



REGULATORY SERVICES COMMITTEE AGENDA

| | | |
|----------------|---------------------------------------|---|
| 7.30 pm | Thursday 21 September 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 - 8)

To approve as a correct record the minutes of the meeting of the Committee held on 24 August 2017 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX & REPORTS (Pages 9 - 40)

- 6 P0965.17 - R/O 7 HAMLET CLOSE** (Pages 41 - 56)
- 7 P1287.17 - HYLANDS PRIMARY SCHOOL, GRANGER WAY** (Pages 57 - 64)
- 8 P2010.16 - LAND OFF HARLOW GARDENS** (Pages 65 - 82)
- 9 P0207.17 - 63 PETTITS LANE, ROMFORD** (Pages 83 - 94)
- 10 P1371.17 - HAVERING COLLEGE, NEW ROAD, RAINHAM** (Pages 95 - 120)
- 11 REGULATORY SERVICES MONITORING** (Pages 121 - 122)
- 12 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
24 August 2017 (7.30 - 9.15 pm)**

Present:

COUNCILLORS: 10

Conservative Group Philippa Crowder, Melvin Wallace, Roger Westwood, Michael White and +John Crowder

Residents' Group Reg Whitney

East Havering Residents' Group Alex Donald (in the Chair) and Linda Hawthorn

UKIP Group Phil Martin

Independent Residents Group Graham Williamson

Apologies were received for the absence of Councillors Robby Misir and Stephanie Nunn.

+ Substitute members: Councillor John Crowder (for Robby Misir).

Councillors Roger Ramsey, Wendy Brice-Thompson, Frederick Thompson, Ron Ower, David Durant and Michael Deon Burton were also present for parts of the meeting.

25 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.

306 MINUTES

The minutes of the meeting held on 3 August 2017 were agreed as a correct record and signed by the Chairman.

307 **P1673.16 - 13 BURNTWOOD AVENUE, HORNCHURCH**

The report before Members concerned an outline planning application for the demolition of an existing care home and the erection of five new dwellings and an access road.

With its agreement Councillor Roger Ramsey addressed the Committee.

Councillor Ramsey commented that he was speaking on behalf of concerned residents. Councillor Ramsey also commented that the proposal had been increased in size from the four dwellings agreed by the planning inspectorate to five dwellings that had also increased in height by adding an extra half storey. The new proposal increased the density on the site by 25% and was contrary to the guidance set out in the Emerson Park Policy Area Supplementary Policy Document. Councillor Ramsey concluded by commenting that the proposal was a harmful overdevelopment of the area and that there were further issues relating to access, egress, fire safety and refuse arrangements that needed to be considered in more detail.

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 residents had concerns regarding the increased density of the site and possible overlooking issues. The objector also commented that the planning inspectorate had been very specific in its guidance when allowing the applicant's appeal that the proposed dwellings should only be two storeys in height. The objector concluded by commenting that the proposal would lead to increased traffic movements and noise pollution.

In response the applicant's agent commented that the proposal would have no detrimental impact or be harmful to the Emerson Park area or lead to overlooking of neighbouring properties. The agent concluded by commenting that the proposal was a well-designed and suitable development that would provide quality residential accommodation in the area.

During the debate Members sought and received clarification regarding access/egress arrangements, visibility splays and site dimensions.

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

- The development, by reasons of the plot layout and the extent of built form introduced into the existing open garden layout, would give rise to a development that was out of keeping with/harmful to the spacious character of the Emerson Park Policy Area.
- Lack of infrastructure contribution towards education provision.

308 **P0716.17 - 29-33 VICTORIA ROAD, ROMFORD**

The application before Members sought planning permission for the demolition of the existing building and erection of two replacement front and rear blocks comprising a total of thirty-five residential units. The accommodation would include fifteen one-bedroom flats, seventeen two-bedroom flats, and three 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 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.

The Committee noted that the application had been called-in by Councillor Frederick Thompson on the grounds that he believed the proposal would reduce the housing shortage and would not be too tall for its location.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that the proposal would not be too tall and that the top storey had been well designed to limit the visual appearance of the building. Councillor Thompson concluded by commenting that the proposal would help to reduce the housing shortage in the area, would enhance the environment and asked that members looked favourably at the proposal.

During the debate Members discussed the height and bulk of the proposed building and its merits as a town centre development.

Members also sought and received clarification regarding Mayoral CIL contributions, S106 agreements including education contributions and affordable housing provision.

The report recommended refusal of granting of planning permission however, following a motion to defer consideration of the report it was **RESOLVED** to defer consideration of the report to allow officers to have further discussions with the applicant to resolve Section 106 issues (education and affordable housing).

The vote for the resolution to defer consideration of the report was carried by 6 votes to 3 with 1 abstention.

Councillors Donald, J.Crowder, P.Crowder, Wallace, Westwood and White voted for the resolution.

Councillors Hawthorn, Whitney and Martin voted against the resolution.

Councillor Williamson abstained from voting.

309 P0575.17 - 455 RUSH GREEN ROAD, ROMFORD - VEHICLE CROSSOVER IN ORDER TO PARK A CAR ON THE FRONT OF A PROPERTY

The Committee noted that the application had been called-in by Councillor Robert Benham on the grounds that the proposal raised concerns in regards to highway/pedestrian safety and encouraging the loss of green space. Reference was also made to the crossover at number 519 Rush Green Road with regards to this previous planning consent being granted in error.

In Councillor Benham's absence an email supporting the call-in was read out by officers.

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

310 P2045.16 - UPPER BEDFORDS FARM, LOWER BEDFORDS ROAD

The report before Members considered an application for the provision of eight new dwellings within the Green Belt and the Havering Ridge Special Character Area. The proposal concerned the demolition of existing former agricultural barns and the conversion of some older farmyard buildings. The site lay within 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 was considered to amount to the very special circumstances that would outweigh any harm.

During the debate Members discussed the bespoke nature of the proposal, developing on the Green Belt and sought and received clarification on very special circumstances relating to the Green Belt.

That the Committee noted that the development proposed was 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.

It was **RESOLVED** that the proposal was unacceptable as it stood 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 was not completed by such date the item should 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 was 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 Assistant Director of Development 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 as set out in the report.

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

Councillor Whitney voted against the resolution to grant planning permission.

311 **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 EIGHT NEW DWELLINGS.**

The Committee considered the report and without debate **RESOLVED** to grant listed building consent subject to the conditions as set out in the report.

The vote for the resolution to grant listed building consent was carried by 9 votes to 1.

Councillor Whitney voted against the resolution

312 **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.**

The Committee considered the report, noting that the proposed development qualified for Mayoral CIL contribution of £14,940, and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to 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 should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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 as set out in the report.

Chairman

This page is intentionally left blank

Regulatory Services Committee

21 September 2017

| Application No. | Ward | Address |
|-----------------|----------------------|---|
| P0885.17 | Harold Wood | Meadowbanks Care Home, Hall Lane, Upminster |
| P0925.17 | Rainham & Wennington | Rainham Landfill, Coldharbour Lane, Rainham |
| P0987.17 | Pettits | 15 Brook Road, Romford |
| P1006.17 | Upminster | 50a Station Road, Upminster |

APPLICATION NO. P0885.17
WARD: Harold Wood
Date Received: 2nd June 2017
Expiry Date: 28th July 2017
ADDRESS: Meadowbanks Care Home
Hall Lane
Upminster
PROPOSAL: The application proposes the erection of a two storey 'U' shaped extension to the rear of the existing Care Home to provide an additional 20 bedrooms with en-suite facilities and associated communal living and dining rooms, ancillary spaces and re-landscape grounds. The proposal seeks to meet the demand for older Londoners within the Borough of Havering suffering from dementia.
DRAWING NO(S): 16298_PL01
16298_PL02
16298_PL03
16298_PL04
16298_PL05
16298_PL06
16107_PL08
16107_PL09
16107_PL10
16107_PL11
16298_PL12
16298_PL13
16298_PL14
16298_PL15
16298_PL16
16298_PL17
16298_PL18
16298_PL19
16298_PL20
16298_PL21
16298_PL22

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

CALL-IN

Councillor Eagling called in this application on the grounds that the special circumstances for a development on the Green Belt is a need for the very specific high dependency and high quality service with the provider having an excellent rating from the CQC. Also, this development is on a secure site and would have no effect or detriment to the Green Belt locally.

SITE DESCRIPTION

The application site consists of Meadowbanks Care Home that has 40 bedrooms and is located on the western side of Hall Lane, Upminster. The nearest residential property is 'Newlands Cottage',

which is located to the north east of the site. Pages Wood is located to the north, south and west of the site. The property lies within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is for the erection of a two storey 'U' shaped extension to the rear of the existing Care Home to provide an additional 20 bedrooms with en-suite facilities and associated communal living and dining rooms, ancillary spaces and re-landscape grounds. The applicant has advised that the care home focusses on the provision of dementia care and that this proposal would increase the number of bedspaces available for people with dementia.

RELEVANT HISTORY

Tyes Farm

1523/80 - Extensions and alterations to existing residential property - Approved 30.9.80.

302/85 - 1st floor extension to provide additional residential accommodation for expanded family and in house staff - Refused 18.4.85.

P0738.87 - 1st floor extension to provide additional bedrooms - Refused 2.7.87.

P1682.87 - 1st floor extension to provide additional bedroom - Approved 14.1.88.

A0016.12 - Two non-illuminated free standing signs - retrospective
Apprv with cons 13-08-2012

N0007.12 - Minor amendment request to P0738.10 - to change boundary treatment to East facing Hall Lane from 1100mm high post and rail fence to 1200mm high hooped top railings.
Apprv with cons 05-03-2012

Q0279.11 - Discharge of condition
DOC Discharge PART 30-12-2011

N0049.11 - Minor amendment to P0738.10 & N0063.10 for internal alterations and 2 No. new rooflights
Approve no cons 31-10-2011

N0063.10 - Minor amendment to planning application P0738.10
Approve no cons 17-08-2010

P0738.10 - Variation to condition 5 of planning application P2067.06 - residential care unit (50 bed).
Apprv with cons 13-08-2010

P1575.09 - Demolition of existing buildings for the redevelopment of land to create a 54 bed care home with associated garden space and car parking.
Withdrawn 05-01-2012

P2067.06 - Residential care unit (50 bed)
Apprv with cons 15-11-2007

E0024.04 - Certificate of lawfulness for the manufacture of concrete slabs, fencing posts and panels, and the storage, repair and supply of scaffolding materials
Refuse 13-06-2005

CONSULTATIONS / REPRESENTATIONS

The application under consideration was advertised in the local press, a site notice displayed adjacent to the site and 47 neighbouring occupiers within the immediate vicinity were notified by

way of direct correspondence. One letter of objection was received with detailed comments that have been summarised as follows:

- Loss of Metropolitan Green Belt.
- The expansion is too big for the site.
- Would reduce the outside space for existing and future residents.
- The internal garden would have no rural view.
- The impact of noise, pollution and disturbance from building work on residents.
- Impact on residential amenity.
- Parking.
- No reference to extra car parking spaces for additional staff.
- Highway safety.

Highway Authority - No objection.

Fire Brigade - No additional fire hydrants are required. Although access for fire brigade vehicles complies with Table 19 of Approved Document B Volume 2 of the Building Regulations 2010, it is strongly recommended that full sprinkler protection be provided throughout the original building and the proposed extension. It is also strongly recommended that the provision of a fire main be considered, this would help in speeding up fire fighting operations and would reduce the risk of water damage caused by burst hose length in a part of the building unaffected by fire. It strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to care homes.

Environmental Health - No objections/comments with regards to the above application in terms of land contamination, air quality or noise.

Joint Commissioning Unit - There is over capacity in the borough, with more beds available than placements, but there is a separation of market between publicly funded provision and the self-funder market, which is usually higher cost. It is assumed that the Meadowbanks Care Home does not accept Council rates and is aimed at the higher end market. The development of this facility is therefore unlikely to impact on capacity for Council funded placements in care homes. It is envisaged that this extension is aimed at the private, self-funders market at higher cost than the Council would normally fund.

The agent has advised that a small number of residents at Meadowbanks are Local Authority clients, whereas the vast majority undergo a thorough check on their financial situation to make sure that they have sufficient funds to cover their care costs for at least 3-5 years and bear no financial burden on the Local Authority.

RELEVANT POLICIES

Core Strategy and Development Management Policies Development Plan Document (2008) - Policies CP1 (Housing Supply); CP2 (Sustainable communities); CP8 (Community Facilities); CP9 (Reducing the need to travel); CP10 (Sustainable Transport); CP17 (Design); DC26 (Location of Community Facilities); DC32 (Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC45 (Green Belt); DC51 (Water supply, drainage and quality); DC55 (Noise) and DC61 (Urban Design, together with the Housing SPG).

Policies 3.17 (Health and social care facilities), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.16 (Green Belt), 7.4 (local character) and 8.3 (Community infrastructure levy) of the London Plan are relevant.

Chapters 7 (Requiring good design), 8 (Promoting Healthy Communities) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

The CIL form states that the proposed extension would have a total gross internal floor space of 790 square metres. CIL liability will therefore be $790 \times 20 = \text{£}15,800$ (subject to indexation).

STAFF COMMENTS

Pre-application advice was sought prior to the submission of this application, for the provision of 22 additional bedrooms, two dining rooms, two lounges and associated facilities. Staff raised significant concerns regarding the height, scale and bulk of the proposed extension and its impact on the rural character and openness of the Green Belt and suggested a reduction in the scale of the proposals.

The agent has advised that although options were discussed, which assessed how to proceed with a smaller single storey extension and 50% smaller in volume, that a substantially reduced number of bedroom provision was eventually not deemed to be a viable option for the care home, as it would not meet the known demand of bed spaces and the required provision of staff to resident ratios.

In comparison with the plans submitted for the pre-application enquiry, the proposed development involves extending the existing care home to provide an additional 20 bed spaces (a reduction from 22 bed spaces) and associated communal and ancillary spaces. To address concerns regarding the proposed volume of the extension raised at the pre-application stage, the first floor rooms looking onto the courtyard have been removed and the width of the connecting link corridors has been reduced. These changes have led to the proposed cubic capacity reducing from 2605m³ to 2480m³, which equates to a reduction from 50% to 48% of the existing care home. Staff consider that the above changes are relatively minor improvements and as such, the proposed development that has been put forward does not sufficiently overcome previous concerns regarding the proposal at the pre-application stage.

The issues arising from this application are the principle of development, the impact upon the character and openness Metropolitan Green Belt, the impact on the streetscene, amenity implications and any highway and parking issues.

PRINCIPLE OF DEVELOPMENT

The site lies within the Metropolitan Green Belt where new built development would normally be considered 'inappropriate development', which by definition would cause material harm to the Green Belt and where new development should not be approved except in very special circumstances. The guidance in the NPPF is that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm is clearly

outweighed by other considerations. In accordance with the guidance in the NPPF, the London Plan and the Havering LDF the development as proposed would be unacceptable in principle and could only be approved if very special circumstances could be demonstrated in line with the NPPF that clearly outweighed the harm.

Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. An exception to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is considered that the proposal is disproportionately large compared to the original buildings and also in relation to the existing building and therefore would only be acceptable if very special circumstances sufficient to outweigh the harm can be demonstrated.

GREEN BELT IMPLICATIONS

Policy DC45 does not discourage extensions and alterations within the Metropolitan Green Belt, however, it stipulates that "extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling". The NPPF states that the construction of new buildings is inappropriate in the Green Belt. Exceptions to this are 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. In policy terms, the NPPF is more up to date than the LDF and accordingly greater weight is attached to the policies of the NPPF.

This application has been assessed in the context that the site formally consisted of Tyes Farm, with numerous relatively small scale detached outbuildings on the site, which were demolished and replaced with a substantial two storey residential care home in 2006.

It is understood, when planning application P2067.06 was submitted to redevelop Tyes Farm, that the volume of all of the existing buildings on the site at that time totalled 5689.18 cubic metres. The agent has advised that the current care home has an external volume of 5607.7 cubic metres, which represents a reduction in the volume of built form on the site by 81.48 cubic metres. The development did however have the effect of consolidating the volume of existing buildings, which comprised a number of individual farm buildings, into one larger building, which currently exists on the site today. The proposed extension to the care home has a proposed external volume of 2705.8 cubic metres, which represents a 48% increase in volume of the buildings on the site.

Staff consider that the existing building on the site, consolidating the volume of all the individual former farm buildings, is already substantial. The proposed two storey rear extension is considered to appear disproportionately large in relation to the existing building. The proposed extension is the full width of the existing building and adds a further 19m approximately to the overall length of the building. It is predominantly a full two storey building with a ground to ridge height of some 8.5m. 48% is judged to be a significant volumetric increase in comparison to the building that already exists and, when the overall resultant bulk and scale of the building is taken into account, is considered to be disproportionate to the original building and to have a detrimental impact on the rural character and openness of the Green Belt.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are

satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

The proposed extension would consist of facing brickwork, cream coloured render and brown roof tiles. It is considered that the proposed two storey extension to Meadow Banks Care Home would not adversely affect the streetscene, due to its siting to the rear of the building, its set back from Hall Lane and its design is visually acceptable in streetscene terms.

A landscape plan and strategy have been submitted with the application. The area around the proposed extension will be planted with shrubs, perennial planting and a number of trees. Paths, informal seating areas and secure areas for the residents would be placed around the proposed extension.

IMPACT ON AMENITY

It is considered that the proposal would not result in material harm to neighbouring amenity, as the Care Home is well separated from adjacent dwellings, including the nearest dwelling at Newlands Cottage.

HIGHWAY / PARKING

The site has a PTAL of 0 which indicates that in transport terms the site is not in a sustainable location. Therefore, the parking provision should be towards the maximum. For a C2 use, this is 1 parking space per 4 bedrooms (for both residents and staff).

The increase in bedrooms from 40 to 60 would dictate that 15 car parking spaces are needed. There are currently 25 parking spaces of which 17 are dedicated spaces including two disabled bays and 8 informal spaces located in the area of grasscrete. Staff consider the level of car parking provision to be acceptable, as there would be an excess of 15 car parking spaces above the standard. It is considered that the proposal would not create any highway or parking issues. The Highway Authority has no objection to the proposal.

There is currently space for 10 cycles at the site and the provision will be made for a further bike stand for 10 cycles.

The access road currently provides a turning head, which accommodates the movements of refuse vehicles. The current refuse area is externally located in the fenced area near to the car parking bays. The additional refuse bins required for the extension will not exceed its parameters.

OTHER ISSUES

Given that the development is judged to be inappropriate in principle within the Green Belt and harmful to the openness of the Green Belt, the development should not be approved unless it can be demonstrated that very special circumstance exist to outweigh the harm to the Green Belt. A statement of very special circumstances has been submitted in support of the application, which raises the following matters:

- Within London the older population is the fastest growing population group. As the population of older people increases, so will the number of dementia sufferers.
- People with dementia have an increased risk of physical health problems and will become increasing dependent on health and social care services and on other people for their care.
- The London Plan states that between 400 and 500 new bed spaces per annum are needed within a Care Home setting for all older Londoners. Dementia patients need a higher percentage of this accommodation than many other older Londoner groups.
- The population of the London Borough of Havering is constantly increasing and the borough has one of the highest percentages of older people out of all the London Boroughs. Due to these two factors, there is going to be an increased demand on the dementia services within the borough.
- T.L. Care (Havering Ltd), the operators of Meadowbanks Care Home, have been operating in the area since 1997, specialising in residential care of the elderly, focussing on dementia care.
- T.L. Care (Havering) Ltd currently run two care homes, a 23 bedroom care facility in Harold Hill and the 40 bed facility at Meadowbanks. The Harold Hill Care Home currently offers accommodation at the local authority rate and has a large percentage of clients from Havering.
- The Harold Hill site does not pose any scope to expand its operation having already extended the building to cover much of the site. Meadowbanks Care Home is set within 4 acres of gardens and meadows providing potential space for the client to expand.
- The agent has advised that a small number of residents at Meadowbanks are Local Authority clients, whereas the vast majority undergo a thorough check on their financial situation to make sure that they have sufficient funds to cover their care costs for at least 3-5 years and bear no financial burden on the Local Authority.
- Meadowbanks is a well-known facility within the borough providing excellent care for residents. Meadowbanks currently has an annual occupancy rate of 96% and a long waiting list of people wishing to stay at the care home. Dementia sufferers are referred to the care home by GPs, District nurses, local churches, businesses and by word of mouth from previous families.
- The original approved application P2067.06 and the withdrawn application P1575.09 showed that there was a demand at the site and within Havering at the time of the application (2006) for a care facility that provided 50+ residential bedrooms. Since this time, the demand for bed spaces has not been met and has increased within the borough.
- The Care Home currently employs 56 staff on a full time and part time basis. A further 25 full and part time staff would be employed at the care home if the extension is approved. The vast majority of staff currently employed are from the local area within Havering, a priority will be given for the new staff to also be from the local area.
- The Care Home is enclosed by Pages Wood to the northern, southern and western boundaries

and the Countryside Conservation Area to the eastern edge of the site running along Hall Lane.

Staff consider that the very special circumstances demonstrate that there is a degree of need for dementia care and to extend the care home. A moderate degree of weight is given to providing care home places, but comments have been received against this from the Council's Social Services Department advising that the Council can meet the demand for care home places for the borough as a whole. Staff also note that the site is not in a sustainable location. It is considered that the very special circumstances that have been submitted do not outweigh the scale, bulk and mass of the proposed development and do not justify the in principle and actual harm to the character and openness of the Metropolitan Green Belt.

If Members are minded to approve this application, it would require referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009, as it constitutes any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

KEY ISSUES / CONCLUSIONS

The application proposes inappropriate development in the Green Belt, which it is considered would also be detrimental to the openness of the Green Belt. Staff consider that the substantial two storey rear extension would appear disproportionately large to the existing building. Staff consider that the proposed extension would, by reason of its height, scale and bulk, be harmful to the open and spacious character of the Metropolitan Green Belt contrary to Policy DC45 and the NPPF.

The proposal would not result in material harm to the streetscene. It is considered that the proposal would not be harmful to residential amenity in any respect. It is considered that the very special circumstances that have been submitted do not justify the in principle and actual harm to the character and openness of the Metropolitan Green Belt. It is therefore recommended that planning permission be refused.

RECOMMENDATION

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

1. Reason for refusal - Metropolitan Green Belt

The site is within the area identified in the LDF Core Strategy and Development Control Policies Development Plan Document as Metropolitan Green Belt. The LDF and Government Guidance as set out in the NPPF is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that the new development will only be permitted outside the existing built up areas in the most exceptional circumstances. The development is inappropriate in principle in the Green Belt and the very special circumstances that have been submitted in this case do not outweigh the harm caused by reason of inappropriateness and visual harm to the character and openness of the Green Belt. The proposed development would by reason of its height, scale, bulk and mass, be harmful to the open and spacious character of the Metropolitan Green Belt. The proposal is therefore contrary to Policy DC45 of the LDF Core Strategy and Development Control Policies Development Plan Document and the provisions of the NPPF.

INFORMATIVES

1. Refusal - No negotiation

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 reason(s) for it was given to Mr Board via email on 8th September 2017.

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 £15,800. Further details with regard to CIL are available from the Council's website.

| | | |
|------------------------|---|--|
| APPLICATION NO. | P0925.17 | |
| WARD: | Rainham & Wennington | Date Received: 6th June 2017 Expiry Date: 26th September 2017 |
| ADDRESS: | Rainham Landfill Coldharbour Lane Rainham | |
| PROPOSAL: | Creation of a soil recovery centre | |
| DRAWING NO(S): | Site Location Plan - VES_TD_SOILREP_100_045 (Rev D) Context Plan - VES_TD_SOILREP_200_048 (Rev C) Soil Repair Centre General Arrangement - VES_TD_SOILREP_200_046 (Rev C) General System Process (Rev C) Elevations - VES_TD_SOILREP_200_051 (Rev A) Cross Sections - VES_TD_SOILREP_200_053 (Rev A) Proposed Drainage - VES_TD_SOILREP_200_049 (Rev B) Input Bay Sump Retaining Walls - 39897/015 (Rev A) | |
| RECOMMENDATION | It is recommended that planning permission be GRANTED subject to the condition(s) given at the end of the report | |

SITE DESCRIPTION

The application area relates to the northern most corner of the landfill site, adjacent to Coldharbour Lane and the existing access road to the Riverside car park.

The site is surrounded by a mixture of land uses. To the north of the site is the Tilda Rice plant and beyond this is Beam Reach 8 (Ferry Lane) industrial park. To the south and east extends the Rainham Landfill site, that, in total, amounts to some 177ha. The landfill 'complex' forms a rough triangular parcel of land, on the northern bank of the River Thames, and is the subject of a site specific allocation within the LDF (policy SSA17). This seeks to ensure that this area, in the future, becomes a riverside conservation park and a 'wildspace for a world city'. To the east of the site, on the other-side of Coldharbour Lane, is Rainham and Wennington Marshes.

The site is located approximately 50m, on the opposite side of Coldharbour Lane, to the Inner Thames Marshes Site of Special Scientific Interest (SSSI) and, locally designated, RSPB (Rainham Marshes) Nature Reserve. The SSSI forms the largest expanse of wetland bordering the upper reaches of the Thames Estuary. The site is of particular note for its diverse ornithological interest and especially for the variety of breeding birds and the numbers of wintering wildfowl, waders, finches and birds of prey, with wintering teal populations reaching levels of international importance. The Marshes also support a wide range of wetland plants and insects with a restricted distribution in the London area, including some that are nationally rare and scarce. The River Thames is, for reference, also a controlled water and Marine Conservation Zone.

The nearest residential properties to the application site are circa 1.3km to the north in Rainham and 1.5km to the south of the River Thames at Erith, in the London Borough of Bexley.

The application site has been utilised as a soil wash/recycling plant since planning permission was first granted in 2005. The plant washes and recycles waste soils to be utilised in the restoration of the adjacent landfill, that would otherwise have formed fill material. The application site is well screened from public vantage points due to the low lying nature of the site and existing soil bunding along the site boundaries. Access to the site is via Coldharbour Lane.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for the development of a soil repair centre. The facility would be capable of treating up to 46,000 tonnes of soils and would provide treatment for contaminated soils. The ability to treat contaminated soils will allow the site to import material which would have otherwise be unsuitable for use in the restoration of the site (overall). By treating such material, and making it safe for use in the restoration it has been suggested that the applicant would have a additional market stream in which it can source restoration material.

The applicant has suggested that the facility would be required throughout the life of the landfill and also through the restoration/aftercare period. This has been suggested on the basis that during the aftercare period, in the event of differential settlement, additional soils may be required and therefore retaining the facility through this period would seek to limit the need for new infrastructure.

In terms of process, the facility would apply aerobic composting techniques to reduce hydrocarbon contamination in the soils undergoing treatment. Air is sucked through the material to encourage biological activity - the air is then filtered and discharged through 6 metre high stacks. The proposed system would utilise open storage of soils in piled lines which would be sited on a purpose built impermeable slab. The slab would cover an area of approximately 1.6ha, and would include a 200mm perimeter upstand to contain surface water run-off which would be discharged via a drainage lagoon. The linear piles of contaminated soil would be approximately 3m high, covered in tarpaulin.

All contaminated soil brought onto the site would, post treatment, be tested to verify hydrocarbon and heavy metal content to ensure levels no longer render the material as contaminated prior to use on the adjacent landfill as restoration material.

RELEVANT HISTORY

Z0007.16 - EIA Screening Opinion : Soil Repair Centre
Non standard dec 10-08-2016

P1566.12 - Planning application for the continuation of waste inputs and operation of other waste management facilities (materials recycling facility, waste transfer station, open air composting site and associated soil plant, gas engines, leachate treatment plant, and incinerator bottom ash processing) until 2024 and re-profiling of final contours.
Apprv with Agreement 22-09-2016

P0651.11 - Variation of conditions 2, 6, 9 and 11 of application P1210.05 to extend the temporary permission from 2012 to 2018; temporarily allow for the exportation of recycled materials away from the adjacent landfill; allow vehicle access through the existing landfill entrance; and allow the site to be restored in accordance with the restoration proposals of the adjacent landfill (Previously registered as U0002.10)

Apprv with cons 28-10-2016

P1210.05 - Development of soil recycling area within the boundary of the landfill site to provide soils for restoration

Apprv with cons 26-09-2005

CONSULTATIONS / REPRESENTATIONS

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

Environment Agency - No objection.

Havering Friends of the Earth - No comments received.

LBH Environmental Health - No objection although a condition in respect of signing up to the Non-Road Mobile Machinery register is recommended.

LBH Lead Local Flood Authority - No comments received.

LBH Highways - No objection.

London City Airport - No comments received.

Natural England - No comments received.

RSPB - No comments received.

TfL - No comments to make.

RELEVANT POLICIES

LDF

CP07 - Recreation and Leisure

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

DC18 - Protection of Public Open Space, Recreation, Sports and Leisure Facilities

DC20 - Access to Recreation and Leisure including Open Space

DC22 - Countryside Recreation

DC32 - The Road Network

DC33 - Car Parking

DC35 - Cycling

DC48 - Flood Risk

DC51 - Water Supply, Drainage and Quality

DC52 - Air Quality

DC53 - Contaminated Land

DC54 - Hazardous Substances

DC55 - Noise

DC56 - Light
DC58 - Biodiversity and Geodiversity
DC61 - Urban Design
SSA17 - London Riverside Conservation Park
W1 - Sustainable Waste Management
W2 - Waste Management Capacity, Apportionment & Site Allocation
W4 - Disposal of inert waste by landfilling
W5 - General Considerations with regard to Waste Proposals

OTHER

LONDON PLAN - 2.6 - Outer London: Vision and strategy
LONDON PLAN - 5.12 - Flood risk management
LONDON PLAN - 5.14 - Water quality and wastewater infrastructure
LONDON PLAN - 5.15 - Water use and supplies
LONDON PLAN - 5.16 - Waste net self-sufficiency
LONDON PLAN - 5.17 - Waste capacity
LONDON PLAN - 5.19 - Hazardous waste
LONDON PLAN - 5.21 - Contaminated land
LONDON PLAN - 6.9 - Cycling
LONDON PLAN - 6.12 - Road network capacity
LONDON PLAN - 6.13 - Parking
LONDON PLAN - 7.4 - Local character
LONDON PLAN - 7.13 - Safety, security and resilience to emergency
LONDON PLAN - 7.14 - Improving air quality
LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes
LONDON PLAN - 7.19 - Biodiversity and access to nature
NPPF - National Planning Policy Framework
NPPW - National Planning Policy for Waste
PPG - Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Not CIL liable.

PRINCIPLE OF DEVELOPMENT

Staff note that the existing soil washing/recycling area is permitted in this location until 2018. The proposal would be a replacement of the current facility/process with the proposed soil recovery centre facilitating the treatment of contaminated material. Soil processing would in future take place on the landfill site close to the area being restored. Without prejudice, whilst this, similar to the soil washing/recycling permission, would should planning permission be granted be a stand-alone permission, to the landfill site, it is considered that there would be an intrinsic link between the two. With regard to this, the soil recovery centre would effectively give the operator an additional facility to generate/create restoration materials for use at the landfill. Although the facility would only have a limited throughput/capacity, it is considered that the ability to treat material, which would otherwise have not been possible to use on-site, will further seek to ensure a

sufficient stream of material is able to restore the site in line with the current timeframes.

Policy W1 of the Joint Waste Plan seeks to drive waste management up the waste hierarchy and as this facility would, in essence, allow for the recycling and reuse of a material that would have otherwise be deemed unsuitable and likely landfilled, the development is considered compliant with the principles of policies W1 and W4. The NPPW seeks to promote the co-location of waste management facilities and in context that this is an existing facility which would not prejudice the overall restoration of the landfill site, staff furthermore consider the facility acceptable in principle.

With regard to the proposed timeframe, staff nevertheless note that as proposed the facility would exist until the end of the aftercare period of the landfill. The facility would then be removed and restored one year later (by 2032). This site does not form part of the red line area of the landfill application (ref: P1566.12) and therefore the restoration masterplans for the site do not show that proposed for this area. Staff are mindful of the overall aspirations for this area and are conscious about the impacts of approving a development which would prolong waste activities on-site and potentially conflict with the restoration of the wider area. This is discussed in further detail in the below sections of this report, in context of the impacts associated with the facility and the benefits which would result.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Although the site is well screened from public vantage points, once the landfill is restored and open to the public, during the aftercare period, the proposed development would remain on-site and would comprise a number of containers, storage bays, biofilters and water tanks. The facility would be contained on a concrete slab and would be fenced and accordingly would appear as a distinct facility/operation in the landscape. Subject to a suitable condition restricting the duration of the permission, the facility would not however permanently prejudice the restoration of the site.

For the life of the landfill (until 2026) staff raise no objection to the development from an visual perspective. It is considered that the soil recovery facility would appear akin to operations being undertaken at the landfill and not overly dominant or out of character with the area.

During the aftercare period (2026-2031) staff nevertheless consider that the character and nature of site will change, as material will no longer be deposited on-site, the final restoration landform would have been shaped and the site open to the public. Mindful that the facility would however be largely self-contained, located along the northern extremity of the site, subject to suitable safeguarding conditions, staff raise no major objections to the site remaining through the aftercare period. The retention of the facility during the aftercare period, in staff's view, would not give rise to significant conflicts with the restoration of landfill.

At the end of the aftercare period, it is considered that the link between the soil recovery centre and landfill restoration would nevertheless end and the previously discussed benefits associated with the landfill lost or no longer remaining. As a stand alone facility, in context of the aspirations of policy SSA17, staff therefore have concerns about the principle acceptability of the facility on a longer term basis. Whilst, on balance staff are of the opinion that the benefits associated with the use render the development acceptable for a temporary period, conditions requiring all plant and development to be removed and the site restored by 2032 would seek to ensure that long term the use and appearance of this site complies with the policy aspirations for this area.

IMPACT ON AMENITY

Policy W5 of the Joint Waste Development Plan, in-part, details that planning permission for waste related development will only be granted where it can be demonstrated that any impacts of the development can be suitably controlled and that the development would not adversely affect people, land, infrastructure and/or resources.

Mindful of the proposed development, staff consider that the most likely form of amenity impact would stem from air quality issues associated with the windrows and biofilters. The applicant has submitted an Air Quality Assessment with the application which has sought to assess potential effects from the facility. The Assessment concludes that any dust soiling effects, associated with the moving and stockpiling of material, would be negligible and emissions from the on-site biofilter would result in concentrations, for both odour and benzene, below guideline/threshold values.

The Council's Environmental Health/Public Protection department has reviewed the above and raised no objections to the development coming forward. Staff accordingly do not consider that the development would give rise to amenity impacts to warrant further refusal.

HIGHWAY / PARKING

As the facility would be accessed via the landfill entrance on Coldharbour Lane, the applicant has sought to suggest that the site would be governed by the total number of vehicle movements allowed by application ref: P1566.12. On this basis, staff do not consider that the development would give rise to any highway implications previously not deemed acceptable. This application would in theory utilise vehicle movements allowed by application ref: P1566.12 rather than specifically resulting in additional vehicles. The Highway Authority has raised no objection to the development coming forward and accordingly it is not considered that the soil recovery centre would adversely impact on highway efficiency or safety at a level to warrant further consideration and/or refusal.

OTHER ISSUES

FLOOD RISK

The application site is located within Flood Zone 3a and the applicant, in context of this, has submitted a Flood Risk Assessment in support of the application. Staff note in general developments should be proposed in areas at little or no risk of flooding, in preference to areas at higher risk. Ultimately with the aim of limiting the amount of development in medium or high flood risk areas (Flood Zones 2 and 3). The Sequential Test seeks to ensure the above and, where possible, direct development towards lower risk areas. In respect of this, the Flood Risk Vulnerability Classification suggests that a waste management facility represents a more vulnerable use and the Exception Test is required to be followed. The Exception Test, as detailed in the NPPF, requires demonstration that the development would provide wider sustainability benefits and that the development is safe over its lifetime taking account of the vulnerability of its users.

The applicant has submitted a Flood Risk Assessment which considers the above and sets out to demonstrate that through the proposed drainage strategy that the development would result in an overall reduction in flood risk to the site and immediate surrounding area. The Environment Agency has been consulted on the application and has raised no objection in context of the above

and the mitigation proposed.

ENVIRONMENTAL IMPACT ASSESSMENT

The development was screened for EIA in August 2016 (ref: Z0007.16). The conclusion of the Screening Opinion issued was that the development had the potential to give rise to environmental impacts but, on balance, EIA was not required as such issues could be assessed as part of individual reports or assessments.

KEY ISSUES / CONCLUSIONS

Staff raise no objection to the provision of a soil recovery centre on this site for a temporary period. It is considered that the facility would open up an additional waste stream to which material to facilitate restoration of the adjacent landfill could be sourced, which in turn should help ensure that this restoration project is completed in line with the timeframes currently permitted. Subject to suitable safeguarding conditions staff do not consider the use would give rise to significant amenity impacts. And in context that the use would not result in vehicle movements over and above that permitted into the landfill, as existing, staff raise no objection from an highway perspective. Although the use would exist until the end of the aftercare period of the adjacent landfill, staff on balance consider the benefits the use would result in outweigh the temporary impact the use would have on the long term restoration objectives for this area.

RECOMMENDATION

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

1. Time limit (3yrs)

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

Reason:-

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

2. Accordance with plans

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

Reason:-

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

3. Temporary permission

This permission shall be for a limited period only expiring on 31st December 2031, after which the use hereby permitted shall be discontinued. By 31st December 2032 all development constructed and plant installed shall be removed and the site restored in accordance with the approved restoration plan.

Reason:-

To enable the Local Planning Authority to retain control, to ensure that the use hereby approved does not prejudice the overall aspirations for the area and to comply with Development Control Policies Development Plan Document Policies CP7, CP15, CP16, CP17, DC20, DC22, DC52, DC55, DC58 and DC61; site allocation SSA17; and Joint Waste Plan Policies W1, W2, W4 and W5.

4. Maximum throughput

No more than 46,000 tonnes of material shall be imported to the site per annum.

Reason:-

The development has been assessed on the basis that a given amount of material would be imported and treated on-site. Any increase in the amount of material handled could potentially give rise to unconsidered and unacceptable environmental impacts contrary to Development Control Policies Development Plan Document Policies CP15, CP16, DC48, DC51, DC52, DC55, DC58 and DC61 and Joint Waste Plan Policies W1, W2, W4 and W5.

5. No exportation of treated material

All material imported and treated on-site shall be subsequently used in the restoration of the adjacent landfill. No material shall be exported from the site as a product.

Reason:-

To ensure that the intrinsic link between the soil recovery centre and the restoration of the adjacent landfill site is maintained, that materials realised from the soil recovery centre are utilised within the restoration of the landfill and to comply with Development Control Policies Development Plan Document Policies CP10, CP15, CP16, DC32, DC58 and DC61 and Joint Waste Plan Policies W1, W2, W4 and W5.

6. Storage height (3m)

No materials shall be stored on the site above height of 3 metres without the prior consent in writing of the Local Planning Authority.

Reason:-

In the interest of visual amenity and that the development accords with Development Control Policies Development Plan Document Policies CP17 and DC61 and Joint Waste Plan Policy W5.

7. Drainage lagoon detail

No development shall take place until details of the drainage lagoon proposed as part of this application has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall outline the proposed construction of the lagoon including cross sections showing the proposed depth and base profile. The general design and measurements of the lagoon shall follow the principles suggested within the submitted Flood Risk Assessment - Revised Version, dated July 2017 and the development shall subsequently be implemented in accordance with the details approved with the site flood management/evacuation plan duly updated as appropriate.

Reason:-

In the interests of ensuring that surface water is effectively managed, that the development does not give rise to increased risk of flooding and/or contamination discharge and that safety procedures are in place in the event of flooding. To furthermore comply with Development Control Policies Development Plan Document Policies CP15, CP16, DC48, DC51, DC54, DC58 and DC61 and Joint Waste Plan Policy W5.

8. Vehicle access

All road access to the site shall be from the existing site access to the landfill from Coldharbour Lane, as shown on drawing titled 'Site Location Plan', drawing no. VES_TD_SOILREP_100_045 (Rev D), dated 31/05/2017.

Reason:-

In the interests of highway safety, to ensure that the vehicle movements associated with the use are controlled by the overall restrictions imposed on the landfill and to comply with Development Control Policies Development Plan Document Policies CP10, CP15, DC32 and DC61; site allocation SSA17; and Joint Waste Plan Policy W5.

9. Hours of operation

The premises shall not be used for the purposes hereby permitted other than between the hours of 07.00 and 18.00 on Mondays to Fridays and 07.00 to 13.00 Saturdays, and not at all on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

To enable the Local Planning Authority to retain control, in the interests of amenity and in order that the development accords with Development Control Policies Development Plan Document Policies CP15, CP16, DC55, DC58 and DC61 and Joint Waste Plan Policy W5.

10. Restoration plan & aftercare scheme

Within 12 months of the date of commencement of this development, a restoration plan shall be submitted to the Local Planning Authority for approval in writing. The restoration plan shall comprise a detailed contour plan showing finished land levels across the site; details of any remediation measures necessary to facilitate restoration of the land; a landscape planting plan; and an aftercare scheme detailing the steps that are necessary to bring the land to the required standards for the intended use. The submitted aftercare scheme shall:

- a) Provide an outline strategy in accordance with paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.
- b) Provide for a detailed annual programme, in accordance with paragraph 58 to the Planning Practice Guidance to be submitted to the planning authority not later than two months prior to the annual Aftercare meeting.
- c) Unless the Local Planning Authority approve in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

The development shall be implemented in accordance with the restoration and aftercare schemes approved.

Reason: To ensure the satisfactory restoration of the site to a complimentary use and to comply with policies CP7, CP15, CP16, CP17, DC20, DC22, DC58 and DC61; site allocation SSA17; and Joint Waste Plan Policies W1, W2, W4 and W5

11. Air quality register

Prior to the commencement of the development hereby approved, the developer shall sign up to the non-road mobile machinery (NRMM) register. The development site must be entered onto the register alongside all the NRMM equipment details. The register must be kept up-to-date throughout the duration the development and it must be ensured that all NRMM complies with the requirements of the EU Directive 97/68/EC. An inventory of all NRMM is to be kept on-site stating the emission limits for all equipment.

Reason:-

This is a major development in Greater London, but outside the non-road mobile machinery (NRMM) central activity zone. NRMM used on-site must meet Stage IIIA of EU Directive 97/68/EC as a minimum. From 1st September 2020 the minimum requirement for any NRMM used within Greater London will rise to Stage IIIB of the Directive.

12. Construction methodology

No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the

amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:

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

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

Reason:-

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

INFORMATIVES

1. Vehicle movements Informative

The applicant is advised that although the number of vehicle movements associated with this use has not been expressly controlled by condition, by virtue that vehicles would be utilising the landfill access, all movements associated with this use would be restricted by the level of movements suggested and approved as part of application ref: P1566.12 (or as subsequently varied).

2. Approval - No negotiation required

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

APPLICATION NO. P0987.17

WARD: Pettits

Date Received: 12th June 2017

Expiry Date: 25th September 2017

ADDRESS: 15 Brook Road
Romford

PROPOSAL: Proposed first floor rear extension.

DRAWING NO(S): SP1779-2
SP1779-1
SP1779-3

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

CALL-IN

This application has been called in by Councillor Dervish on the basis that it would be in keeping with the area and would not harm the street-scene.

SITE DESCRIPTION

The application site is located on the southern side of Brook Road. The site contains a two storey brick dwelling with a flat roof. The surrounding area is characterised by large detached dwellings located towards the front of their individual plots.

The application property is located in the Gidea Park Conservation Area. The Conservation Area has two main parts, one forms a 1911 Exhibition and Competition area, and the other includes properties built around the period of a later 1934 Exhibition and includes examples of Art Deco style. The appeal property is a 1934 Exhibition House and therefore forms an important, integral part of the Conservation Area.

DESCRIPTION OF PROPOSAL

The proposal involves the erection of a first floor rear extension above an existing ground floor extension. This submission follows two previous applications however represents an alternative design approach with a curved rear elevation.

Alterations to fenestration are also shown, most notably to the front elevation where two separate single framed window openings will be incorporated to replace the existing.

RELEVANT HISTORY

The current application follows two previous applications which sought permission for the formation of a first floor rear extension. Both applications were refused planning permission by the Local Authority and both were dismissed on appeal by the planning inspectorate.

P0262.16 - Proposed first floor rear extension with 0.9m step in from either side of external flank walls, with depth following existing ground floor footprint

Refuse 20-04-2016

P1711.15 - Proposed second storey rear extension following the same footprint as ground floor

Refuse 12-02-2016

CONSULTATIONS / REPRESENTATIONS

Occupiers of twenty-five neighbouring properties were notified directly, a site notice was displayed adjacent to the site and the application was advertised in the local press. One letter of representation was received which expressed concern about the impact of the development in terms of light loss and the dominance of the proposals.

Gidea Park Civic Society - No comments received, objections registered to previous applications.

RELEVANT POLICIES

LDF

| | |
|---------|--|
| DC61 - | Urban Design |
| DC68 - | Conservation Areas |
| SPD02 - | Heritage SPD |
| SPD04 - | Residential Extensions & Alterations SPD |

MAYORAL CIL IMPLICATIONS

Not CIL liable

STAFF COMMENTS

In addition to the impact of the development on the Gidea Park Conservation Area, staff must also consider the effect of the development on the street-scene and surrounding environment and the amenity impacts.

Two previous applications for first floor rear extensions have been refused and dismissed on appeal. The Inspector observed that whilst the original form of the building has been altered by extensions it retains a significant proportion of its original character and therefore, even in its altered form, makes a positive contribution to the Conservation Area.

The Inspector was concerned that the proposals would blur the original form and result in alteration of the whole of the original rear elevation. In respect of both appeal schemes the Inspector concluded:

"Both appeal schemes would result in significant change to the host property. Even though each of the proposed extensions would affect only a small part of the Conservation Area, there would be harm, albeit less than substantial harm, and both the developments would fail to preserve or enhance the Conservation Area. The benefit to the appellants, from the appeal extensions to provide additional bedroom space, does not outweigh the harm identified. Both proposals in this respect are, therefore, contrary to the Framework, and Policies DC61 and DC68 of the CS. For the reasons given above, I conclude that both appeals should be dismissed."

DESIGN / IMPACT ON STREET / GARDEN SCENE

The National Planning Policy Framework (Framework) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The Framework requires all developments to have a high quality design and Policy DC61 of the Core Strategy reinforces this view in requiring the character of areas to be maintained. Policy DC68 of the LDF Core Strategy states that planning permission for development within the Conservation Area will be granted only where it preserves and enhances the CA.

The proposed alterations to the fenestration on the front façade will be visible from the street-scene and are judged to have a material impact on the integrity and contribution of the premises to the street-scene. The replacement of the single, larger, front window with an alternative arrangement would undermine the original exhibition design features and would not complement the facade of the main dwelling when viewed from the street. The single window to encompass both front facing rooms was a purposeful design detail as was the vertical alignment of windows.

The elegance of the design of the original house relies on its simplicity with wide stretches of wall stretching from ground level to the flat roof, and what would otherwise be a basic cubiform shape being relieved by the large right angle inset in the northwest corner. The existing additions do not overly detract from this design strategy as they are restricted to the ground floor and can be seen for what they are: additions to the original house. They are in turn simple and block like, reflecting the elegant, simple design of the house.

The proposed first floor addition, in much the same way with previous applications would obscure a considerable part of the upper storey of the original house which was identified by the appeal inspector as an area of importance primarily due to being the sole undeveloped part of the rear elevation. Whilst seeking to replicate the roof form of the main dwelling, it would nevertheless represent an alien feature and the curvature of the rear wall would be at odds with the style of the main dwelling. Whilst of an interesting design that has sought to reference the unique individual designs of buildings within the Conservation Area it would not relate to or readily integrate with the existing design of this building. Although staff appreciate that this element would not be visible from the street-scene, the premises is a heritage asset and designed to be viewed in the round. It is therefore integral to the special interest of the Conservation Area.

Development to the rear of the premises is considered to be equally as important as that which is visible from the street-scene. The Article 4 direction implemented to cover the CA was deliberately intended after consideration by the Local Authority to protect the rear of 1911 Exhibition Houses and others that were designed and built to be viewed in the round and not only from the street. This view has been supported by appeal decisions not only relevant to this site, but also elsewhere within the CA. (28 Meadway - B5480/W/16/3148493).

For the reasons given above it is considered that the proposal does not comply with Policy DC61 or Policy DC68.

IMPACT ON AMENITY

Previously the applicant had overcome the impact of the development on the amenity of neighbouring occupiers by putting forth a design that complied with the Residential Extensions and Alterations SPD and the appeal inspector acknowledged this.

Similarly, the current proposals would allow for an adequate separation from the flank walls of the main dwelling and accordingly the shared boundaries of the site. The depth of the extension would be modest and Staff judge that there would be no material loss of amenity to neighbouring properties from loss of light or outlook.

HIGHWAY / PARKING

The proposed development would not alter the existing parking arrangements and therefore there are no highways/parking impacts.

KEY ISSUES / CONCLUSIONS

The proposals are considered to undermine the original character of the exhibition house by not sufficiently retaining original design features and introducing non-related design features. As these design features form part of the special interest of the Conservation Area the proposals are considered to undermine the setting of the Conservation Area.

Accordingly it is the view of staff that the proposed development is contrary to Policy DC61 (Urban Design) and Policy DC68 (Conservation Areas) and REFUSAL is therefore recommended.

RECOMMENDATION

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

1. Refusal non standard Condition

The proposed development would, by reason of the loss of original design features and the design of the proposed new extension, result in development which does not appropriately respond to the host building and would thereby have an inappropriate and unacceptable appearance which would neither preserve nor enhance the special character of the Gidea Park Conservation Area contrary to Policy DC61 and DC68 of the LDF Core Strategy and Development Control Policies DPD.

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 reason(s) for it was given to the agent in writing 04-08-2017

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 21st September 2017

| | | |
|-----------------|--|--|
| APPLICATION NO. | P1006.17 | |
| WARD: | Upminster | Date Received: 30th June 2017 Expiry Date: 25th August 2017 |
| ADDRESS: | 50a Station Road Upminster | |
| PROPOSAL: | First floor rear extension and converting existing maisonette into two flats, each with 1 bed for 2 persons and external alterations | |
| DRAWING NO(S): | 17149_001 Revision B 17149_002 Revision B 17149_PL02 Revision A | |
| RECOMMENDATION | It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report | |

CALL-IN

This application has been called in to committee by Councillor Ower on the grounds that similar work has taken place locally and therefore the Committee should be given the opportunity to look at this application.

SITE DESCRIPTION

The site lies to the east side of Station Road, Upminster and forms part of the retail core of Upminster. The site currently comprises a mid-terrace two storey commercial building with a ground floor A3/A5 unit (Wimpy restaurant) and a first floor flat, with accommodation also in the roof space. There is a service road to the rear of the site, which is accessed from Howard Road.

To the rear, there are a number of extensions and additions to the original property. There is a dormer in the front and rear roof slopes. At ground floor there is a large extension going back approximately 14m from the original building line. At first floor there is mono-pitch roof projection that measures 6m deep and this contains the existing flat along with the accommodation in the original building at first floor and within the roof space. Access to the flat is from an external staircase that leads up from the rear of the site on the flat roof of the ground floor extension.

DESCRIPTION OF PROPOSAL

The proposal is for a first floor rear extension and converting the existing maisonette into two flats, each with 1 bed for 2 persons and external alterations.

The first floor rear extension would have a depth of 4 metres, a width of 3.7 metres and a height of 4.7 metres to the ridge and 2.2 metres to the eaves from the flat roof.

Flat 1 would comprise of a lounge/diner, a bedroom with an en-suite and a kitchen. Flat 2 would comprise of a kitchen, bathroom and lounge and bedroom in the loft. Both flats would be accessed using an existing external staircase at the rear of the site.

RELEVANT HISTORY

- P1373.13 - Proposed Second floor rear extension and conversion of existing maisonette into 2 No 1 bed flats
Withdrawn - Invalid 04-02-2014
- P1080.13 - Second floor rear extension & converting existing maisonette into 2 No 1 bedroom flats
Refuse 28-10-2013
- P0896.13 - Conversion of a 2 bedroom maisonette into 2 no. 1 bedroom flats.
Withdrawn 05-09-2013

CONSULTATIONS / REPRESENTATIONS

15 Neighbouring properties were notified of the proposed works at the application site. No letters of representation were received.

Highway Authority - No objection to the proposal, subject to the completion of a legal agreement preventing the occupiers from obtaining residents permits.

Environmental Health - No comments or objections in terms of air quality or contaminated land.

RELEVANT POLICIES

Policies CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC16 (Core and fringe frontages in district and local centres), DC29 (Educational premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC55 (Noise), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and the Residential Extensions and Alterations SPD.

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), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document is relevant.

Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

MAYORAL CIL IMPLICATIONS

The first floor rear extension would have a gross internal floor space of 14.8 square metres and as such, is not liable for Mayoral CIL.

STAFF COMMENTS

This application follows three previous applications on the site, two of which were withdrawn (references P0896.13 and P1373.13). P1080.13 for a second floor rear extension & converting the

existing maisonette into 2 No 1 bedroom flats was refused for the following reasons:

1)The proposed development would, by reason of its poor design fail to integrate with the existing building and would appear as a visually intrusive feature and be harmful to the appearance of the surrounding area contrary to the Residential Design Supporting Planning Guidance and Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.

2)The proposed development of the extension and external staircase would, by reason of their depth, position and proximity to the attached and adjacent buildings, be an unneighbourly development, appear visually intrusive in the rear garden environment and harmful to the amenity of adjacent occupiers and surrounding area, contrary to Policy DC61 of the Core Strategy and Development Control Policies Submission Development Plan Document.

The appeal for P1080.13 was dismissed as the Inspector concluded that the proposed development would, by reason of its design, fail to integrate with the existing building and would appear as a visually intrusive feature that would be harmful to the character and appearance of the surrounding area. The appeal decision stated that the proposed extension and external staircase would constitute an unneighbourly form of development that would be harmful to the living conditions of the occupiers of adjacent residential properties and in particular, 52a Station Road.

The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme, P1080.13, in the following key areas:

-The proposal is for a first floor rear extension and converting the existing maisonette into two, one bedroom flats and external alterations, whereas P1080.13 was for a second floor rear extension & converting the existing maisonette into two, one bedroom flats.

The report covers the principle of the development, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements. The previous appeal decision for P1080.13 is considered to be a material consideration.

PRINCIPLE OF DEVELOPMENT

The proposal does not include the ground floor commercial space and as such, would not affect the retail core. The addition of a residential unit is deemed to be acceptable in principle.

DENSITY / SITE LAYOUT

Flats 1 and 2 would have a gross internal floor area of 51.9 and 54.7 square metres respectively, which meets the 50 square metres for a one bedroom, 2 bed spaces, one storey dwelling contained in the Technical Housing standards. Flats 1 and 2 meet all the criteria of the Technical Housing Standards.

The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and

planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses. The SPD does not prescribe fixed standards for amenity space provision but focuses on the quality and usability of amenity space within a development.

Flats 1 and 2 do not have any amenity space provision. However, when reviewing the merits of this application, consideration was given to the fact that the existing flat above this parade of commercial units does not have any amenity space provision, which is not unusual given the constraints and location of the site. Therefore, Staff consider that there are insufficient grounds to refuse planning permission based upon the lack of amenity space provision for the flats.

There are concerns regarding the layout of the proposed development, as Flat 1 would be accessed using the existing external staircase to the rear of the property and future occupiers would be in close proximity to the kitchen window on the rear facade of Flat 2. However, on balance it is not judged to result in material harm to the amenity of the occupier of the proposed new flat as to justify refusal.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout, which is compatible with the character of the surrounding area and does not prejudice the environment of the occupiers or adjacent properties.

The appeal decision for P1080.13 stated that "whilst the existing buildings at the back of the terrace are an untidy collection of conversions, extensions, garages, parking spaces, workshops, refrigeration plant, extract ducts, staircases, shed, etc, that does not mean that the principles of good design should be dismissed".

The rear projections of the first floor flats above this parade of shops, primarily No.'s 52a, 50a, 48a, 46a and 44a, have a uniform appearance in terms of their depth and pitched roof. It is considered that the first floor rear extension would, by reason of its siting and depth, unbalance the gable shared with No. 48a Station Road and thereby fail to integrate satisfactorily with the existing building and appear incongruous, dominant and visually intrusive in the streetscene when viewed from Howard Road harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF.

IMPACT ON AMENITY

The first floor rear extension would involve the removal of a lantern light of the rear extension, which serves a store room to the Wimpy restaurant and this is deemed to be acceptable.

The Residential Extensions and Alterations SPD states that two storey rear extensions should be set in from the common boundary with any attached dwelling by not less than 2 metres, and should project no more than 3 metres. In exceptional local circumstances rear extensions of a greater depth up to a maximum of 4 metres may be acceptable where, for example, this would be sympathetic with the character of the local area and/or rear extensions of a similar depth already exist at neighbouring properties.

In this instance, the first floor rear extension has a depth of 4 metres and would be located on the common boundary with No. 48a Station Road, which is contrary to the Residential Extensions and Alterations SPD. No. 48a Station Road has a kitchen window on its rear facade and there is a half solid, half obscure glazed kitchen door on its south western flank. No. 50 Station Road has two flank windows that serve bathrooms and are not habitable rooms and a flank kitchen window.

It is considered that the proposed first floor rear extension would, by reason of its height, siting and excessive depth, be an unneighbourly development, appear overbearing and visually intrusive when viewed from the rear of the site and create an undue sense of enclosure harmful to the residential amenity of adjacent occupiers, particularly No. 48a Station Road, including loss of outlook contrary to Policy DC61 of the LDF.

HIGHWAY / PARKING

The site is located in PTAL 5. There is no car parking provision for flats 1 and 2. The Highway Authority has no objection to the proposal, subject to the completion of a legal agreement preventing the occupiers from obtaining residents permits, which could be sought under the Greater London Council (General Powers) Act 1974. It is considered that the proposal would not create any highway or parking issues. However, given the recommendation for refusal it is not possible to secure such a legal agreement and this should therefore be included as grounds for refusal.

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 Regulations in that from 6th April 2015, Regulation 123 of the CIL Regulations states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.

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

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 £6,000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 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 £6,000 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

It is considered that the first floor rear extension would, by reason of its siting and depth, unbalance the gable shared with No. 48a Station Road and thereby fail to integrate satisfactorily with the existing building and appear incongruous, dominant and visually intrusive in the streetscene when viewed from Howard Road harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF.

It is considered that the proposed first floor rear extension would, by reason of its height, siting and excessive depth, be an unneighbourly development, appear overbearing and visually intrusive when viewed from the rear of the site and create an undue sense of enclosure harmful to the residential amenity of adjacent occupiers, particularly No. 48a Station Road, including loss of outlook contrary to Policy DC61 of the LDF.

In the absence of a legal agreement to secure a financial contribution of £6,000 to be used towards educational purposes, the proposal is contrary Policy DC72 of the LDF and the Havering Planning Obligations Supplementary Planning Document. There is also no means to secure a restriction on future residents from obtaining parking permits, which also forms grounds for refusal.

RECOMMENDATION

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

1. Reason for refusal - Streetscene

The proposed development would, by reason of its siting and depth, unbalance the gable shared with No. 48a Station Road and thereby fail to integrate satisfactorily with the existing building and appear incongruous, dominant and visually intrusive in the streetscene when viewed from Howard Road harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Refusal non standard - Impact on amenity

The proposed development would, by reason of its height, siting and excessive depth, be an unneighbourly development, appear overbearing and visually intrusive when viewed from the rear of the site and create an undue sense of enclosure harmful to the residential amenity of adjacent occupiers, particularly No. 48a Station Road, including loss of outlook and overlooking contrary to

Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

3. 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.

4. Refusal non standard

In the absence of a legal agreement to prevent residents from applying for and purchasing parking permits, the proposal fails to satisfactorily mitigate the overspill of parking onto nearby streets, to the detriment of residential amenity and highway safety, contrary to the provisions of Policies DC32 and DC33 of the Development Control Policies DPD.

INFORMATIVES

1. Refusal - No negotiation

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 reason(s) for it was given to Mr Bilkhu via email on 12th September 2017.

This page is intentionally left blank

REGULATORY SERVICES COMMITTEE

21 September 2017

REPORT

Subject Heading:

P0965.17
R/O 7 Hamlet Close (Dekker Close)

Erection of 1 No one-bedroom, detached bungalow
(Application received 07-06-2017)

Ward:

Mawney

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

Cole Hodder
Planner
cole.hodder@havering.gov.uk
01708 432829

Policy context:

Local Development Framework
The London Plan

National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The proposal is for the formation of a detached one bedroom bungalow with off-street parking and private amenity space within an existing, established residential setting, Dekker Close.

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

Having carefully considered the proposals and having given consideration to all planning history relevant to the site staff are of the view that the proposed development is acceptable.

This application has been called in by Councillor Patel who considers the proposed development to represent an overdevelopment of the site.

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 40 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £800 Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 8th January 2018 and in the event that the Section 106 agreement is not completed by such date the item shall be returned to the committee for reconsideration:

- A financial contribution of £6,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.

- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Materials

Before any development above ground level takes place, samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

3. Accordance with Plans

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

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

4. Landscaping

No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the

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

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

5. Boundary Treatment

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

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

6. Cycle Storage

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

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

7. Refuse and Recycling

Prior to the first occupation of the development hereby permitted, refuse and recycling facilities shall be provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to

occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Removal of permitted development rights

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

Reason: In the interests of retaining a satisfactory level of amenity for future occupiers given the size of the plot, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

9. Construction Methodology

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

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

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

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

10. Hours of Construction

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

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

11. 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.

12. Water Efficiency

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

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

13. Sound Insulation

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

Reason: To prevent noise nuisance to adjoining properties.

14. Gas Protection Measures

Prior to the commencement of any groundworks or development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of 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

INFORMATIVES

1. Planning Obligation

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

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

2. Approval no negotiation

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

3. Mayoral CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £800 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. Street name/numbering

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

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

5. Non-standard informative

The applicant is advised that provision should be made prior to the first occupation of the development for the installation of a domestic sprinkler system to each of the dwellings as suggested by the London Fire Brigade.

CALL IN

This application has been called in by Councillor Patel who considers the proposed development to represent an overdevelopment of the site.

REPORT DETAIL

1. Site Description

- 1.1 The application relates to an area of land to the rear of the properties which align with Hamlet Close. It presently hosts two detached chalet bungalows which are accessed via Dekker Close.
- 1.2 The surrounding area is residential with mainly two storey detached and semi-detached housing to Hog Hill Road and Hamlet Road and, with the exception of one semi-detached pair, all detached bungalows/chalet bungalows to Hamlet Close.

2. Description of Proposal

- 2.1 Permission is sought for the construction of a detached one bedroom bungalow with off-street parking/amenity space.

3. History

- 3.1 P1375.12- Land Rear of 7 Hamlet Close – 1 Bedroom detached bungalow – REFUSED / DISMISSED AT APPEAL
- 3.2 P0830.14 – Land Rear of 7 Hamlet Close – Erection of 1 no one bedroom detached bungalow – APPROVED

- 3.3 P1497.14 – 4 Hamlet Close (Land rear of)– Erection of 1 no one-bedroom detached bungalow - APPROVED

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 53 neighbouring occupiers. 13 letters of objection have been received. Several of the letters received expressed similar concerns and those relevant are summarised below.

- Cramped overdevelopment of the site
- Landuse inappropriate
- Increased competition for parking
- Highway safety
- Loss of privacy
- Loss of outlook
- Unsuitable refuse arrangements
- No access for emergency vehicles

Some comments were received which expressed concern over the disruption to neighbouring residents during development. This in itself is not a material planning consideration.

- 4.2 In addition to the above, 5 letters of support were received which cited the high quality of the proposals and the scale of development being suitable for first time buyers.
- 4.3 Highway Authority - No objections.
- 4.4 Environmental Health - No objections, subject to conditions.
- 4.5 Fire Brigade - Objection on basis of width of access. No objection subject to incorporation of domestic sprinkler system.

5. Relevant Policy

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC03 (Housing Design and Layout), DC32 (The Road Network), DC29 (Educational Premises), DC33 (Car Parking) DC34 (Walking), DC35 (Cycling), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 In addition the Residential Extensions and Alterations SPD, the Residential Design SPD and the Planning Obligations SPD (Technical Appendices) are relevant.

5.3 Policies 3.5 (Quality and design of housing developments) 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) 7.4 (local character), 7.6 (Architecture), 8.2 (Planning Obligations) and 8.3 (Mayoral CIL) of the London Plan, are material considerations.

5.4 The National Planning Policy Framework, specifically Sections 7 (Requiring good design).

6. Mayoral CIL implications

6.1 In total the proposal would create 40m² of new internal floorspace. The proposal is liable for Mayoral CIL which translates to a total charge of £800 based on the calculation of £20.00 per square metre.

7. Staff Comments

7.1 The main considerations relate to the principle of the development and the layout of the scheme, the impact on local character/the established pattern of development, the implications for the residential amenity of the future occupants and of nearby houses and the suitability of the proposed parking and access arrangements.

8. Principle of Development

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

9. Density/Site layout

9.1 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

9.2 Staff will also seek to apply the standards offered by Policy 3.5 of the London Plan and the Technical Housing Standards - Nationally Described Space document. Contained within this document are requirements for 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, notably bedrooms, storage and minimum floor to ceiling heights.

9.3 As a one bedroom unit with a sole occupier the proposed dwelling would exceed the required gross internal floor area required (39m²) with a gross internal floor area of 40 square metres. Whilst no sectional plans have been provided, calculations by staff show that provision is made for headroom in excess of the required 75%. Staff have sought to apply all of the other standards required, to which the new dwelling would comply.

- 9.4 It can therefore be concluded that an internal arrangement capable of providing a standard of living acceptable for future occupiers which would meet the aims and expectations of the London Plan is demonstrated. The flat would have a reasonably open aspect and the attractiveness of the unit as living accommodation would be a matter of choice for prospective purchasers. The living environment would be comparable to existing built development on Dekker Close.
- 9.5 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 9.6 A small area of some 30 square metres is set aside to serve the proposed unit, positioned to the side. It is considered that having had regard to the requirements set out by the Residential Design SPD, that the area of space set aside would be suitable for a one bedroom unit. The proposed dwelling would be a small property with an intimate side garden area.
- 9.7 The host dwelling would retain an acceptably sized rear garden.

10. Design/Impact on Street/Garden Scene

- 10.1 Policy DC61 states that development should respect the scale, massing and height of the surrounding physical context and the NPPF reinforces this by placing emphasis on good quality, design and architecture.
- 10.2 Houses in similar positions have been permitted close-by. The proposed dwelling itself would have little wider impact on the character or appearance of the area.
- 10.3 The dwelling would not be readily visible in the street-scene due to a combination of the site's distance from Hamlet Close, the recessed nature of the plot and accordingly the position of the new dwelling.

11. Impact on Amenity

- 11.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.
- 11.3 Whilst the proposed dwelling is not directly comparable in terms of its design or positioning relative to its neighbours within Dekker Close, there are

nevertheless parallels between the historic development and the current proposal. The comments of the appeal inspector are still considered to be relevant.

- 11.4 To this end, the proposed dwelling is modestly proportioned with a low eaves line similar to those already permitted within the vicinity. The roof would be hipped away from neighbouring boundaries so as to reduce the visual impact of the development. Staff do not consider that the increase in built form, relative to the existing garage structure in situ would give rise to any significant impact in terms of loss of light/overshadowing or outlook outside of acceptable limits any greater than that previously found acceptable by the appeal inspector with regards to application P1375.12.
- 11.5 As the propose dwelling would be contained to single storey there is unlikely to be any impact in terms of privacy loss/overlooking. Satisfactory boundary treatment will be secured by condition and permitted development rights are to be removed.

12. Highway/Parking

- 12.1 The public transport accessibility level rating for the site is 1B which translates to a poor level of access to public transport. The policy requirement for vehicle parking as defined by the London Plan equates to “less than one space” per dwelling. The development would provide one off-street parking space and is therefore found to comply.
- 12.2 Whilst it stands to reason that the intensification of the existing residential use to the rear of Hamlet Close and the formation of an additional residential unit would lead to an increase in vehicular movement to and from Dekker Close, the relatively small scale and expected occupancy of the proposed dwelling is such that the increased trip generation would be negligible in the context of the existing units.
- 12.3 Representations received cite a lack of parking/disruption during the construction of other units within the vicinity. This in itself is not a material planning consideration, due to the impermanent nature of the concerns raised. Nevertheless a Construction Methodology will be secured by condition in order to reduce the perceived impacts stemming from the development.
- 12.4 The Highway Authority have not objected to the proposals however the Fire Brigade expressed concern over the width/quality of the access road. They have advised that the installation of domestic sprinkler systems would represent an adequate alternative however. This is drawn to the applicants’ attention via an informative.

13. Section 106

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per new residential unit for educational purposes would be appropriate.
- 13.9 On the basis that one additional residential units are proposed, a financial contribution of £6,000 would be expected.

14. Conclusion

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

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The S106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

This page is intentionally left blank

REGULATORY SERVICES COMMITTEE

21 September 2017

REPORT

Subject Heading:

P1287.17

Hylands Primary School, Granger Way

Install a temporary classroom to the rear of the site and create an additional playground to replace the area lost by the classroom

(Application received 31-07-2017)

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

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

Ward:

Romford Town

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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

SUMMARY

This application is put before Members as the premises relate to a Council owned school and objections have been received. This application seeks retrospective consent for the installation of a temporary classroom to the rear of the site and the creation of an additional playground, which replaces the area lost by the classroom. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. It is recommended that retrospective planning permission be granted subject to conditions.

RECOMMENDATIONS

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

1. **Temporary permission**

This permission shall be for a limited period only expiring on 21st December 2018 on or before which date the use hereby permitted shall be discontinued, the buildings and works carried out under this permission shall be removed and the site reinstated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control.

2. **Accordance with plans**

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

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

INFORMATIVES

1. Approval – No negotiation required

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

| |
|----------------------|
| REPORT DETAIL |
|----------------------|

1. Site Description

- 1.1 The application site is Hylands Primary School in Granger Way. The school faces west onto Granger Way and Benjamin Close. The car parking area is sited along the western part of the site. The site is surrounded by residential development to the north, west and south and by Frances Bardsley School for Girls to the east.

2. Description of Proposal

- 2.1 This application seeks retrospective consent for the installation of a temporary classroom to the rear of the site and the creation of an additional playground, which replaces the area lost by the classroom. The temporary classroom has a width of 9m, a depth of 9.6m and a height of 3.4 metres. The existing school building is relatively new, constructed from in-situ reinforced concrete with glazed curtain walling and a flat roof, finished with a rendered insulation system. The classroom building has been sited on a series of shallow pads.
- 2.2 It is noted that in order to meet the Council's statutory obligation to provide for school places, it has been necessary to install the classroom ahead of the application being determined to accommodate 30 children from the beginning of the school year.
- 2.3 The playground has been extended by a width of between approximately 4.4 and 15 metres and a depth of 29 metres.
- 2.4 Hylands Primary School is currently a 2 form entry with a 30FTE place maintained nursery providing educational requirements for approximately 472 children aged from 3-11 years from the surrounding local areas.
- 2.5 Havering is currently experiencing an increase in demand for school places, due to rising birth rates and families moving into the borough from other parts of London, the UK and abroad. Havering has seen an increase of over

45% in the number of births between calendar years 2002 and 2015. Planned major housing developments and regeneration schemes and other demographic changes in some areas in Havering have also led to more families with school age children moving into these areas, increasing the demand for school places.

- 2.6 Hylands Primary School is located in the Romford planning area where there has been a rapid housing growth with up to 983 housing units completed from 2014 up to March 2015, 355 expected completions by the end of 2016 and about 3290 units planned for completion beyond 2016. This is in addition to the planned regeneration programme of some Romford housing estates with approximately 1000 proposed units. The birth rate in this area has also increased by 15% between 2010/2011 and 2014/2015.
- 2.7 The proposal seeks to expand Hylands Primary School from 2 to 3 forms of entry from September 2017, raising the primary intake from 420 to 630. The expansion will be done on a phased increase starting with implementation by September 2017.
- 2.8 Planning permission was granted under planning application P0154.17 for a proposed new 2 storey block to the rear of the school, infill of the existing courtyard area to the centre of the school and external landscape works to the existing car park area to create 30 additional parking spaces. The proposal sought to expand the school from 2 to 3 forms of entry from September 2017, gradually raising the primary intake from 420 to 630.
- 2.9 According to the supporting statement, a number of issues have delayed the procurement and tendering process and has resulted in a four month delay that has rendered it impossible to provide accommodation for an additional class as of the start of the autumn term 2017. It is envisaged that the classroom and its related welfare facilities will only remain in place until the building approved under P0154.17 has been completed. It is anticipated that the demountable classroom building will remain in place for a time frame of approximately 15 months. As the proposed provision of a demountable unit for fifteen months does not fall in the category of “temporary accommodation”, an application for full planning permission has been made.

3. Relevant History

P0154.17 - Proposed New 2 Storey block to rear of school, infill of the existing courtyard area to center of school. External landscape works to existing car park area to create 30 additional parking spaces - Approved.

P0320.16 - Installation of a single storey flat roof demountable building for use as classroom - Approved. This building is located in the south west corner of the site and has a temporary planning permission that expires on 21st July 2021.

4. Consultation/Representations

- 4.1 The occupiers of 90 neighbouring properties were notified of this proposal. Three letters of objection were received with detailed comments that have been summarised as follows:
- Parking.
 - The application is retrospective and the classroom was installed before the neighbour consultation period expired.
- 4.2 In response to the above, the fact that the classroom has been installed does not influence how the application will be determined. The remaining issue will be addressed in the following sections of this report.
- 4.3 Environmental Health - No objections or comments with regards to contaminated land or air quality.
- 4.4 Highway Authority - No objection.

5. Relevant Policy

- 5.1 Policies CP8 (Community needs), CP17 (Design), DC29 (Educational Premises), DC33 (Car parking) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents are material planning considerations. In addition, Policies 3.18 (Educational facilities), 6.13 (Parking) and 7.4 (Local character) of the London Plan and Chapters 4 (Promoting sustainable transport), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Mayoral CIL implications

- 6.1 The development is exempt from the Mayoral CIL.

7. Staff Comments

- 7.1 This proposal is put before the Committee owing to the land being Council owned and objections being received. The main issues in this case are the principle of development, the impact on the streetscene and neighbouring amenity and highway and parking issues.

8. Principle of Development

- 8.1 This application seeks retrospective consent for the installation of a temporary classroom to the rear of the site and the creation of an additional playground, which replaces the area lost by the classroom. The scheme is acceptable in principle and complies with LDF Policy DC29.

9. Design/Impact on Street/Garden Scene

- 9.1 It is considered the temporary classroom does not result in material harm to the streetscene, as it is located to the rear of the site and is approximately 47 metres from the south western boundary of the site, which helps to mitigate its impact. Also, the classroom is partly screened by the single storey projection on the northern western flank of the school and an adjacent single storey structure. In addition, the classroom is single storey, has a flat roof with a height of 3.45 metres that minimises its bulk and is dark grey in colour, which minimises its prominence. There is a raised grassed bank with metal fencing, soft landscaping and trees on the south western boundary of the site, which provides some screening and helps to mitigate the impact of the classroom. Overall, Staff consider that the overall proportions and height of the classroom integrates satisfactorily with the existing school buildings.
- 9.2 The additional playground consists of an area of tarmac surfacing and as such, it is not visible in the streetscene.

10. Impact on Amenity

- 10.1 It is considered that the classroom building is not harmful to residential amenity, as it is single storey, has a flat roof with a height of 2.45 metres, is located to the rear of the site and is approximately 47 metres from the south western boundary of the site, which helps to mitigate its impact. In addition, there is a raised grassed bank with metal fencing, soft landscaping and trees on the south western boundary of the site, which provides some screening and helps to mitigate the impact of the classroom. The classroom is partly screened by the single storey projection on the northern western flank of the school and an adjacent single storey structure. In addition, the classroom is dark grey in colour, which minimises its prominence. Staff consider that the classroom building does not create any additional overlooking or loss of privacy over and above existing conditions, particularly given its separation distance from neighbouring properties.
- 10.2 The classroom building is used by Hylands Primary School between 08:00 to 17:30 Monday to Friday. It is considered that these hours are deemed to be acceptable, as they are concentrated during the day time, (as opposed to very early morning or late evening). In addition, the classroom building and playground are only used during term time, which minimises the potential for noise and disturbance during the school holidays.
- 10.3 Staff consider that the additional playground would not give rise to a significant level of noise and disturbance, given its siting and proportions.

11. Highway/Parking

- 11.1 It is considered that this application does not have a prejudicial impact on the highway over and above conditions currently experienced, as it does not produce any increase in staffing, in pupils numbers or any changes within

the access/ egress scheme of the site. The Highway Authority has no objection to this application.

12. Conclusion

- 12.1 Staff are of the view that the installation of a temporary classroom to the rear of the site and the creation of an additional playground is acceptable in principle, does not adversely impact on the streetscene or results in a significant loss of amenity to neighbouring occupiers. Staff consider that the scheme does not create any highway or parking issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that retrospective planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on the material planning considerations which are independent to the Council's interest as landowner of the site. No legal implications arise as a result of the proposal which is for a temporary use.

Human Resources implications and risks:

None

Equalities implications and risks:

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

This page is intentionally left blank

REGULATORY SERVICES COMMITTEE 21 September 2017

Subject Heading:

P2010.16: Land off Harlow Gardens

Retention of terrace of 3 houses and 2 detached bungalows together with changes to ground level on part of the site, and erection of a 2m high timber fence on top of the concrete wall on site boundaries. (Application received 23/12/2016; revised plans received 03/08/2017)

Ward:

Havering Park

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

Suzanne Terry
Planning Team Leader
suzanne.terry@havering.gov.uk
01708 432755

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

[X]
[X]
[]
[]

SUMMARY

This proposal seeks retrospective permission for a terrace of 3 two storey houses and 2 detached bungalows, as well as changes to ground levels at the northern end of the site and erection of a 2m high close boarded timber fence on top of the concrete retaining wall around the site boundaries. All these dwellings have already been constructed under planning permission P1053.13 and, when this was done, ground levels at the northern end of the site were raised.

The ground levels have now been reduced and this application seeks retrospective permission for these works as well as to screen the adjoining dwellings from overlooking with a 2m high fence. Permission is also sought for retention of the dwellings as constructed, including raising the roof height of the bungalows on Plots 1 and 2, and the addition of rooflights in each of the units.

As the 5 dwellings have already been built, the main issues to be considered are the changes to ground levels on part of the site, the increased height of the bungalows and the 2m high fence around part of the site boundary, as well as any impacts of this on the street scene or on the amenities of occupiers of adjoining/nearby properties and any highway/parking/servicing issues that arise. The 2013 approval for the dwellings on the site is a material consideration.

A breach of condition notice has been served in respect of the changes to ground levels. As a result, the developer has made some reduction in ground levels within the site but also proposes the erection of timber fencing around the site boundaries to prevent overlooking of adjoining dwellings and is considered an acceptable compromise. On balance the proposal is considered to be acceptable and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 388 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £7,760 for the Mayoral CIL payment (subject to indexation).

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 31 December 2017, entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 13 October 2014 in respect of planning permission P1053.13 by varying the definition of Planning Permission which shall

mean either planning permission P1053.13 as originally granted or planning permissions P1809.15 and P2010.16.

Save for the variation set out above and necessary consequential amendments the Section 106 agreement dated 13 October 2014 and all recitals, terms, covenants and obligations in the said Section 106 agreement will remain unchanged.

In the event that the Deed of Variation is not completed by such date the item shall be returned to the committee for reconsideration.

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

That the 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 Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. In Accordance with Plans

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

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

3. Parking Standards

Before the dwellings hereby permitted are first occupied, provision shall be made for 10 no. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4. External Materials

The materials to be used in the external construction of the buildings shall be as approved under application Q0029.15.

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

5. Landscaping

The landscaping for the site shall be implemented according to the details shown on drawing number 4840/2E hereby approved and shall be carried out prior to first occupation of the dwellings hereby permitted. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason:-

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

6. Flank Wall Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank walls or roofs of the buildings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

7. Obscure Glazing

The development shall not be occupied until the following has taken place:

- 1) The rooflights to Bungalow 1 have all been fitted with obscure glass. Those rooflights to the front and side facing roofslopes have been permanently fixed shut. The rooflight to the rear facing elevation to be not less than 1.7m above internal finished floor level.
- 2) The rooflight to the side roofslope of Bungalow 2 has been fitted with obscure glass and permanently fixed shut. The rooflights to the front and rear facing roofslopes to be not less than 1.7m above internal finished floor level.
- 3) The rear facing loft windows serving en-suite bathrooms and store rooms shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut. The rear facing rooflights shall be a minimum of 1.7m above internal finished floor level.

Thereafter these windows shall be maintained to the satisfaction of the Local Planning Authority in accordance with the approved details.

Reason:-

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

8. Cycle Storage

Prior to first occupation of the dwellings 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:-

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability.

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

The development shall be carried out in accordance with the Construction Method statement approved under application Q0029.15.

Reason: In order 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.

11. Highway Agreements

The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to first occupation of the dwellings hereby permitted.

Reason:

To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

12. Refuse & recycling

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

Reason:-

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

13. Removal of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Article 3, Schedule 2, Part 1, as amended by the Town and Country Planning (General Permitted development) (Amendment) (England) Order 2016, or any subsequent order revoking or re-enacting that order, no development shall take place under Classes A, B, D or E, 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 view of the changes in ground level adjacent to the site and the relationship to neighbouring residential development, a restriction on permitted development rights is considered necessary to protect the privacy and amenity of occupiers of

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

14. Screen Fencing

Prior to the first occupation of the dwellings hereby permitted, the 2 metre high close boarded timber boundary fence hereby approved shall be implemented and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:

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

15. External Lighting

The scheme for external lighting including the low level lighting of the access road shall be as approved under application Q0029.15. The approved details shall be implemented in full prior to first occupation of the dwellings hereby approved and permanently maintained in accordance with the approved details.

Reason:

In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

16. Wheel washing

Wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details approved under application Q0029.15. The approved facilities shall be used at relevant entrances to the site throughout the duration of construction works.

Reason:

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

17. Ground levels

The ground levels of the site hereby approved shall be permanently retained. The development shall be carried out in accordance with the approved plans unless otherwise submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of neighbouring amenity and to accord with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document.

18. Tree protection

The scheme for the protection of preserved trees on the site as approved under application Q0029.15 shall be kept in place until the approved development is completed to the satisfaction of the Local Planning Authority.

Reason:

To protect the trees on the site and to accord with Policy DC60 of the Core Strategy and Development Control Policies Development Plan Document.

INFORMATIVES

1. Approval - No negotiation required

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

2. Fee Informative

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

3. Planning obligations

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

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

4. Highways Informatives

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

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

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

5. Thames Water Informative

With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

6. Approval and CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £7,760 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

7. Planning Obligations

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

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

8. Street Naming & Numbering

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

9. Fire Brigade Access

The applicant is advised that provision should be made prior to the first occupation of the development for the installation of a domestic sprinkler system to the terrace of three dwellings at the rear of the site.

REPORT DETAIL

1. Site Description

- 1.1 Prior to development, the application site comprised a large, elongated area of open land lying between the rear of dwellings on the south west side of Harlow Gardens and the rear of dwellings on the north east side of Highfield Close. Access to the site is from the north end of Harlow Gardens. The site slopes down from Harlow Gardens and lies at a higher level than adjoining dwellings to the north, south and east.

2. Description of Proposal

- 2.1 The application seeks retrospective permission for a terrace of 3 two storey houses and 2 detached bungalows, as well as changes to ground levels at the northern end of the site. It also seeks permission for an increase in the height of the two bungalows and the addition of small rooflights to the bungalows and also to the rear of the terraced units. The development also proposes some realignment of the road layout within the site and the erection of a 2m high close boarded timber fence on top of the concrete retaining wall around the site boundaries.

- 2.2 The dwellings have already been constructed under planning permission P1053.13 and, when this was done, ground levels at the northern end of the site were raised. There has been work done to reduce ground levels within the site and this application seeks retrospective permission for these works as well as to screen the adjoining dwellings from overlooking with a 2m high fence.

3. Relevant History

- 3.1 Planning permission for 3 terraced houses and 2 bungalows was originally granted in 2013 (P1053.13).
- 3.2 A subsequent approval was granted to change the size of the rear dormers in the terraced houses (P1809.15).
- 3.3 A later application to install roof lights in the bungalows (P1036.16) was made but later withdrawn.

4. Consultations/Representations

- 4.1 48 occupiers of nearby properties were notified of this application. There are 9 objections from nearby residents. Several of these objections mainly relate to the current unsightly condition of the site and the length of time it has taken to be developed. Several others are simply seeking to clarify what is now being proposed by this application. Two objectors query why bungalows need rooflight windows and assert overlooking of their property from these rooflights. Three objectors complain about the visual impact of the 2m fence proposed and query how it will be maintained. Query also raised as to whether the properties are too close to the boundaries.

- 4.2 The following responses were received from other consultees:

Environment Health - no objection on air quality, contaminated land or noise grounds

London Fire Brigade (water) - no additional hydrants required

London Fire Brigade (access) – there appears to be insufficient space for a pump appliance to manoeuvre and turn in front of the dwellings at the end of the site. Therefore it would need to reverse over 20m to the parking spaces in the centre of the site, which is not acceptable.

Highways - no objection.

Waste and Recycling – concern about width and suitability of access roads as collection vehicle will not be able to enter and exit the site. Therefore a communal waste drop off/collection point will need to be provided at the entrance to the service road on Harlow Gardens, or a communal waste storage area located at the entrance to the service road.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC33 (Car Parking), DC61 (Urban Design) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD and the Planning Obligations SPD (technical appendices).
- 5.3 Policies 3.3 (increasing housing supply), 3.5 (quality and design of housing developments) 7.4 (local character), 7.6 (architecture) and 8.2 (planning obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 As the 5 dwellings have already been built, the main issues to be considered are the proposed changes to ground levels on part of the site, the increase in the height of the bungalows, the revisions to the site layout and the 2m high fence around part of the site boundary. In addition, any impacts of this fence and the rooflight windows in the bungalows on the amenities of occupiers of adjoining/nearby properties and on the street scene are important. Any highway/parking/servicing issues that arise also need to be considered. The 2013 approval for the dwellings on the site is a material consideration.

Principle of Development

- 6.2 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for the development of residential units on this site on which residential development has been accepted in the past. As a scheme of 3 terraced houses and 2 bungalows has already been approved on this site, the principle of this form of residential development has been accepted. The proposal is therefore acceptable in principle and in accordance with Policy CP1.
- 6.3 The site area is estimated at 0.25 ha. In density terms, Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 1, with the density recommendation being 30-50 units per hectare. The proposed development type would result in approximately 20 dwelling units per hectare based on the above site area. The proposal would therefore be below the recommended density range and could be considered to represent an underdevelopment of the site. However,

permission has already been granted for these dwellings and they have been constructed.

- 6.4 The DCLG's Nationally Prescribed Space standard (which has been absorbed by Policy 3.5 of the London Plan) for 2 bedroom houses of two storeys is 70-79 sq.m GIA (gross internal area) and for 2 bedroom bungalows is 61-70 sq.m. The proposed two bedroom bungalows have GIAs of 62 sq m. The two-bed terrace houses have a GIA of approximately 88 sq.m. It is therefore considered that the dwellings exceed minimum space standards and are able to provide suitable-sized accommodation for everyday living.

Design/Impact on Streetscene

- 6.5 This site is bounded by the rear gardens of dwellings on Harlow Gardens and Highfield Close and therefore does not form part of any established streetscene. Indeed, the dwellings on the site can only be seen from rear of dwellings adjoining it.
- 6.6 The terrace of houses lies at the southern end of the site and faces north. These houses have steep pitched roofs with dormer windows front and rear. One of the two bungalows is located at the northern end of the site, the other approximately mid-way between the other bungalow and the terraced houses. The layout, design and scale of these dwellings have previously been considered acceptable in this context. Approval has also subsequently been granted for alterations to dormer windows in the terraced houses.
- 6.7 As the dwellings have already been built and changes are only relatively minor in terms of their visual impact, their impact on the street and garden scene is considered acceptable.
- 6.8 The reduction in site ground levels is judged acceptable. The proposed 2m high, close boarded timber fencing around the north, west and south site boundaries would provide a high visual barrier at the end of the rear gardens of adjoining dwellings. However, this is required to address resident complaints of overlooking and appears an acceptable compromise in the circumstances, particularly as the adjoining gardens are relatively long and some have trees, sheds and outbuildings on the rear boundary.

Impact on Amenity

- 6.9 The proposed terrace of 3 houses would face northwards. They are positioned approximately 9m from the southern boundary of the site with dwellings in Highfield Road, with an overall back to back distance in the region of 26m. They are set in around 3m from the eastern and western boundaries of the site respectively. These new houses do have ground floor windows in their flank walls but these are judged not to result in loss of privacy to neighbours owing to the proposed 2m high boundary fencing around the site. There are dormer windows in the rear roof space of these

new houses. However, these windows serve a bathroom and store room and could be fixed shut, with the exception of top opening vents, and fitted with obscure glass. A condition is attached to ensure this. Small additional rooflights have been added to the rear roofslope of these dwellings but they are positioned a minimum of 1.7m above floor level preventing any material overlooking of neighbouring properties.

- 6.10 The bungalow in the middle of the site faces south. It is positioned close to the eastern boundary of the site with dwellings in Harlow Gardens and lies some 25m away from the dwellings to the west in Highfield Close. The other bungalow at the northern end of the site would face north and would be located some 30m away from the nearest dwellings to the north. Both of these bungalows have been increased in height compared to the original approval, with an overall height of 5.9m compared to 5.1m previously, which is due to the introduction of an upper floor storage area. Whilst the bungalows are higher than approved, they are still of a relatively modest height and given their separation from the neighbouring properties to the north and west and their side on relationship to the properties to the east, the increase in height is not considered to be so great as to result in material harm to amenity. These bungalows would both have rooflights in their north, south and west facing roof faces but these are small windows and would be set at a minimum height of 1.7m above the first floor level. As there is no first floor habitable accommodation in these dwellings, only storage areas, these windows should not give rise to overlooking particularly if obscure glass, and fixing shut of the windows where necessary, is required by condition.
- 6.11 As noted above, a 2m high, close boarded timber fencing would be erected around the site boundaries to provide a screen to prevent overlooking of adjoining dwellings and rear gardens. The fencing would be erected on top of an existing concrete wall around the north, south and western boundary of the site. 2m high close-boarded fencing is also proposed to the eastern boundary of the site. The acceptability of this arrangement is a matter of judgement for Members. It should be noted that the site, even with the ground levels now reduced, is on a higher level than neighbouring properties to the north and west and, to a lesser extent, those to the south of the site. The combination of the change in ground levels and the fact that the fence will be built atop the existing concrete wall means that the overall height of the boundary treatment will be substantially more than 2m in comparison to ground levels in neighbouring rear gardens. It is however also the case that existing outbuildings and boundary vegetation to neighbouring properties will, in the main, substantially mitigate the visual impact of the proposed boundary treatment. Whilst some residents have objected to the height of the boundary fencing, others welcome the additional security. The fencing will also create an effective screen that protects neighbouring rear gardens from overlooking and pedestrian and vehicular activity within the site. On this basis, and with the distances involved to adjoining dwellings, it is considered, as a matter of judgement, that the proposed boundary treatment would be acceptable.

- 6.12 Rear garden areas of between 53 and 114 sq m in size are proposed for the terraced houses. These would back on to the rear of gardens of dwellings on Highfield Road but would be screened from these by the proposed 2m high timber fence. For the bungalows, rear garden areas of over 120 sq m in size are proposed; these would face each other. This amenity space provision is considered adequate.
- 6.13 It is however considered that, owing to the garden sizes and arrangement of dwellings within the plot, combined with the change in ground levels and proximity to neighbouring residential properties, that it would be reasonable to remove permitted development rights for extensions, roof alterations and outbuildings for this development, which is also consistent with the original approval.

Parking and Highway Issues

- 6.14 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The application site has a PTAL of 1 for which a parking requirement of 2-1.5 spaces per dwelling unit would apply.
- 6.15 Parking provision of 2 spaces per unit for the terraced houses is provided in front of each house. For the bungalows, 2 spaces per unit are provided at the end of the rear garden of each property. This accords with the parking provision range of 1.5 to 2 parking spaces per unit and is consistent with the parking levels considered acceptable for planning permission P1053.13.
- 6.16 There have been some changes to internal layout within the site. Highways have confirmed that they have no objection to the proposals. The Council's Waste and Recycling team advise that a refuse collection vehicle could not enter the site, therefore arrangements will need to be made for a waste drop off/collection point or a waste storage area at the entrance to the site. Details of this could be required by condition and secured prior to occupation of the development. The Fire Brigade advise that pump appliance access would be insufficient to serve the three dwellings at the rear of the site. On this basis it is considered a sprinkler system would be appropriate within these dwellings and an informative has been suggested to bring this to the applicant's attention.

Mayoral Community Infrastructure Levy

- 6.17 The proposal is liable to Mayoral CIL as it would result in 5 additional residential units with 388 square metres of new gross internal floorspace created. Therefore the proposal would incur a charge of £7,760 based on the calculation of £20.00 per square metre, subject to indexation.

Infrastructure Impact of Development

- 6.18 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.19 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.20 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.
- 6.21 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.22 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.
- 6.23 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early year's school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.24 Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought, based on a viability testing of the £20,444

infrastructure impact. It is considered that, in this case, £6,000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

- 6.25 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £30,000 for educational purposes would be appropriate. A Deed of Variation is needed to link the financial contribution previously secured in connection with the original planning permission to this planning application.

7. Conclusion

- 7.1 This is a resubmission of a previously approved residential scheme with the main changes being lowering of site ground levels and erection of a 2m high, close boarded timber fencing around the site boundaries. The height of the two bungalows within the development is also greater than originally approved to accommodate storage at roof level and rooflights have been added to all of the properties. Minor changes to the layout of the site have also taken place. The reduction of site levels responds to a Council enforcement investigation. The timber fencing around the site boundaries is required to prevent overlooking of adjoining dwellings and is considered, on balance, to be an acceptable compromise. The rooflights are very small, do not serve habitable rooms and would have obscure glass or be located above head height; on that basis they are considered acceptable.
- 7.2 Approval is therefore recommended subject to a Deed of Variation.

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

REGULATORY SERVICES COMMITTEE

21 September 2017

REPORT

Subject Heading:

P1090.17

63 Pettits Lane, Romford

First floor side extension, single storey rear extension, demolition of a garage, the creation of two additional car parking spaces and a revised car parking layout.

(Application received 30-06-2017)

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

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

Ward:

Romford Town

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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

SUMMARY

This matter is brought before committee as the applicant is related to a serving Councillor. This proposal seeks consent for a first floor side extension, single storey rear extension, the demolition of a garage, the creation of two additional car parking spaces and a revised car parking layout. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. It is recommended that planning permission be granted subject to conditions.

RECOMMENDATIONS

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

1. Time Limit

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

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

2. Accordance with plans

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

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

3. Materials

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

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

4. Flank windows

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

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

5. Parking provision

Before the development hereby approved is completed, the area set aside for car parking as shown on P6217 (SHT 10) 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.

6. Hours of construction

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

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

7. 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.

8. Balcony condition

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

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

INFORMATIVES

1. Approval following revision

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mrs Patricia Trew on the telephone on 24th August 2017. The revisions involved reducing the width of the single storey rear extension from approximately 9.5 metres to 6.7 metres. The amendments were subsequently submitted on 5th September 2017.

2. 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.

| |
|----------------------|
| REPORT DETAIL |
|----------------------|

1. Site Description

- 1.1 The application site comprises a two storey detached building occupied by Truly Scrumptious Early Years Nursery, which is located on the junction of Pettits Lane and Havering Drive, Romford. There are residential properties surrounding the site.

2. Description of Proposal

- 2.1 The application is for a first floor side extension, a single storey rear extension, the demolition of a garage, the creation of two additional car parking spaces and a revised car parking layout.
- 2.2 The first floor side extension would have a depth of 12.4 metres, a width of 2.7 metres and a height of 7.25 metres. The space created would be utilised as a play area. The single storey rear extension would have a depth of 3 metres, a width of 6.7 metres and a height of 2.8 metres with a flat roof (not including two roof lanterns). The space created would be utilised as a play area.
- 2.3 The following discrepancies appear on the plans, although these have not affected the determination of this application:
- The footprint of the neighbouring dwelling at No. 61 Pettits Lane is incorrect, as the rear façade of its single storey rear extension is not in alignment with the rear façade of the single storey rear extension of No. 63 Pettits Lane.
 - The canopy roof to the rear of the building is not shown on the existing floor plans or elevations.
- 2.4 During a telephone conversation, the applicant advised that the nursery has 30 children and the number of children would remain the same for this application.

3. History

P0207.17 – First floor side extension, single storey rear extension, demolition of garage, creation of two additional car parking spaces and revised car parking layout – Refused.

P1581.13 – Single storey side extension – Approved.

A0002.13 – Retention of 3 No. non-illuminated fascia signs – Approved.

Q0177.11 – Discharge of condition 7 of P0322.11 – Discharged in part.

P0322.11 – Revised parking layout to create an additional parking space with relocated boundary fencing – Approved.

P0301.11 – Variation of condition 4 of planning application P2091.04 to increase the number of children on site from 20 to 30 – Approved.

P1212.10 – Single storey pavilion to rear garden – Approved.

P1211.10 – Variation of condition 3 and 4 of P2091.04 to increase the number of children on site from 20 to 34 and the number of children allowed outside from 10 to 20 – Withdrawn.

P2091.04 – Permanent retention of day nursery at first floor – Approved.

P1593.03 – Further of temporary planning permission for a further one year (use of first floor as childrens day nursery) – Approved.

P0597.02 – Erection of 2 no. covered ways and change of use to first floor from domestic to early years centre – Approved.

P1470.99 – Single storey side extension and change of use of ground floor to day nursery with self-contained flat above for use of the proprietor – Approved.

4. Consultation/Representations

4.1 The occupiers of 22 neighbouring properties were notified of this proposal. Two letters of objection were received with detailed comments that have been summarised as follows:

- Parking.
- Access, traffic and congestion.
- Noise and disturbance.
- The proximity of the proposed development to neighbouring properties.
- Demolishing the garages will lead to more noise from car doors opening and closing and engines starting up.
- It is alleged that the nursery opens up at 6.30am.
- There are plenty of nurseries in the area, without adding to this one.
- It is alleged that in the holidays, the nursery has the siblings of the children staying in the nursery.
- Impact on residential amenity.
- Refuse.
- The extension is too big.
- Objects to the single storey rear extension, which would increase the footprint of the property by nearly one quarter and appear intrusive.
- Impact on sense of open space and quality of garden.
- Loss of views and outlook due to the proximity and length of the rear extension.
- Highway and pedestrian safety.
- It is alleged that some parents do not use the car parking spaces for dropping off and picking up children.
- The rear extension is intrusive, would introduce a sense of enclosure and impact upon residential amenity.
- Loss of privacy.
- Noise and pollution during construction works.
- Concerns that the proposal will increase the number of children at the nursery resulting in noise, disturbance and nuisance harmful to residential amenity.
- Size and siting of the proposed extension would adversely impact on the scale and character of the dwelling.
- Impact on property value.

- 4.2 In response to the above, comments regarding property value are not material planning considerations. The nursery has 30 children and the number of children would remain unchanged for this application. Noise and disturbance during construction can be addressed by appropriate planning conditions. Each planning application is assessed on its individual planning merits. The remaining issues are addressed in the following sections of the report.
- 4.3 The Highways Authority has no objection to the proposal subject to a condition regarding a pedestrian visibility splay if minded to grant planning permission.
- 4.4 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 4.5 Environmental Health - No objections or comments with regards to this application in terms of contaminated land or air quality. There is no objection in terms of noise, as there is no increase in numbers of staff and/or children proposed.

5. Relevant Policy

- 5.1 Policies CP8 (Community needs), CP17 (Design), DC33 (Car parking), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC62 (Access) of the Local Development Framework and the Residential Extensions and Alterations SPD.
- 5.2 Policies 3.18 (Education facilities), 7.13 (Safety, security and resilience to emergency) and 7.4 (Local character) of the London Plan 2011.
- 5.3 Chapters 4 (Promoting sustainable transport) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. Mayoral CIL implications

- 6.1 The proposed extensions have a combined gross internal floor area of 53 square metres and as such, are not liable for Mayoral CIL.

7. Staff Comments

- 7.1 This application is a resubmission of an earlier application, P0207.17, for a first floor side extension, a single storey rear extension, the demolition of a garage, the creation of two additional car parking spaces and a revised car parking layout, which was refused planning permission for the following reason.

The proposed development would, by reason of its excessive depth and position close to the south eastern boundary of the site, be an unneighbourly development and appear overbearing, visually intrusive and result in an undue sense of enclosure, which would be harmful to the amenity of No. 61 Pettits Lane and contrary to Policy DC61 of the LDF Core

Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD.

- 7.2 The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme in the following key areas:

- The depth of the single storey rear extension has been reduced from 7 metres to 3 metres.

- 7.3 Following further negotiations with the applicant on 24th August 2017, the width of the single storey rear extension has been reduced from 9.5 metres to 6.7 metres.

- 7.4 The main issues in this case are the impact of the proposal on the streetscene and neighbouring amenity and highway and parking issues.

8. Design/Impact on Street/Garden Scene

- 8.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

- 8.2 There are no objections to demolishing the double garage. It is considered that the first floor side extension would integrate satisfactorily with the existing building. The first floor side extension would be set in between approximately 2.3 and 6 metres from the northern boundary of the site and as such, would not appear cramped in the streetscene. The plans refer to matching roof tiles and a light grey painted render finish for the first floor side extension, which are deemed to be acceptable and can be secured by condition if minded to grant planning permission. The building is currently painted yellow and the applicant has advised that it will be painted a light grey colour and this does not require planning consent.

- 8.3 There would be some views of the single storey rear extension from Havering Drive, although it would be partly screened by the timber fence on the northern boundary that is approximately 1.8m high and the pitched roof of the pavilion in the garden of the site. The single storey rear extension would be set in between approximately 6 and 7 metres from Havering Drive, which would help to mitigate its impact. The rear extension has a flat roof with a height of 2.8 metres, which minimises its bulk. Taking into account the above factors, Staff consider that the single storey rear extension would not have a detrimental impact on the streetscene.

9. Impact on Amenity

- 9.1 It is considered that No. 65 Pettits Lane would not be adversely affected by the proposal, as it's located on the opposite side of Havering Drive. Also, the

first floor side extension would be set in between approximately 2.3 and 6 metres from the northern boundary of the site, which would help to mitigate its impact. It is considered that the proposal would not create any undue overlooking or loss of privacy, as the first floor side extension features three high level flank windows, which would be 1.7m above the internal floor level.

9.2 It is noted that the footprint of the neighbouring dwelling at No. 61 Pettits Lane is incorrect on the existing and proposed site plans, although this has not affected the determination of this application. It is considered that the first floor side extension would not adversely affect No. 61 Pettits Lane, as it would not be sited on its flank boundary. From front to back, No. 61 Pettits Lane has a ground floor flank window that serves a hallway, a flank door to a utility room and a window serving a cloak room/W.C. No. 61 Pettits Lane has a single storey rear extension with a depth of 4 metres (adjacent to No. 63 Pettits Lane), which was approved under application P0876.06 and there is a clear glazed canopy roof structure to the rear of this, the latter does not appear to benefit from planning permission.

9.3 Although the Residential Extensions and Alterations SPD applies to residential dwellings, Staff consider that its principles can be applied here given that the nursery building formerly a dwelling and it is surrounded by other houses.. It is considered that the proposed single storey rear extension would not result in a significant loss of amenity to No. 61 Pettits Lane, as it does not impede a 45 degree notional line taken from the north western boundary of No. 61 Pettits Lane and it would be partly screened by the existing canopy roof to the rear of the building. The rear extension is single storey, has a flat roof that minimises its bulk and its height of 2.8 metres (not including the roof lanterns) complies with the Residential Extensions and Alterations SPD. Staff consider that the single storey rear extension and to a lesser extent, the clear glazed canopy roof structure to the rear of No. 61 Pettits Lane would help to mitigate the impact of the proposal. It is considered that reducing the depth of the single storey rear extension from 7 to 3 metres and reducing its width from 9.5 metres to 6.7 metres has brought the proposal within the realms of acceptability. It is considered that the single storey rear extension would not result in any undue overlooking or loss of privacy, as it does not feature any flank windows.

9.4 It is considered that demolishing the double garage and the addition of two car parking spaces would not result in a significant loss of amenity to No. 68 Havering Drive over and above existing conditions, as there is a timber paling fence on the south western boundary of the site, which would provide some screening. In addition, the flank wall of No. 68 Havering Drive is set off the south western boundary of the site by approximately 2 metres, which would help to mitigate the impact of the proposal.

10. Highway/Parking

10.1 There are 9 full time and 6 part time existing employees. There would be 1 full time and 2 part time proposed employees. The site has a PTAL rating of

1b. Annexe 5 of the LDF states that the parking standard is 1 space for each member of staff and a dropping off area will also need to be provided. There are seven existing car parking spaces, including the double garage. The proposal involves demolishing the double garage and the provision of six parking bays on hardstanding. The proposal has a total of nine car parking spaces.

- 10.2 It is considered that the proposal would not create any parking or highway issues for the following reasons. The applicant has advised that six parking spaces would be for staff and there are three parking bays for dropping off children. In addition, some members of staff live within walking distance of the nursery; some use public transport and some make their own travel arrangements. Also, nursery staff work different hours and the applicant has a rota for staff that use the six car parking spaces. Staff consider that the level of parking provision for staff would be acceptable in this instance. The proposal includes the provision of two additional parking spaces. There are parking restrictions in the locality of the site between 8.30am and 6.30pm. There is space for dropping off children adjacent to the northern boundary of the site and on the opposite side of Havering Drive, which can be used outside of the hours of the parking restrictions. The Highway Authority has no objection to the proposal.

11. Trees

- 11.1 There is an ash tree in the rear garden of No. 61 Pettits Lane, which is not subject to a Tree Preservation Order. The ash tree has some public amenity value and makes a contribution to the streetscene, including Havering Drive. The applicant has submitted a Tree Survey for this application, which stated that the ash tree appears to be in good health with normal growth. The proposed single storey rear extension would be a minimum separation distance of approximately 10 metres from the ash tree. Given that the depth and width of the rear extension have been reduced and taking into account the separation distance above, Staff consider that it would not adversely affect the ash tree in the rear garden of No. 61 Pettits Lane.

12. Conclusion

- 12.1 It is considered that the first floor side and single storey rear extensions would not adversely affect the streetscene, would not result in a significant loss of amenity to neighbouring properties and would not create any highway or parking issues. Accordingly, it is recommended that planning permission is granted.

| |
|-------------------------------|
| IMPLICATIONS AND RISKS |
|-------------------------------|

Financial implications and risks:

None

Legal implications and risks:

This application has been reviewed and there are no legal implications arising.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

This page is intentionally left blank



REGULATORY SERVICES COMMITTEE 21 September 2017

Subject Heading:

P1371.17: Havering College of Further and Higher Education, New Road, Rainham

Erection of a part two, part three storey 'Construction and Infrastructure Skills and Innovation Centre' (CISIC) with covered pedestrian link, external alterations to the existing building and alterations to the existing servicing arrangements and car parking provision along with associated landscaping and a cycle/ pedestrian path. (Application received 14 August 2017)

Ward:

South Hornchurch

SLT Lead:

**Steve Moore
Director of Neighbourhoods**

Report Author and contact details:

**Stefan Kukula
Principal Development Management Officer
stefan.kukula@havering.gov.uk
01708 43 2655**

Policy context:

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

Financial summary:

None

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

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

SUMMARY

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

A similar proposal was refused at committee on 29 June 2017, as Members raised concerns about the use of Passive Close as an access road. In comparison this application has been amended to further reduce the potential amount of traffic using Passive Close.

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

There are also funding constraints for the college directly linked with this planning application, which make the positive determination of the proposal a time-critical matter in order for the college to secure the necessary funding for the new education facility.

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

RECOMMENDATIONS

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

- A scheme for the payment and delivery by the Developer of the section of the proposed Rainham cycle/pedestrian link path running through the application site based on the details set out in the supporting statement and accompanying drawing '01001', which sets out:
 - Upon the commencement of works / implementation of planning permission P1371.17, section A of the path to be completed no later than 1st October 2021.

- Section B of the path to be completed prior to the occupation of the CISIC building, pursuant to planning permission P1371.17.
- Section C of the path to be delivered through one of the following mechanisms:
 - i) Upon the commencement of works / implementation of planning permission P1371.17; if the land north of the CISIC building comes forward for development, Section C of the path is to be delivered and completed prior to the occupation of the development of that land.
 - ii) Upon the commencement of works / implementation of planning permission P1371.17; if the land to the west of CISIC comes forward for development, Section C of the path shall be delivered and completed within 6 months of the commencement of the development of that land.
 - iii) In the event that neither scenario i or ii occur, Section C of the path shall be delivered and completed no later than 1st October 2025.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- It is resolved to grant planning permission subject to completion of the s106 agreement by 21st March 2018 or in the event that the s106 agreement is not completed by 21st March 2018 the item shall be returned to the committee for reconsideration.

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

Before any development above ground takes place, samples of all materials to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

4. Construction Methodology

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

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

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

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

5. Hours of Construction

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

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

6. Refuse and Recycling

Prior to the occupation of the building hereby permitted, details of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

7. Cycle Storage

Prior to the occupation of the building hereby permitted details of cycle storage shall be provided to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

8. Car Parking

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

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

9. Landscaping

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

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

10. Screen fencing

No development above ground shall take place until details of any screen fencing, walls and other boundary treatment are submitted to and approved in writing by the Local Planning Authority. The approved fencing/boundary treatment shall be permanently retained and maintained thereafter.

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

11. Cycle & Pedestrian Path Specification

The development hereby permitted shall not be commenced until details of the proposed cycleway and footpath link as shown on drawing no. '01002' have been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the proposed crossing points and traffic calming measures for the entrance at Passive Close, the materials to be used and the method of construction, and a timetable for implementation relative to the agreed phases set out in the supporting delivery statement, dated 30th January 2017. Once constructed, the cycle and pedestrian path shall be permanently retained for such use and no obstruction shall be placed within or across it so as to prevent its use for cycles and pedestrians.

Reason: Insufficient information has been supplied with the application of the proposed footpath and cycle link. Submission of details prior to commencement will ensure that the works can be implemented to an agreed specification, within an agreed timescale and with suitable materials in accordance with LDF Development Control Policies Development Plan Document Policies DC34, DC35 and DC61.

12. External Lighting

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

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

13. Contaminated Land Investigation

No works shall take place in relation to any of the development hereby approved (except works required to secure compliance with this condition) until the following Contaminated Land reports (as applicable) are submitted to and approved in writing by the Local Planning Authority:

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the site ground conditions. An updated Site

Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A - Remediation Scheme which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a 'Validation Report' must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination proposals shall be submitted to the LPA.

If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals. For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'.

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

14. Contaminated Land Monitoring

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

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC54 and DC61.

15. Air Quality

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

a) A full air quality assessment for the proposed development to assess the existing air quality in the study area (existing baseline)

b) The air quality assessment shall include a prediction of future air quality without the development in place (future baseline).

c) The air quality assessment shall predict air quality with the development in place (with development).

d) The air quality assessment should also consider the following information:

- A description containing information relevant to the air quality assessment.
- The policy context for the assessment- national, regional and local policies should be taken into account.
- Description of the relevant air quality standards and objectives.
- The basis for determining the significance of impacts.
- Details of assessment methods.
- Model verification.
- Identification of sensitive locations.
- Description of baseline conditions.
- Assessment of impacts.
- Description of the construction and demolition phase, impacts/ mitigation.
- Mitigation measures.
- Assessment of energy centres, stack heights and emissions.
- Summary of the assessment of results.

For further guidance see the leaflets titled, 'EPUK Guidance Development Control: Planning for Air Quality (2010 update), EPUK Biomass and Air Quality Guidance for Local Authorities.

Reason: Insufficient information has been supplied with the application to judge the potential effects of poor air quality. Submission of an assessment prior to commencement will ensure the safety of the occupants of the development hereby permitted and the public generally. It will also ensure that the development accords with Development Control Policies Development Plan Document Policies DC52 and DC61.

16. Secured by Design

No works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme is submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

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

17. New Plant and Machinery

Prior to the occupation of the building hereby permitted a scheme for the new plant or machinery shall be submitted to and approved in writing by the Local Planning Authority to achieve the following standard - Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property shall not exceed LA90 -10dB. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

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

18. Archaeological Investigation

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

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

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

19. Sustainable Construction

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

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

20. Vehicle cleansing

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

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

Reason: Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity

of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

21. Pedestrian Visibility Splay

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

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

22. Road Safety Audit

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

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

23. Flood Risk Resilience

The development hereby permitted shall achieve the flood risk resilience measures in full accordance with the details of the submitted Flood Risk Assessment, to the full satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC49.

INFORMATIVES

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

2. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.
3. **Changes to the public highway (including permanent or temporary access)** Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

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

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

Temporary use of the public highway

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

4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the Havering College of Further and Higher Education campus at New Road, Rainham. The site comprises a large three-storey detached building, known as Burnside House, used by the college as a Construction Centre, and an associated car park laid out to the front. The site is accessed directly from New Road via a 120 metre service road.
- 1.2 The site is bound to the north by New Road and new residential development at Passive Close, to the east by the Dover's Corner Industrial Estate, to the west by Rainham Trading Estate, and to the south by the c2c and HS1 railway line.
- 1.3 The land is designated in the Local Development Framework as being within the Rainham West Site Specific Allocation, and also forms part of the Rainham and Beam Park Planning Framework area.
- 1.4 As indicated by the information provided within the application form submitted with the planning application; Havering College have confirmed that all land within the red line boundary, including all vacant land immediately north of the proposed development (up to New Road), is owned by the College.

2. Description of Proposal

- 2.1 The application is seeking planning permission for the erection of a part two/ part three storey building to be used by the college as a 'Construction and Infrastructure Skills and Innovation Centre (CISIC)', providing 2,767 square metres of additional further education floor space.
- 2.2 The development would include external alterations to the existing college facility at Burnside House, including repainting the existing metal cladding light grey, to harmonise with the new building; the installation of a new aluminium composite panelling entrance façade, and; the erection of a covered pedestrian link structure between the Burnside House and the new CISC building.
- 2.3 The new education facility would be located to the front of Burnside House in an off-set position. In order to accommodate the new building the car park area would be divided into separate sections. The western and central car park would provide 140 student and staff car parking spaces and would continue to be accessed as per the current service road arrangements from New Road. The eastern car park would provide a further 22 spaces to be

used by staff and would be accessed via the installation of a new controlled gateway from the end of Passive Close. Overall, the proposal would increase on-site parking by 84 spaces providing a total of 162 spaces.

- 2.4 Internally the new CISIC education facility would provide a series of modern classrooms and specialised workshops associated with construction and infrastructure skills. New courses in trades and skills related to modern methods of construction and rail engineering would be provided in response to the skills required by industry in the region. In addition, courses in electrical engineering, electronics, and plumbing would be delivered.
- 2.5 As part of the wider re-landscaping works the proposal would also deliver a section of the strategic Rainham cycle/pedestrian path, which would run from east to west through the site, along the boundary with Passive Close and around the northern flank of the proposed building.
- 2.6 There are currently approximately 318 students registered at the Rainham College campus. On completion of the CISIC, the college would be able to accommodate approximately 732 full time students and 551 part time students. The college expansion would also create a further 60 full time jobs, taking the number of employees from 30 to a total of 90.
- 2.7 The proposed opening hours would be 08:00 to 22:00 Monday to Friday, 09:00 to 18:00 on Saturday, with closure on Sunday, Public and Bank Holidays.

3. Relevant History

- 3.1 P0196.15 - Erection of a part two, part three storey 'Construction and Infrastructure Skills and Innovation Centre' with covered pedestrian link, external alterations to the existing building and alterations to the existing servicing arrangements and car parking provision along with associated landscaping and a cycle/ pedestrian path - Refused, 29 June 2017.
- 3.2 P0642.13 - Single storey temporary building for education (class D1) use - Approved, 23 July 2013.
- 3.3 P1534.12 - Proposed residential development comprising 51 units together with associated amenity space, car parking and cycle parking, vehicle access, hard and soft landscaping, pumping station and associated works - Approved, 2 July 2013.
- 3.4 P0459.12 - Construction of access road and signalised junction to serve future development of college and residential dwellings (subject to separate planning applications) - Approved, 20 May 2013.
- 3.5 P1473.12 - Application for reserved matters pursuant to outline planning permission U0014.09 extension of time planning application P1371.12 (layout, scale, appearance, landscaping) for phase 1 comprising 3803sqm

of new floorspace for class D1 education use, 52 new parking spaces and associated works - Approved, 1 March 2013.

- 3.6 P1371.12 - Extension of time limit on outline planning application U0014.09 - redevelopment to provide 11,800 sqm D1 education use with ancillary sporting facilities, new vehicular access arrangements and parking for 200 cars - Approved, 1 March 2013.
- 3.7 U0009.10 - Permanent use for Class D1 (Education) with associated works including landscaping, pedestrian and cycle access from New Road. A new entrance plaza, screening, landscaping, additional car parking and cycle storage. Removal of canopy on western facade, new canopy over building entrance and retention of external brick store building – Approved, 10 December 2010.
- 3.8 Change of use from warehouse (Class B8) to education (Class D1) with associated vehicle parking and servicing - Approved, 22 October 2008.

4. Consultations/Representations

- 4.1 Notification letters were sent to 205 neighbouring residential properties and no representations have been received.
- 4.2 The following consultation responses have been received:
- National Grid - no objection.
 - Network Rail - no objection.
 - Transport for London - no objection.
 - London Fire Brigade Water Team - no objection.
 - Greater London Archaeological Advisory Service (GLAAS) - no objection, recommended a condition in relation to the undertaking of an archaeological evaluation.
 - London Fire Brigade Water Team - no objection.
 - Designing Out Crime Officer - no objection.
 - Environmental Health - no objection, recommended conditions in relation to contaminated land and air quality.
 - Environment Agency - no objection
 - Local Highway Authority - no objection.

5. Relevant Policies

- 5.1 Policies CP2 (Sustainable Communities), CP3 (Employment), CP4 (Town Centres), CP9 (Reducing The Need To Travel), CP10 (Sustainable Transport), CP17 (Design), DC26 (Location of community facilities), DC29 (Educational Facilities), DC32 (The road network); DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC52 (Air Quality), DC54 (Contaminated Land), DC55 (Noise), DC56 (Light), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Site Specific Allocations DPD, Designing Safer Places SPD, and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.18 (Education Facilities), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) and 7.4 (local character) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework (NPPF), specifically Sections 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development at the site, the impact on the character of the surrounding area and on the amenity of the neighbouring residential properties, as well as the implications for parking, and highway and pedestrian safety.
- 6.2 This application follows the Committee's refusal of a similar proposal on 29 June 2017, on the grounds that the use of Passive Close would result in noise and disturbance to neighbouring residents, a danger to pedestrians, and an inconvenience to local residents, to the detriment of highway safety and residential amenity. Members were otherwise satisfied with the scheme.
- 6.3 This current application has been amended to further reduce the potential amount of traffic associated with the college using Passive Close. In comparison to the previous proposal 5 of the staff car parking spaces would be relocated from the south eastern staff car park, accessed from Passive Close, and moved to the main car park at the centre of the site, accessed from New Road. As a result Passive Close would be used to access only 22 staff parking spaces as opposed to 27 car parking spaces previously.
- 6.4 The overall proposed amount of car parking provision for the college would remain unchanged with a total of 162 spaces. As with the previous proposal

the Passive Close access would be barrier controlled to allow the appropriate management by the college. This will prevent vehicular access to the college from Passive Close by students.

- 6.5 It is important to note that Passive Close has, since inception, been intended to form a shared access road for the college site as well as an access to the neighbouring residential properties.
- 6.6 In 2009 planning consent was granted for the redevelopment of the wider site to provide up to 11,800 sq.m of D1 education use with ancillary sporting facilities and a new vehicular access. The planning application was renewed and subsequently extended on 1st March 2013 (ref: P1371.12). The first phase of the development (reserved matters) was approved in March 2013 (ref: P1473.12) and has since been implemented.
- 6.7 The historical outline planning consent approved a new vehicle access to the site to serve both the proposed new college and the residential development at Passive Close. The details of the new access road and junction at New Road were approved as part of planning application P0459.12. This allows the college to use Passive Close as the main point of access in conjunction with the delivery of up to 200 on-site parking spaces.
- 6.8 Members should be aware that as a result of the earlier planning permissions Havering College could potentially establish Passive Close as the main access to the site, as it was originally intended, without any restrictions on the number vehicles using the road. Significant weight should therefore be given to this fact in determining the current application.
- 6.9 Therefore it is critical to understand that in comparison to the arrangements that the college could implement under the planning permissions already in place, the current application would actually deliver a development which would significantly reduce the potential use of Passive Close by the college.
- 6.10 In determining this application it is important that Members are aware of the college's funding constraints associated with this planning application, which make the positive determination of this application a time-critical matter.
- 6.11 A number of London further education (FE) capital projects were awarded London Enterprise Action Partnerships ('LEAP') grant funding in rounds one and two of the Growth Deal funding process. A number of these projects have now had their grant funding returned to the Greater London Authority ('GLA') FE capital grant funding pool as a consequence of being unable to finalise match funding or demonstrate certainty of delivery through planning.
- 6.12 At this stage, the College has approved LEAP funding for the CISIC project. This funding is still in place, however if planning consent is not obtained by October 2017, it is likely that the CISIC FE capital grant will be re-allocated to the GLA funding pool for other London FE capital projects. As a result, the College would be required to submit a new application to the GLA for capital funding to support this project. This is a lengthy process, with no

certainty that funding will again be obtained via this route. As such, the CISIC project is at risk of losing its grant funding, potentially resulting in the project not being delivered in the Borough.

- 6.13 Moving forward Havering College have also indicated that the proposal would act as a catalyst for improvements to their other education facilities in Havering. The proposal would help to unlock capital for a number of other potential education facility improvement projects at sites across the Borough. The anticipated improvements strategy hinges on the successful delivery of this proposed development.

Principle of Development

- 6.14 The NPPF attaches great importance to ensuring that a sufficient choice of education facilities are available to meet the needs of existing and new communities. Local Authorities are encouraged to take a proactive and positive approach to development that will widen choice in education, with great weight given to the need to create, expand or alter education facilities.
- 6.15 Replicating this, Policy 3.18 of the London Plan details that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes.
- 6.16 As a broad approach Policy DC29 seeks to ensure the provision of education facilities is sufficient in quantity and quality to meet the needs of residents. More specifically, Policy SSA12 of the Site Specific Allocations Document states that educational uses will be allowed within the Rainham West site, which covers the area of the application site.
- 6.17 As such the proposed Construction and Infrastructure Skills and Innovation Centre is considered to be acceptable in principle in landuse terms, subject to further scale, layout and detailed design, and highways considerations.

Design/Impact on Streetscene

- 6.18 The NPPF places significant emphasis on good quality design and architecture. Paragraph 58 sets out the standards that the development should aim to achieve, this includes adding to the overall quality of the area, responding to local character and being visually attractive as a result of good architecture. Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.19 The existing college building is located adjacent to the southern boundary of the site and comprises a large detached structure of considerable scale and bulk with the appearance of an industrial/warehouse unit. The proposed new block would be located directly to the front of the existing building in an off-

set position occupying a more prominent section of the site; where it would sit some 20 metres away from the new residential road at Passive Close, and over 120 metres from New Road.

- 6.20 The new building would match the general height and bulk of the surrounding development. In terms of its appearance, the proposed facility would incorporate a high quality contemporary design comprising part two storey and three storey sections with a mono-pitched sloping roof reaching a height of 13.9 metres. The exterior of the building would be finished with a combination of aluminium panelling and grey profiled metal cladding.
- 6.21 The development would also include external renovation works to the front elevation of the existing college facility, as well as the erection of a covered pedestrian link structure between the new and existing buildings. These measures would help to harmonise the proposed facility within the setting of the existing building.
- 6.22 Overall it is considered that the proposed building would be a fitting addition to the college campus and would be appropriate to the educational nature of the site. As a result it is not considered that the building would form an incongruous feature or result in any material harm to the character and appearance of the surrounding area. As such the proposal would serve to maintain and enhance the character of the local area in accordance with policy DC61.

Impact on Amenity

- 6.23 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through over-dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, or noise and disturbance to existing properties.
- 6.24 The proposed building would be positioned within a relatively central section of the site over 30 metres away from nearest residential accommodation at Passive Close. Given the distances and the oblique angles, it is not considered that the proposal would present any undue issues in terms of privacy, overshadowing and over-dominance to the neighbouring residents.
- 6.25 It is recognised that the new facility would result in an increase in student numbers attending the campus during the day and into the evening, as well as an intensification of activity on Passive Close as a result of vehicles travelling along it for a short distance to access the 22 space staff car park. The sound of vehicles manoeuvring and car doors closing in eastern section of the car park could also raise some concerns in relation to noise and disturbance. However, in this instance there is already a car park in place. In addition, neighbouring residential accommodation is set away from the

college site boundary on the opposite side of a public highway, which would help to reduce any potential noise impact from activities at the college.

- 6.26 Nevertheless, the residential properties have been erected adjacent to an existing college campus, so any residents living nearby can reasonably expect to experience a greater element of noise and disturbance from general activity associated with the college than those living in a purely residential area.
- 6.27 It is important to note that as a result of the earlier planning permissions at the site, Havering College could potentially establish Passive Close as the main vehicular and pedestrian access to the site, as it was originally intended, without any restrictions on the number vehicles using the road. This would allow the college to use Passive Close as the main point of access in conjunction with the delivery of up to 200 on-site parking spaces.
- 6.28 Therefore in comparison to the arrangements that the college could implement under the extant planning permissions already in place; the current application would deliver a development which would significantly reduce the potential use of Passive Close by the college, primarily by introducing a set limit on the number of vehicles accommodated in the staff car park. In this regard Staff are of the opinion that this proposal would present a more suitable option for addressing the highlighted concerns in relation to the amenity of the neighbouring residents and safeguarding pedestrians.
- 6.29 Staff are therefore of the view that the current proposal would be materially less harmful on amenity and as such the proposed development would be acceptable in terms of the impact on the amenity of neighbouring residents.

Environmental Issues

- 6.30 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended precautionary conditions in relation to contaminated land and air quality.
- 6.31 The proposal is not considered to give rise to any significant noise issues, subject to controls on the trading and delivery times.

Flood Risk

- 6.32 The site is located within Flood Zone 3 which is classified as having a high risk of flooding. A supporting Flood Risk Assessment has been submitted which sets out a series of flood resilience measures which will be incorporated to mitigate a flooding event. Having requested several amendments the Environment Agency is satisfied with the flood risk measures and has raised no objections to the scheme.

Parking and Highway Issues

- 6.33 The site has a Public Transport Accessibility Level (PTAL) rating of 2; meaning that the premises currently has relatively poor access to public transport facilities.
- 6.34 The parking standard for colleges of further education, as set out in Annex 5 of the Core Strategy, is given as 1 space per 2 teaching staff, plus 1 space per 15 students. The London Plan states that 1 space per 4 staff and 1 space per 20 full time students would be appropriate. The new education facility would create a further 60 full time jobs, taking the number of employees from 30 to a total of 90. On completion of the CISIC, the college would be able to accommodate approximately 732 full time students and 551 part time students.
- 6.35 As part of the development the existing staff and student car park area would be reconfigured and divided into two sections to accommodate the new building. Overall, the proposal would increase on-site parking by 84 spaces, providing a total of 162 spaces. The entrance via the service road to the west would provide access to 100 student car parking spaces and 40 staff parking spaces. Passive Close would provide access to 20 staff parking spaces and 2 visitor spaces. In terms of the staff and full time student parking provision, this would be in accordance with the parking standards and is considered to be acceptable.
- 6.36 The College has reviewed the use of its existing car park which supports the existing construction centre at the campus. As the campus currently operates, the existing car parking is rarely fully occupied. The College's Information Services Team has reviewed the programme of existing courses and assessed its peak periods for car parking. Peak times at the College are associated with the evening classes associated with electrical and plumbing courses. At this time, as a maximum, the courses would not warrant demand for more than c.130 car parking spaces should all students drive. During these periods, there would be no greater than 20 staff on site. As such, Havering College are content that the 162 car parking spaces proposed would be more than sufficient to accommodate student and staff demand.
- 6.37 In comparison to the earlier proposal this current application has been amended to further reduce the potential amount of traffic associated with the college using Passive Close. As a result, 5 of the staff car parking spaces would be relocated from the south eastern staff car park, accessed from Passive Close, and moved to the main car park at the centre of the site, accessed from New Road. Consequently, Passive Close would be used to access only 22 parking spaces as opposed to 27 car parking spaces previously.
- 6.38 The overall proposed car parking provision for the college would remain unchanged with a total of 162 spaces. As with the previous proposal the Passive Close access would be barrier controlled to allow the appropriate

management by the college. This will prevent vehicular access to the college from Passive Close by students.

- 6.39 It is important to note that Passive Close has, since its inception, been intended to form a dual access road for both the college site and the neighbouring residential properties.
- 6.40 Members should be aware that as a result of the earlier planning permissions Havering College could potentially establish Passive Close as the main access to their site, as it was originally intended, without any restrictions on the number vehicles using the road. This allows the college to use Passive Close as the main point of access in conjunction with the delivery of up to 200 on-site parking spaces. Given the planning history associated with the use of Passive Close significant weight should therefore be given to this fact in determining the current application.
- 6.41 It is critical to understand that the current application would deliver a development which would significantly reduce the potential use of Passive Close by the college in comparison to the arrangements that the college could implement under the planning permissions that are already in place.
- 6.42 It should be noted that there have been no objections to the proposed development from Highways or Transport for London. In Staff's view, the scheme now proposed addresses the previous refusal reason.
- 6.43 In terms of secure cycle storage a total of 136 spaces would be provided.
- 6.44 As part of the wider re-landscaping works the proposal would also deliver a section of the strategic Rainham cycle and pedestrian link path. The proposed 5 metre wide route would run from east to west through the site, along the northern boundary with the swale at Passive Close and around the northern flank of the proposed building. It is anticipated that the cycle and pedestrian path route would eventually provide a dedicated east-west link from Rainham town centre, along the New Road corridor through to the proposed new station at Beam Park.
- 6.45 Once it is in place the strategic route would serve to significantly improve cycle and pedestrian access to the college site, reduce car dependency and encourage the use of more sustainable modes of transport.
- 6.46 It is anticipated that the section of cycle and pedestrian path running through the college site would be brought forward in three stages. A suggested delivery mechanism and timetable for implementation has been set out in a supporting statement and accompanying drawing '01001', and under these terms would be brought forward as follows:
- Section A: Secure Housing Zone funding from that already identified for the Rainham and Beam Park Housing Zone, to support the delivery of this section of the cycle/pedestrian route.

- Section B: Havering College to deliver this section as part of the wider works to build the new CISIC building. Details of materials and final layout to be agreed by discharge of condition.

- Section C: It is understood that this section would likely comprise the final part of the delivery of the route, and would come forward at such time as when the land north of the proposed new CISIC building (also owned by Havering College) comes forward for development. If it is required before that time (i.e. to link to other sites to the west of CISIC) then Havering's Regeneration team have agreed to the principle of providing forward funding for this element of the cycle path, either by placing a legal charge on the land north of the CISIC building and/or with an agreement that the costs would be reimbursed by Havering College within a period of 5 years, in the event of a disposal of the remainder of the site, whichever was the sooner.

6.47 The requirement to deliver the section of the cycle and pedestrian link path through the site is set out in the heads of terms of the S106 agreement at the start of this report.

6.48 The proposed on site cycle parking provision would meet the London Plan and LDF requirements.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a section 106 legal agreement.

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

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

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the S106 legal agreement. The S106 contribution is lawfully required to bring forward the delivery of the strategic Rainham cycle and pedestrian route.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 14 August 2017.

This page is intentionally left blank

REGULATORY SERVICES COMMITTEE

21 SEPTEMBER 2017

REPORT

Subject Heading:

Regulatory Services Monitoring

SLT Officer:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

Simon Thelwell
Planning Manager - Projects and
Regulation
01708 432685

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

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

RECOMMENDATIONS

That the report be noted.

REPORT DETAIL

- 1.1 Each quarter, a range of monitoring information regarding enforcement and appeal information is sent to Members. The following reports have been emailed to Members with updates since the last meeting on 29th June 2017:

Schedule of Current Enforcement Notices

Schedule of Current Enforcement Investigations

Summary of Planning Appeal Decisions

- 1.2 Enforcement Notices – Since 29th June, 7 enforcement notices have been served. There are currently 21 enforcement notices awaiting appeal determination.
- 1.3 Enforcement Investigations – Since 29th June, 219 new planning enforcement investigations have been started
- 1.4 Appeals - Since the appeals reported to Members in June 17, 53 new appeals have been received 36 appeals have been started. Decisions on 34 appeals have been received during the same period - 21 have been dismissed, 9 allowed, 1 part allowed part refused, 2 appeals have been withdrawn and 1 deemed invalid.
- 1.5 If there are any particular queries arising from the reports sent, please contact the report author. It is recommended that the report be noted.