



Havering

LONDON BOROUGH

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

**Thursday
24 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 - 12)

To approve as a correct record the minutes of the meeting of the Committee held on 3 August 2017 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 13 - 30)

- 6 **P1673.16 - 13 BURNTWOOD AVENUE, HORNCHURCH** (Pages 31 - 58)
- 7 **P2045.16 - UPPER BEDFORDS FARM, LOWER BEDFORDS ROAD** (Pages 59 - 84)
- 8 **L0016.16 - UPPER BEDFORDS FARM, LOWER BEDFORDS ROAD** (Pages 85 - 92)
- 9 **P0863.17 - 31 HIGH STREET, HORNCHURCH** (Pages 93 - 114)
- 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
3 August 2017 (7.30 - 10.30 pm)**

Present:

COUNCILLORS

Conservative Group Robby Misir (Chairman), Philippa Crowder,
Melvin Wallace, Roger Westwood and Michael White

Residents' Group Stephanie Nunn and Reg Whitney

**East Havering
Residents' Group** Alex Donald and Linda Hawthorn

UKIP Group +Patricia Rumble

**Independent Residents
Group** Graham Williamson

+Substitute member: Councillor Patricia Rumble (for Phil Martin

Councillors David Durant, Jody Ganly, John Glanville, Dilip Patel, Ron Ower and Jeffery Tucker were also present for parts of the meeting.

No interest was declared at the meeting.

About 60 members of the public were present.

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

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

289 MINUTES

The minutes of the meetings held on 29 June and 13 July April 2017 were agreed as correct records and signed by the Chairman.

290 P0796.17 - 18 TYLE GREEN, HORNCHURCH

The proposal before Members sought retrospective planning permission for a front boundary brick wall and railings. The maximum height of the brick piers was 1metre.

Members noted that the application had been called-in by Councillor Roger Ramsey on the grounds that the development was visually intrusive; that it was inconsistent with the open plan nature of the rest of the estate and was in breach of the covenant given to the Council when the estate was developed.

In accordance with the public speaking arrangements the Committee was addressed by an objector with no response from the applicant.

The objector commented that he had lived at his property for about 34 years. Members were informed that the wall would intrude on the openness of the rest of the estate and impact on the environment.

With its agreement Councillor John Glanville addressed the Committee.

Councillor Glanville commented that if the proposal was approved, many of the residents were of the opinion that it would lead to a change in the nature of the estate. The proposal was not consistent with the open plan of the estate and was visually intrusive.

During the debate Members discussed the impact that the proposals would have on other properties on the estate, it was considered to be out of keeping with other homes in the area.

The report recommended planning permission be granted however subject to a motion to refuse the granting of planning permission it was **RESOLVED** that planning permission be refused on the grounds of height and design of the wall resulting in visual intrusion and harm to character of the area which was particularly spacious and open.

291 **P0729.17 - 9 FAIRLAWNS, HORNCHURCH**

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 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 into 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 current development had departed from the original planning permission which had stipulated that there should be no departure from the submitted plans. The objector concluded by commenting that the revised layout impacted on neighbours' amenities.

The applicant did not arrive to respond to the objector's comments.

With its agreement Councillor John Glanville addressed the Committee.

Councillor Glanville commented on the following two changes to the development; the larger kitchen area to the southeast corner which was of concern to house number 6 and the build of the house two metres forward which was of concern to house 7. Councillor Glanville also commented that the building work had commenced before planning permission was granted and that he was concerned that the visit undertaken by Members had not extended to neighbouring properties to view the impact on the neighbours. It was suggested that the Committee review arrangements so that it future Members would be able to visit neighbouring properties adjoining an application site.

Councillor Glanville noted that the building could not fit on to the site as it had been measured wrongly.

During the debate Members who visited the site were satisfied that the building would not have that much of an impact on neighbouring properties.

A motion to refused planning permission was proposed by Councillor Linda Hawthorn and seconded by Councillor Alex Donald.

The vote for the resolution to refuse the granting of planning permission was not carried by 4 votes to 6 and one abstention.

Councillors Donald, Hawthorn, Nunn and Rumble voted to refuse planning permission while Councillor Williamson abstained from voting.

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

The vote for the resolution to granting of planning permission was carried by 8 votes to 1 with two abstentions.

Councillor Hawthorn voted against the motion while Councillors Donald and Williamson abstained from voting.

The report before Members sought permission for the change of use of the first floor of the building to D2 (Gymnasium).

The report informed Members that within the supporting statement that it was stated that it was the intention of the applicant to offer personal training and group sessions.

The applicant currently operated out of a different site, however it was envisioned to transpose the arrangement to the new premises.

Members noted that the application had been called-in by Councillor Jody Ganly who had expressed concerns over increased demand for vehicle parking which would be to the detriment of neighbouring amenity.

Councillor Jody Ganly considered that there were not enough parking spaces provided and that the roads around Rodwell House already suffered with parking congestion from St. Marys School, the nursery in Vicarage Road and the PSPO that was implemented at Wykeham School.

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

The objector made representation against the proposal that most people who would visit the gym would end up parking within the St Mary's Parish Church car park as the proposal had limited parking as part of the application.

In response the applicant's agent commented that the gym was primarily focused on personal training.

With its agreement Councillor Jody Ganly addressed the Committee.

Councillor Ganly commented that other ward councillors have objected to the proposal and that the main issues were parking and noise in the area.

During the debate Members discussed the issue of insufficient parking on the site and congestion and in the area.

A motion to refused planning permission was proposed by Councillor Reg Whitney and seconded by Councillor Stephanie Nunn.

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

- Insufficient off-street parking provision which would result in increased competition for on-street parking in an area already suffering parking stress from existing commercial and community

uses in the vicinity, resulting in inconvenience to existing residents and users of existing commercial/community facilities.

- Increased congestion through the proposal adding more vehicle movements in an area that already suffers congestion from existing commercial/community uses, particularly during peak times, resulting in inconvenience to existing residents and users of existing commercial/community facilities and increases in unsafe vehicle manoeuvres/parking endangering pedestrians and other road users.

Following the motion to refuse the granting of planning permission, the voting was carried by 7 votes to 3 and one abstention.

Councillors Philippa Crowder, Melvin Wallace and Roger Westwood voted against the resolution while Councillors Alex Donald abstained from the vote.

The voting for the resolution to refuse planning permission was 6 votes to 3 and two abstentions.

Councillors Linda Hawthorn, Robby Misir, Stephanie Nunn, Reg Whitney, Graham Williamson and Patricia Rumble voted in favour of the resolution while Councillors Alex Donald and Michael White abstained from the vote.

293 P0765.17 - 2 HAMLETS ROAD, ROMFORD

The proposal before Members sought planning permission for the erection of a new house.

Members noted that the site was a vacant rectangular plot, which was formerly occupied by a two-storey detached house, which was demolished in October 2015.

The report indicated that prior to the submission of the application, a planning permission (P1744.15) was granted by the Committee on 16 March 2016 for a new dwelling and construction works were currently underway. It was stated that the house had not been built in accordance with the previously approved plans as a basement area had been excavated. It was also noted that the applicant's intention was to replace roof light windows in the front roof slope with dormer windows, although this part of the development had not been undertaken.

The report stated that the current application sought to regularise the unauthorised basement works and the proposed amendments to the front roof level windows.

The application had been called-in by Councillor Dilip Patel on the grounds that the front dormer windows would directly overlook the gardens of the

property located opposite the development, thus evading the privacy of the residents on the opposite side.

Councillor Patel was also concerned that the property could be used later as a House of Multiple Occupation (HMO), he was of the opinion that the proposal was an over development of the site.

With its agreement Councillor Dilip Patel addressed the Committee.

Councillor Patel commented that there was going to be an impact to residents living opposite the proposed site. It was suggested that there would be an invasion to the privacy of residents on Hog Hill Road.

During the debate Members discussed the issue of overlooking to the four properties opposite the development and also commented that the proposal was an overdevelopment of the site.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission it was **RESOLVED** that the granting of planning permission be refused due to the impact of the dormer windows on neighbouring occupiers through loss of privacy and overlooking.

Following the motion to refuse the granting of planning permission, the voting was carried by 10 votes to 1.

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

The voting for the resolution to refuse planning permission was 10 votes to 1.

Councillor Robby Misir voted against the resolution.

294 **P0046.17 - 11 QUEENS GARDENS, CRANHAM**

The proposal before Members sought approval to convert and extend the existing detached garage to a new detached chalet style bungalow dwelling.

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

The objector commented that the proposal would impact on day light and sun light to her premises. The objector commented on the issue of impact on the road, height, bulk and mass on the streetscene.

In response the applicant's commented that all the objections raised in the previous application have been addressed and the current proposal had the approval of officers.

During the debate Members discussed the size of the rooms in the proposal and concluded that the size did not meet Havering standards. Members also commented on the impact of the proposal on streetscene existing properties.

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 additional height giving rise to harm in the streetscene.
- The additional height resulting in adverse impact upon neighbouring window.
- The failure to comply with London Plan Policy 3.5 (head height).
- The failure to provide contribution towards education contribution.

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.

295 **P0787.17 - HARE LODGE, UPPER BRENTWOOD ROAD**

The proposal before Members sought 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.

Members noted that the proposal raised 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.

During the debate Members discussed the impact on the character of the area and street scene, that the proposal was an overdevelopment of the site and would have an impact on the area of special character.

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

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

- The impact of building upon character of Special Character Area arising from amount of development/physical form.
- The failure to provide a contribution towards education provision.
- The failure to secure parking permit restriction.

The Committee agreed to make a request for the building to be listed as it was of the view it had a heritage that needed to be protected.

296 **P0306.17 - TESCO STORES LTD, BRIDGE ROAD RAINHAM**

The proposal before the Committee sought permission to install a pod on the Tesco superstore site to accommodate dry cleaning, key cutting, shoe & watch repairs business.

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

With its agreement Councillor David Durant addressed the Committee.

Councillor Durant commented that he was of the opinion that the development would have a detrimental and adverse impact on the High Street and needed to be adjudged on the mega stores rules.

Councillor Tucker was of the view that the development was a fire risk at the entrance to the Tesco stores and trolley station. That the proposal would also have an impact on the viability of the Rainham Village shopping centre.

The vote for the resolution to refuse the granting of planning permission was also carried by 8 votes to 2 and one abstention.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission it was **RESOLVED** that the granting of planning permission be refused on the grounds of the impact of pod upon viability of the High Street.

The vote for the resolution to refuse the granting of planning permission was carried by 6 votes to 2 and three abstentions.

Councillors Robby Misir and Melvin Wallace voted against the resolution to refuse the granting of planning permission while Councillors Philippa Crowder, Roger Westwood and Michael White abstained from voting.

297 **A0012.17 - TESCO STORES LTD, BRIDGE ROAD RAINHAM**

The Committee considered the report and without debate **RESOLVED** that planning permission be refused as the Committee was unable to resolve the

proposal following the refusal of the accompanying application to install a pod on the site to accommodate dry cleaning, key cutting, shoe & watch repairs.

298 **P0882.17 - FARM HOUSE, EAST HALL LNE, WENNIGTON**

The proposal before Members sought planning permission for a two storey rear extension; a second storey extension; and a single storey rear extension.

With its agreement Councillor David Durant addressed the Committee. Councillor Durant suggested that conditions regarding enforcement on the farm and also raised issues on fly tipping in the area.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and an extra informative that future extensions were unlikely to be granted..

299 **P0905.17 - RAILWAY SIDINGS CARAVAN SITE, OCKENDON ROAD, NORTH OCKENDON**

The application before Members sought planning permission for a traveller family to occupy the site, instead of the previous family as per the details originally approved as part of application ref: P0519.03. The application proposed no additional development with the application seeking to vary the personal restriction currently imposed on occupation of the site.

The application had been called in by Councillor Ron Ower on the basis of the proposal not being an inappropriate use of the Green Belt.

Councillor Ower commented that there were concerns from local residents following the history of the site. The Committee was requested to consider appropriate conditions and landscaping for the proposal.

The Committee received clarification that the relevant conditions were proposed to limit the number of families on the site and the replacement of the lighting to low level lighting. A Member requested that officers keep a close monitoring of the site.

It was **RESOLVED** that planning permission be granted subject to the conditions set out in the report including an extra informative to convey the view that future extensions were unlikely to be granted.

The vote for the resolution to grant planning permission was carried by 8 votes to 1 and two abstentions.

Councillor Patricia Rumble voted against the resolution to grant planning permission while Councillors Alex Donald and Linda Hawthorn abstained from the vote.

300 **P0950.17 - RAILWAY SIDINGS CARAVAN SITE, OCKENDON ROAD, NORTH OCKENDON**

The application before Members sought 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. The proposal also sought associated operational development that included the installation of lighting, fencing, walls and an electricity cabinet.

The application had been called in by Councillor Ron Ower on the basis of the proposal not being an inappropriate use of the Green Belt.

Councillor Ower commented that there were concerns from local residents following the history of the site. The Committee was requested to consider appropriate conditions and landscaping for the proposal.

The Committee received clarification that conditions were proposed to limit the number of families on the site and the replacement of the lighting to low level lighting. A Member requested that officers keep a close monitoring of the site.

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

The vote for the resolution to grant planning permission was carried by 9 votes to 1 and one abstention.

Councillor Melvin Wallace voted against the resolution to grant planning permission while Councillor Patricia Rumble abstained from the vote.

301 **P0645.17 - 14 SOUTH STREET, ROMFORD**

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

302 **P0813.17 - THE PAVILLON, HALL LANE PLAYING FIELDS**

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

303 **P0938.17 - WARLEY 275KV ELECTRICITY SUBSTATION, CLAY TYE ROAD, WARLEY**

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

304 **P0569.17 - ST EDWARDS COURT**

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

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

Councillor Graham Williamson voted against the resolution to the granting of planning permission.

305 **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.

Chairman

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Regulatory Services Committee

24 August 2017

Application No.	Ward	Address
P0575.17	Brooklands	455 Rush Green Road, Romford
P0716.17	Romford Town	29-33 Victoria Road, Romford

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 24th August 2017

APPLICATION NO. P0575.17
WARD: Brooklands Date Received: 5th April 2017
Expiry Date: 31st May 2017
ADDRESS: 455 Rush Green Road
ROMFORD
PROPOSAL: Vehicle Crossover in order to park car on front of the property.
DRAWING NO(S): Crossover Floor Plan Rev.A
Site Location Plan
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application has been called-in to committee by Councillor Robert Benham on the grounds that the proposal raises concerns in regards to highway/pedestrian safety and encouraging the loss of green space. Reference was also made to the crossover at No.519 Rush Green Road with regards to this previous planning consent being granted in error.

SITE DESCRIPTION

Rush Green Road, or the A124, is a busy route between the central Romford area and Dagenham. The subject site is a two storey end of terrace dwelling set back from the south side of Rush Green Road and separated from it by a footpath, cycle path and two grass verges. The property also benefits from a detached garage to the rear. Ground level is fairly flat and no trees will be affected.

DESCRIPTION OF PROPOSAL

The applicant is seeking planning permission to create a new access across the grass verges to Rush Green Road to serve the front of the house together with the creation of two off-street parking space to the front.

RELEVANT HISTORY

None

CONSULTATIONS / REPRESENTATIONS

Letters of notification were sent to neighbours. Two objections were received in response.

Objectors raised the following concerns:

- Loss of street parking
- Harmful to the safety of motorist, cyclist and pedestrians.
- Loss of green space (grass verge) - impact on character of the street

The issues expressed above are of a material planning consideration and will be examined

carefully throughout the assessment of this application.

There were also concerns raised with regards to a crossover at No.519 Rush Green Road being granted planning permission in error following the refusal of a previous planning application.

In response, it is noted that planning permission was initially refused for a crossover at No.519 Rush Green Road on 03.03.2005 (Ref: P0011.05). This application was also dismissed by the Planning Inspectorate following the earlier dismissed appeal decision (Ref: APP/B5480/A/05/1182176) on 27.10.2005.

It must be noted that at the time of the Inspectors appeal decision, highway policy contained within the then UDP discouraged the formation of vehicle crossovers along classified roads to properties which had alternative access at the rear. Current LDF Policies (adopted 2008) provide more flexibility for vehicle crossovers along classified roads and do not now discourage the formation of new access to the front of properties which include access to the rear unless there are clear highway safety reasons to do so.

Planning consent was granted for a crossover at No.519 Rush Green Road on 07.08.2014 (Ref: P0802.14). During the determination of this application, it was acknowledged that the Planning Inspectorate was concerned with the proximity of bus stops during 2005, however, there were no longer any bus stops within close proximity to the site when the application was submitted in 2014. Given the changes in Development Plan Policies and the absence of the bus stop(s), it was considered that this materially altered the planning position from the earlier refusal. To confirm, the application was determined in accordance with the policy context at the time and there was no error in granting planning permission.

RELEVANT POLICIES

LDF

- DC32 - The Road Network
- DC33 - Car Parking
- DC34 - Walking
- DC61 - Urban Design
- SPD4 - Residential Extensions & Alterations SPD

OTHER

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

MAYORAL CIL IMPLICATIONS

Not CIL liable

STAFF COMMENTS

The applicant has submitted revised plans to reduce the width of the proposed access from 4.6 metres to 3.74 metres.

The applicant has also mentioned that using the detached garage to the rear has previously caused damage to the car due to the very narrow access and not enough space to manoeuvre the car. Also it was mentioned that the access to the rear is not maintained and the surface is uneven with many 'pot-holes' which makes access even more difficult, particularly during the rain.

DESIGN / IMPACT ON STREET / GARDEN SCENE

This part of Rush Green Road is characterised by double rows of grass verge on the southern side of the road as well as sections of grass verge on the northern side. The proposal would involve the removal of part of the double grass verge on the southern side of the road.

It is acknowledged that there are no existing crossovers along on the southern side of this particular part of Rush Green Road, however, there are existing crossovers further to the east and west of the site. Nevertheless, the overall character of Rush Green Road, from Rom Valley Way to the borough's boundary consists of several existing crossovers, a number of these crossovers have resulted in the loss of areas of grass verges.

The proposed crossover would not result in the loss of any trees, so therefore in terms of its impact on the streetscene, the removal or loss of the grass verge is main focus of attention. There are similar crossovers along Rush Green Road, the proposal would not introduce an unusual form of development into area. The overall character of Rush Green Road is reflected by several crossovers which intersect areas of grass verges along Rush Green Road that have been allowed over the years, recently a crossover at No.497 Rush Green Road was granted planning permission on 04.07.2017 (Ref: P0786.17). In light of the above, staff are of the view that it would difficult to sustain a refusal in the event of an appeal solely on the impact of the proposed crossover upon the streetscene.

In terms of the proposed surfacing to the front garden, it is acknowledged that the existing soft landscaping will be removed and no landscaping has been provided on the proposed plans. However, given that there are existing neighbouring front gardens which do not provide soft landscaping within the immediate surrounding area, the proposed surfacing to the property is not considered to detract or disrupt the character of the surrounding area to a degree which would substantiate a refusal.

For the reasons outlined above, the proposed crossover would reflect the pattern of development established along Rush Green Road and thereby integrate appropriately with the character of the surrounding area.

IMPACT ON AMENITY

The nature and siting of the proposal is not considered to adversely affect surrounding neighbouring amenity in terms of light loss, overlooking/loss of privacy, loss of outlook or overbearing impact.

HIGHWAY / PARKING

From Rom Valley Way to the borough's boundary there are many vehicle crossings which serve various dwellings and commercial premises along Rush Green Road. Many of these vehicle

crossings are in situations where the road geometry and arrangement of the street is identical to the application site (footway, parking, grass verge, cycle lane etc.). Thus staff do not consider the proposed crossover to be unusual or harmful to the use and efficiency of the highway. In addition, the proposed parking spaces to the front comply with the Councils parking requirements.

It should also be noted that the Highways Authority have confirmed there are no objections.

KEY ISSUES / CONCLUSIONS

The proposal is not considered to cause a detrimental impact upon surrounding neighbouring amenity or harm the established character of the surrounding area. The proposed works comply with the relevant parking requirements and is not judged to create a greater hazard to users of Rush Green Road or harm highway safety and the free flow of traffic.

It is therefore recommended that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC32 (Accordance with plans)

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

Reason:-

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

3. Non Standard Condition 31

The vehicular access to the front hereby permitted shall be surfaced with porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason:-

To ensure that surface water run-off is controlled, in order to reduce the impact of flooding and pollution of water courses, and that the development accords with the Development Control Policies Development Plan Document Policies DC49 and DC61.

INFORMATIVES

1. Vehicle crossover informative

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

2. Approval following revision ENTER DETAILS

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 Mouzzam Yamin, by telephone on 30.06.2017. The revisions involved reducing the width of the proposed access. The amendments were subsequently submitted on 30.06.2017.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 24th August 2017

APPLICATION NO. P0716.17
WARD: Romford Town **Date Received:** 4th May 2017
Expiry Date: 3rd August 2017

ADDRESS: 29-33 Victoria Road
ROMFORD

PROPOSAL: Demolition of the existing building and erection of two replacement front and rear blocks comprising a total of 35no. residential units and a ground floor commercial unit with a flexible use as A1 retail/ A2 financial and professional services/ A3 restaurant and cafes/ B1 office/ D1 non-residential/ D2 assembly and leisure.

DRAWING NO(S): D1000, D4100, D1700, D1701,
D4100 REV 14, D4101 REV 07,
D4702 REV 02
D4105, D4500 REV 03, D4501 REV 02
D4700 REV 05, D4701 REV 05,
D4104 REV 09, D4105 REV 08,

RECOMMENDATION It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

CALL-IN

The application has been called-in to committee by Councillor Frederick Thompson on the grounds that he believes the proposal would reduce the housing shortage and would not be too tall for its location.

SITE DESCRIPTION

The application relates to the premises at 29-33 Victoria Road, Romford. This is a 0.14 hectare area with a depth of 62 metres and a width of 22.5 metres. The site faces south onto Victoria Road, Romford and lies to the immediate south of the raised section of railway lines to the east of Romford Station. The site is located some 50 metres to the west of the junction of Victoria Road with Thurloe Gardens.

The site comprises a flat roofed part single, part two-storey office building currently in use as a probation centre. To the east is 35 Victoria Road which is a three-storey office building with an estate agency on the ground floor facing onto Victoria Road, behind this is a single storey building with a dual pitched roof and which is used for storage. To the west is a yard with a flat roofed double height workshop at the rear of the plot backing onto the railway.

The site is located within Romford Town Centre adjacent to commercial and industrial/ storage uses and the surrounding area is characterised by predominantly by a mixture of commercial uses with residential accommodation at upper floor levels.

DESCRIPTION OF PROPOSAL

The application is seeking planning permission for the demolition of the existing building and

erection of two replacement front and rear blocks comprising a total of 35no. residential units. The accommodation would include 15no. one-bedroom flats, 17no. two bedroom flats, and 3no. three-bedroom flats.

As part of the proposal a ground floor commercial unit would also be included on the Victoria Road frontage with a flexible use as an A1 retail/ A2 financial and professional services/ A3 restaurant and cafes/ B1 office/ D1 non-residential/ D2 assembly and leisure.

The proposed development would be arranged with a five-storey block occupying the site frontage facing onto Victoria Road and then a six-storey block positioned towards the rear of the site adjacent to the railway line. The topmost floor of both of the blocks would be set back creating a roof terrace area.

Pedestrian and vehicular access to the rearmost block would be via an access road through the easternmost part of the ground floor of the five-storey building. The area between the two buildings would provide a communal amenity area.

RELEVANT HISTORY

- J0015.16 - Prior approval for the change of use of offices (Class B1a) to residential use to form 1no. studio unit, 5no. one-bedroom units, 3no. two-bedroom units and 2no. three-bedroom units.
Prior App COU Given 28-11-2016
- P0723.13 - Changes to window and door openings on side and rear elevations
Apprv with cons 05-09-2013
- P0421.08 - Proposed portacabin unit on the existing flat roof to the rear of the office.
Refuse 25-06-2008
- P1093.01 - Forecourt parking for 7 cars (1 disabled parking bay) and crossover to public footpath
Apprv with cons 28-09-2001
- P0406.96 - Change of use to Community Service Unit for the North East London Probation Service
Apprv with cons 16-08-1996
- P0973.92 - Change of use of ground floor from retail to B1 offices and erection of first floor and two storey rear extensions (revised description)
Apprv with cons 08-10-1992
- P0234.92 - Change of use from ground floor retail & first floor offices to A2
Apprv with cons 23-04-1992
- P1394.91 - Change of use of ground floor from retail to B1 office use
Apprv with cons 02-04-1992
- P1392.91 - Change of use of ground floor from retail to B1 offices and erection of first and second floor extensions to form additional B1 offices
Apprv with cons 02-04-1992

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 101 properties and 4 representations have been received. This

includes 3 letters setting out the following concerns and objections:

- Noise, dust, disturbance and disruption during construction.
- The proposal may prejudice the regeneration and redevelopment of the adjoining sites due to isolation without consideration of development in conjunction with adjoining sites.
- The proposal underutilises the site and prejudices future redevelopments.

1 letter of support has been received, which states that:

- The proposed proposals will substantially enhance the area.

Thames Water - no objection.

Essex Water - no objection.

National Grid - no objection.

Nation Grid Gas - no objection.

Network Rail - no objection

Metropolitan Police Designing Out Crime Officer - no objection, recommended the inclusion of a condition requiring the incorporation of Secured by Design principles into the development.

Greater London Archaeological Advisory Service - no objection.

London Fire Brigade Water Team - no objection.

London Fire and Emergency Planning Authority - satisfied with the proposals with regard to the ground floor commercial unit. However, access to the residential upper floors and the rear block is in doubt. There should be access for a pump appliance to get within 45 metres of all points in each dwelling. If this cannot be achieved then a fire main should be installed and access provided for a pump appliance to within 18 metres of the inlet to the main which should be visible from the appliance. There would be limited working space for fire-fighters around the vehicle in the proposed central courtyard area. There should be a fire hydrant within 90 metres of the inlet to a fire main.

Romford Civic Society - object to the proposal on the grounds that there would be a lack of suitable green spaces and play areas within the vicinity for future residents.

Streetcare - no objection.

Environmental Health - no objection, recommended conditions relating to contaminated land, noise insulation, and a road noise assessment.

Local Highway Authority - Local Highway Authority - no objection, subject to the applicant entering into a S106 agreement to restrict future residents from obtaining car parking permits.

RELEVANT POLICIES

LDF

- CP01 - Housing Supply
- CP02 - Sustainable Communities
- CP17 - Design
- DC02 - Housing Mix and Density
- DC03 - Housing Design and Layout
- DC06 - Affordable Housing
- DC07 - Lifetime Homes and Mobility Housing
- DC32 - The Road Network
- DC33 - Car Parking
- DC34 - Walking
- DC35 - Cycling
- DC36 - Servicing
- DC49 - Sustainable Design and Construction
- DC50 - Renewable Energy
- DC55 - Noise
- DC61 - Urban Design
- DC63 - Delivering Safer Places
- DC72 - Planning Obligations
- SPD01 - Designing Safer Places SPD
- SPD09 - Residential Design SPD
- SPD10 - Sustainable Design and Construction SPD
- SPD11 - Planning Obligation SPD

OTHER

- LONDON PLAN - 2.15 Town Centres
-
- LONDON PLAN - 3.10 Definition of affordable housing
-
- LONDON PLAN - 3.11 Affordable housing targets
-
- LONDON PLAN - 3.12 Negotiating affordable housing on individual private residen
-
- LONDON PLAN - 3.13 Affordable housing threshold
-
- LONDON PLAN - 3.3 - Increasing housing supply
- LONDON PLAN - 3.4 - Optimising housing potential
- LONDON PLAN - 3.5 - Quality and design of housing developments
- LONDON PLAN - 3.7 - Large residential developments
- LONDON PLAN - 3.8 - Housing choice
- LONDON PLAN - 5.13 Sustainable drainage
-
- LONDON PLAN - 6.10 Walking
-
- LONDON PLAN - 6.13 Parking
-
- LONDON PLAN - 6.5 - Funding Crossrail and other strategically important transpor
- LONDON PLAN - 6.9 - Cycling

LONDON PLAN - 7.3 - Designing out crime
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 8.2 - Planning Obligations
NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The proposed development would create 35no. new residential units with 2,029 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £40,580 (subject to indexation) based on the calculation of £20.00 per square metre.

STAFF COMMENTS

The main considerations relate to the principle of the development, the impact on the character and appearance of the street scene, the implications for the residential amenity of the future occupants and of nearby dwellings, and the amount of affordable housing provision.

PRINCIPLE OF DEVELOPMENT

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

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. The NPPF and Policy DC11 generally requires the redevelopment of non-designated commercial sites for residential use.

The ground floor element would provide opportunities for a range of commercial uses helping to ensure the building creates an active frontage at ground floor level. This will aid in enhancing the vitality of the town centre in accordance with policy DC16.

Retaining a commercial use at ground floor level and introducing residential use at first floor level would therefore be considered acceptable in principle, subject to scale, layout and detailed design considerations.

DENSITY / SITE LAYOUT

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.

The proposal would provide 35no. residential units at a density equivalent to approximately 233 dwellings per hectare. This complies with the aims of Policy 3.4 which suggests that a greater dwelling density of between 140 to 290 dwellings per hectare would be appropriate in this location.

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.

The proposed dwellings would meet the internal floor space standards for the relevant number of

rooms and occupants. 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.

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.

The proposed dwellings would be served by an 127 square metre communal garden area in the central courtyard. In addition each of the flats would have a private balcony ranging in size from between 1.9 square metres up to 4.8 square metres. The ground floor flats in the rear block would also have enclosed garden terrace areas. The top floor flats on each block would also benefit from private roof terrace areas.

Whilst the internal spacing of the dwellings appears to accord with the technical guidance and the balcony and terrace sizes are considered on balance to be relatively suitable in terms of size; little consideration has been given to the wider living environment and how the development minimises the potential harm from the non-conforming neighbouring uses in order to ensure a high quality living environment for future occupants. This issue is discussed further in the 'Amenity' section of the report.

The proposal represents the piecemeal redevelopment of a single plot set adjacent to several other parcels of land which line the north of Victoria Road. As such one of the overarching issues for this site is land assembly. Any development of the scale and layout proposed would need to be undertaken as part of a comprehensive and coherent redevelopment of the northern side of Victoria Road. It is not considered that the proposed development could be achieved in isolation from the other plots without causing significant harm to the character of the area.

Under the current proposal the adjacent buildings would be left behind and the development would sit in the context of the lower level industrial and commercial environment forming an incongruous and overbearing development. The layout, height and massing of this development would establish a built form which would restrict the future redevelopment of neighbouring plots. In this case the design, appearance and layout is not considered to be of particular distinction and would fail to integrate well with the adjacent plots, representing prejudicial single phase development which would hinder the wider aspirations for the future regeneration of Victoria Road. This approach would prejudice the strategic ambition of the Romford Development Framework and the emerging Local Plan, which seeks to create attractive high quality housing developments in Romford town centre.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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 proposed blocks would form extremely prominent features in terms of their visual impact, both individually and as a pair. In terms of massing the buildings would be of considerable scale and bulk, when viewed from various vantage points within Victoria Road, serving to dominate the streetscene and tower above the adjacent buildings. As a result the design and appearance of the proposed development is considered to be problematic and harmful to the character and appearance of the surrounding area.

The central courtyard sections of the development would also be dominated by the scale and height of the adjacent buildings hardstanding and car parking bays creating a very poor visual outlook for residents living in the rear block. Overall, the visual impression when entering the site would be dominated by buildings and hard surfacing such that the scheme would comprise an uncharacteristically enclosed and cramped form of development.

Whilst there could be a scale, design and quantum of development which might be appropriate for this site it is not considered that the layout and scale of the blocks proposed would be compatible with the character of the local setting. The location of the dwellings in close proximity to the site boundaries with light industrial premises and the resultant cramped and confined constraints this places on the buildings and their setting within the site would serve to emphasise the cramped and uncharacteristic nature of the development.

As a result it is considered that the proposed development, by reason of its scale, bulk and massing, combined with the excessive depth and heights of the buildings, and positioning close to the flank boundaries, would form an incongruous and unacceptably dominant, and visually intrusive feature within this section of Victoria Road.

Consequently it is considered that the proposed development would be harmful to visual amenity and would therefore fail to maintain or enhance the character and appearance of the local area contrary to the provisions of Policy DC61.

IMPACT ON AMENITY

The site is flanked to the east and west by premises comprising light industrial and warehouse uses. The nearest residential accommodation to the east lies some 27 metres away at Mercury Court and 20 metres to the west at 23 Victoria Road, both located on the other side of the immediately adjacent industrial sites. There is also residential accommodation located to the south however, these properties are located on the opposite side of Victoria Road with a separation distance of over 25 metres.

The main consideration in terms of residential amenity relates to the impact on the future occupants of the proposed dwellings.

Whilst the internal spacing of the dwellings appears to accord with the technical guidance and the balcony and terrace sizes are considered on balance to be relatively suitable in terms of size; little consideration has been given to the wider living environment and how the development minimises the potential harm from the non-conforming neighbouring uses in order to ensure a high quality living environment for future occupants.

The main concern in this regard is the tight relationship to the boundaries and close-knit

arrangement of the blocks and their positioning within the site, which would be oppressive to future residents, particularly those occupying the flats in the lower floor levels. The central court yard area and rear strip of amenity land adjacent to the railway would suffer from overshadowing and a lack of daylight due to the sheer scale of the proposed buildings.

The residential entrance to the flats in the front block would be located in the undercroft area and residents of the rear block would have to negotiate the undercroft tunnel and cross a relatively small courtyard flanked by 5 storey buildings to the north and south, an unrelieved wall to the east and a double height warehouse wall to the west. As such this would create an oppressive and domineering environment for future occupiers, with the development lacking a sense of place for those arriving on foot.

In addition the proximity of the rear block to the railway line would also result in a poor quality outlook and living environment for future occupiers.

HIGHWAY / PARKING

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) of 6a, meaning that the site offers an excellent degree of access to surrounding public transport reducing the requirement for off street car parking provision at the site and as such invokes a low parking standard, limiting the requirement for off street car parking provision.

The scheme can demonstrate off street car parking provision for 4no. off street accessibly parking bays, which would be associated with the use of the ground floor commercial unit.

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 and that the provision of £36,000 shall be paid prior to the first occupation of no more than 75% of the dwellings and to be used by the Council for highway works within 1 mile of the proposed development for the purposes of walking and cycling improvements. 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.

OTHER ISSUES

AFFORDABLE HOUSING

The proposal results in development for which an affordable housing provision is required in accordance with the National Planning Policy Framework and the London Plan. Policies CP2 and DC6 set out a borough wide target of 50% of all new homes built in the borough to be affordable. The London Plan and Havering's emerging Local Plan suggest that an affordable housing provision of up to 35% would now be acceptable.

In this instance a supporting Viability Statement has been submitted with the application which states that no affordable housing can be provided as part of the development. An independent appraisal of the Viability Statement suggests that without the necessary S106 payment of £210,000, an affordable housing capital payment of up to £262,000 could be justified. However,

the education obligation is a policy requirement and does not amount to an exceptional cost. This contribution amount should be factored into the overall land value and calculations, and as such does not provide sufficient mitigating circumstances to outweigh the lack of affordable housing provision.

SECTION 106

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.

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.

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.

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.

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.

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.

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, £24000 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.

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 £210,000 for educational purposes would be appropriate.

As this application is to be refused there is no mechanism for securing this contribution and this therefore also forms grounds for refusal.

KEY ISSUES / CONCLUSIONS

The proposed development, by reason of its scale, bulk and massing, combined with the excessive depth and heights of the buildings, and positioning close to the flank boundaries, would form an incongruous and unacceptably dominant, and visually intrusive feature within this section of Victoria Road.

In addition the proposal, by reason of the cramped relationship to the boundary and proximity to the adjacent commercial premises and railway line, would result in an oppressive and domineering development creating a poor quality environment for future occupiers.

The proposal also makes no allowance for the provision of affordable housing contrary to policy.

Finally, in the absence of a Section 106 Agreement to secure an appropriate level of obligation the application also fails to mitigate the impact of the proposed development on local infrastructure.

The development is considered to be contrary to the provisions of Policy DC61 and the Residential Development SPD. Therefore it is recommended that planning permission be refused.

RECOMMENDATION

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

1. Reason for Refusal - Streetscene

The proposed development, by reason of the scale, bulk and massing, combined with the excessive depth and heights, and positioning against the flank boundaries of the site, would form an incongruous and unacceptably dominant, and visually intrusive feature. As such the development would fail to maintain or enhance the character and appearance of the area and would appear as an unacceptably dominant, overbearing and visually intrusive feature in the Victoria Road streetscene. The proposal would therefore be contrary to Policy DC61 of the Local Development Framework Development Plan Document and the Residential Design SPD.

2. Reason for Refusal - Living Environment

The proposed development would, by reason of the cramped relationship to the site boundaries and the proximity to the adjacent commercial premises and railway line, result in an oppressive and domineering development, giving rise to an inadequate setting and outlook. As such the proposal would create a poor quality living environment to the detriment

of the amenity of future occupiers. The proposed development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Design SPD.

3. Reason for Refusal - Layout

The proposed development would, by reason of its design and layout, establish a built form which would restrict the future redevelopment of neighbouring plots and prejudice the comprehensive redevelopment of the adjoining sites. The development would therefore give rise to poor quality isolated and piecemeal development which would undermine the wider aspirations for the site and surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

4. Reason for Refusal - Affordable Housing

In the absence of a contribution to the Council's affordable housing target the proposal is contrary to the provisions of Policy DC6 of the LDF Core Strategy and Development Control Policies DPD, Policy 3.11 of the London Plan, and Policy 4 of Havering's emerging Local Plan.

5. Reason for Refusal - Planning Obligation

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.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reasons for it was given to the agent Billy Pattison, via email on 23/6/17.

2. Refusal and CIL (enter amount)

The proposal, if granted planning permission on appeal, would be liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £40,580. Further details with regard to CIL are available from the Council's website.

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**REGULATORY
SERVICES
COMMITTEE**

24 August 2017

REPORT

Subject Heading:

P1673.16

13 Burntwood Avenue, Hornchurch

Demolition of existing care home and the erection of 5 dwellings and an access road (Outline Application)

(Application received 21-11-2016)

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

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

Ward:

Emerson Park

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

This report concerns an outline planning application for the demolition of the existing care home and the erection of 5 new dwellings and an access road. A Section 106 Legal Agreement is required to secure a financial contribution in accordance with the Planning Obligations Supplementary Planning Document. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

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. As scale is a reserved matter, there are no definitive gross internal floor areas for the dwellings, so the applicable fee is not known.

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 29th December 2017 and in the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £30,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the Assistant Director of Development 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. Outline – Reserved matters to be submitted

Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2. Time limit for details

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

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

3. Time limit for commencement

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

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

4. Materials

No above ground works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) and hard landscaped areas are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

5. 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.

6. Refuse and recycling

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

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

7. Cycle storage

Prior to the completion of the development hereby permitted, cycle storage of a type and in a location previously submitted to and approved in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

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

8. Car parking

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

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

9. Hours of construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday,

and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

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

10. Construction methodology

Before 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.

11. 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 prior to the first occupation of the development for residential purposes and shall be permanently retained and maintained 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. External lighting

No above ground development shall take place until a scheme for a bat sensitive lighting scheme has been submitted to and approved in writing by the Local Planning Authority. All external lighting within the application site shall be installed in accordance with British Standards Institute (BSI) BS5489 and BS EN 13201. These standards identify further measures for reducing lighting spill, glare and overall pollution. Further guidance in respect of low impact lighting is provided in 'Guidance Notes for the Reduction of Obtrusive Light' produced by The Institute of Lighting Engineers (ILE). The approved details shall be implemented in full prior commencement of the development hereby approved and permanently maintained in accordance with the approved details.

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, protected species and ensure that the development accords with the Development Control Policies Development Plan Document Policies DC58, DC61 and DC63.

13. Surfacing materials

Before any above ground development is commenced, surfacing materials for the access road shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the surfacing materials. Submission of this detail prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Alterations to the Public Highway

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into and completed prior to the commencement of the development and the highway works completed prior to first occupation of the 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.

15. Car parking

The proposal should provide 2 parking spaces per dwelling, to be retained thereafter.

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.

16. Pedestrian Visibility Splay

The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of the proposed access onto Burntwood Avenue, 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.

17. Servicing

No above ground development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of access road widths, turning area dimensions and swept path analysis to demonstrate that the proposed dwellings to the rear of the site can be adequately serviced and that service vehicles can exit the site in forward gear. The development shall be carried out in accordance with the approved

Reason: Insufficient information has been supplied with the application to demonstrate the width of the access road, the dimensions of the turning area and details of a swept path analysis. 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 highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC36.

18. Wheel washing

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

The submission will provide;

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

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

19. Precautionary bat survey

An internal survey of the building(s) including the roof areas for bats must be undertaken by a licensed bat worker prior to any demolition works and between May and September. Evidence that the survey has been undertaken in the form of an ecological report including any recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition of the existing buildings on the site. The proposed development shall be implemented in accordance with the approved ecological report, including any recommendations. If at any time during the works, presence of bats is suspected or identified, works in that area shall cease immediately and an ecologist contacted to enable further appropriate action to be implemented.

Reason: Insufficient information has been supplied with the application in relation to ecology and bats. Submission of details prior to commencement will ensure that the proposed development will not be harmful to bats. It will also ensure that the development accords with the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 & DC59 of the LDF.

20. Timing of demolition/vegetation clearance (breeding birds)

Demolition and/or removal of trees, hedgerows, shrubs or tall herbaceous vegetation shall be undertaken between October and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to demolition and/or vegetation clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the demolition and/or vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 & DC59 of the LDF.

20. Extended Phase 1 Habitat Survey

The proposed development shall be implemented in accordance with the Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) dated June 2013 which shall include the following on site measures:

- Installing 10 bird boxes and 10 bat boxes;
- Retaining and protecting boundary trees as part of the development proposals and enhancing with additional planting; and
- Additional ecological enhancements are included as part of the landscaping scheme as included in Annexe 5 of the Preliminary Ecological Assessment.

Reason: In order to protect the conservation status of bats in compliance with the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended), Chapter 11 of the NPPF and Policies DC58 and DC59 of the LDF.

21. Preserved trees

No demolition or works shall take place in relation to any of the development hereby approved until a scheme for the protection of the trees protected by a tree preservation order and any other trees to be retained on the site has been submitted to and agreed in writing by the Local Planning Authority. Such a scheme shall contain details of the erection and maintenance of fences or walls around the trees, details of underground measures to protect roots, the control of areas around the trees and any other measures necessary for the protection of the trees. Such agreed measures shall be implemented before development commences and kept in place until the approved development is completed.

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

22. Site levels

Prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Insufficient information has been supplied with the application to judge the proposed site levels of the proposed development. 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.

23. Sprinkler system

Prior to the first occupation of the development, details of a domestic sprinkler system to be installed in the approved dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The approved sprinkler system shall be installed prior to the first occupation of the development and retained as such for the life of the development.

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

24. Garage - restriction of use

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 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.

25. 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.

26. Water Efficiency

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

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

INFORMATIVES

1. 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 Mr Govier via email on 26th June. The revisions involved altering the site layout, removing the detached garage and single storey rear extension to the dwelling in plot 4, reducing the amount of hardstanding/driveway and the shading of the trees on the plan was made lighter to clearly show the width and siting of the access road on the site. Other changes included showing the front building line of the neighbouring property at No. 3 Tall Trees Close on the plan and showing the footprint of the granny annexe and an outbuilding in the rear garden of No. 11 Burntwood Avenue on the plan. The amendments were subsequently submitted on 20th July 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>

8. Fire hydrant

Fire Brigade requests the installation of a new private fire hydrant to offer fire cover for the new development. The reference for the new hydrant is P126933. The hydrant should be sited within the footpath, one metre clear of all obstructions, with the outlets no more than 300mm below ground level. This hydrant should conform to BS:750 and be indicated with a hydrant indicator plate conforming to BS:3251.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of a former care home entitled Saint Mary's Convent, which is located on the northern side of Burntwood Road, Emerson Park. There are residential properties surrounding the site. There

is a Tree Preservation Order - TPO 8-71, which applies to the site. The application site lies within Sector 6 of the Emerson Park Policy Area.

2. Description of Proposal

- 2.1 The application is for demolition of the existing care home and the erection of five dwellings and an access road. The development consists of three detached dwellings located on a north to south axis in the northern part of the site and two detached dwellings that would front onto Burntwood Road on the southern part of the site. The access road would be located adjacent to the western boundary of the site. The application is for outline permission seeking approval for access and layout. Appearance, landscaping and scale are reserved matters.

3. History

P0809.14 - Demolition of the existing care home and the erection of 4 dwellings and an access road (outline application) - Refused. Allowed on appeal on 19 August 2015

P1330.13 - Demolition of the existing care home and the erection of 4 dwellings and an access road (outline application) - Refused.

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 15 neighbouring occupiers. Eight letters of objection was received (including two from the Emerson Park & Ardleigh Green Residents' Association), with detailed comments that have been summarised as follows:

- The addition of a third dwelling to the rear of the site would result in smaller rear plot sizes and the houses would be more cluttered and situated closer to the boundary, which would be considerably smaller than the rest of the houses on the north side of Burntwood Avenue.
- Lack of parking.
- The application must be judged on the characteristics of the north side of Burntwood Avenue, as these are generally much larger than those on the south side.
- This application is very similar to the previous application, P1330.13, which was refused and subsequently approved on appeal with the main difference being the introduction of a third dwelling to the rear of the site and different orientation of the dwellings to the rear.
- Increase in density.
- The proposal would clearly affect the character of this part of Emerson Park, which is characterised by large open plots.
- Would result in a cramped appearance at the rear of the site, which would be out of keeping with the surrounding area.
- Reference was made to paragraph 53 of the NPPF, which states that the local planning authority should consider the case for setting out

policies to resist inappropriate development of residential gardens. This scheme would cause harm to the local area.

- Overdevelopment.
- It is alleged that the Design and Access Statement fails to consider the impact of this development on properties in Tall Trees Close and Porchester Close.
- The impact of the access road on neighbouring amenity with traffic and service vehicles, noise, disturbance, pollution and artificial light pollution.
- The impact of the proposal on the trees in the site.
- Impact on the character of the street.
- This is a back garden development and cannot be acceptable in principle.
- The proposal is contrary to paragraph 53 of the NPPF and the Emerson Park Policy Area SPD.
- Loss of amenity including loss of privacy.
- Flooding.
- Overlooking including level differences.
- Overcrowding.
- The access road is too narrow and does not have pedestrian access.
- The gardens for the proposed houses would be much smaller than those in the surrounding area and would set an undesirable precedent.
- Turning area, access and highway safety.
- Inadequate access arrangements for fire brigade services.
- Noise, disruption and inconvenience during construction.
- Would set an undesirable precedent.
- The layout, density and servicing arrangement would be out of keeping with the local area and have an unacceptable impact on neighbours' residential amenity.
- The depth of the private rear gardens, particularly for plot 5, would be much reduced and out of character with the depth of existing local gardens generally.
- The proximity of the proposed dwellings to neighbouring properties.
- The new dwellings would appear dominant, overbearing and intrusive harmful to neighbouring amenity.
- The width of the access road and it does not have any passing bays.
- Queried if residents would be given an opportunity to comment on the revised plan prior to the application going to committee.

4.2 In response to the above, although the Inspector for P0809.14 appreciated the concern that approval of this proposal could be used in support of such similar schemes, the Inspector considered that in this case, the characteristics of the site are unlikely to be replicated elsewhere and concluded the development to be acceptable and saw no reason why it would lead to harmful developments on other sites in the area. Details of landscaping and boundary treatment can be secured by condition if minded to grant planning permission. The Inspector for P0809.14 advised that given the nature of the proposal and Burntwood Avenue, they did not consider the proposal would prejudice highway safety. The appeal decision for P0809.16

stated that the site is not in a flood risk zone and there is no evidence that the proposal would increase the risk of flooding in the area. Furthermore, it is inevitable that the demolition and construction phase of the development may result in some noise and disturbance, however, this does not justify the dismissal of the appeal. Noise, disturbance and wheel washing during construction can be addressed by appropriate planning conditions. Neighbours were re-consulted regarding the revised plan on 26th July for a period of 10 days, which expired on 7th August. The remaining issues will be addressed in the following sections of this report.

- 4.3 Fire Brigade requests the installation of a new private fire hydrant to offer fire cover for the new development. The reference for the new hydrant is P126933. The hydrant should be sited within the footpath, one metre clear of all obstructions, with the outlets no more than 300mm below ground level. This hydrant should conform to BS:750 and be indicated with a hydrant indicator plate conforming to BS:3251.
- 4.4 London Fire & Emergency Planning Authority - Access to plots 1 and 2 is considered satisfactory, however access to the remaining plots does not appear to comply with B5 of Approved Document B Volume 1 of the Building Regulations, as the access road is too narrow and the dead end is in excess of 20m with no turning head.
- 4.5 Highway Authority - No objection in principle, but the level of detail provided does not allow us to properly assess access (including visibility splays). Servicing for the dwellings at the rear is likely to be difficult for anything larger than a light van and so is likely to be unacceptable from a waste collection point of view. It is recommended that the detail be reserved or the applicant is requested to provide it now.
- 4.6 Environmental Health - No objections in terms of noise.
- 4.7 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 4.8 StreetCare Department - No provisions for waste storage. Houses 1 and 2 will be able to receive kerbside collection but access to the site looks much too small for the RCV. Dwellings 3, 4 and 5 will need to be provided with a communal collection space, no more than 30m from the main road entrance.
- 4.9 Essex & Suffolk Water - Our existing apparatus does not appear to be affected by the proposed development. We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our company network for the new dwellings for revenue purposes.

5. Relevant Policy

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP8 (Community Needs), 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), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC69 (Other areas of special townscape or landscape character) 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 and the Emerson Park Policy Area Supplementary Planning Document.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant. Chapters 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 It is noted that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. As scale is a reserved matter, there are no definitive gross internal floor areas for the dwellings, so the applicable fee is not known.

7. Staff Comments

- 7.1 This proposal follows a previous application P0809.14 for the demolition of the existing care home and the erection of 4 dwellings and an access road (outline application), which was brought to the 21st August 2014 Regulatory Services Committee. Although the application was recommended for approval, Members resolved to refuse planning permission for the following reasons:

1) The proposed development, by reason of the plot layout and the extent of built form introduced into the existing open garden layout, combined with the limited plot width of the frontage unit adjacent to the access road, would give rise to a development that is out of keeping with and harmful to the spacious character of the Emerson Park area and the wider streetscene, contrary to the provisions of the Emerson Park SPD and the provisions of Policies DC69 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

2) The proposal, by reason of the location of the access road in close proximity to the boundary with no.11 Burntwood Avenue, would give rise to levels of noise and disturbance from vehicular activity that would be detrimental to the amenity of adjoining occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

3) In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy and Development Control Policies DPD.

7.2 Application P0809.14 was subsequently allowed on appeal. The Inspector concluded that the proposal would retain the spacious and well landscaped character and appearance of Emerson Park. The Inspector determined that the proposed driveway would not create an unreasonable level of noise or disturbance and the development would not harm the outlook, light or privacy of the occupants of nearby properties. The Inspector concluded that the requirement for contributions towards infrastructure would be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.3 The current application differs from the refused scheme in that the number of dwellings has increased from four to five with a different site layout and footprint.

7.4 In the Design and Access Statement, the agent has advised that the proposal has undergone changes to reflect the fact that the properties granted under the existing 2015 consent have not been attractive in the market and a purchaser and developer has not been found.

7.5 Following negotiations with the agent, the plans were revised as follows:

Plots 1 & 2

- The plot depth has been reduced by between 2.1 and 2.3m.
- The siting and access of buildings remains unchanged.

Plot 3

- The plot has been widened by 2m.
- The garage has been setback alongside the house and clear from the boundary (by approximately 3m).
- Building size, building line and access remain unchanged

Plot 4

- Removal of the detached garage
- Removal of the single storey rear extension.
- The building line is further forward (approx. 3.7m) to match plot 3.

Plot 5

- Slight setting forward of property (0.7m)
- Reduction in the amount of hardstanding/driveway

7.6 The main issues in this case are the principle of development, density and site layout, design/impact on streetscene, impact on amenity,

highway/parking issues, other issues and legal agreements. The previous appeal decision for P0809.14 is considered to be a material consideration.

8. Principle of Development

- 8.1 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The application site is previously developed land. It is within a predominately residential area and is considered to be suitable in principle for residential development, subject to the detailed design of the proposals. There is no objection in principle to the demolition of St Mary's Convent, which has been vacant since December 2012. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and Policy 3.3 of the London Plan and National Planning Policy Framework which seeks to increase London's housing supply. The appeal decision for P0809.14 took into account that the Emerson Park SPD and the NPPF do not forbid backland development but do require any development retains the character and appearance of the area. The Inspector concluded that the appeal proposal would satisfy the criteria set out in the Emerson Park SPD which seeks to ensure new development retains the character of the area and for the reasons set out above, did not consider it represents an unacceptable form of backland development.

9. Density/Site layout

- 9.1 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design does not prescribe fixed standards for private amenity space or garden depths unlike previous guidance. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the rear garden areas of the dwellings have private amenity space ranging between a minimum of approximately 406 to a maximum of 668 square metres. Staff are of the view that the proposed garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.
- 9.2 The remaining area within the development is largely hard surfacing and consists of the access road and parking provision. It is considered that the layout of the site is acceptable.
- 9.3 The site is located within Sector 6 of the Emerson Park Policy Area. The Emerson Park Policy Area SPD states that new dwellings in this sector will be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area. Proposals will be of detached, single family, large and architecturally varied dwellings and provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.

- 9.4 Based on the site layout plan, the proposed dwellings would be detached, large architecturally varied dwellings which adhere to the Emerson Park Policy Area SPD. The dwelling fronting Burntwood Avenue on Plot 1 would have a plot width of approximately 19 metres at the road frontage, although seen in conjunction with the access road to the side of the site it appears closer to 28m, and is 23 metres at the building line. It is considered that the plot width of this dwelling would not be materially harmful to the open and spacious character of Emerson Park, as the access road and landscaped area would provide a separation distance of approximately 9 metres from the western boundary of the site, which would not result in material harm to the character and appearance of the surrounding area. Also, the plot width of 23 metres at the building line for this dwelling adheres to the Emerson Park Policy Area SPD and would ensure a sufficient degree of spaciousness in the site. It is noted that plot widths at the road frontage for neighbouring dwellings in the immediate vicinity of the application site vary in width from 19 to 40 metres and that there is not a consistent minimum plot width in this part of Burntwood Avenue.
- 9.5 The dwelling fronting Burntwood Avenue to the east of the site in plot 2 would have a plot width of 24 metres at the road frontage and 23 metres at the building line, which complies with the Emerson Park Policy Area SPD.
- 9.6 The three dwellings to the north of the site in plots 3, 4 and 5 would have a minimum plot width of approximately 25, 23 and 24 metres respectively, which adheres to the Emerson Park Policy Area SPD.
- 9.7 In this case, existing local character is drawn largely from large detached two storey dwellings. It is noted that the dwellings on the northern side of Burntwood Avenue have a plot depth of approximately 70 metres. The dwellings on the southern side of Burntwood Avenue opposite the application site (No.'s 10-16) have a plot depth of between approximately 51 and 62 metres. The proposed dwellings fronting Burntwood Avenue in plots 1 & 2 have a plot depth of approximately 60 metres which is comparable with the neighbouring dwellings in the vicinity of the site and is considered to be acceptable and in keeping with local character.
- 9.8 The dwelling on plot 3 to the north of the site is located at 90 degrees to the dwellings to the south. The dwellings on plots 3, 4 and 5 have a plot depth of between approximately 42 and 45 metres. It is considered that the plot depth of these three dwellings is acceptable as they are located in the context of the properties in Porchester Close and Tall Trees Close that adjoin to the rear of the site, which have plot depths of approximately 40 and 55 metres.
- 9.9 The dwellings on plots 1 and 2 would have a minimum and maximum separation distance of 2 and 4 metres respectively at ground and first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD. Staff consider that these distances are acceptable, as there would be a gap of 4 metres between the flank walls of the dwellings in

plots 1 and 2, which would maintain the open and spacious character of Emerson Park.

- 9.10 The dwelling in plot 3 would have a separation distance of 2 metres at ground and first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD. The dwelling in plot 4 would have a minimum separation distance of 2 metres at ground and first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD. The dwelling in plot 5 would have a minimum separation distance of 2 and 4 metres at ground and first floor from the common party boundaries, which adheres to the Emerson Park Policy Area SPD.
- 9.11 It is noted that the Committee resolved to refuse the previous application, P0809.14, on the grounds that the proposed development, by reason of the plot layout and the extent of built form introduced into the existing open garden layout, combined with the limited plot width of the frontage unit adjacent to the access road, would give rise to a development that is out of keeping with and harmful to the spacious character of the Emerson Park area and the wider streetscene, contrary to the provisions of the Emerson Park SPD and the provisions of Policies DC69 and DC61 of the LDF Core Strategy and Development Control Policies DPD.
- 9.12 In summary, the appeal decision for P0809.14 stated that the plot widths and depths of the dwellings were in excess of the minimum required by the Emerson Park SPD, which reflects existing development in the area. Due to the size of the appeal site the addition of two dwellings to the rear of the site would not result in a density of development that would be uncharacteristic of the existing area and the proposal therefore would satisfy the criteria set out in the Emerson Park SPD. The Inspector considered that the layout clearly indicated that the dwellings could be located on the site so the minimum requirements relating to the proximity of both ground and first floor level to any common party boundary could be achieved and a landscaping scheme would ensure the well landscaped appearance of the area is maintained. The Inspector noted that there are already a number of dwellings to the rear of the properties fronting Burntwood Avenue, Elm Drive and Brooklands Avenue and whilst some can be seen from the road they do not detract from the appearance or character of the area. Although there might be some limited views of the two rear dwellings from Burntwood Avenue and the surrounding area, the Inspector did not consider that this made the proposal unacceptable.
- 9.13 Given that this proposal increases the number of dwellings on the site from four to five, Members may therefore retain the view that this proposal constitutes harmful overdevelopment of the site. However, Staff consider that the current proposal is acceptable as it complies with Council policy and the site layout is considered comparable to other properties in the vicinity of the application site. Taking into account the appeal decision for P0809.14, Staff consider that increasing the number of dwellings from four to five on the site would be within the realms of acceptability. The proposal is therefore

judged to be in keeping with local character and to accord with the Emerson Park SPD.

10. Design/Impact on Street/Garden Scene

- 10.1 The application would involve the demolition of St. Mary's Convent. While the building appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.
- 10.2 Landscaping is a reserved matter. A tree survey has been submitted with this application and the plans show the trees to be retained. It is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout. Conditions are proposed requiring details of landscaping and for tree protection measures.
- 10.3 Scale is a reserved matter. In the Design and Access Statement, the agent has indicated that the proposed dwellings will be two to two and a half storeys in height, matching the scale of buildings, old and new in the locality. It is considered that the footprint and siting of the dwellings and garages are acceptable.
- 10.4 Appearance is a reserved matter. In the Design and Access Statement, the agent has indicated that the proposed buildings will be of traditional design and using a traditional palette of material, reflecting the character of the area. It is deemed possible to construct dwellings that would be appropriate and would meet the requirements of the Emerson Park SPD in respect of individual design.

11. Impact on Amenity

- 11.1 No. 15 Burntwood Avenue has two ground floor flank windows adjacent to the eastern boundary of the site. One serves a garage and is not a habitable room and the other serves a W.C. It is considered that the proposed dwelling in plot 2 adjacent to the eastern boundary of site would not result in a significant loss of amenity to No. 15 Burntwood Avenue, as it would be located approximately 4 metres from this common boundary. It is noted that No. 15 Burntwood Avenue has a substantial single storey rear projection comprising of a swimming pool enclosure and its double garage is located adjacent to the eastern boundary of the site, which will help to mitigate the impact of the proposal and Staff consider that this relationship is acceptable.
- 11.2 It is considered that the proposal would not result in a significant loss of amenity to No. 11 Burntwood Avenue, as there would be a flank to flank distance of approximately 16 metres between the western flank of the proposed dwelling located adjacent to the access road in plot 1 and the eastern flank of 11 Burntwood Avenue. Planning permission was granted for double storey side and single storey rear extensions, alterations to the existing roof and a new swimming pool enclosure under application P0230.16, which is currently being constructed. The eastern flank wall of the

proposed two storey side extension to No. 11 Burntwood Avenue is set in between approximately 8 and 9 metres from this common boundary, which would help to mitigate the impact of the proposed development. The two storey side extension to No. 11 Burntwood Avenue has three ground floor flank windows, which will serve a lounge and are all secondary light sources with a window and patio doors on the front and rear elevations of the dwelling respectively. The two storey side extension to No. 11 Burntwood Avenue has three first floor flank windows, which serve a bedroom and lounge area (with a partition wall in between) and are secondary light sources with a window and patio doors leading onto a balcony/terrace on the front and rear elevation of the dwelling respectively. No. 11 Burntwood Avenue has a side dormer window on the eastern flank of the dwelling, which serves the loft space and is a secondary light source as there are front, side and rear dormer windows.

- 11.3 It is noted that planning permission was granted for the retention of an outbuilding to the rear of 11 Burntwood Avenue (application P0137.15). Planning permission was also granted for a granny annexe to the rear of No. 11 Burntwood Avenue (application P0765.13), which has been implemented. It is considered that the proposal would not result in a significant loss of amenity to the granny annexe and outbuilding, as they do not have any windows (except roof lights) on their eastern flank walls. There is a timber paling fence along the eastern boundary of No. 11 Burntwood Avenue, which provides some screening.
- 11.4 It is considered that the proposal would not result in a significant loss of amenity to No. 3 Tall Trees Close, as there is a separation distance of approximately 41 and 47 metres between the two storey rear façade of this neighbouring property and the front elevation of the proposed dwellings in Plots 4 and 5 respectively. Staff consider that the detached garage in plot 5 would not adversely impact on No. 3 Tall Trees Close, as there would be a rear to western flank separation distance of between approximately 24 and 29 metres and its footprint appears to be relatively modest in size, which would help to mitigate its impact.
- 11.5 It is considered that the proposal would not result in a significant loss of amenity to No. 4 Porchester Close, as there would be a minimum and maximum separation distance of approximately 4 and 13 metres between the northern flank of the single storey side/rear extension and the recessed front projection of the dwelling in Plot 5 and the southern boundary of this neighbouring property, which would help to mitigate its impact. There are some mature trees adjacent to the southern boundary of No. 4 Porchester Close, which would provide some screening. Given these separation distances, Staff consider that this relationship is acceptable.
- 11.6 It is considered that the proposal would not result in a significant loss of amenity to No. 22 Woodlands Avenue, as there would be a separation distance of between approximately 57 and 64 metres between the rear façade of this neighbouring property and the northern boundary of the application site. There are some mature trees adjacent to the southern

boundary of No. 22 Woodlands Avenue, which would provide some screening. Given these separation distances, Staff consider that this relationship is acceptable.

- 11.7 It is considered that the proposal would not result in a significant loss of amenity to No. 6 Porchester Close, as there would be a minimum and maximum separation distance of approximately 24 and 29.7 metres between the rear façade of the single storey side/rear extension and the dwelling respectively in Plot 5 and the western flank wall of this neighbouring property (not including its detached garage). There would be a separation distance of approximately 37 metres between the rear façade of the dwelling in plot 4 and the western flank wall of No. 6 Porchester Close (not including its detached garage). Given these separation distances, Staff consider that this relationship is acceptable. In addition, there is mature landscaping on the eastern boundary of the site, which would provide some screening of the dwellings in Plots 4 and 5.
- 11.8 Overall, no harmful levels of overshadowing or overlooking are considered to occur as a result of the proposed dwellings. The appeal decision for P0809.14 stated that “whilst the upper part of two storey buildings would be visible from some neighbouring land, this would not be dissimilar to the outlook found in many built up areas. Indeed many of the nearby properties and outbuildings on adjoining sites can be seen from the appeal site. However, there would be some screening provided by existing vegetation and any additional landscaping would help to limit the views of the proposed properties”. For application P0809.14, the Inspector concluded that the development would not harm the outlook, light or the privacy of the occupants of nearby properties.
- 11.9 From a noise and disturbance perspective, the siting of the access drive enables the provision of a landscaped buffer strip adjacent to the western boundary of the site. This will help to absorb any noise and light spillage resulting from vehicles using the drive and turning head. The provision of appropriate fencing together with a landscaping scheme would also afford reasonable protection to those who live adjacent to the site from the more active use of the site. The Inspector for P0809.14 was of the view that the development would give rise to a limited number of vehicular movements and did not consider that this would result in an unacceptable level of noise and disturbance to the occupants of nearby properties, including No. 11 Burntwood Avenue and the outbuildings in its rear garden.
- 11.10 Although the number of dwellings on the site has increased from four to five, Staff consider that the use of the access road would not result in undue noise and disturbance. When considering the merits of this application, it is considered that the proposal would not give rise to high levels of noise and general disturbance in comparison with the former use of the site as a care home.
- 11.11 It is considered that the layout and access of the proposed development would be acceptable with no material harmful impact on the amenities of

neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

12. Highway/Parking

- 12.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum of 2 spaces per unit. There are garages for the dwellings in Plots 3 and 5. The proposal would provide two parking spaces per dwelling, which is deemed to be acceptable.
- 12.2 The proposal includes the provision of a single width access road with a width of between approximately 3 and 6 metres, with a turning head at the northern end. The access road begins to taper approximately 45 metres from the existing site entrance, which would not impede traffic flow for vehicles entering and exiting the site. The Highway Authority has no objection in principle to the arrangements shown. The agent has advised that the access would not be intended for use by refuse vehicles, so it is envisaged that a communal refuse and recycling store would be provided towards the front of the site and details of this would be secured by condition.
- 12.3 Details of cycle storage can be secured by condition if minded to grant planning permission.
- 12.4 The London Fire and Emergency Planning Authority has commented that access to plots 1 and 2 is considered satisfactory, however access to the remaining plots does not appear to comply with B5 of Approved Document B Volume 1 of the Building Regulations, as the access road is too narrow and the dead end is in excess of 20m with no turning head. The Fire Brigade requests the installation of a new private fire hydrant to offer fire cover for the new development. The Council's Building Control Department was consulted and advised that a domestic sprinkler system could be installed in the dwellings, which would be acceptable.
- 12.5 For application, P0809.14, the Inspector did not consider the proposal would prejudice highway safety.
- 12.6 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

13. Other Issues

- 13.1 Policy DC58 states that biodiversity and geodiversity will be protected and enhanced throughout the borough by not granting planning permissions which would adversely affect priority species/habitats identified either in the

London or Havering Biodiversity Action Plans unless the economic or social benefits of the proposals clearly outweigh the nature conservation importance of the site and only then if adequate mitigation measures to secure the protection of the species/habitat can be provided and no alternative site is available

- 13.2 Ecological and tree surveys were submitted. It is concluded that bats are not considered to be currently roosting within any of the buildings on site. The Council's Regeneration Officer has no objection to the proposal and has recommended two conditions if minded to grant planning permission - one regarding an internal survey of the building for bats before any work takes place and one regarding the timing of demolition/vegetation clearance in respect of breeding birds.
- 13.3 The Council's Tree Officer has no objection to the proposal. There are a large number of trees on the site, many of which are the subject of tree preservation order 8/71. The most important trees are the 5 large trees at front of the site, (2 Horse Chestnuts, a beech an oak and a scots pine). These are protected by the above order and are shown as retained on the proposed scheme. Some trees are in poor condition and in need of remedial tree surgery. Even though trees to the rear of the site have no public amenity value, as many trees as possible (both TPO's and non-TPO'd) should be retained throughout the site to help screen any new development to benefit local amenity and wildlife. It is suggested that existing trees are enhanced by new plantings so as to benefit long term tree cover. This should be capable of being addressed at the reserved matters stage. If minded to grant planning permission, a condition will be placed regarding the protection of the preserved trees.
- 13.4 It is considered that the proposal would not adversely affect neighbouring properties in terms of flooding, as the site is not located in a Flood Risk Zone. The appeal decision for P0809.14 stated that the site is not in a flood risk zone and there is no evidence that the proposal would increase the risk of flooding in the area.

14. Contamination

- 14.1 For application P0809.14, the Council's Environmental Health Department advised that a condition was required in respect of contamination. The appeal decision for P0809.14 stated that as the site has previously been used as a care home and there is no evidence that the existing soil on the site has been contaminated or that substantial amounts of soil would be imported as part the development, a contamination condition is unnecessary and unreasonable. In any event, the Council's Environmental Health Department has advised that due to a change in their approach, there are no conditions in respect of contamination for this proposal.

15. Section 106

- 15.1 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.
- 15.2 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.
- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 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.

- 15.7 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.
- 15.8 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.
- 15.9 On the basis that five additional residential units are proposed, a financial contribution of £30,000 would be expected.

16. Conclusion

- 16.1 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.

**REGULATORY
SERVICES
COMMITTEE**
24 August 2017

Subject Heading:

P2045.16 - Upper Bedfords Farm, Lower Bedfords Road

Demolition of the redundant former agricultural and storage buildings and redevelopment, including conversion of barn 1, to provide 8 new residential dwellings, with associated landscape, access and parking (Received 23/12/16, revised plans received on 5/6/17 and 21/6/17)

Ward

Havering Park
Steve Moore
Director of Neighbourhoods

SLT Lead:

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Policy context:

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

Financial summary:

Not relevant

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

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

SUMMARY

This report considers an application for the provision of 8 new dwellings within the Green Belt and the Havering Ridge Special Character Area. The proposal concerns the demolition of existing former agricultural barns and the conversion of some older farmyard buildings. The site lies within in the curtilage of the Grade II listed Upper Bedfords Farmhouse. The development would result in an overall reduction in the volume of buildings on site and improve the overall appearance of the area. It would also result in a long term use being established for two of the curtilage listed outbuildings. The overall impact on the Green Belt would be materially reduced which together with the heritage benefits is considered to amount to the very special circumstances that would outweigh any harm. Staff consider that, as a matter of judgement, the proposals would be acceptable. The grant of planning permission is recommended subject to the prior completion of a S106 planning obligation and planning conditions. Should members agree the recommendation then the Secretary of State would need to be consulted given the size of the development in the Green Belt.

RECOMMENDATIONS

1. 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 £23,520.
2. That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations, by 24 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 in accordance with the policies DC29 and DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Planning Obligations Supplementary Planning Document Technical Appendices.
 - 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.
- The Developer/Owner to pay the appropriate planning obligations monitoring fee prior to the completion of the agreement.

Subject to the Secretary of State not issuing a direction in respect of the application, that the Director of Neighbourhoods be authorised to enter into a planning obligation to secure the above and upon completion of that obligation, grant planning permission subject to the conditions listed 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, particulars and specifications.

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* - No above ground development shall commence until samples of all materials to be used in the external construction of the buildings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

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

4. *Landscaping* - No above ground development shall commence until a detailed scheme for the hard and soft landscaping of the site, including the upgrading of the site access roadway has been submitted to and approved in writing by the Local Planning Authority. 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 on the details of proposed landscaping to enable its acceptability to be judged. Submission of a scheme prior to commencement will ensure that the development accords with Section 197 of the Town and Country Planning Act 1990 and Development Control Policies Development Plan Document Policy DC61.

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

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

6. *Cycle storage* - Prior to the completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to 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 in accordance with Policy DC36 of the LDF Development Control Policies Development Plan Document.

7. *Boundary treatment* - No above ground development shall commence until details of proposed boundary treatment, including fencing to define residential curtilages have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment and residential curtilage fencing shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment and the size of residential curtilage. Submission of this detail prior to commencement will protect the visual amenities of the development, protect the openness of the Green Belt and landscape character of the area and ensure that the development accords with the Development Control Policies Development

Plan Document Policies DC61 and DC63 and the guidance in the National Planning Policy Framework.

8. *Secure by Design* - Prior to the commencement of the development hereby approved a scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

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

9. *External lighting* - No dwelling shall be occupied until a scheme for the lighting of external areas has been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The lighting once installed shall be retained thereafter for the lifetime of the development.

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

10. *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.

11. *Vehicle cleansing* - No works shall take place in relation to any of the development hereby approved until wheel scrubbing/wash down facilities to

prevent mud being deposited onto the public highway during construction works is provided on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

The submitted scheme will provide the following details:

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

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

c) A description of how vehicles will be checked before leaving the site, including their wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

e) A description of how dirty/muddy water be dealt with after being washed off the vehicles.

f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

g) A description of how any material tracked into the public highway will be removed.

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

Reason: Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61 Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained and used at relevant entrances to the site throughout the course of construction works.

12. *Construction methodology* - The development hereby permitted shall not be commenced, including any demolition, until a scheme for a construction and demolition management plan to control the adverse impact of the development, including the demolition of site buildings and ground clearance works, on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority. The construction management plan 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 authority; siting and design of temporary buildings;
 - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - 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.

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

13. *Ecology* - No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how the development will be undertaken in accordance with the recommendations of the submitted ecological assessment dated 2/12/2016. The development shall be undertaken in accordance with the approved details.

Reason: Insufficient information has been supplied with the application on how the recommendations of the assessment would be implemented and agreement of details prior to commencement is necessary to protect the nature conservation interests of the site in accordance with Development Control Policies Development Plan Document Policies DC59, DC60 and DC61 and the guidance in the National Planning Policy Framework.

14. *Bat and Bird Boxes* - No above ground development shall commence until a scheme has been submitted to and approved in writing by the local planning authority relating to the proposed installation of bat and bird boxes within the development. The development shall be undertaken in accordance with the approved details and retained for the life of the development.

Reason: In the interests of nature conservation in accordance with Development Control Policies Development Plan Document Policies DC59, DC 60 and DC61 and the guidance in the National Planning Policy Framework.

15. *Further Bat Survey* - Should demolition works at the site not be commenced within one year of the date of this permission, then a further bat survey shall be undertaken and submitted and approved in writing by the local planning authority prior to any demolition works taking place.

Reason: In the interests of nature conservation in accordance with Development Control Policies Development Plan Document Policy DC59 and the guidance in the National Planning Policy Framework.

16. *Demolition* - No works of construction in relation to the erection of the new dwelling houses hereby permitted shall take place until all of the existing buildings not being retained have been demolished.

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

17. *Access improvements* - No part of the development hereby permitted shall be occupied until the site access onto Lower Bedfords Road has been upgraded in accordance with details that shall have been submitted to and agreed in writing by the local planning authority. The upgraded access shall be retained for the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate that vehicles can safely enter and leave the development. Improvements are considered necessary in the interests of highway safety and in order that the development accords Development Control Policies Development Plan Document Policy DC32.

18. *Tree and Hedgerow protection* - No development shall take place until a scheme for protecting the site's existing trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of nature conservation and the healthy retention of existing flora in accordance with Development Control Policies Development Plan Document Policy DC59 and the guidance in the National Planning Policy Framework.

19. *Archaeology* - No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance the programme set out in the WSI.

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

20. *Permitted development restriction* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 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.

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

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

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

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

23. *Visibility splays* - 2.1 metre by 2.1 metre pedestrian visibility splays shall be provided on either side of the proposed accesses, set back to the boundary of the public footway. There should be no obstruction of object higher than 0.6 metres within the visibility splay.

Reason: Insufficient information has been supplied with the application to adequately demonstrate that the safety of pedestrians at access points has been fully safeguarded. The requirement will ensure pedestrian safety.

24. *Access* - 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.

25. *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.

26. The fifth new build house, be that house 3, 4, 5, 7 or 8 shall not be occupied until such time until the works to houses 1, 2 and 6 as shown on drawing 1034-PL-GA-0003 Rev C – Proposed Site Plan has been substantially completed.

Reason – To ensure that the setting of the Listed Building is enhanced and to ensure that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67 and the guidance in the National Planning Policy Framework.

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated on site with Steve Walters and John Lyall on 27 April 2017 and submitted on 5th and 21st June 2017. The revisions involved a redesign of the majority of the buildings on the site.
2. Planning obligation - The planning obligations required 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. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements.
4. 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 is required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.
6. The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 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.
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 is needed.
8. The Council encourages the developer to apply the principles of the "Considerate Constructors Scheme" to the contract for the development.

9. The Council wishes to encourage developers to employ sustainable methods of construction and design features in new development. The applicant's attention is drawn to the Council's 'Sustainable Construction Strategy' a copy of which is attached. For further advice contact the Council's Energy Management Officer on 01708 432884.
10. The applicants are reminded that the grant of planning permission does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licence required.
11. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.
12. The written scheme of investigation required by condition 19 will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.
13. 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-andnumbering.aspx>

REPORT DETAIL

1. **Site Description**

- 1.1 The application site lies within the Green Belt to the north of Lower Bedford Road. The site is broadly rectangular with an area of 1.6 hectares occupying a relatively high spot on the Havering Ridge and is accessed along a single carriageway unmade access track to the south from Lower Bedfords Road. The site itself is relatively flat and comprises a cluster of

former agricultural buildings centred around the Grade II listed farmhouse which dates from the mid-19th century. Those buildings nearest the farmhouse are older and are curtilage listed; some are used for purposes ancillary to the residential use. One of these, a timber framed barn which is contemporary with the original farmhouse, is in a poor state of repair with its partially collapsed roof supported by scaffolding. The others which are further away are larger and more recent. There is also a Nissen style building which is in a derelict condition.

1.2 The area around the buildings is generally well vegetated with a belt of trees around much of the western, southern and part of the northern boundary of the site. The wider area around the site is predominantly rural bordered by open countryside to the north and east, beyond a single neighbouring dwelling. To the south are open fields with Bedfords Park to the west.

1.3 For the purposes of describing the development within the report the following buildings are identified:

- Barn 1 is a curtilage listed 18th century single storey timber framed barn located opposite to the north of the listed building. A substantial section of the roof timbers and roof are currently supported by scaffolding having partially collapsed. (curtilage listed)
- Barn 2 is a large open sided barn of steel and concrete construction with a corrugated roof with hardstanding in front located towards the north west of the site and is of no heritage value.
- Barn 3 is a “Nissen” style building in a state of dilapidation located towards the northern edge of the site and is of no heritage value.
- Barn 4 is a two storey brick built structure incorporating elements of differing ages with the oldest element being on the eastern side facing onto the farmhouse rear courtyard (curtilage listed)
- Barn 5 - two storey corrugated barn (modern)
- Barn 6 - two storey corrugated barn (modern)
- Barn 7 - single storey brick built (modern)

2. **Description of Proposal**

2.1 It is proposed to demolish the more recent barns (barns 2, 5 and 6), the Nissen building (barn 3) and single storey building (barn 7) and convert/re-build two curtilage listed buildings Barns 1 and 4 to provide three new dwellings together with five new build houses.

2.2 The development would provide seven four-bed and one two-bed dwellings. The timber framed barn (Barn 1) would be taken down and part restored

and reused in a new building of similar scale that would provide two of the units. The lean-to buildings currently used as a garden store would be replaced by a single storey two-bed dwelling. Barn 4 would be incorporated into a new dwelling on the western side of the farmyard. The remaining dwellings would be located around the site on the footprint of the more recent barns.

- 2.3 The new dwellings would all be individually designed whilst sharing the common theme of a contemporary agricultural vernacular with timber cladding under a pitched tiled or zinc clad roof. Parts of the exterior would be in louvered timber to replicate the existing barns. The access road would be upgraded by paving and inclusion of passing places.

3. **Relevant History**

- 3.1 L0016.16 - Listed building consent application for the demolition of the redundant former agricultural and storage buildings within the curtilage of Grade II listed Upper Bedfords Farmhouse and conversion of existing barns to form 3no. new dwellings - current

4. **Consultations and Representations**

Representations

- 4.1 There have been two letters of representation one in support and the other providing comments as follows:

- Close to the walled garden of Bedfords Park;
- Concerns about avoiding the bird breeding season should development take place;
- Concerns of impact of new buildings on the listed farmhouse and historic landscape;
- Impact on badger sett within the site;
- Impact on barn owls breeding in vicinity so would welcome measures to retain nest sites and nesting boxes;
- Impact on bats if trees removed;
- Impact on Great Crested Newts;
- Lack of public transport in locality - suggests financing a new bus stop
- Would bring old buildings back into use;
- Remove ugly looking buildings;
- Improve access road;
- Development would assist in the security of the area.

- 4.2 Comment on representations:

- The issue of the impact on local wildlife has been addressed in the application and measures are proposed to protect this in the

development. Conditions would be imposed to restrict development during sensitive periods;

- The heritage issues are addressed in detail in the report

Consultation Responses

- 4.3 Metropolitan Police Designing out Crime Officer - no objections. Recommends low level fencing given rural area and application for secured by design award.
- 4.4 Essex and Suffolk Water no objections
- 4.5 Streetcare (Highways) - no objection in principle, but recommend discussions with waste collection team on access.
- 4.6 Historic England (Archaeology) - recommend condition on scheme for recording details of historic building prior to dismantling.
- 4.7 London Fire Brigade - recommend that two additional fire hydrants would be required.
- 4.8 Essex County Council Place Services - Initial advice recommended refusal without amendment. Insufficient details on building to be dismantled and the other older barn should be retained. No objections to the demolition of other barns as they do not make a positive contribution to the setting of the listed farmhouse. The replacement of the garden store should be single storey. Proposed replacements not consistent with agricultural vernacular and should be replaced with a single simple form. Following amendment of the plans revised advice is that the proposals are considered to sustain the setting of the listed building, retaining its agricultural character. The proposals for Barn 1 are considered to retain its significant fabric and enhance its character within the setting of the listed building. Overall the proposals are considered to have a beneficial impact upon the setting of the listed building by sustainably conserving significant curtilage listed fabric and retaining a suitable setting.

5. Relevant Policies

5.1 Local Development Framework (LDF):-

Core Strategy and Development Control Policies Development Plan Document (DPD) Policies CP1 (Housing Supply); CP16 (Biodiversity and geodiversity); CP17 (Design); CP18 (Heritage); DC2 (Housing Mix and Density); DC3 (Housing Design and Layout); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC45 (Green Belt); DC49 (Sustainable Design and Construction); DC50 (Renewable Energy); DC51 (Water supply, drainage and quality); DC53 (Contaminated Land); DC55 (Noise); DC58 (Biodiversity and geodiversity); (DC61 (Urban Design); DC62 (Access);

DC63 (Delivering Safer Places); DC67 (Buildings of Heritage Interest), DC69 Other areas of special townscape or Landscape character) and DC72 (Planning obligations).

5.2 Evidence base to the Planning Obligations SPD; Residential Design SPD, Designing Safer Places SPD; Landscape SPD; Sustainable Design and Construction SPD & Heritage SPD.

5.3 London Plan:-

Policies: 3.3 (increasing housing supply), 3.4 (optimising housing potential); 3.5 (quality and design of housing developments), 3.6 (Children and young people's play and informal recreation); 5.3 (Sustainable design and construction); 6.13 (Parking); 5.21 (Contaminated land); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking); 7.3 (Designing out crime); 7.8 (Heritage Assets and Archaeology) 7.16 (Green Belt); 8.2 (planning obligations) and the Housing Supplementary Planning Guidance.

5.4 National Policy Documents:-

- Nationally described space standards;
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG).

6. **Staff Comments**

Principle of the development

6.1 The site is located within the Green Belt where new buildings would normally be considered inappropriate development which would cause material harm. Such development should not normally be permitted unless the harm would be clearly outweighed by other considerations.

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

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

6.3 The NPPF also advises that the re-use of existing buildings is also not inappropriate development, provided that they are of permanent and substantial construction. Extensions or alterations to buildings are also acceptable, so long as this does not result in disproportionate additions over the size of the original. LDF Policy DC45 restricts new built development in the Green Belt to those essential for agriculture, forestry and outdoor

recreation. Replacement and extension of existing buildings would also be acceptable.

- 6.4 Part of the development involves the re-use of buildings currently in use (Barns 4 and 7), extensions to them, and replacement, which as described above, is not deemed to be inappropriate development in the Green Belt. However, insofar as the proposal involves elements of redevelopment, the definition of brownfield land excludes land that is or has been occupied by agricultural buildings. The site includes land occupied by former agricultural buildings; therefore, this element of the proposal would be considered inappropriate development and needs to be assessed against general Green Belt policies. Inappropriate development, i.e. the provision of new dwellings 1, 2, 3, 4, 5 and 6 would only be acceptable if very special circumstances can be demonstrated.
- 6.5 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.6 The site is also located in a prominent location on the Havering Ridge which is designated as a special character area in the LDF. Accordingly, the proposals would need to preserve the existing character, including skyline views and views from the ridge.
- 6.7 Furthermore, the proposed development would lie within the curtilage of a Grade II listed building. Given the proximity of the new development to Upper Bedfords Farmhouse there is the potential for it to have an adverse impact on its setting. Consideration also needs to be given to the impact on this setting arising from the demolition/conversion of existing curtilage listed buildings. The guidance in the NPPF is that great weight should be given to the significance of a designated heritage asset. The significance should be considered in terms of either substantial harm or less than substantial harm. Harm could be caused through the construction of new buildings and the alteration of others. However, Members should be aware that for substantial harm to be demonstrated NPPG and recent case law have set a high bar and the effect would have to be such that much of the significance of the heritage asset would need to be negated.
- 6.8 The main issues for consideration by members are therefore:
- The extent to which the proposals amount to inappropriate development in the Green Belt;
 - The effect on the openness and purposes of the Green Belt;
 - The effect on the area's character and appearance;
 - Whether the proposals would preserve the listed buildings on the site, their special architectural or historic interests and the setting of Upper Bedfords Farmhouse.

- If the proposals amount to inappropriate development, whether the harm by reasons of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the developments.
- Whether the proposals would preserve the special character of Havering Ridge, including protecting views to the area.

Green Belt Considerations

- 6.9 The site includes a number of former agricultural buildings and associated hardstandings. The buildings lie within the curtilage of the listed farmhouse and together retain the character of the former farmyard, albeit sub-divided by the addition of fenced boundaries to the north of the farmhouse itself. Two of the outbuildings are currently in use: one for purposes ancillary to the residential use and the other for commercial purposes (snooker table renovation); two are in a very poor state of repair and together with the larger buildings generally unused. The redevelopment of the site needs to be considered in relation to the guidance in the NPPF which largely supersedes Policy DC45.
- 6.10 In the Green Belt there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings, including dwellings is normally inappropriate in the Green Belt. However, paragraphs 89 and 90 of the NPPF set out circumstances where new buildings or the re-use of existing buildings would not be inappropriate development. Of particular relevance to this case are:
- i) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - ii) 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,
 - iii) the re-use of existing buildings provided they are of permanent and substantial construction and
 - iv) the extension or alteration of a building providing it does not result in disproportionate additions over the size of the original.
- 6.11 It is clear from the application details and on site that the buildings are no longer used for agricultural purposes and have not been so used for some time. Some are used for purposes ancillary to the main residential use or for commercial purposes whilst others, mainly the larger barns once used for agriculture, are unused. The NPPF allows 'brownfield' sites in the Green Belt to be redeveloped; however, former agricultural buildings are excluded from this unless there is a new lawful use. The fact that they may not have been used for many years does not alter this. The NPPF also allows replacement buildings but these need to be in the same use. Existing

buildings could also be re-used, so alternative uses, such as commercial would be acceptable in principle.

- 6.12 The buildings identified as Barn 7 and Barn 4 have been used for purposes not related to agriculture for some time. Barn 4 has been used for many years for the refurbishment of snooker tables and Barn 7 is used for storage purposes ancillary to the residential use. Staff are satisfied that these buildings are probably lawfully used and no enforcement action could be taken. The conversion or redevelopment of these would accord with Green Belt policy.
- 6.13 Barn 1 would be reclaimed and reconstructed. Whilst this work would be substantial the works proposed can be considered as works of alteration and conversion. The building is also of heritage interest and listed as a curtilage building. The retention of much of the historic building fabric carries weight in favour of the proposed works. The conversion/alteration of this building would also accord with Green Belt policy so long as it does not result in disproportionate additions over and above the size of the original building.
- 6.14 With regard to the 'modern' barns, 3, 5 & 6, the demolition and redevelopment of these would not be in accordance with Green Belt policy exceptions. This part of the development could only be acceptable if 'very special circumstances' can be demonstrated that would clearly outweigh the harm to the Green Belt and any other identified harm. Generally these policies seek to retain the openness of the Green Belt and prevent encroachment
- 6.15 The case put forward by the applicant is that the barns are of significant scale which adversely impacts on the openness of the Green Belt, as well as its character and visual amenities. Furthermore there are significant amounts of hardstanding associated with these buildings. The proposed development would reduce the volume of buildings on the site by about 20%, the footprint of the buildings by 26% and the footprint of buildings and hardstanding by 29%. The maximum height would reduce by 1.3m. The buildings to replace the modern barns would retain the loose grouping of the existing buildings which together with the revised designs and materials which respond to the comments of and approach advocated by the Council's heritage advisor, would help maintain the character of the site. This is put forward in the application as amounting to the very special circumstances that outweighs the harm by reason of inappropriateness.
- 6.16 It is also maintained that the new development would be less visually intrusive than the existing built form which would further reduce any harm by reason of inappropriateness. The proposed development would have no greater impact in distant views of the site as the wooded surrounds would be largely retained and the proposed curtilages of the new dwellings would be defined well away from the physical boundary of the site. The additional landscaping of the northern boundary, including the removal of Building 2 would also enhance the visual amenities of the Green Belt.

- 6.17 Paragraph 55 of the NPPF also refers to new dwellings in the countryside generally. Isolated new dwellings should be avoided unless there are special circumstances. The paragraph provides examples of such special circumstances. This includes where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting. This is general guidance which does not relate specifically to Green Belt sites, but the countryside generally. The proposal includes the re-use of redundant and disused buildings and would lead to enhancement of their setting which is endorsed by the Council's heritage advisor.
- 6.18 Other relevant considerations to the openness of the Green Belt include the extent of any encroachment into the countryside compared with the existing situation. The provision of new buildings/dwellings would result in a greater degree of permanence and introduce a domestic environment. The area around the barns, in particular the 'modern' ones is currently undeveloped and includes self-sown vegetation, including small trees. Some of this would be removed to facilitate the development but the residential curtilages proposed have been carefully defined to limit any encroachment. This would also arguably be off-set by the net benefit to openness through the reduction in building volume and reduction in hardstanding areas. Significant landscaping could be achieved on many areas around the development which would improve the visual amenities of the Green Belt. Subject to appropriate conditions it is considered that the impact on rural character would be acceptable and the limited encroachment would be off-set by the overall reduction in building scale, extent of hardstanding and improvement to the access.

Heritage considerations

- 6.19 The development site lies within the curtilage of a Grade II listed building with some of the existing buildings being curtilage listed. All buildings and other structures that pre date 1948 and are within the curtilage of a listed building which are to be treated as part of the listed building and the altering or demolishing such structures may require listed building consent, s8 of the Planning (Listed Building and Conservation Areas) Act 1990. A separate listed building consent application has been made for the works to the two curtilage buildings to be converted and for the demolition of the third. In addition the new buildings would have the potential to impact on the setting of the listed building.
- 6.20 The main consideration in the assessment in this application is whether either the conversion or the demolition of the curtilage buildings would cause substantial or other harm to the listed building. The demolition or alteration of existing buildings has the potential to adversely impact on the significance of the listed building. Significance is defined as the value of the heritage asset to this and future generations because of its heritage interest. This test derives from the physical appearance of the asset and its setting.

Curtilage buildings can form an important part of the setting and hence the significance of the listed building.

- 6.21 Whether a proposal causes substantial harm will be a matter of judgement and the guidance in the National Planning Practice Guidance is that there is a threshold and that substantial harm should be exceptional. Where substantial harm is recognised, to overcome such harm or loss substantial public benefits that outweigh that harm should be demonstrated. In this case Staff and the Council's heritage advisor judge that the loss of specified curtilage buildings and conversion/re-use of others would not lead to substantial harm to or loss of the significance of the listed building or to its setting. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.
- 6.22 The curtilage buildings appear as a group of former agricultural buildings around the main farmhouse and do have some value within the overall setting of the listed building. However, the condition of the buildings and the general air of dis-use do not contribute positively to the setting at present. The retention of the main part of barn 4 and the re-building of barn 1 would help to retain the setting of the listed building as would the removal of the fencing which currently subdivides the farmyard. The demolition of barn 3, which is in a very poor state of repair, would not materially affect the importance of the heritage asset, nor would the demolition of barn 7 and its replacement with a suitable alternative. The Council's heritage advisor considers that the works to barns 1 and 4 together with the re-creation of the farmyard as an open area between the buildings would help to maintain the importance of the heritage asset and enhance its setting. The demolition of the other 'modern' buildings would have little or no impact on importance other than their contribution to the overall farmyard setting which currently gives an impression more akin to abandonment than active use. The impact of the replacement buildings would be of greater significance.
- 6.23 In this respect the form and massing of the new dwellings outside of the main courtyard area are considered acceptable and consistent with an agricultural vernacular. The buildings have been redesigned and the revisions respond to the agricultural setting, reflecting a modern interpretation of converted agricultural buildings with extensive areas of timber weatherboarding, differing window and extension sizes, window louvres and slate or zinc sheeting roof. This is intended to provide a form of development consistent with an agricultural style of building to help maintain the existing farmyard character. The buildings are well spaced within the site and located predominantly within the footprint of the existing 'modern' barns. There would be some change in character with the introduction of garden areas and car parking but it is considered that this would cause less than substantial harm to the setting of the listed building. The NPPF advises that such harm should be weighed against the public benefits of the proposal. Public benefits may include sustaining or enhancing the significance of the asset. The buildings to be demolished have no particular

historical significance in themselves and their removal, along with other open uses on the site would enhance the setting of the farmhouse.

- 6.24 Taking the heritage considerations as a whole there would be some public benefit by enhancing the curtilage listed buildings to be retained ensuring their long term use and contribution to the setting of the farmhouse. It would also provide some benefit in Green Belt terms and make a limited contribution to housing supply. This is judged to off-set any limited harm to setting that the new buildings could have. Overall the heritage impact is judged to be acceptable, a view which is endorsed by the Council's heritage advisor.
- 6.25 Overall, in coming to a conclusion on whether very special circumstances have been demonstrated it is necessary to consider the harm arising by reason of inappropriateness and any further harm to the Green Belt as is caused by the development, and then whether the benefits being delivered by the proposal clearly outweigh the harm so as to amount to very special circumstances. In this respect staff are satisfied that reduction in built form, footprint, hardstanding and height, coupled with the enhancement of the setting of the listed building and the quality of the proposed development do properly qualify as very special circumstances which outweigh any harm arising. In terms of this balancing exercise it is also staff's judgement that more weight should be attributed to the enhancement of the setting of the listed building than the physical reductions in scale.

Impact on residential amenity

- 6.26 There are two existing dwellings, including the listed farmhouse. The main impacts from the new dwellings would be on the occupiers of the farmhouse. The other dwelling is some distance from the proposed development site being to the east of the access road. The replacement for building 7 would be located close to the farmhouse, however, it would be single storey and there would be no overlooking issues. The farmhouse also has windows at first and ground floor level to the south of building 7, however, the relationship between the farmhouse and new dwelling would be no different from the existing situation. The garden area for the new dwelling would be subject to some limited overlooking from the farmhouse but this would not be significant. The relationship between the other dwellings would be acceptable without any significant amenity issues arising between them.
- 6.27 Looking at the proposed new dwellings, all would satisfy the minimum space standards for the number of bedrooms proposed and would offer garden sizes which would provide adequately for family living. The wooded area around the perimeter of the site would also function as a communal facility for the development.

Design/Impact on character and appearance

- 6.28 The issues of impact on the listed building and Green Belt have already been addressed. However, the application site lies within the Havering Ridge area of special landscape character where LDF policy DC69 applies. The importance of the ridge is the skyline character and views it affords of central London. The policy seeks to ensure that new development would preserve these aspects of its character. The proposed development would not affect views out of the site as these can only be experienced to the south of the boundary. Views from within the site are obscured due to existing vegetation. Views into the site are also largely screened by the vegetation and by the landform. The mature trees, woodland and formal hedging mean that the development would not affect the skyline as set out in the policy. The views of the farmhouse, which can be seen from Lower Bedford Road, would be unaffected. The site would also not be readily visible from other potential view points to the north due to the topography and vegetation and no more visible from Bedfords Park than the existing buildings. Furthermore it is staff's view that the individual design of the proposed rebuilt and new dwellings are of a very high quality and show particular regard to both the Green Belt and listed building setting. Overall it is judged that the proposals would not materially affect the landscape character of the area or the purposes of LDF policy DC69.
- 6.29 The existing farm track would be upgraded and given its length and prominence has the potential to adversely affect the rural character of the area. The proposal is to upgrade the road to provide surfacing and passing places. The paving of the track could have adverse visual impacts, but subject to suitable materials being used this is considered acceptable. Other parts of the internal layout would also be surfaced in appropriate materials, including gravel areas replacing the existing concrete hardstanding.

Parking and Highway Issues

- 6.30 Acceptable levels of parking would be provided giving all proposed dwellings except the converted Barn 1 (houses 1 and 2) and House 8, two covered spaces. The converted Barn 1 would have two allocated spaces located at to western end and house 8 one covered space, with sufficient room within the redefined farmyard/courtyard area to accommodate any additional parking requirements.
- 6.31 No objections are raised by the highway authority to the proposed access. Refuse collection arrangements need to be agreed, however, collection vehicles currently access the site using the farm track and the upgrading of the access track would assist with this.

Landscaping

- 6.32 The development would involve the loss of some trees and other vegetation much of which is naturally regenerated scrub. However, significant areas of

natural vegetation and many trees would be retained, particularly around the perimeter of the site and further planting is proposed. The landscaping of the site would be addressed through conditions.

Ecology

- 6.33 In view of the existing site conditions there is the potential for an adverse impact on wildlife, for example on nesting birds, owls and reptiles. This impact has been assessed as part of the application and a survey undertaken. Recommendations are made in respect of further surveys and the timing of works, for example to avoid nesting times when removing vegetation. Mitigation, including fencing, nesting boxes and reptile hibernacula is recommended which can be addressed through conditions.

Infrastructure impact of the development

- 6.34 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.35 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.36 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.
- 6.37 From 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.38 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.

6.39 Furthermore, evidence clearly shows a shortage of school places in most parts of the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report shows need for secondary places and post-16 places which due to their nature would serve all parts of the Borough. The Commissioning report identifies that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, unless the development is within an area of the Borough where there is a surplus of school places.

6.40 The proposed new dwellings would result in additional demands on education provision such that a financial contribution is needed in accordance with policies DC29 and DC72. Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought and it is considered that a contribution equating to £6,000 per dwelling would be appropriate in this case. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects. There would be 8 units and a charge of £48,000 is considered necessary to make the development acceptable in accordance with these policies and which would need to be secured through a S106 Planning Obligation.

7. Mayor's Community Infrastructure Levy (CIL)

7.1 All new floorspace is liable for Mayoral CIL, but in assessing the liability account is taken of existing usable floorspace that has been lawfully used for at least six months within the last three years. Most of the existing floorspace has not been lawfully used within this period. Buildings 4 and 7 are the only ones that have been in use.

7.2 The proposed development would give rise to a net increase of 1176 sqm of internal floorspace for CIL purposes. At £20 per square metre the CIL liability would be £23,520.

8. Conclusions

8.1 This application raises Green Belt, heritage and landscape considerations, the principal ones being the impact on the Green Belt and heritage. Staff consider that, on balance the development would be acceptable and that the benefits to the setting of the listed building, the measurable reduction in built form and the limited impact of the new dwellings on the open character of the Green Belt amount to the very special circumstances necessary to outweigh the in principle harm to the Green Belt caused by new development. The weight to be given to the various issues is a matter of judgement and members will need to consider what weight to attribute to the various impacts identified, in particular those in relation to the Green Belt.

However, staff are satisfied that the necessary tests are satisfied in this instance and it is recommended that planning permission be granted.

IMPLICATIONS AND RISKS

Financial implications and risks:

A Section 106 planning obligation is required to make the application acceptable. The obligation will include the payment of the Council's legal expenses involved in drafting the obligation and monitoring fees.

Legal implications and risks:

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

It is noted that consideration of the application includes all buildings and other structures that pre date 1948 and are within the curtilage of a listed building which are to be treated as part of the listed building and the altering or demolishing such structures may require listed building consent, s8 of the Planning (Listed Building and Conservation Areas) Act 1990.

The statutory duty applied to Local Planning Authorities in the exercise of their planning function in respect of listed buildings is set out in section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These tests require that, in exercising any of their powers under the Act with respect to any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged, sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Human Resources implications and risks:

None

Equalities implications and risks:

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

**REGULATORY
SERVICES
COMMITTEE**
24 August 2017

Subject Heading:

L0016.16 - Upper Bedfords Farm, Lower Bedfords Road
Listed building consent application for the demolition of the redundant former agricultural and storage buildings within the curtilage of Grade II listed Upper Bedfords Farmhouse and conversion of existing barn to form 8no. new dwellings.

Ward

Havering Park

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

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Planning Team Leader
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01708 432802

Policy context:

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

Financial summary:

Not relevant

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

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

SUMMARY

The application site lies within the Green Belt to the north of Lower Bedfords Road and comprises a Grade II listed building and associated outbuildings within its curtilage. The proposal concerns the demolition of existing former agricultural barns, the conversion of some older farmyard buildings and the development of 8 new dwellings, three of which would incorporate the extension and rebuild of curtilage listed buildings. The overall development would provide a viable use for two of the existing buildings which together with the wider development would enhance the overall setting of the listed building without causing any substantial harm to the heritage asset. The demolition of one of the curtilage buildings would not result in any significant harm to the setting of the listed building and other buildings to be demolished are of more recent construction and not covered by the listing status. Overall staff are satisfied that the significance of the listed building would be enhanced by the development and that the proposals would be in accordance with the guidance in the NPPF, the NPPG, LDF Policy DC67 and London Plan Policy 7.8.

RECOMMENDATIONS

Grant listed building consent subject to the following conditions:

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

Reason: To comply with the requirements of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by Section 5 of the Planning Compulsory Purchase Act 2004).

2. Written notification of the intended start of works on site shall be sent to the Local Planning Authority, at least seven days before the works hereby approved are commenced.

Reason: In order that Historic England and the Local Planning Authority may be given the opportunity of monitoring the progress of works on site to ensure the preservation of the special interest of the building affected by the works hereby approved, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC67.

3. The rebuild and conversion of the barns 1 and 4 hereby consented 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 conversion of the listed building is carried out in accordance with 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 DC67.

4. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the barn 1 or barn 4 as identified on drawing 1034-PL-GA-0101, structural engineers drawings and/or method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and any reconstruction work shall be submitted to and approved by the local planning authority. The relevant work shall be carried out in accordance with such structural engineer's drawings and/or method statement thus approved.

Reason: Insufficient information has been submitted in relation to these matters which are necessary in order to secure the preservation of the listed buildings in accordance with Development Control Policies Development Plan Document Policy DC67 and the guidance in the National Planning Policy Framework.

5. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the barn 1 or barn 4 as identified on drawing 1034-PL-GA-0101, a full schedule of works for the conversion and construction of houses 1, 2 and 6 shall be submitted to and approved by the local planning authority prior to the commencement of works to the respective buildings.

Reason: Insufficient information has been submitted in relation to these matters which are necessary in order to safeguard the appearance of the building and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67 and the guidance in the National Planning Policy Framework.

6. Full details of doors and windows and samples of all materials including rainwater goods to be used in the conversion and rebuild of barn 1 and barn 4 as identified on drawing 1034-PL-GA-0101, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the work.

Reason: Insufficient information has been submitted in relation to these matters which are necessary in order to safeguard the appearance of the building and the character of the immediate area, and in order that the development accords with the Development Control Policies Development

Plan Document Policies DC61 and DC67 and the guidance in the National Planning Policy Framework.

7. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the barn 1 as identified on drawing 1034-PL-GA-0101, cross sectional details of houses 1 and 2 shall be submitted to and approved in writing by the local planning authority. The work shall be implemented in accordance with the approved details.

Reason: Insufficient information has been submitted in relation to these matters which are necessary in order to safeguard the appearance of the building and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67 and the guidance in the National Planning Policy Framework.

8. No timber beam in barn 1 as identified on drawing 1034-PL-GA-0101, which shall include, but be limited to principal bay division posts, mid-rails, tie beams, elbow brackets, wall plates, principal rafters, principal braces and king posts shall be impacted without the prior approval in writing of the local planning authority.

Reason: Insufficient information has been submitted in relation to these matters which are necessary in order to safeguard the appearance of the building and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC67 and the guidance in the National Planning Policy Framework.

9. a) No development, including any works of demolition shall take place until the applicant has secured the implementation of a programme of historical assessment and building recording of all of the buildings to be demolished in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the local planning authority. The said building recording shall be undertaken at level 3 for Barn 1, level 2 for Barn 4 as identified on drawing 1034-PL-GA-0101, and level 1 for all other buildings and structures to be demolished within the red line
b) No development or demolition shall take place other than in accordance with the written scheme approved under Part b).

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

INFORMATIVES

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated on site with Steve Walters and John Lyall on 27 April 2017 and submitted on 5th and 21st June 2017. The revisions involved a redesign of the majority of the buildings on the site.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site lies within the Green Belt to the north of Lower Bedford Road. The site is broadly rectangular with an area of 1.6 hectares occupying a relatively high spot on the Havering Ridge and is accessed along a single carriageway unmade access track to the south from Lower Bedfords Road. Upper Bedfords Farmhouse is a Grade II listed mid 19th century farmhouse with a three storey crenelated tower acting as an eye-catcher or prominent feature in the landscape. The list entry does not make any reference to curtilage buildings.
- 1.2 The site comprises a cluster of former agricultural buildings centred around the farmhouse, the majority of which are now redundant. The following are curtilage buildings:
 - Barn 1 is an 18th century single storey timber framed barn located opposite to the north of the listed building. A substantial section of the roof timbers and roof are currently supported by scaffolding having partially collapsed.
 - Barn 3 is a “Nissen” style building in a state of dilapidation located towards the northern edge of the site adjacent to open farmland.
 - Barn 4 is a two storey brick built structure incorporating elements of differing ages. The western two thirds are of no particular heritage value but the eastern element facing onto the farmhouse rear courtyard appear to be contemporary with the farmhouse and incorporates a hipped slate roof.

2. **Description of Proposal**

- 2.1 The application is for listed building consent for the rebuild/conversion of Barn 1 to form a pair of 4 bedroom houses; for the incorporation of the eastern end of Barn 4 into a new 4 bedroom house and for the demolition of Barn 3.

Consent is required for such works to, and demolition of, curtilage buildings where they were erected prior to 1st July 1948 and were in the same ownership at the time of listing.

3. **Relevant History**

- 3.1 P2045.16 - Demolition of the redundant former agricultural and storage buildings and redevelopment, including conversion of barn 1, to provide 8 new residential dwellings, with associated landscape, access and parking - current

4. **Consultations and Representations**

- 4.1 The application was advertised as relating to a listed building and affecting its setting.
- 4.2 There have been two letters of representation one in support and the other providing comments as follows:
- Close to the walled garden of Bedfords Park;
 - Concerns about avoiding the bird breeding season should development take place;
 - Concerns of impact of new buildings on the listed farmhouse and historic landscape;
 - Impact on badger sett within the site;
 - Impact on barn owls breeding in vicinity so would welcome measures to retain nest sites and nesting boxes;
 - Impact on bats if trees removed;
 - Impact on Great Crested Newts;
 - Lack of public transport in locality - suggests financing a new bus stop
 - Would bring old buildings back into use;
 - Remove ugly looking buildings;
 - Improve access road;
 - Development would assist in the security of the area.
- 4.3 These comments were made in conjunction with those made in relation to P2045.16 and raise issues that do not directly relate to the listed building application. Whilst these matters are not material to this application they are addressed in the report on P2045.16.

Consultation Responses

Historic England (Historic buildings) - application should be determined on the basis of the Council's own specialist conservation advice and in accordance with national and local planning policy guidance.

5. **Relevant Policies**

- 5.1 Policies CP18 (Heritage); DC67 (Buildings of Heritage Interest) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control

Policies Development Plan, Heritage Supplementary Planning Document, Policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan and the guidance in Chapter 7 of the National Planning Policy Framework and the National Planning Practice Guidance.

6. **Staff Comments**

- 6.1 The main issue in this is whether either the conversion or the demolition of the curtilage buildings would cause substantial or other harm to the listed building.
- 6.2 Upper Bedfords Farmhouse is Grade II listed and the buildings subject to the application fall within its curtilage. The related planning application also proposes the demolition and redevelopment of barn structures within the curtilage, but these all postdate 1948 which is the date before which any curtilage buildings would be considered as being curtilage listed.
- 6.3 The demolition of existing buildings has the potential to adversely impact on the significance of the listed building. Significance is defined as the value of the heritage asset to this and future generations because its heritage interest. This derives from the physical appearance of the asset and its setting. Curtilage buildings can form an important part of the setting and hence the significance of the listed building.
- 6.4 Whether a proposal causes substantial harm will be a matter of judgement and the guidance in the National Planning Practice Guidance is that there is a threshold and that substantial harm should be exceptional. Where substantial harm is recognised, to overcome such harm or loss substantial public benefits that outweigh that harm should be demonstrated. In this case Staff and the Council's heritage advisor judge that the loss of specified curtilage buildings and conversion/re-use of others would not lead to substantial harm to or loss of the significance of the listed building or to its setting. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.
- 6.5 The curtilage buildings appear as a group of former agricultural buildings around the main farmhouse and do have some value within the overall setting of the listed building. However, the condition of the buildings and the general air of dis-use do not contribute positively to the setting at present. The retention of the main 19th century eastern element of barn 4 and the rebuilding and conversion of barn 1 would help to retain the setting of the listed building. The demolition of barn 3, which is in a very poor state of repair, would not materially affect the importance of the heritage asset. It could be argued that the change to the character of the farmyard from the residential conversions proposed would cause some limited harm to the setting of the farmhouse. Where there is less than substantial harm, as in this case here, the NPPF paragraph 134 advises that this should be weighed against the public benefits of the proposal. Public benefits may include sustaining or enhancing the significance of the asset. Looking at the changes to and demolition of curtilage buildings as a whole there would be some clear public

benefit by enhancing the curtilage listed buildings to be retained and by ensuring their long term use and contribution to the setting of the farmhouse.

- 6.6 Staff conclude that the special character of the listed building as set out in the listing would not be materially affected by the demolition and conversion. The grant of listed building consent is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks: Not applicable

Legal implications and risks:

The statutory duty applied to Local Planning Authorities in the exercise of their planning function in respect of listed buildings is set out in section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These tests require that, in exercising any of their powers under the Act with respect to any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged, sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Human Resources implications and risks: Not applicable

Equalities implications and risks: Not applicable

BACKGROUND PAPERS

1. Listed building application and plans received 21-12-2016

REGULATORY SERVICES COMMITTEE

24 August 2017

REPORT

Subject Heading:

P0863.17: 31 High Street, Hornchurch

Variation of condition 2 of planning permission P1373.16 to construct a Lidl food store. Amendments include: changes to the site gradient and finished floor levels increasing the height of the store by 0.58 metres; steps and access slope added to front of the store; internal alterations to store layout; relocation of trolley bays. (Application received 17 May 2017)

Ward:

St. Andrews

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

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Principal Development Management Officer
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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 a variation to planning permission P1373.16 for the construction of an A1 food store within Hornchurch town centre, which was approved on 12 May 2017.

The variation concerns changes to the site gradient and finished floor levels, which would increase the height of the store by 0.58 metres; the addition of steps and an access slope to front of the store; internal alterations to the store layout, and; the relocation of the trolley bays within the car park.

The variation raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the residential amenity of neighbouring residents.

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

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 747 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £14,940 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 Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement, completed on 12 May 2017, in respect of planning permission P1373.16 by varying the definition of Planning Permission which shall mean either planning permission

P1373.16 as originally granted or planning permission P0863.17 and any other changes as may be required from this, to secure the following:

- A financial contribution of £48,750 to be paid prior to the opening of the store to be used for the following:
 - i) highway works in respect of pavement improvements to High Street.
- 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 Assistant Director of Development be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External Materials

No above ground works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

4. Construction Methodology

The Construction Methodology shall be carried out in accordance with the details approved under condition 4 of P1373.16; under discharge of condition reference Q0068.17, as detailed in the Demolition and Construction Statement.

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..

5. Hours of Construction

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

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

6. Refuse and Recycling

Prior to the retail store first trading details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development

and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

7. Cycle Storage

Prior to the retail store first trading details of cycle storage shall be provided to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

8. Car Parking

Prior to the retail store first trading the car/vehicle parking area shown on the approved plans shall be completed to the full satisfaction of the Local Authority, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development during the approved opening hours.

Reason: To ensure that there are adequate parking facilities to serve the development in the interests of highway safety and that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

9. Accessible Parking Spaces

Prior to the retail store first trading the accessible parking spaces shown on the approved plans shall be completed to the full satisfaction of the Local Authority, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

Reason: To ensure that there is adequate on-site accessible parking facilities for the disabled in accordance with Development Control Policies Development Plan Document Policy DC33.

10. Loading

Prior to the retail store first trading the facilities for loading, unloading, circulation and manoeuvring shall be completed in accordance with the approved plans, to the full satisfaction of the Local Authority. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety in accordance with Development Control Policies Development Plan Document Policy DC36.

11. Deliveries

No deliveries to or collections from the site shall be made other than between the following times: 07:00 hours to 21:00 hours Monday to Saturday and 11:00 hours to 13:00 hours on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of nearby residential properties in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

12. Landscaping

No 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. Open Storage

No goods or materials shall be stored on the site in the open without the prior consent in writing of the Local Planning Authority.

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

14. Screen fencing

No above ground works shall take place until there has been submitted to and approved by the Local Planning Authority details of screen fencing, walls and other

boundary treatment. The fencing/boundary treatment shall be permanently retained and maintained thereafter.

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

15. Vehicle cleansing

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

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

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

16. Contaminated Land

Prior to the commencement of development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas

protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane. The gas protection measures shall be carried out in strict accordance with the agreed details. Upon completion of installation, a 'Verification Report' must be submitted demonstrating that the works have been carried out.

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

17. Opening Hours

The retail store shall not be open to customers outside of the following times: 07:00 hours to 23:00 hours Monday to Saturday and 09:00 hours to 21:00 hours on Bank and Public Holidays and for any 6 hours between these times on Sundays.

Reason: To protect the amenities of nearby residents in accordance with Development Control Policies Development Plan Document Policies DC61.

18. Travel Plan

The retail store shall not commence trading until a staff travel plan to reduce single occupancy car journeys and to promote sustainable means of transport for staff has been submitted to and agreed in writing by the local planning authority. The plan shall include details for monitoring of the approved measures and shall be implemented in accordance with the agreed details throughout the life of the store.

Reason: To reduce reliance upon the private motor car and to encourage the use of other means of transport.

19. External Lighting

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

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

20. Highway Agreements

No development shall commence on site unless and until the Local Planning Authority has approved a scheme of works for the proposed alterations to the public highway; and the retail store shall not open to customers until the approved scheme of works has been implemented by or on behalf of the applicant in full in accordance with the Local Planning Authority's written approval and has been certified as complete on behalf of the Local Planning Authority.

Reason: Insufficient information has been submitted with regard to the proposed alterations to the public highway. Submission of this detail prior to commencement will be in the wider interests of the travelling public and are maintained and comply with policies CP10, CP17 and DC61 of the Core Strategy and Development Control Policies Development Plan Document.

21. Pedestrian Visibility Splay

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

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

22. Road Safety Audit

Prior to commencement, the proposed vehicular access shall be subjected to a combined Stage 1/2 Road Safety Audit. Prior to occupation, the proposed vehicular access shall be subjected to a Stage 3 Road Safety Audit. In both cases, recommendations shall be reasonable dealt with. The Road Safety Audit should be undertaken in accordance with Transport for London standard SQA-0170 (May 2014) or HD19/15 of the Design Manual for Roads and Bridges.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, DC32 and DC61.

23. Fairkytes Avenue Retaining Structure

Prior to commencement, details of the proposed method of retaining Fairkytes Avenue shall be submitted for approval in accordance with the requirements of BD2/05 of the Design Manual for Roads and Bridges.

Reason: In the interests of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies DPD, namely CP10, CP17, DC32 and DC61.

24. New Plant and Machinery

No above ground works shall take place until there has been submitted to and approved by the Local Planning Authority details of a scheme for the new plant or machinery to achieve the following standard - Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property shall not exceed LA90 -10dB. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason: Insufficient information has been supplied with the application to assess the noise levels of the plant or machinery to be used on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use, will prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

25. Noise and Vibration

No above ground works shall take place until there has been submitted to and approved by the Local Planning Authority details of a suitable mechanical ventilation system to be installed to control the transmission of noise and vibration. Thereafter, the equipment shall be properly maintained and operated in accordance with the scheme 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 occupation in the case of new building works or prior to the use commencing in the case of changes of use protect the amenity of occupiers of nearby premises, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

26. Sustainable Construction

The retail development hereby permitted shall achieve a BREEAM rating of 'very good' and shall not be opened for trading until a BREEAM certificate has been issued and a copy provided to the local planning authority certifying that a rating of 'very good' has been achieved.

Reason: Insufficient information has been supplied with the application to judge sustainability of the development. The approval of details prior to commencement of the use is necessary to ensure that a high standard of sustainable construction and environmental performance is achieved in accordance with Development Control Policies Development Plan Document Policy DC49.

27. Drainage

The retail store shall not open to customers until the proposed drainage strategy has been implemented in accordance with the details set out in the Sustainable Design and Construction Statement report dated August 2016 submitted as part of the application.

Reason: Surface water drainage works are required on site to prevent the risk of flooding. The measures detailed in the drainage strategy are considered to be technically sound and need to be implemented as part of the development to ensure that it accords with Development Control Policies Development Plan Document Policies DC49 and DC61.

28. Enclosure of Car Park

The proposed retail store shall not open to customers until measures have been implemented to secure the car park during the period when the store is closed in accordance with details that have previously been submitted to and agreed in writing with the local planning authority.

Reason: Insufficient information has been submitted with the application to demonstrate how the car park would be secured to minimise the risk of crime and anti-social behaviour to ensure that the development accords with Development Control Policies Development Plan Document Policies DC61 and DC63.

29. Car Park Controls

The retail store shall operate in full accordance with the details of the Car Park Management Plan approved under condition 29 of planning permission P1373.16; under discharge of condition reference Q0115.17. The approved management strategy shall be implemented throughout the lifetime of the development.

Reason: To help minimise any overflow car parking onto local roads and to ensure that the development accords with the LDF Development Control Policies Development Plan Document DC32 and DC33 (Annex 5).

30. Clear Glazing

The glazing in the shop front elevations of the building hereby permitted, shall not be obscured at any time, including items attached to the glazing or placed nearby. The glazing shall remain clear and un-obscured at all times.

Reason: In the interests of visual amenity and to comply with policy DC61 of the Core Strategy and Development Control Policies DPD.

31. Ground Levels

No works shall take place in relation to any of the development hereby approved until details of proposed ground levels and finished floor levels are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: Insufficient information has been supplied with the application to judge proposed ground and finished floor levels. Submission of details prior to commencement will ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

32. Towers Lettering

The proposed retail store shall not open to customers until a detailed scheme for the re-use to the front of the site of the 'Towers' lettering, taken from the frontage of the former building, has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with policy DC61 of the Core Strategy and Development Control Policies DPD.

33. Permitted Development Restriction - Changes of Use

Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development consisting of a change of use under Part 3 Class D, G or J shall be carried out without the express permission in writing of the local planning authority.

Reason: To protect the retail function of the development, the amenities of local residents and the character of the area in accordance with Development Control Policies Development Plan Document Policies DC61 and DC15.

34. Permitted Development Restriction - Additional/ Mezzanine Floors

The total of floorspace within the building shall not exceed 2,747 square metres at any time. No additional internal floors or mezzanine levels other than those shown on the approved plans shall be installed. Neither shall there be any subdivision of the retail sales area, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason: The application has been assessed on the basis of a single food retail unit and any changes could materially affect the vitality and viability of Hornchurch town centre, and to protect the amenities of local residents and the character of the area

in accordance with Development Control Policies Development Plan Document Policies DC61 and DC15.

35. No access from Fairkytes Avenue

Fairkytes Avenue shall not be used by any development traffic during the construction of the development hereby approved, nor shall it be used at anytime by customer vehicles or vehicles associated with the operations of the food store as a means of entering or leaving the site.

Reason: To protect the amenity of neighbouring residents and in the interests of highway safety, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

36. Road Signage & Turning Restriction

The proposed retail store shall not open to customers until a detailed scheme for additional road signage and road markings to enforce the site entrance turning restrictions has been submitted to and approved in writing by the Local Planning Authority. Prior to the retail store opening to customers, the 'left-turn only' site access arrangement, as indicated on drawing no. 16/0705/SK04B, and agreed signage and road markings shall be installed to the full satisfaction of the Local Planning Authority and thereafter maintained.

Reason: Insufficient information has been submitted with the application to demonstrate the proposed signage and road markings to be used at the site entrance. The submission and implementation of the measures prior to the store trading would ensure that there are adequate entrance and exit arrangements to serve the development and that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC33.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £14,940 (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. 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 (including permanent or temporary access)** Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

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

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

Temporary use of the public highway

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

5. Before occupation of the food store hereby approved, it is a requirement to have the property 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 site of the former 'Mecca Bingo' hall at 31 High Street, Hornchurch.
- 1.2 The former premises, previously known as the Towers Cinema, was vacated in late 2015, and planning permission to demolish the building was granted in August 2016. The building has now been demolished and building works on a new food store are currently underway.
- 1.3 The site comprises an 'L-shaped' plot of 0.63 hectares. The main vehicular access to the site is from High Street. There is also a north to south pedestrian route between Fairkytes Avenue and High Street which crosses the former car park.
- 1.4 The land is designated in the Local Development Framework as being within the fringe area of the Hornchurch Major District Centre, although the site is also surrounded by residential accommodation to the north, south and west.

2. Description of Proposal

- 2.1 Planning permission was granted on 12 May 2017 under application reference P1373.16 for the construction of an A1 food store, which will be operated by Lidl. The current proposal is seeking a variation to the planning permission.
- 2.2 The variation concerns changes to the site gradient and finished floor levels, which would effectively increase the height of the food store building by 0.58 metres in comparison to the previously approved scheme; the addition of steps and an access slope to main entrance on High Street at front of the store; internal alterations to the store layout, and; the relocation of the trolley bays within the car park.
- 2.3 As with the previous planning permission the proposed food store would be located on the south west portion of the site, in a similar position to the former building, and would incorporate a mono-pitched roof design. Under the variation overall dimensions of the building would still stand at approximately 7.6 metres high sloping west down to a height of approximately 5.3 metres. An additional single storey flat roof section with a height of approximately 4.3 metres would wrap around to rear of the building adjacent to the boundary with Fairkytes Avenue. The main difference is that less of existing ground level would be excavated as originally intended due to a high voltage electricity cable which runs through the site. This will result

in the finished floor level of the building being approximately 0.58 metres higher than the previously approved scheme. As a consequence a set of steps and a ramp access would need to be installed to the entrance at the front of the store, adjacent to the High Street elevation.

- 2.4 The total floorspace proposed is 2,747 square metres over two floors with a net sales area of 1,690 square metres located on the ground floor. The building would also accommodate an ancillary warehouse and storage area, bakery, office, and staff welfare areas. The main variation in this regard would be moving the staff welfare area from the first floor level to the ground floor level.
- 2.5 The development would include an associated car park providing 104 parking spaces. The car park would be laid out in the northern and eastern sections of the site similar to the current arrangement. The development would use the existing vehicular entrance point from High Street. The existing pedestrian route from Fairkytes Avenue through to High Street would be maintained. The main variation in this regard would be the relocation of the trolley bay to a more central position within the site.
- 2.6 A single storey service/delivery bay would be located adjacent to the northern boundary with Fairkytes Avenue in the north western section of the site.
- 2.7 The new food store would create 40 full and part time jobs. The proposed opening hours would be 07:00 to 23:00 Monday to Saturday, 11:00 to 17:00 on Sundays, Public and Bank Holidays.

3. Relevant History

- 3.1 Variation of condition 10 (delivery times) and condition 17 (store opening hours) of planning permission P1373.16 (construction of a Lidl food store) to allow: Deliveries on Bank/Public Holidays between hours of 7:00 to 21:00, and; Store opening on Bank/Public Holidays between the hours of 07:00 to 23:00 – Application received 20 July 2017, undetermined.
- 3.2 P1373.16 - Construction of a Lidl food store with associated car parking - Approved, 12 May 2017
- 3.3 P0325.16 - Demolition of former Mecca Bingo Hall - Approved, 31 August 2016

4. Consultations/Representations

- 4.1 Notification letters were sent to 84 properties and no representations have been received.
- 4.2 The following consultation responses have been received:

- Environmental Health - no objection.
- Local Highway Authority - no objection.

5. Relevant Policies

- 5.1 Local Development Framework Core Strategy and Development Control Policies Development Plan Document Policies: CP2 (Sustainable Communities), CP3 (Employment), CP4 (Town Centres), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP15 (Environmental management), CP17 (Design); DC15 (Retail and Service Development); DC32 (The road network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC40 (Waste Recycling); DC49 (Sustainable Design and Construction); DC53 (Contaminated Land); DC55 (Noise); DC56 (Light); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places); DC72 (Planning obligations).
- 5.2 Other relevant documents include the Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 5.3 The following London Plan policies are material considerations: Policies 2.15 (Town centres); 4.7 (Retail and town centre development); 4.8 (Supporting a successful and diverse retail sector); 5.21 (Contaminated land) 6.10 (Walking); 6.13 (Parking); 6.9 (Cycling); 7.3 (Designing out crime); 7.4 (Local character).
- 5.4 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant to these proposals.

6. Staff Comments

- 6.1 When considering the previous application for the food store, Staff took into consideration issues in relation to the vitality and viability of Hornchurch town centre, the impact on the character and appearance of the streetscene and surrounding area, the impact on the residential amenity of neighbouring residents, the suitability of the proposed parking, access and servicing arrangements, and the implications for the surrounding highway network. 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.
- 6.2 It should be noted that planning permission had previously been granted to demolish the former bingo hall building which used to occupy the site.
- 6.3 This application concerns changes to the site gradient and finished floor levels increasing the height of the store by 0.58 metres; steps and access slope added to front of the store; internal alterations to store layout;

relocation of trolley bays. The new material considerations with regard to the proposed variation to the scheme relate to the impact on the character and appearance of the streetscene and the impact on the residential amenity of neighbouring residents

Principle of Development

- 6.4 The principle of the development was established under planning permission P1373.16. The NPPF seeks to promote through Local Plans policies for competitive town centres that provide customer choice and a diverse retail offer. The issue for new retail proposals is one of impact rather than meeting a demonstrable need. The aim should be to provide customer choice whilst at the same time protecting existing town centres.
- 6.5 The NPPF paragraph 24, policies 2.15 and 4.7 in the London Plan, and LDF Policies CP4 and DC15 normally require retail development to be located in existing town centres.
- 6.6 The site is designated in the Local Development Framework as being within the fringe area of the Hornchurch Major District Centre.
- 6.7 Policy DC16 of the Havering Core Strategy and Development Control Policies DPD states that planning permission for A1 retail uses will be granted throughout the primary shopping area (comprising the retail core and fringe areas) at ground floor level. Enhancing the retail offer in the borough's town centres is regarded as critical to ensuring vitality and viability. The policy also advises that it is important that a 'critical mass' of retailing uses are maintained within the core areas of the borough's town centres.
- 6.8 As with the previous application the proposed development would introduce an active frontage to this section of High Street and help to maintain visual and functional retail continuity to aid in enhancing the vitality of the town centre. As such the proposed redevelopment of the site to provide an A1 retail store would be considered acceptable in principle in landuse terms, subject to scale, layout and detailed design and highways considerations.

Design/Impact on Streetscene

- 6.9 The design and impact on the streetscene was assessed under planning application P1373.16 and judged to be acceptable.
- 6.10 The gradient across the application site gradually rises from High Street to the south through to Fairkytes Avenue towards the north. The development would involve the excavation of sections of the ground across the site to create a similar level to High Street. Under the proposed variation less of the existing ground level would be dug out due to a high voltage electricity cable which runs through the site. This will result in the finished floor level of the

building being approximately 0.58 metres higher than the previously approved scheme. As a consequence a set of steps and a ramp access would need to be installed to the entrance at the front of the store, adjacent to the High Street elevation. The rear section of the food store building would still be set some 1.9 metres below the ground level at Fairkytes Avenue.

- 6.11 It is considered that the proposed variation would form a relatively minor alteration to the appearance of the building and the additional steps and ramp would not detract from the streetscene at High Street. The proposed changes in ground level would be relatively minor in comparison to the overall scale of the development and in Staff's view would result in a minimal impact on the streetscene at Fairkytes Avenue in comparison to the previously approved scheme.
- 6.12 It is considered that the proposed variations to the scheme would still be sympathetic to the development in the surrounding area and would serve to maintain and enhance the character and appearance of the streetscene along this section of High Street and Fairkytes Avenue.

Impact on Amenity

- 6.13 The impact on the amenity of the neighbouring residents was assessed under planning application P1373.16 and judged to be acceptable.
- 6.14 As with the previous application the main consideration in terms of overshadowing and over-dominance relates to the impact on the occupants of 8 Fairkytes Avenue, located to the north west of the application site.
- 6.15 The proposed food store would be positioned directly adjacent to the eastern side boundary of No.8 and as part of the proposed variation the building would sit some 0.58 metres taller, from 3.6 metres to 4.18 metres, in comparison to the Fairkytes Avenue ground level. Despite the changes to the proposed finished floor levels the food store building would still sit at a much lower ground level to the adjacent houses at Fairkytes Avenue. As a result Staff are still of the view that the height and prominence of the building adjacent to the boundary with No.8 would be acceptable. Crucially, the rear section of the building, which lies closest to No.8 has also been designed with a low profile flat roof which would serve to further reduce any overbearing impact on the adjacent occupiers.
- 6.16 Whilst it is acknowledged that the proposed new building would be considerably lower in terms of its height and bulk, it would have a much greater footprint and depth. The new building would occupy the western side of the site adjacent to the side boundaries with 8 Fairkytes Avenue, the new flatted accommodation at Arias Court, and 23a to 27a High Street to the north. The windows in the side elevation of the food store would be high level to allow daylight into the shop floor area and would not provide any outlook for employees or customers towards the adjacent residential

properties. A condition will also be carried over from the previous consent removing permitted development rights for additional internal floors and mezzanine levels which will help to mitigate any future privacy or overlooking issues.

- 6.17 As with the previous scheme the proposal would also involve the installation of dry cooler and heat pump plant adjacent to the northern boundary, and within close proximity to 8 Fairkytes Avenue. To mitigate against noise it is proposed that the plant would be installed within a specialist acoustic enclosure. A condition requiring a detailed scheme for controlling noise emission from plant will be carried over from the previous planning permission.
- 6.18 As with the previous scheme the proposed opening hours would be 07:00 to 23:00 Monday to Saturday, 11:00 to 17:00 on Sundays, Public and Bank Holidays. Deliveries and servicing of the site would be restricted to 07:00 to 21:00 Monday to Saturday and 11:00 hours to 13:00 hours on Sundays, Bank or Public Holidays. The current application proposes no alteration to the operating and delivery hours. The impact on the amenity of the neighbouring residents was assessed under planning application P1373.16 and judged to be acceptable.
- 6.19 On balance it is not therefore considered that the proposed development would present undue issues in relation to loss of daylight and overshadowing in accordance with policy DC61.

Environmental Issues

- 6.20 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended a precautionary condition in relation to gas protection measures.
- 6.21 The site is not located within a flood zone and as such presents no issues in relation to flood risk or sustainable urban drainage.
- 6.22 The proposal is not considered to give rise to any significant noise issues, subject to controls on the trading and delivery times.

Parking and Highway Issues

- 6.23 The parking provision, site access arrangements, and wider highways implications were assessed under planning application P1373.16 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

Mayoral Community Infrastructure Levy

6.24 The proposed development will create 747 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £14,940 (this may go up or down, subject to indexation) based on the calculation of £20.00 per square metre.

7. Conclusion

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

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

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

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 17 May 2017.