Development Control Policies Development Plan Document Policy DC61.

## **3. Materials**

Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s), including the replacement sash windows on the front of the building, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

## **4. Flank windows**

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

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

## **5. Refuse**

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

**Reason:** Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to

occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

## **6. Parking provision**

Before the building is first occupied, the area set aside for car parking as shown on the Revised Site Plan (1:200) Rev A and OG:11:JAWS:2B shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

## **7. 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. Pedestrian Visibility Splay**

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

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

## **9. Vehicle access**

No development shall commence until the necessary agreement, notice or licence to enable the proposed alterations to the Public Highway has been entered into.

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

## **10. Removal of permitted development rights**

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

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

## **11. Boundary treatment**

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

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

## **12. Cycle storage**

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

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

## **13. Water efficiency**

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

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

## **14. Building Regulations**

The dwelling 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.

## **15. Landscaping**

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

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

## **16. Obscure glazing**

The proposed roof lights and side dormer window on the flank walls of the proposed bungalow hereby approved serving a stairwell and W.C respectively as shown on Drawing No. OG:11:JAWS:2 B shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained.

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

## **INFORMATIVES**

### **1. Approval following revision**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with John Wallington-Smith via email on 9<sup>th</sup> May 2017. The revisions involved confirming the number of bed spaces, showing all the dormers on the cross section drawings, increasing the internal ceiling height from 2.2m to 2.3m in the loft, indicating where the headroom



falls below 1.5m on the proposed first floor plan, increasing the size of bedroom 1 from 11 to 12 square metres, increasing the ridge height of the bungalow by approximately 0.5m, alterations to the design and enlargement of the rear dormer window and adding built in storage on the ground floor of the bungalow. The amendments were subsequently submitted on 1<sup>st</sup> June 2017.

## **2. Planning Obligation**

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

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

## **3. Fee**

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

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

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

## **5. Highway Legislation**

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

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

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

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

from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised works on the highway is an offence.

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

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

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

### **REPORT DETAIL**

#### **1. Site Description**

- 1.1 The application site comprises of a single storey detached dwelling with a detached garage adjacent to the rear boundary of the site. The surrounding area is characterised by single and two storey semi-detached and detached dwellings.

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

- 2.1 The application is to convert and extend the existing detached garage to a new detached chalet style bungalow with dormer windows and roof lights. The creation of first floor accommodation would increase the height of the garage from between approximately 2.8 and 3 metres to a ridge height of approximately 6.2 metres with a hipped roof. There would be two bay windows on the front elevation and bi-fold doors on the rear elevation of the proposed dwelling.

#### **3. History**

P1123.16 - Convert and extend existing detached garage to new self-contained detached chalet style bungalow dwelling with dormer windows and roof lights - Refused.

P1383.08 - Proposed single storey front extension, internal and external alterations and new boundary fence - Approved.

P1382.08 - Proposed detached double garage and workshop, new boundary fence and gates - Approved.

P0074.86 - Detached two bedroom bungalow with integral garage - outline - Refused. Appeal dismissed.

L/HAV/334/72 - Side extension - Approved.

ES/HOR/443/56 - Bungalow - Approved.

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

4.1 The occupiers of 27 neighbouring properties were notified of this proposal. Twenty one letters of objection (from nine addresses) were received with detailed comments that have been summarised as follows:

- Overlooking.
- Concerns regarding building work taking place elsewhere in Queens Gardens.
- Loss of light.
- Loss of privacy.
- Loss of views and outlook.
- Impact on neighbouring amenity.
- Reference was made to the planning history of this site.
- The bedrooms have the appearance of tiny bedsits and are totally out of keeping with the area.
- Would appear visually intrusive, obtrusive, dominant, incongruous, overbearing, cramped and not in keeping with the general spaciousness and character of the surrounding area contrary to Policy DC61.
- It was alleged that the measurement of the land at the back of the proposed dwelling appears to be incorrect, as it's given at 14.7 metres and is under 14 metres.
- It was alleged that the block plan is out of date and inaccurate.
- Opposed to back garden housing development, which is discouraged in the London Plan.
- Overcrowding.
- There are no site measurements or neighbouring properties shown on the plans.
- It is alleged that the plan showing the two new car parking spaces in the garden of the existing bungalow is inaccurate, as the two spaces would not be placed right up against the west wall of the existing bungalow, but would out of necessity, be placed further west.
- The proposed two car parking spaces would diminish the garden of the donor property considerably and to the detriment of this dwelling and the spacious appearance of the surrounding area.
- There is extremely limited parking in the road.
- Access.
- Extra traffic and congestion.
- The two car parking spaces for the donor property are beside double yellow lines and would be close to the junction with Cranham Gardens.

- Highway safety particularly as Queens Gardens is on a bus route with a hail and ride service and the road is quite narrow.
- Nothing has changed except for the proposed ground floor bedroom has changed to living accommodation leaving two very small bedrooms on the upper floor.
- There is no change to the exterior of the planned building, therefore, this is still inadequate substandard accommodation.
- The internal layout of the dwelling could be changed at a later date into three bedroom accommodation.
- It is alleged that the owners of the existing bungalow were not allowed to extend it to make a second floor some while ago because the property occupies a corner position and is next to one storey bungalows on both sides, so a query was raised as to how a two storey structure can be located between these.
- A consultation letter dated 17<sup>th</sup> March was not received until 28<sup>th</sup> March 2017, which affected the timescale for submitting a response.
- The new drive and crossover for the existing bungalow is shown on the site plan for this development as being 4.8m wide, whereas the available space to create this driveway is only 3 metres between the existing bungalow and the double yellow lines. It is alleged that a Council's Highway Engineer has advised that there is not enough room for a driveway to accommodate two cars.
- The whole proposed dwelling is extremely small, is not comparable to any other in the vicinity and will harm the appearance of the road contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.
- It is alleged that the window on the west side of the existing bungalow is incorrectly placed, as it is further towards the centre of the west facing wall and would look out onto the two new proposed car parking spaces.
- This is a different application to the previous one, P1123.16 and should be considered afresh.
- It is alleged that the proposed dwelling does not meet the room and internal space standards of the DCLG Technical Housing Standard.
- It is alleged that the depth of the rear garden of the new dwelling was quoted as being longer than it actually is in the committee report for application P1123.16.
- Queried the size of the plots for both properties.
- Reference was made to Land Registry documents and restrictive covenants for the existing dwelling.
- Reference was made to Policies 3.34 and 3.5 (Sections A, B and C) of the London Plan.
- Referred to the following planning applications for back garden development which have been refused and these should be taken into account when assessing this planning application.
  - P1687.15 – 2 Ingrebourne Gardens, Upminster. Appeal dismissed.
  - P0054.17 – 52 Cranham Gardens, Upminster.
  - P0252.17 – 30 Swan Avenue, Upminster.
  - P0670.17 – 171A Moor Lane, Cranham.
  - P0157.17 – 59 Little Gaynes Lane, Upminster.

- Impact on property value.
  - The proposed dwelling is 0.5 metres higher and would have a greater impact on the surrounding properties and the streetscene.
  - There is only one pane of glass in the north facing dormer window, which would result in this small cramped room with a low ceiling being ill lit.
- 4.2 In response to the above, comments regarding general construction work in Queens Gardens are not material planning considerations, as they do not relate directly to the proposal, although noise and disturbance during construction can be addressed by appropriate planning conditions. There is no requirement to show neighbouring properties or put measurements on the plans, as they are to scale. The submitted block plan is the same plan as that previously submitted with application P1123.16, and is considered to be sufficiently accurate to determine this application.
- 4.3 It is noted that an outline planning application, P0074.86 for a detached two bedroom bungalow with integral garage was refused and dismissed on appeal. However, Staff consider that planning application P0074.86 and subsequent appeal decision are not material planning considerations as they were determined over 30 years ago and planning policies have changed.
- 4.4 In respect of comments regarding five other planning applications in Upminster and Cranham as well as previous planning applications on the site, each planning application is determined on its individual planning merits.
- 4.5 Comments regarding property value, loss of views and covenants are not material planning considerations. Given the internal layout of the proposed dwelling, Staff consider that bedrooms 1 and 2 do not have the appearance of bedsits. In response to comments regarding the siting of the two new car parking spaces in the garden of the existing bungalow, a condition would be placed stating that the proposed development shall be carried out in accordance with the plans if minded to grant planning permission. Staff consider that there is sufficient space to accommodate two car parking spaces in the front garden of the donor property. In the event that the position of the car parking spaces for the donor property needed to be changed, the agent could submit an application for a minor amendment and this would be assessed separately. The planning history of the site is covered under Section 3 of this report.
- 4.6 The first neighbour notification letter was sent on 17<sup>th</sup> March 2017 with a consultation deadline of 7<sup>th</sup> April. A second neighbour notification letter was sent out regarding some revised plans on 2<sup>nd</sup> June with a consultation deadline of 23<sup>rd</sup> June 2017.
- 4.7 In response to comments regarding planning application P0054.17 at 52 Cranham Gardens, Upminster, Staff consider that the two schemes are fundamentally different. P0054.17 sought consent for an outbuilding whereas this proposal seeks consent to convert and extend an existing

detached garage to new detached chalet style bungalow dwelling and there are different planning policies used to assess both types of development.

- 4.8 It is considered that the proposal and the characteristics of the application site are materially different to the erection of a new two storey dwelling at 2 Ingrebourne Gardens, Upminster under application P1687.15. The proposal seeks consent to convert and alter a detached garage, whereas application P0252.17 sought consent for a new end of terrace dwelling at 30 Swan Avenue, Upminster and the site characteristics were different.
- 4.9 Application P0670.17 - 171A Moor Lane, Cranham sought consent for a single storey outbuilding to be used as a granny annexe in the rear garden, which is materially different to the proposal. Application P0157.17 – 59 Little Gaynes Lane, Upminster sought consent for a new bungalow at the end of the rear garden and the characteristics of the site are materially different to this proposal. The donor and proposed dwellings have plot size of approximately 0.051 and 0.0281 hectares. The remaining issues are addressed in the following sections of this report.
- 4.10 The Highways Authority has no objection to the proposal subject to conditions regarding a pedestrian visibility splay, vehicle access and informatives if minded to grant planning permission.
- 4.11 Fire Brigade - No additional fire hydrants are required. The Brigade is satisfied with the proposals.
- 4.12 StreetCare Department - Waste and recycling sacks will need to be presented by 7am on the boundary of the property on Queens Gardens on the scheduled collection day.
- 4.13 Environmental Health - No objections or comments with regards to noise, contaminated land or air quality.

## **5. Relevant Policy**

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document (technical appendices).
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community

infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.

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

## **6. Mayoral CIL implications**

- 6.1 The proposed extensions to the existing garage have a gross internal floor area of 25m<sup>2</sup> and as such, are not liable for Mayoral CIL.

## **7. Staff Comments**

- 6.1 The current proposal is to convert and extend the existing detached garage to a new self-contained detached chalet style bungalow with dormer windows and roof lights. This proposal follows a previous application P1123.16 to convert and extend the existing detached garage to a new self-contained detached chalet style bungalow with dormer windows and roof lights, which was brought to the 17<sup>th</sup> November 2016 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

1) The proposed layout of the development would be inadequate resulting in substandard accommodation for future residents through lack of internal space. As a result, the development represents an overdevelopment of the site, which would be detrimental to future residential amenity, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, Policy 3.5 of the London Plan (as amended) and the DCLG Technical Housing Standards.

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

- 7.3 The current application differs from the refused scheme in the following key areas:

- The internal layout of the dwelling has changed and the dwelling has changed from a 3-bed 4 person dwelling to a 2-bed 3-person dwelling. Bedroom 1 on the ground floor has been changed to an open plan living room/study.
- Built in storage has been added to the ground floor of the bungalow.
- The ridge height of the hipped roof has increased from approximately 5.8m to 6.3 metres and the ceiling height for the bedrooms in the loft has increased from 2.2 to 2.3 metres.
- The gross floor area of bedroom 1 has increased from 11 to 12 square metres.
- Alterations to the design and enlargement of the rear dormer including increasing its height from approximately 2.2 to 2.8 metres.

- All the dormers have been shown on the cross section drawings.
- The proposed first floor plan indicates where the headroom falls below 1.5m on the proposed first floor plan.

7.4 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene and neighbouring amenity and highway and parking issues.

## **8. Principle of Development**

8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of one new dwelling would therefore not be unacceptable in land use terms.

8.2 Chapter 6 of the NPPF states that private residential gardens should no longer be classed as previously developed land, to afford Local Authorities greater control over garden development. However, this guidance does not mean that all forms of development on gardens are unacceptable and that issues of character and setting should still be taken into account.

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

9.1 The application site covers an area of approximately 0.081 hectares. For this proposal of one dwelling this equates to a density of 12 dwellings per hectare, which is below the range anticipated by Policy DC2 for housing density, where the advised range for residential development in this part of the borough is 30-50 dwellings per hectare. It is considered however that the relatively low density of development on this site is acceptable in principle owing to the constraints presented by the form of the site and relatively small developable area, which would prevent the site from being successfully developed at a higher density.

9.2 Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set this at 70m<sup>2</sup> for a two storey, 2-bed 3-person dwelling. The DCLG Technical Housing Standard states that any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage. The dwelling has an internal floor space of 71 square metres (which has an internal ceiling height of 1.6m to 2.3m), which meets the recommended guidance for a 2-bed 3-person dwelling. The layout of the dwelling adheres to the Technical Housing Standards and therefore, the previous reason for refusal has been overcome. Staff consider that there would be sufficient light to bedroom 2.

9.3 Revised plans were submitted that involved increasing the ridge height of the bungalow from approximately 5.8m to 6.3 metres, increasing the internal ceiling height from 2.2m to 2.3m in the loft, altering the design and enlarging the rear dormer window, altering the internal layout of the dwelling, changing



it from a 3-bed 4 person dwelling to a 2-bed 3-person dwelling, adding built in storage on the ground floor of the bungalow, showing all the dormers on the cross section drawings, indicating where the headroom falls below 1.5m on the proposed first floor plan and increasing the size of bedroom 1 from 11 to 12 square metres. Taking into account the above changes, Staff consider that the proposal meets all the criteria of the DCLG Technical Housing Standard.

- 9.4 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. Although it has been suggested by an objector that the measurement of the land at the back of the proposed dwelling appears to be incorrect, as it's given at 14.7 metres when it is actually under 14 metres and the block plan is out of date, Council policy does not stipulate a minimum rear garden depth or the size of amenity area for a proposed dwelling. In terms of amenity space provision, the proposed dwelling would have a private amenity space of approximately 139 square metres. Staff are of the view that the proposed rear garden area is acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 9.5 It is considered that the retained amenity space for No. 11 Queens Gardens is acceptable, as it has a rear garden depth of approximately 12 metres and in conjunction with a boundary treatment condition, would be private and screened from general public view.

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

- 10.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.
- 10.2 Given its siting and layout, the front and side elevations of the proposed dwelling would be visible and relatively prominent in the streetscene. As such, the impact of the scale and bulk of the proposed dwelling requires careful assessment. Staff consider that the plot size of the application site is comparable to other dwellings in the vicinity of the site. In addition, there are other single storey dwellings that have accommodation in the roof space in Queens Gardens. Staff consider that increasing the height of the hipped roof from 5.8m to 6.3m would not materially affect the character or appearance of the dwelling in the streetscene. The visual impact of the previous proposal was considered to be acceptable.
- 10.3 Staff consider that the two proposed off street car parking spaces for the donor property, including changes to the fencing, would not adversely affect the streetscene.

## **11. Impact on Amenity**

- 11.1 No. 9 Queens Gardens has a front door with glazed panels either side and above, which serve a hallway on its north western flank wall. Beyond this, there is a three pane window that serves a lounge/dining room and is a secondary light source with patio doors with timber and glass panels either side to the rear, which leads onto a lean-to structure. Staff consider that the existing flat roofed garage of No. 11 Queens Gardens has resulted in some loss of light to the hallway and lounge/dining room of No. 9. When reviewing the merits of this application, consideration was given to the fact that the hallway is not a habitable room and the flank window to the lounge/dining room is secondary light source. Given the flank to flank separation distance of approximately 3.3 metres (as shown on the plans) between No. 9 Queens Gardens and existing impact of the garage, Staff consider that the proposed development would not result in a significant loss of amenity to No. 9 Queens Gardens (including loss of light and outlook). Furthermore, both the existing garage and the proposed development do not impede a 45 degree notional line taken from the window sill of the lounge/dining room flank window of No. 9 Queens Gardens
- 11.2 It is considered that the proposal would not result in a significant loss of amenity to the donor property, given that there would be a rear to flank separation distance of approximately 13 metres.
- 11.3 Given the separation distances between neighbouring properties and the proposed dwelling, Staff consider that the proposed development would not result in a significant loss of amenity (including overlooking or loss of privacy) to adjacent occupiers. This is same conclusion as was reached in connection with the previous proposal.
- 11.4 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the amenities of neighbouring occupiers.
- 11.5 There would be two roof lights serving the stairwell on the south eastern flank of the proposed dwelling and these could be obscure glazed if minded to grant planning permission to protect neighbouring amenity. Details of landscaping and boundary treatment will be secured by condition.
- 11.6 Staff consider that the two proposed off street car parking spaces for the donor property would not result in material harm to neighbouring amenity over and above existing conditions. It is considered that the proposal would not result in significant levels of traffic, congestion, noise, disturbance or fumes to neighbouring properties, over and above the existing use of the

garage and the existing car parking arrangements and as it would serve one dwelling.

- 11.7 Staff consider that the two proposed off street car parking spaces would not result in material harm to the amenity of the donor property, particularly as they would be within their control.

## **12. Highway/Parking**

- 12.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The application site is in PTAL 1b. The Council's parking standard is 1.5-2 spaces per unit. The London Plan has a car parking standard of up to 2 spaces per unit within PTAL 0-1. In total 4 parking spaces are proposed for the new dwelling and the donor property which is sufficient. The proposal involves altering and removing the fencing adjacent to the proposed car parking spaces. A new crossover is required and this can be secured by condition. The Highway Authority had no objection to the proposals and recommends two conditions regarding a pedestrian visibility splay and vehicle access and informatives if minded to grant planning permission. The Highway Authority has advised that there is no objection to creating a vehicle access for the two car parking spaces for the donor property irrespective of the double yellow lines in Queens Gardens. Details of refuse storage will be secured by condition if minded to grant planning permission. It is considered that the proposal would not create any highway or parking issues.

## **13. Section 106**

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. One new dwelling will equate to a contribution equating to £6,000 for educational purposes.

## **14. Conclusion**

- 14.1 Staff consider the site to be acceptable in principle for residential development. Staff consider that the proposal would not result in material harm to the character and appearance of the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. Staff consider the amount and configuration of the parking proposals to be acceptable. There would be a financial contribution of £6,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in

accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

## IMPLICATIONS AND RISKS

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

None

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

Legal resources 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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# REGULATORY SERVICES COMMITTEE

3 August 2017

# REPORT

**Subject Heading:**

P0569.17  
St Edwards Court, London Road, Romford

Provision of 8 Residential Units with alterations to fenestration.  
(Application received 05-04-2017)

**Ward**

Romford Town

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

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Planner  
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01708 432829

**Policy context:**

Local Development Framework  
The London Plan

National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

The proposal is for the formation of eight additional self-contained residential units, comprising of two, two bedroom units and six one bedroom units with associated outdoor amenity space.

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

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

## RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 417 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £8340 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 3<sup>rd</sup> December 2017 and in the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £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.
- 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.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.



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

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

### **1. Time Limit**

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

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

### **2. Materials**

Before any development above ground level takes place, samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

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

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

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

### **4. Landscaping**

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

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

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

## **5. Boundary Treatment**

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

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

## **6. Cycle Storage**

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

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

## **7. Refuse and Recycling**

Prior to the first occupation of the development hereby permitted, refuse and recycling facilities shall be provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

## **8. Construction Methodology**

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

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

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

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

## **9. Hours of Construction**

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

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

## **10. Road Noise Assessment**

Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from London Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted, to and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

**Reason:** Insufficient information has been supplied with the application to judge the impact of road noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of road noise in accordance with Development Control Policies Development Plan Document Policy DC61

## **12. Air Quality Assessment**

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

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

- Summary of the assessment of results.

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

**Reason:** Insufficient information has been supplied with the application to judge the potential effects of poor air quality upon those engaged in construction and those occupying the development. Submission of an assessment prior to commencement will protect those parties in accordance with Development Control Policy DC52

### 13. Contaminated Land 1

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

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

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

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

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

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

accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

#### **14. Contaminated Land 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.

#### **15. Access**

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

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

#### **16. Water Efficiency**

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

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

#### **17. Sound Insulation**

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

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

#### **18. Parking Management Scheme**

Prior to the first occupation of the development hereby approved, parking provision within the site shall be allocated to residents of the development in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority detailing how the car parking spaces for the site

shall be apportioned and permanently retained for use by occupants of the residential conversion. The parking provision shall be retained permanently thereafter for use by residents of the development only in accordance with the approved details.

**Reason:** To ensure that the car parking is retained for the purposes intended, in the interests of amenity.

## **INFORMATIVES**

### **1. Planning Obligation**

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

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

### **2. Approval following revision**

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent by telephone and email July 2017. The revisions involved the omission of the first floor accommodation which was considered to be substandard and amended plans were subsequently received.

### **3. Mayoral CIL**

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £8340 (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. Street name/numbering**

Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address

details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

## **5. AQA Modelling**

The applicant shall be aware of the following:

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

### **REPORT DETAIL**

## **1. Site Description**

- 1.1.1 The application relates to the property at St Edwards Court, London Road, Romford. This is a large detached office building, set out over a 'H-shaped' shaped footprint with undercroft car parking and a parking area to the rear.
- 1.2 The site is located adjacent to residential properties to the south and east and several industrial units to the west. Romford Town Centre is only 350 metres to the east.
- 1.3 The premises has previously been the subject of a prior approval application which permitted the change of use of the existing office space (B1a) to 97no self-contained residential units.



## **2. Description of Proposal**

- 2.1 Permission is sought for alterations to the undercroft parking area of the existing building to form 8 self-contained residential units. The new units will be facilitated by utilising the existing space within the undercroft and building out into the courtyard area.
- 2.2 In addition, additional windows to serve one ground floor unit and also two first floor units permitted under the prior approval office to residential conversion are proposed.

## **3. History**

- 3.1 P2042.88 - Development of 54,000 sq.ft of offices - Approved, July 1989
- 3.2 J0012.16 - Change of Use from offices (use class B1a) to 97 residential units (use class C3) - Prior Approval Given

## **4. Consultation/Representations**

- 4.1 Neighbour notification letters were sent to 105 neighbouring occupiers. One letter of representation was received at the time of writing which expressed the following concerns.
- Overdevelopment of the site
  - Density of development too great
  - First floor flat uses space occupied by existing commercial uses
  - Development will cause unacceptable noise/disturbance to existing office users.
  - Unacceptable mix of residential/office uses
- 4.3 In response to the above, the letter of objection received would infer that a mixed use environment would result from the proposed development. The previous decision relevant to the site (J0012.16) sought permission for the conversion of all existing floors to form 97 residential units. Therefore, if implemented accordingly St Edwards Court would be fully occupied by residential units and no conflict would result.
- 4.4 Whilst it is reasonable to assume that during the conversion some offices may remain occupied, the noise and disturbance associated would be transient and not a material planning consideration.
- 4.2 Highway Authority - No objections subject to Section 106 Agreement to prevent future occupiers obtaining residents parking permits.
- 4.3 Environmental Health - No objections, subject to conditions.
- 4.4 Fire Brigade - No objection

## **5. Relevant Policy**

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC03 (Housing Design and Layout), DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC52 (Air Quality), 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 In addition the Residential Extensions and Alterations SPD, the Residential Design SPD and the Planning Obligations SPD (Technical Appendices) are considered be relevant.
- 5.2 Policies 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) 7.4 (local character), 7.6 (Architecture), 8.2 (Planning Obligations) and 8.3 (Mayoral CIL) of the London Plan, are material considerations.
- 5.3 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

## **6. Mayoral CIL implications**

- 6.1 In total the proposal would create 417m<sup>2</sup> of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £8340 based on the calculation of £20.00 per square metre.

## **7. Staff Comments**

- 7.1 The main considerations relate to the principle of the development and the layout of the scheme, the impact on local character/the established pattern of development, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

## **8. Principle of Development**

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

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

- 9.1 The London Plan provides guidance in relation to the dwelling mix within residential developments. To this end, the number of units on site resulting from the proposed development in conjunction with the previous prior approval decision would total 105 units. This would translate to a total of 236 units per hectare which would comply with the density matrix which

suggests that a density of between 200 and 450 units per hectare is acceptable in urban environments.

- 9.2 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.
- 9.4 Each of the proposed units would exceed the required standard measured internally. In addition to a satisfactory gross internal floor area, the proposed dwellings would benefit from sufficient headroom and bedroom size/mix. It is the opinion of staff that the proposed dwellings would comply with all other standards. It can therefore be concluded that an internal arrangement capable of providing a standard of living acceptable for future occupiers which would meet the aims and expectations of the London Plan is demonstrated. The flats have a reasonably open aspect and the attractiveness of these units as living accommodation would be a matter of choice for the prospective purchasers of the flats.
- 9.5 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.
- 9.6 A small area is set aside for each of the proposed units of varying size, ranging between 7m<sup>2</sup> and 15m<sup>2</sup>. Whilst the quality and functionality of this space is questionable, given the close proximity of nearby parks and other amenities it would not in the view of staff be possible to substantiate a refusal on this basis. The areas shown would be capable of providing an area to sit outside, to dry clothes and would generally align with the requirements of the Residential Design SPD.
- 9.7 The new window openings at first floor level would serve units permitted under the prior approval office to residential conversion located beneath the southern arch. The quality of accommodation is not considered when determining prior approval applications as the legislation requires a sole focus on parking, land contamination and flood risk. Whilst the outlook from these windows would be poor, the inclusion of new window openings would nevertheless improve the existing arrangement.

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

- 10.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context and the NPPF reinforces this by placing emphasis on good quality, design and architecture.

- 10.2 The development comprises of the infilling of existing undercroft parking areas and therefore the visual impacts of the development are limited to the existing courtyard/parking area of the subject premises. It is envisaged to use materials and finishes which would match with the existing building. In this context the visual impact of the flat roofed additions at ground floor level and alterations to the parking layout of the central hub are considered to be negligible.
- 10.3 The fenestration to be introduced at first floor level would be positioned on the western flank wall beneath the southern archway. It is envisaged to use windows to match those elsewhere on the subject building. Given the positioning of these windows, it is unlikely that they would be readily visible in any event.

## **11. Impact on Amenity**

- 11.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 11.2 By the nature of the development proposed, which is limited to infilling of existing undercroft parking there would be no implications relating to neighbouring amenity in terms of loss of light or overshadowing.
- 11.3 The proposed window openings at first floor level would represent the only fenestration at first floor level on either side of the archway and therefore presents no issues in terms of inter/overlooking.
- 11.4 The letter of objection received raised concerns over the impact of the development on existing office uses.

## **12. Highway/Parking**

- 12.1 The public transport accessibility level rating for the site is 2/3, with the application site encompassing two zones. It is considered that the site benefits from a fair access to public transport.
- 12.2 The site retains 82 car parking spaces for the use of the proposed units and those permitted by the prior approval office to residential conversion in 2016.
- 12.3 The units sought by this application comprise of one and two bedroom units. The table below sets out the types of units to be provided on the upper floors as a result of the prior approval:

	One bedroom	Two bedroom	Studio	Total
Ground Floor	10	1	1	12
First Floor	30	0	1	31
Second Floor	30	4	2	36
Third Floor	13	1	4	18
				97

The London Plan gives a maximum residential parking standard of less than one space per one or two bedroom unit. On this basis, the level of parking available would (with consideration given to the previous prior-approval decision) equate to 0.77 spaces per unit. This would align with the policy requirement.

- 12.4 A parking management plan is recommended via condition and further control could be exercised by securing a Section 106 agreement to prevent future occupiers of those self-contained units proposed by this application from obtaining residents parking permits. For the avoidance of doubt, this restriction could not apply to the units within the upper floors of the building.
- 12.4 Secure cycle storage is provided at a ratio of one space per dwelling.
- 12.5 Members may wish to consider that the Highway Authority have not objected to the proposals.

### **13. Section 106**

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per new residential unit for educational purposes would be appropriate.
- 13.9 On the basis that eight additional residential units are proposed, a financial contribution of £42,000 would be expected.

## **14. Conclusion**

- 11.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposal would not harm the form

and character of the surrounding area, the residential amenity of the occupants of neighbouring properties or result in any highway issues subject to the monitoring of safeguarding conditions.

## **IMPLICATIONS AND RISKS**

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

None

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

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The S106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

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

None

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

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

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**REGULATORY  
SERVICES  
COMMITTEE  
3 August 2017**

**Subject Heading:**

**P0787.17: Hare Lodge, Upper  
Brentwood Road, Romford**

**Demolition of existing building and construction of a new residential development consisting of 4 No. x 1 bedroom apartments and 4 No. x 2 bedroom apartments with communal amenity space, 8No. on-site parking and cycle storage with bin stores. (Application received 8 May 2017)**

**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 house and the construction of a new residential development consisting of 8no. flats.

It raises considerations in relation to the impact on the Gidea Park special character 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 435 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £8,700 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations, by 3 December 2017, and in the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £42,000 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. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction

Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

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

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

## 5. Hours of Construction

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

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

## 6. 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.

## 7. 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.

## 8. 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.

#### 9. Parking Provision

Before any of the dwellings hereby permitted are first occupied, the car parking as indicated in drawing no. '1492/02' 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.

#### 10. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, the refuse and recycling facilities as detailed on drawing no. '1492/02' and '1492/04' shall be provided to the full satisfaction of the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: In the interests of providing suitable refuse and recycling management on site which will protect the amenity of occupiers of the development and also the locality generally, and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

#### 11. Cycle Storage

Before any of the dwellings hereby permitted are first occupied, the secure cycle storage facilities as detailed on drawing no. '1492/02' and '1492/04' shall be provided to the full satisfaction of the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

#### 12. 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.

### 13. 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.

### 14. Preserved Trees

No building, engineering operations or other development on the site, shall be commenced until a scheme for the protection of preserved trees on the site has been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

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

## 15. Lighting

Prior to the first occupation of the building external lighting shall be 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. Traffic Noise Assessment

No works shall take place in relation to any of the development hereby approved until an assessment is undertaken of the impact of road noise emanating from Upper Brentwood Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: Insufficient information has been supplied with the application to judge the impact of road noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of road noise in accordance with Development Control Policies Development Plan Document Policy DC61.

## 17. Railway Noise Assessment

No works shall take place in relation to any of the development hereby approved until an assessment of the impact of:

- a) railway noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995) and;
- b) vibration from the use of the railway lines upon the site; is undertaken and a scheme detailing the measures to protect future residents from railway noise and vibration is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupancy taking place.

Reason: Insufficient information has been supplied with the application to judge the impact of transportation noise and vibration upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of transportation noise and vibration, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.



## 18. 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..

## 19. 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.

20. Water Efficiency

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

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

21. 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.

## **INFORMATIVES**

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent Gary Cumberland, via telephone. The revisions involved reducing the height of the building and repositioning the rear dormer window. The amendments were subsequently submitted on 3<sup>rd</sup> July 2017.
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 £8,700 (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 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 land at Hare Lodge, Upper Brentwood Road, Romford. The site comprises a two-storey detached dwelling, set back from Upper Brentwood Road, surrounded by garden within a spacious plot. To the south is a terrace of three two-storey dwellings converted to flats. To the north is Brent Court, a 1960's three-storey flat roofed development of flats. Two-storey semi-detached dwellings lie to the rear of the site in Compton Avenue and Cranbrook Drive.
- 1.2 There are two preserved trees on site, subject of a Tree Preservation Order (TPO) 22/74. There are a number of other trees within the site, mainly to the frontage, which are not subject to the TPO.
- 1.3 The site is within the Gidea Park Special Character Area.
- 1.4 Hare Lodge is not a listed building nor is it included in Havering's heritage asset register of buildings of local heritage interest.

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

- 2.1 The application is seeking planning permission for the demolition of the existing house and the construction of a new residential development consisting of 8no. flats. The accommodation would comprise 4no. one bedroom units and 4no. two-bedroom units.
- 2.2 The proposed building would be set back from Upper Brentwood Road by approximately 15 metres, within the staggered front building line of the immediately adjacent properties. The new building would measure 11.6 metres in width, and project back into the site with a depth of 21.5 metres, with the rear elevation set some 9 metres from the rear garden boundary with 5 Compton Avenue. The proposal would incorporate a front gable elevation, with a partially hipped crown roof design and a ridge height of 9.1 metres.
- 2.3 The existing vehicle access point from Upper Brentwood Road would be closed off, with a new dropped kerb access arrangement installed along the frontage, further south and closer to No.485. In terms of parking the proposal would provide a total of 8no. residents car parking spaces located to the front and side of the new block.
- 2.4 A communal resident's refuse store would be positioned to the front of the building adjacent to the boundary with Brent Court.

### **3. Relevant History**

- 3.1 P0251.14 - Construction of a two storey dwelling - Refused, 22 August 2014. Appeal Dismissed - 19 August 2015

The refusal reasons were:

- The attempt to integrate a pitched roof onto a modernist architecturally themed building creates a weak, discordant design which would be incongruous to the setting of Hare Hall Lodge and be materially harmful to the character of the Gidea Park Special Character Area.

- The absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development.

The application was dismissed at appeal on 19 August 2015. The Inspector found that the development would not harm the character and appearance of the area, with particular regard to the Gidea Park Special Character Area. The Inspector concluded that the only reason for the dismissal was the failure to provide a contribution towards infrastructure provision.

- 3.2 P0272.12 - Construction of a detached 2 storey dwelling - Refused, 7 December 2012. Appeal Dismissed - 24 October 2013

The refusal reasons were:

- Due to its poor siting and design the proposal would provide a cramped environment, out of character with the prevailing character of the local area and streetscene and would fail to preserve or enhance the Gidea Park Special Character Area.

- The proposed development would, by reason of its cramped layout and rear amenity space result in poor living conditions for future occupiers of the host property.

The application was subsequently dismissed on appeal on 24 October 2013. The Inspector considered that the proposal is capable of providing a contemporary and sustainable design, but considered that the design of the dwelling by virtue of its flat roof would be out of keeping with the surrounding area. The Inspector did not consider the proposal to have a cramped layout or to result in poor living conditions for future occupiers of the host property.

- 3.3 P2418.07 - Demolish existing house and construct new building of 11 no. flats - Refused, 27 February 2008

The refusal reasons were:

- The proposal by reason of the scale, bulk and design of the proposed building, its position close to the boundaries of the site and lack of amenity space would result in a cramped, overdevelopment of the site materially

harmful to and out of character with surrounding development, the Gidea Park Special Character Area.

- The proposal, by reason of the lack of residential amenity space would result in a cramped development, out of character with its surroundings as well as providing inadequate amenity space for future occupiers of the development to the detriment of residential amenity.

- The proposal, by reason of the scale and bulk of the development and its relationship with neighbouring residential dwellings would be overbearing and intrusive and would result in material loss of privacy and amenity to occupiers of neighbouring dwellings.

- The proposal makes inadequate provision for car parking within the site, which would be likely to lead to an increase in indiscriminate on street parking in the vicinity of the application site to the detriment of highway safety.

- The proposal fails to make provision for a contribution towards increased demand for educational facilities arising from this development.

3.4 P0606.07 - Demolition of existing house to form 8 No. flats and 4 No. houses - Refused, 15 June 2007

It should be noted that this application was refused having regard to policies that were in place prior to the adoption of the current Local Plan. These policies have now been superseded. The refusal reasons were:

- The proposal by reason of the scale, bulk and design of the proposed buildings, their position close to the boundaries of the site and lack of amenity space would result in a cramped, overdevelopment of the site which is materially harmful to and out of character with surrounding development and the Gidea Park Special Character Area to the detriment of amenity

- The proposal, by reason of the lack of residential amenity space would result in a cramped development, out of character with its surroundings as well as providing inadequate amenity space for future occupiers of the development to the detriment of residential amenity.

- The proposal, by reason of the scale and bulk of the development and its relationship with neighbouring residential dwellings would be overbearing and intrusive and would result in material loss of privacy and amenity to occupiers of neighbouring dwellings, as well as resulting in poor living conditions for future occupiers of the proposed development as a result of the proximity of the two blocks within the site to each other, to the detriment of residential amenity.

- The proposal makes inadequate provision for car parking within the site, which would be likely to lead to an increase in indiscriminate on street

parking in the vicinity of the application site to the detriment of highway safety.

- The proposal fails to make provision for the protection or retention of preserved trees within the site, which would be likely to be detrimental to amenity.

- The proposal fails to make adequate provision for sustainability or for the use of renewable energy within the development.

- The proposal fails to make provision for a contribution towards increased demand for educational facilities arising from this development.

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

4.1 Notification letters were sent to 62 properties and some 129 representations have been received.

4.2 The objections can be summarised as follows:

- The proposal will result in the destruction of the locally historic Hare Lodge.
- The proposal would be an overdevelopment of the site
- Not in keeping with the Council's policies with regards to the Gidea Park Special Character Area.
- Insufficient car parking provision.
- Exacerbate existing parking and traffic problems in the area.
- Inappropriate design and appearance.
- Overdevelopment of the site and an unsuitable location for additional flats.
- Loss of privacy and overlooking.
- Loss of light and overshadowing.
- Noise, disturbance and traffic problems during construction works.

4.3 In response to the above: Hare Lodge is not a listed building nor is it included in Havering's heritage asset register of buildings of local heritage interest. Planning permission would not be required in itself for the demolition of Hare Lodge, subject to prior approval being obtained. Issues of disruption during construction are not a material planning consideration on which a refusal could be based. A condition would be included in any approval notice requiring the submission of a Construction Method Statement to ensure construction works are satisfactory and minimise noise and disturbance. Issues in terms of design, density, streetscene, Gidea Park special character area, residential amenity, and highways implications are discussed in the following sections of the report.

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 - no objection.
- Gidea Park Civic Society - object to the proposal on the grounds that the development would be inappropriate in the Special Character Area and in close proximity to neighbouring properties. The loss of the existing building would harm the special character of the area.
- Environmental Health - no objection, recommended conditions relating to contaminated land precautions, and noise assessments associated with the nearby railway line and road.
- 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), DC69 (Other Areas of Special Townscape or Landscape Character), 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 character and appearance of the streetscene and special character 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 Under the provisions of the NPPF there is no priority given to residential plots and gardens as re-developable brownfield land. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is within a predominantly residential area.
- 6.4 On this basis the proposal is considered to be policy compliant in land use terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

### ***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 57 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 50 to 95 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 a 250 square metre communal garden area located to the rear of the site. In addition, three ground floor flats would have a private terrace area, set out adjacent to the flank of the building and northern site boundary, ranging in size from between 22 square metres up to 34 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 terraces would be to a functional size and which would provide a satisfactory environment for their occupiers.

#### ***Design/Impact on Streetscene and Special Character Area***

- 6.11 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context. The site lies within the Gidea Park Special Character Area which was designated due to the quality of the urban design, architectural detailing and locally important heritage associations.
- 6.12 The existing property, Hare Lodge, is not a listed building nor is it included in Havering's heritage asset register of buildings of local heritage interest. Whilst the loss of a building within the Gidea Park Special Character Area requires careful judgement, in this instance there are no specific heritage attributes or material planning considerations associated with the property that would substantiate its retention on these grounds. As such it is not considered that the loss of Hare Lodge would in itself be materially harmful to the special character area. It is important to note that whilst the demolition of Hare Lodge forms part of the proposal for the redevelopment of the site, planning permission would not be required for the demolition of the house on its own, and this could be undertaken through the prior approval process at any time.
- 6.13 The proposed block would form a more prominent feature in comparison to the relatively modest detached house that currently occupies the site. However, the replacement building would be set back within the plot by some 15 metres from the footway at Upper Brentwood Road, allowing the

building to sit more comfortably within the site and reducing the any undue sense of over dominance in the streetscene.

- 6.14 It is acknowledged that to the south the proposed building would be juxtaposed to some extent with its setting adjacent to the two-storey dwellings on Upper Brentwood Road, and to a lesser extent by Brent Court, a three-storey 1960's modernist block, located on the junction with Oakwood Court. It is considered that the adjacent buildings offer little in terms of architectural quality to this section of the streetscene and the features of these buildings should not necessarily be replicated in the proposed development.
- 6.15 The design of the proposed building is considered to be of a conservative appearance, incorporating the principles of the characteristic arts and crafts style to the fenestration and building detailing, which broadly adheres to the special architectural character of the surrounding area. In terms of the overall height, bulk and massing, the building is also considered to be comparable to that of the adjacent three-storey residential block at Brent Court.
- 6.16 The site has a relatively narrow road frontage which opens out into a much wider plot. As such the majority of the bulk of the development would be contained to areas of the site that are set back from direct views at Upper Brentwood Road. Given the specific characteristics the site can be regarded with a degree of separation from the residential dwellings on the adjoining roads. It is recognised that the building would be larger than the house it replaces, but the additional scale and bulk of the development would not be easily observed from public areas and would be broken up by the staggered building sections when viewed from neighbouring gardens.
- 6.17 Staff are of the view that the proposed residential block would sit comfortably within this setting, retaining the TPO trees along the flank boundary. As a result it is considered that the proposed building would suitably preserve the fundamental character and appearance of the surrounding special character area, maintaining the local character and distinctiveness in accordance with the aims of the NPPF and Policies DC61 and DC69.
- 6.18 Staff recognise that this is matter of careful judgement, and in this instance have given considerable weight to the size and setting of the plot and the architectural quality of the adjacent buildings.

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

- 6.19 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.

- 6.20 The main consideration in terms of residential amenity relates to the impact on the occupants of the surrounding dwellings at Upper Brentwood Road, Brent Court, Compton Avenue and Cranbrook Drive.
- 6.21 The proposed northern flank elevation of the proposed building would be positioned approximately 13 metres from the rear elevation of the three-storey block of flats at Brent Court, some 1.3 metres further than the flank elevation of the existing house at the site. Staff consider this to be a sufficient separation distance to maintain privacy and minimise overshadowing and loss of light. Whilst it is acknowledged that the proposal would be significantly larger in terms of the overall depth and massing, a mature TPO tree would be retained along the boundary, which would help to break up some of the bulk of the new building and mitigate issues of inter-looking between dwellings.
- 6.22 At the closest point the south eastern front corner of the proposed building would be positioned some 6 metres from the adjacent properties at 485 and 485a Upper Brentwood Road, across an access driveway to a rear garage court. Given the triangular shape of the plot, the proposed new building would align with the northern boundary, resulting in it being orientated away from the Upper Brentwood Road dwellings. As such, the proposed block would not be directly visible from the rear of the property, except at an oblique angle, limiting any impact on outlook. Given this relationship it is also not considered that the proposed development would present an undue impact on the privacy or amenity of these neighbouring properties.
- 6.23 The two-storey rear elevation of the block would contain habitable room windows, raising concerns in relation to overlooking of the neighbouring rear garden at 5 Compton Avenue. Staff however acknowledge that there is an existing relationship between the existing dwelling and the neighbouring boundary and given that the new block would be positioned approximately 9 metres from the side garden boundary with 5 Compton Avenue, it is considered that on balance this distance would mitigate any potential undue impact of overlooking or loss of privacy.
- 6.24 Potential issues of overlooking to the rear garden of 27 Cranbrook Drive would be mitigated by the off-set orientation between the windows in the proposed building and rear garden as well as the separation distance of approximately 10 metres at an oblique angle.
- 6.25 Whilst it is recognised that there would be an intensification of residential use at the site, Staff are of the view that due to the building's positioning and design the proposal would not result in more harmful impact on the residential amenity of the surrounding properties.
- 6.26 Staff are therefore of the opinion that the proposed development would not harm the amenities of neighbouring properties to an extent that would justify

refusing the scheme on these issues alone, 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***

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

### ***Trees***

- 6.29 There are two preserved trees on site, subject of a Tree Preservation Order (TPO) 22/74. There are also a number of other trees within the site, mainly to the frontage, which are not subject to the TPO. The protected trees are a Sycamore located adjacent to the northern boundary and to the front of the existing house, and a mature Fig tree located in the north western rear corner of the site. The northern flank elevation of the new building would be positioned approximately 3 metres from the protected Sycamore and over 9 metres from the Fig tree. Given the proximity of the Sycamore to the new building, it is likely that the tree's crown would need to be reduced on a regular basis so as to prevent contact with the building. Such works would require separate TPO consent. A condition for protecting the trees during development will be included.

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

- 6.30 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.
- 6.31 The proposed development can demonstrate a total of 8no. residents car parking spaces located to the front and side of the building to serve the 8no. flats. This level of provision is acceptable and meets London Plan Policy 3.5.
- 6.32 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.

- 6.33 A communal resident's refuse store would be positioned to the front of the building adjacent to the northern boundary of the site and within 25 metres of Upper Brentwood Road, and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.
- 6.34 A secure cycle store would be provided to the side of the block adjacent to the car park.

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

- 6.35 The proposed development will create 8no. residential units with 435 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £8,700 (subject to indexation) based on the calculation of £20.00 per square metre.

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

- 6.36 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.
- 6.37 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.
- 6.38 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.
- 6.39 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.
- 6.40 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.

6.41 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.

6.42 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.

6.43 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 £42,000 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 special character 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.

## BACKGROUND PAPERS

Application form, supporting statements, and drawings received 8 May 2017, and amended plans received on 3 July 2017.

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**REGULATORY  
SERVICES  
COMMITTEE**  
3 August 2017

**REPORT**

**Subject Heading:**

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

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

**Ward:**

**Emerson Park**

**SLT Lead:**

**Steve Moore  
Director of Neighbourhoods**

**Report Author and Contact Details:**

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

**Policy context:**

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

**Financial summary:**

**None**

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

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

## **SUMMARY**

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

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

The application was deferred from the 29 June 2017 meeting so that Members could undertake an accompanied site visit with Staff.

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

The application has been called into committee by Councillor John Glanville on the grounds that he feels that the departures which the developer has made from the original application as approved by the planning Inspector will have an adverse impact on the amenity of neighbouring residents living at nos. 6 and 7 Channing Close.

## **RECOMMENDATIONS**

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

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

- A financial contribution of £6,000 to be used towards infrastructure costs and paid prior to the commencement of development in accordance with the Planning Obligations Supplementary Planning Document.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 Agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- Payment of the appropriate planning obligations/ monitoring fee prior to completion of the agreement.
- It is resolved to grant planning permission subject to completion of the deed of variation to the original s106 agreement by 29 December 2017 or in the event that the deed of variation is not completed by 29 December 2017 the item shall be returned to the committee for reconsideration.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

### 3. Parking Provision

Before the dwelling hereby permitted is first occupied, the car parking provision to the front of the proposed garage, as indicated on drawing no. 02, shall be laid out to the full satisfaction of the Local Planning Authority and be made available for use and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

### 4. External Materials

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

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

### 5. Landscaping

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

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

### 6. Refuse and Recycling

The building hereby permitted shall not be occupied until the refuse and recycling facilities are provided in accordance with details approved under condition 6 of P0305.16, under discharge of condition reference Q0217.16 and as indicated

drawing no. '887 10 A'. The refuse and recycling facilities shall be permanently retained thereafter.

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

#### 7. Cycle Storage

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

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

#### 8. Pedestrian Visibility Splay

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

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

#### 9. Vehicle Access

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

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

#### 10. Boundary Screening/ Fencing

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

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

#### 11. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the approved plans), shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

#### 12. Removal of Permitted Development Rights

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

**Reason:** In the interests of amenity and to enable the Local Planning Authority to retain control over future development which may be harmful to the amenity of neighbouring residents and the character and appearance of the rear garden setting, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.



### 13. Internal Sprinkler System

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

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

### 14. Wheel Washing

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

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

### 15. Construction Method Statement

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

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

### 16. Hours of Construction

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

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

## 17. Preserved Trees

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

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

## 18. Garage - Restriction of Use

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

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

## 19. Obscure Glazing

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

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

## **INFORMATIVES**

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
2. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012

### 3. Thames Water Informative

With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

4. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,912 (subject to indexation). Further details with regard to CIL are available from the Council's website.
5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
  - (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

### 6. Highways Informatives:

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

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

#### Highway legislation

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

(including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.

#### Temporary use of the public highway

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

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

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

## REPORT DETAIL

### BACKGROUND

The application was deferred from the 29 June 2017 meeting so that Members could undertake an accompanied site visit with Staff. The site visit took place on 12 July 2017, and the attending Members and Staff were able to walk around the site and view the development and the relationship with the surrounding properties from different points within the plot. Staff provided Members with illustrated comparative plans and explained the key differences between the previously approved scheme and the unauthorised building works.

The report set out below is the same as that previously presented to Committee on 29 June 2017.

## **1. Call-in**

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

## **2. Site Description**

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

## **3. Description of Proposal**

- 3.1 The proposal is for the erection of 1no. detached five-bedroom house and a detached double garage.
- 3.2 Planning permission for a new house was granted at the site in April 2016 and construction began in March 2017. However, the proposed house has not been built in accordance with the previously approved plans and this application is seeking to regularise the unauthorised development works.
- 3.3 The main differences relate to the footprint of the building, which under construction has been shifted approximately 2 metres towards the northern boundary of the site. An additional flat roof single storey rear extension to the south eastern corner of the building, and a front porch structure have also been included in the revised scheme.
- 3.4 As with the previously approved scheme, the proposed dwelling would still be located centrally within the plot, despite the slight adjustment to the positioning within the site. The new house would consist of two storeys, including a hipped roof design with a ridge height of approximately 8 metres as per the approved design. The western elevation would feature an extended roof slope which will incorporate a single storey side section. The

main difference would be inclusion of an additional single storey section to the south eastern corner of the property.

- 3.5 Internally the house would be arranged around a spacious layout including an entrance hall, study, dining room, sitting room, kitchen and utility room at ground floor level and the five bedrooms, bathrooms and en-suites at first floor level.
- 3.6 In terms of amenity space the proposed layout would include a spacious private rear garden of approximately 492 square metres enclosed by boundary fencing. To the front and side the proposal will provide landscaped garden areas and a driveway leading to a 5.7 metre wide by 5.9 metre deep double garage incorporating a pyramid hipped roof with a ridge height of 4.7 metres.
- 3.7 It is proposed that vehicular access to the site would be provided from Fairlawns Close with off street car parking provision along the driveway and within the detached double garage.

#### **4. Relevant History**

- 4.1 P0305.16 - Erection of a detached two-storey, 5-bedroom detached house with separate double garage and formation of a new driveway with access onto Fairlawns Close - Approved, 26 April 2016
- 4.2 P0053.14 - Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close - Refused. Appeal Ref: APP/B5480/A/14/2216369 - Dismissed.
- 4.3 P1147.13 - Erection of a detached 5-bed dwelling house and separate double garage plus formation of access onto Fairlawns Close - Withdrawn

#### **5. Consultations/Representations**

- 5.1 Notification letters were sent to 35 properties and 3 representations have been received. The comments can be summarised as follows:
- The current proposal would significantly increase the scale of an already substantial, and largely blank, side elevation.
  - The reduction in the scale of this elevation was considered to be critical for the acceptability of the previously approved scheme.
  - The proposed dwelling would form a visually intrusive and dominant feature, with an overbearing and enclosing effect on the neighbouring property.
  - The proposed house would be located too close to existing properties and would represent a loss of privacy and an overcrowding which is not in keeping with the Emerson Park planning policy.

5.2 The following consultation responses have been received:

- Essex Water - no objection.

- Thames Water - no objection.

- London Fire Brigade Water Team - no objection.

- London Fire and Emergency Planning Authority - have not commented on this application, but previously suggested that the existing turning facility at the end of Fairlawns Close does not appear to be of sufficient size for a pump appliance to reverse into turn and drive out. The inclusion of a condition requiring the provision of domestic sprinklers as an alternative would overcome this issue and has been carried over from the previous planning permission.

- The Local Highway Authority - no objection, subject to conditions relating to pedestrian visibility splays, vehicle access and wheel cleaning.

- Environmental Health - no objection, requested the inclusion of conditions relating to contaminated land issues.

## **6. Relevant Policies**

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

6.2 Other relevant documents include the Residential Design SPD, Sustainable Design and Construction SPD and the Planning Obligations SPD (Technical Appendices).

6.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments), 3.8 (housing choice), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.

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

## **7. Staff Comments**

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

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

- 7.3 The principle of the development was established under planning permission P0305.16. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 7.4 The site was formerly part of the rear garden curtilage for the now demolished property at 44 Herbert Road. Under the provisions of the NPPF there is no priority given to garden land as a re-developable brownfield site. However, in terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area. Policy CP1 states that outside these areas all non-designated land shall be prioritised for housing.
- 7.5 On this basis the proposal is still considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

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

- 7.6 The density and layout of a similar single detached dwelling scheme was assessed under planning application P0305.16 and judged to be acceptable.
- 7.7 The addition of the single storey rear extension to the south eastern corner of the dwelling would increase the footprint of the house by 12.7 square metres to 172.7 square metres, in comparison to the previously approved house with a total footprint of 160 square metres.



- 7.8 This increase is considered to be relatively minimal and not to an extent that would result in an excessively large footprint, particularly given the overall size of the house and the prevailing character of the surrounding properties in Sector Six of the Emerson Park policy area.
- 7.9 Likewise, given the size of the plot the repositioning of the house by some 2 metres towards the northern boundary would have little impact on the overall layout of the associated driveway, vehicle access and parking area. The development can still comfortably include provision for a detached double garage to the front with landscaping.
- 7.10 It is still considered that occupants of the proposed house would be served by a generous provision of outdoor amenity space, which would be more than adequate for the requirements of a five-bedroom house.

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

- 7.11 The design and impact on the streetscene and rear garden setting of the new dwelling was assessed under planning application P0305.16 and judged to be acceptable.
- 7.12 The new dwelling would be positioned around 2 metres closer to the Fairlawns Close access than the previously approved scheme, but this is not considered to be to an extent that would materially alter the view that the design and appearance would be acceptable.
- 7.13 The additional single storey section of the new house would be located to the rear and as such would not be visible from the streetscene at Fairlawns Close.
- 7.14 In terms of the rear garden setting, the additional section of the house would be single storey in height and would be absorbed into the scale and massing of the main two storey sections of the building.
- 7.15 It is considered that the repositioned dwelling, along with the additional single storey section, would still serve to maintain the character and appearance of the area in accordance with Policy DC61.

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

- 7.16 The impact on the amenity of the neighbouring residents was assessed under planning application P0305.16 and judged to be acceptable.
- 7.17 The additional single storey rear section of the new house would be located approximately 4.6 metres from the rear garden boundary of the neighbouring house at 6 Channing Close, and would include a relatively low profile flat roof height of 3 metres. Given the favourable north westerly orientation of the new house to the rear of 6 Channing Close, Staff are still

of the view that the proposed house, along with the additional section rear section, would not result in an unacceptable degree of overshadowing, loss of daylight, or over-dominance to the neighbour at 6 Channing Close.

- 7.18 A landscaping scheme would also include the planting of three additional 3 metre tall trees along the boundary with 6 Channing Close to provide further screening, in order to address the concern of an overbearing impact.
- 7.19 Again, the amendment to the position of the dwelling in the site would also have a minimal impact on the neighbouring properties at Channing Close and Beverley Close, in comparison to the previously approved scheme.
- 7.20 It is not considered that the repositioned dwelling, along with the additional single storey section, would present undue issues in relation to privacy, overlooking or loss of daylight and overshadowing in accordance with policy DC61, the Residential Design SPD and the Residential Extensions and Alterations SPD.

### ***Trees***

- 7.21 As per the previously approved scheme, several mature trees would be retained on site as well as the introduction of additional planting and trees. The tree protection measures previously agreed under the extant planning permission will be carried over and included in this application.

### ***Environmental Issues***

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

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

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

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

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

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

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

primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.

- 7.33 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 7.34 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6,000 for educational purposes would be appropriate.

## **8. Conclusion**

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

## IMPLICATIONS AND RISKS

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

Financial contributions will be sought through the Deed of Variation.

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

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

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

None.

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

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

## BACKGROUND PAPERS

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

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