



# Havering

LONDON BOROUGH

## REGULATORY SERVICES COMMITTEE AGENDA

**7.30 pm**

**Thursday  
16 November 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 - 10)**

To approve as a correct record the minutes of the meeting of the Committee held on 26 October 2017 and to authorise the Chairman to sign them.

### **5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 11 - 36)**

**6 P1047.17 - BEEHIVE COURT, GUBBINS LANE, HAROLD WOOD** (Pages 37 - 46)

**7 P1021.17 - 214 WINGLETYE LANE, HORNCHURCH** (Pages 47 - 56)

**8 P1080.17 - 35 LIMERICK GARDENS, UPMINSTER** (Pages 57 - 64)

**9 P1239.17 - 143 NEW ROAD, RAINHAM** (Pages 65 - 96)

**10 URGENT BUSINESS**

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

**Andrew Beesley  
Head of Democratic Services**

**MINUTES OF A MEETING OF THE  
REGULATORY SERVICES COMMITTEE  
Havering Town Hall, Main Road, Romford  
26 October 2017 (7.30 - 8.45 pm)**

**Present:**

**COUNCILLORS:** 11

**Conservative Group** Robby Misir (in the Chair) Melvin Wallace,  
Roger Westwood, John Crowder and Carol Smith

**Residents' Group** Stephanie Nunn and Reg Whitney

**East Havering** Linda Hawthorn and Ron Ower

**Residents' Group**

**UKIP Group** Phil Martin

**Independent Residents** Graham Williamson  
**Group**

Apologies were received for the absence of Councillors Philippa Crowder, Michael White and Alex Donald.

+Substitute members Councillor John Crowder (for Philippa Crowder), Councillor Carol Smith (for Michael White) and Councillor Ron Ower (for Alex Donald).

Councillors Osman Dervish, Wendy Brice-Thompson, Frederick Thompson, Ray Morgon 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.

## 328 DISCLOSURES OF INTEREST

8. P1058.17 - 195-205 NEW ROAD & 1-9 CHERRY TREE LANE -  
OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF ALL  
BUILDINGS AND REDEVELOPMENT OF THE SITE FOR RESIDENTIAL  
USE PROVIDING UP TO 77 UNITS WITH ANCILLARY CAR PARKING,  
ACCESS AND LANDSCAPING.

Councillor Ron Ower, Prejudicial. Councillor Ower advised that as Cabinet Member for Housing Company Development and oneSource Management

he had previously been in discussions with the Council's development partners.

Councillor Ower left the chamber during the consideration of the item and took no part in the voting..

9. P0782.17 - 21 NEW ROAD, RAINHAM - OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF ALL BUILDINGS AND REDEVELOPMENT OF THE SITE FOR RESIDENTIAL USE PROVIDING UP TO 24 UNITS WITH ANCILLARY CAR PARKING, LANDSCAPING AND ACCESS.

Councillor Ron Ower, Prejudicial. Councillor Ower advised that as Cabinet Member for Housing Company Development and oneSource Management he had previously been in discussions with the Council's development partners.

Councillor Ower left the chamber during the consideration of the item and took no part in the voting..

11. P1226.17 - BEAM PARK, FORMER FORD ASSEMBLY PLANT SITE, NEW ROAD, RAINHAM.

Councillor Ron Ower, Prejudicial, Councillor Ower advised that as Cabinet Member for Housing Company Development and oneSource Management he had previously been in discussions with the Council's development partners.

Councillor Ower left the chamber during the consideration of the item and took no part in the voting..

## 329 **MINUTES**

The minutes of the meeting held on 5 October 2017 were agreed as a correct record and signed by the Chairman.

## 330 **P0716.17 - 29-33 VICTORIA ROAD, ROMFORD**

The application before Members proposed the demolition of the existing building and erection of two replacement front and rear blocks comprising a total of thirty-five residential units and a ground floor commercial unit with a flexible use as A1 retail/ A2 financial and professional services/ A3 restaurant and cafes/ B1 office/ D1 non-residential/ D2 assembly and leisure.

The application was deferred at the meeting on 24 August 2017, as Members had wished for Staff to undertake further discussions with the applicant in relation to viability; specifically in order to resolve if any on-site affordable housing provision could be agreed in addition to the required education contribution.

Members 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.

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 there were concerns relating to noise nuisance and hours of work during the construction phase. The objector also commented about levels of dust and impact delivery vehicles would have on the site. The objector concluded by commenting that he wished for a pre-construction survey to be undertaken on his property to ensure no damage was caused during the construction period and that he was unhappy with officers' comments in the report.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that he felt that the proposal would go some way to alleviating housing shortages in the area and that the proposal was of a suitable nature and would sit well in the streetscene.

During the debate Members sought and received clarification relating to the Highways contribution and debated any changes to the proposal since it had last been considered in August 2017.

It was **RESOLVED** that planning permission be refused as per officer's recommendation.

331 **P1226.17 - BEAM PARK, FORMER FORD ASSEMBLY PLANT SITE, NEW ROAD, RAINHAM**

The application before Members was for enabling works to prepare a site for development, including clearing of on-site structures, addressing contamination, importation and positioning of crushed material on site for up to nine months (preventing future settlement), localised piling and installation of band drainage.

With its agreement Councillor David Durant wished to address the Committee in relation to this application and the following two other applications (P1058.17/P0782.17) on the agenda as a whole.

Councillor Durant commented that although the applications before the Committee were outline plans with more detailed applications to follow, it was important that all the proposals were sustainable going forward.

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

Condition 4. Details of the approach for deliveries and lorry routing were set out in the submitted Construction Logistics Plan. The wording of the condition could therefore be amended to read.

“HGV access to and from the site shall be via the A13/ Marsh Way junction and use of the A1306 only for the section between Marsh Way and Thames Avenue, in line with the approach set out within the Construction Logistic Plan and as illustrated in the Logistics Plan Drawing LPSKenb 001 A, unless otherwise agreed in writing with the Local Planning Authority.”

Conditions 5 and 6 to be replaced by a single condition requiring the provision of temporary car parking and cycle parking as set out in the submitted Construction Logistics Plan. Condition to be worded as follows:

“Prior to the commencement of the operations hereby permitted 37 temporary car parking spaces and 2 temporary Sheffield stands for cycles should be provided on site in line with the submitted Construction Logistics Plan and subsequent e-mail exchange with TfL dated 15 October 2017 and should be retained thereafter for the duration of the construction phase.”

Condition 8 (to be Condition 7) Borehole Decommissioning to be re-worded as follows.

“During the spreading of fill material all monitoring wells within the surcharge area for the investigation of soils, groundwater or geotechnical purposes should be protected. The headworks of the identified wells would be revised and then would be protected by concrete rings during the raising of the ground levels. In those circumstances, where protection was not possible, wells should be decommissioned in line with Environment Agency guidance and, if required, may need to be re-drilled in the future. Prior to the removal of surcharge material, a scheme detailing how remaining monitoring wells were to be decommissioned and how any boreholes that needed to be retained post development, for monitoring purposes, should be submitted to and approved in writing by the local planning authority.”

Add the following condition:

“All works undertaken in connection with this planning permission should be carried out in complete accordance with the submitted Construction Method Statement/Management Plan.

Reason: To ensure that the development did not cause adverse impact on the surrounding area.”

Conditions to be re-numbered as required.



332 **P1311.17 - EDGEWELL 20 BROOK ROAD, ROMFORD**

The proposal before Members was for the erection of a single storey side extension.

The subject property was a 1934 Exhibition House which was designed in an Art Deco style. Its distinct appearance formed an important, integral part of the Gidea Park Conservation Area within which it was located.

Members noted that the application had been called-in by Councillor Osman Dervish as he believed the proposal would not have a detrimental impact upon the street scene or amenity. Councillor Dervish had also called the application in on the grounds of precedent as well as adding to the conservation area.

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

The objector commented that the property was part of the Gidea Park Conservation Area and that design was of importance in keeping the original heritage of the property. The objector concluded by commenting that she was in agreement with officer's recommendation in the report supporting refusal.

The applicant commented that he had purchased the property ten years ago and that he had subsequently been advised that the existing garage had been constructed in the 1960s. The applicant also commented that the garage was now in a dilapidated state and needed repairing or replacing.

With its agreement Councillor Osman Dervish addressed the Committee.

Councillor Dervish commented that he supported the application and that the applicant had made amendments to the front line of the proposal so as not to impact on neighbouring properties. Councillor Dervish concluded by commenting that no neighbouring residents had objected to the proposal and that other properties in the area had undergone planning changes with permission given by delegated powers.

During the debate Members discussed the impact the proposal would have on the conservation area and the marginal difference the application proposed against what was already in situ.

Following a motion to approve the granting of planning permission which was lost by 3 votes to 8, it was **RESOLVED** that planning permission be refused for the reasons given in the report.

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

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

333 **P1384.17 - BRIDGE POINT, SOUTHEND ARTERIAL ROAD, HORNCHURCH - PARTIAL DEMOLITION OF THE BUILDING AND RECONSTRUCTION OF 7 FLATS COMPRISING UNITS 12, 13, 14, 19, 20, 40 AND 41 TO MATCH THE EXISTING BUILDING**

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

334 **P1172.17 - LAND TO THE REAR OF YORK HOUSE - ERECTION OF A DETACHED BLOCK COMPRISING OF SIX RESIDENTIAL UNITS, WITH ASSOCIATED LANDSCAPING AND PARKING.**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £7,300 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations, by 26 April 2018, and in the event that the Section 106 agreement was not completed by such date then the power to refuse the application be delegated to the Assistant Director of Development:

- A financial contribution of £36,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Save for the holder of blue badges that the future occupiers of the proposal would be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That the 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.

335 **P1058.17 - 195-205 NEW ROAD & 1-9 CHERRY TREE LANE - OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF ALL BUILDINGS AND REDEVELOPMENT OF THE SITE FOR RESIDENTIAL USE PROVIDING UP TO 77 UNITS WITH ANCILLARY CAR PARKING, ACCESS AND LANDSCAPING**

The Committee considered the report detailing an outline planning permission and **RESOLVED** that the Assistant Director of Development be authorised to enter into any subsequent legal agreement or other appropriate mechanism to secure the requirement of Condition 34 below, including that:

- 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 planning permission be granted subject to the conditions as set out in the report and to include an additional informative that recommended that letter boxes for all units to be accessible from the external parts of the building.

336 **P0782.17 - 21 NEW ROAD, RAINHAM - OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF ALL BUILDINGS AND REDEVELOPMENT OF THE SITE FOR RESIDENTIAL USE PROVIDING UP TO 24 UNITS WITH ANCILLARY CAR PARKING, LANDSCAPING AND ACCESS**

The Committee considered the report which detailed an outline planning permission and without debate **RESOLVED** that the Assistant Director of Development be authorised to enter into any subsequent legal agreement to secure the requirement of Condition 30, including that:

- 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 planning permission be granted subject to the conditions as set out in the report and to include an additional informative that recommended that letter boxes for all units to be accessible from the external parts of the building.

337 **URGENT BUSINESS**

Due to the requirement to deal with the issue as a matter of urgency, the Chairman had agreed to deal with this item as an urgent matter pursuant to section 100B (4) of the Local Government Act 1972.

Planning Applications P1161.16 and P0587.17 (Land at Junction of Crow Lane/Sandgate Close, Romford) were refused by the Council on 10 Feb 2017 and 16 July 2017 respectfully and are the subject of an appeal due to be heard by way of Informal Hearing on 14 and 15 November.

As part of the appeal, the appellant wished to commit to certain obligations which would be binding upon them should the appeal(s) be allowed. In appeals, it is common for such obligations to be put forward in a Unilateral Undertaking with the Council not being part of the document. In discussions over the suitability it was considered that obligations requiring a review of the affordable housing provision may be more satisfactorily framed within a Legal Agreement with the Council rather than a unilateral undertaking.

Therefore staff requested that the Committee resolve to authorise the Assistant Director of Development to enter into and complete any necessary Legal Agreement in connection with the above appeals which would be binding should the appeals be allowed.

It was **RESOLVED** that the Assistant Director of Development be authorised to enter into and complete any necessary Legal Agreement in connection with the above appeals which would be binding should the appeals be allowed.

---

**Chairman**

This page is intentionally left blank

## Regulatory Services Committee

16 November 2017

| <b>Application No.</b> | <b>Ward</b>  | <b>Address</b>  |
|------------------------|--------------|---|
| P1284.17               | Romford Town | 17 Quadrant Arcade, Romford, RM1 3ED.                   |
| P1350.17               | St Andrews   | 11a Elm Parade, St Nicholas Avenue, Elm Park, RM12 4RH. |
| P1359.17               | Upminster    | 13 Springfield Gardens, Upminster, RM14 3EH.            |
| P1390.17               | Pettits      | 89 Main Road, Romford, RM2 5EL                          |
| P1496.17               | St Andrews   | 65 Highfield Crescent, Hornchurch, RM12 6PX.            |

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th November 2017

**APPLICATION NO.** P1284.17  
**WARD:** Romford Town **Date Received:** 31st July 2017  
**Expiry Date:** 25th September 2017  
**ADDRESS:** 17 Quadrant Arcade  
ROMFORD

**PROPOSAL:** change of use from A1 to Sui generis Advanced beauty and aesthetic clinic carrying out treatments such as;  
Level 2 & 3 beauty treatments  
Level 4 laser and light aesthetic treatments  
Injectable aesthetic treatments by a qualified doctor or nurse  
Advanced electrolysis  
Semi permanent make up tattooing

**DRAWING NO(S):** Ordnance survey map  
Land registry plan Rev a  
Floor plans

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

---

### **SITE DESCRIPTION**

The subject site comprises of No.17 Quadrant Arcade, Romford, which is located in the Retail Core of Romford town centre. The adjoining units comprise of No.'s 17a and 17b Quadrant Arcade, which provides a shoe repair and key cutting service and No.'s 14-16 Quadrant Arcade are occupied by Primark retail store.

### **DESCRIPTION OF PROPOSAL**

The proposal seeks consent for a change of use from A1 to Sui generis advanced beauty and aesthetic clinic carrying out treatments such as: beauty treatments, laser and light aesthetic treatments, Injectable aesthetic treatments by a qualified doctor or nurse, advanced electrolysis and semi permanent make up tattooing.

There would be three full time and two part time staff. The proposed opening hours are between 9am to 7pm Monday to Saturday, 10am to 4pm on Sundays, Bank and Public Holidays.

The applicant has advised that the unit has been vacant for over 2 years. The proposal does not involve any external changes to the building.

The applicant has submitted a supporting statement with the application advising that the business has been trading for four years above a nail salon in The liberty, which has two small treatment rooms and now needs more space.

### **RELEVANT HISTORY**



P1866.10 - Change of use of retail premises from Class A1 (Shops) to Class A2 (Financial & Professional Services).

Apprv with cons 18-02-2011

## **CONSULTATIONS / REPRESENTATIONS**

A total of 30 consultation letters were sent out as part of the planning application process. The application has been advertised in a local newspaper and by way of a site notice, as the application does not accord with the provisions of the development plan. No letters of representation were received.

Environmental Health - No objections in terms of land contamination, air quality or noise.

## **RELEVANT POLICIES**

ROM 10 Retail Core of the Romford Area Action Plan DPD

Policies DC33 and DC61 of the LDF Development Control Policies DPD

Policies 4.7, 4.8, 7.4 and 7.6 of the London Plan

NPPF

## **MAYORAL CIL IMPLICATIONS**

The proposal is not liable for CIL, as it does not increase the gross internal floor area of the unit.

## **STAFF COMMENTS**

The main issues in this case are the principle of development, the impact on the streetscene, neighbouring amenity and any parking and highway issues.

## **PRINCIPLE OF DEVELOPMENT**

The application site is located within the Retail Core of Romford town centre. Policy ROM10 of the Romford Area Action Plan states that in the retail core of Romford town centre, planning permission for A1 retail uses will be granted at ground floor level. Service uses (A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Not more than 15% of the length of the relevant frontage will be in non-retail use following implementation of the proposal; and
- An active frontage is maintained and the use is open for a significant number of core retailing hours.

This policy is intended to maintain the viability and vitality of Romford town centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. The retail core of Romford town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposal does not accord with the policy in that the proposed use is a 'sui generis' use and does not fall into one of the A1-A5 use classes. That said, Staff nevertheless consider that the proposed change of use to a beauty and aesthetic clinic would provide a service appropriate to a shopping area and would also have the benefit of bringing a vacant unit back into use.

In determining the relevant frontage for the purposes of the above, it is considered that the frontage begins at No.'s 1-3 Quadrant Arcade - 'Greggs' and ends at No.'s 17a and 17b Quadrant Arcade. This frontage has a total length of approximately 117 metres.

There are 11 units within this parade, the majority of which are all in retail use. The only non-retail uses comprise of No.'s 9-11 Quadrant Arcade - 'Robins Pie & Mash' and the application site, which has been vacant for approximately 2 years.

No.'s 9-11 and 17 Quadrant Arcade have a frontage of approximately 19 and 5 metres respectively, which would result in 20% of the total length of the parade in non-retail use, which does not comply with the 15% given in policy. The proposal is however considered to contribute to the range of services available within the Quadrant and not to materially harm its retail viability or attractiveness to shoppers. Staff are of the view that the proposal would maintain an active shop front and contribute to pedestrian flows. The premises would be open seven days a week during normal shopping hours. Given also that this would be returning a currently vacant unit back into retail use the proposal is judged to be acceptable. A condition will be applied to ensure that an active shopfront is maintained.

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

The proposal does not involve any external changes to the building.

#### **IMPACT ON AMENITY**

The proposed opening hours for the beauty and aesthetic clinic are 9am to 7pm Monday to Saturday and 10am to 4pm on Sundays, Bank and Public Holidays. It is considered that the use proposed would not result in any additional harm to the amenities of the neighbouring occupiers as the applicant is proposing reasonable opening hours. It is unlikely for any significant noise and disturbance to arise from the proposed use. Therefore, it is considered that the proposed change of use would not result in a significant loss of amenity to neighbouring properties and is compliant with Policy DC61.

#### **HIGHWAY / PARKING**

The application site is located within a pedestrianised part of Romford town centre and there are public car parks in the vicinity of the site. As such, it is not considered that the proposal would create any highway or parking issues.

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

It is considered that the proposed beauty and aesthetic clinic would provide services appropriate to the retail core of Romford town centre, would bring a vacant unit back into use and would therefore contribute to the vibrancy and vitality of the locality. It is considered that the use would not be detrimental to neighbouring amenity or create any parking or highway issues. It is recommended

that planning permission is granted.

## RECOMMENDATION

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

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

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

Reason:-

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

**2. SC27 (Hours of use)**

The premises shall not be used for the purposes hereby permitted other than between the hours of 9:00 and 19:00 on Mondays to Saturdays and 10:00 and 16:00 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 Policy DC61.

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

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

Reason:-

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

**4. SC35 (Window Display) ENTER DETAILS**

An active window display shall be provided at all times in the window facing onto Quadrant Arcade.

Reason:-

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

---

## INFORMATIVES

**1. Approval - No negotiation required**

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th November 2017

**APPLICATION NO.** P1350.17  
**WARD:** St Andrew's **Date Received:** 4th September 2017  
**Expiry Date:** 30th October 2017

**ADDRESS:** 11A Elm Parade  
St Nicholas Avenue  
Elm Park

**PROPOSAL:** Conversion of property to seven bedroom HMO (House in multiple occupancy)

**DRAWING NO(S):** Site Location Plan  
Existing Loft Plan  
4494/1  
4494/50 A

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

---

### **SITE DESCRIPTION**

Application site comprises of residential accommodation located within an established commercial parade, with living accommodation over three storeys. The premises benefits from an historic loft conversion with rear dormer window. Access to the dwelling is from the rear via an external staircase/communal walkway.

The site is located within the Elm Park minor local centre.

### **DESCRIPTION OF PROPOSAL**

Permission is sought for the conversion of the existing premises to a HMO to accommodate nine persons, with seven bedrooms in total.

### **RELEVANT HISTORY**

P0339.13 - Loft conversion with rear dormer  
Apprv with cons 18-07-2013

### **CONSULTATIONS / REPRESENTATIONS**

A total of 39 letters of consultation were issued to surrounding neighbouring occupiers, with two letters of objection having been received during the statutory consultation period. The comments are summarised below -

- Parking overstretched currently
- Rear access is highly restricted, with servicing already a significant issue for existing occupiers

In addition, the following comments were received from other stakeholders

Highway Authority - Objection  
Environmental Health - No comments received

## **RELEVANT POLICIES**

### LDF

DC04 - Conversions to Residential & Subdivision of Residential Uses

### OTHER

LONDON PLAN - 3.5 - Quality and design of housing developments

## **MAYORAL CIL IMPLICATIONS**

The application relates to the conversion of existing floor space and is therefore not liable for Mayoral CIL contribution.

## **STAFF COMMENTS**

This application is for a change of use to a house in multiple occupation (HMO), which is defined in the Housing Act 2004 as including a building which has been converted entirely into flats or bedsits which are not wholly self-contained and which are let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.

The applicant has not stated who would use the building other than providing seven bedrooms of accommodation. However, the only requirement is that in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants. Therefore, as long as the occupants have a tenancy agreement and the property is their main or only residence then it would qualify as an HMO. If planning permission is granted for a change of use to an HMO then in theory tenants could come from any category. It would be a matter for the landlord to let to tenants they deemed appropriate. This would be the same as with any property that is let, such as fully self-contained flats.

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

There are no alterations proposed to the external elevations of the host property and therefore there are no visual impacts associated with the development.

This was confirmed in writing by the applicant 30-10-2017.

## **IMPACT ON AMENITY**

Staff must consider the impacts of the development on the amenity of not only surrounding occupiers, but future occupiers of the HMO itself by assessing the quality of the living environment.

Policies DC4 and DC5 set criteria that seek to ensure a change of use to an HMO would not be out of character with the locality and would not be likely to give rise to unacceptable levels of noise and disturbance to residential occupiers nearby. Policy DC4 requires that the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining dwellings by reason of overlooking and that it would not be likely to give rise to significantly greater levels of noise and

disturbance compared with an ordinary single family dwelling.

It is noted that the application property is attached to neighbouring dwellings on the upper floors of the parade and that the proposed HMO would provide a total of seven bedrooms, with the applicant confirming that it is intended to accommodate a maximum of nine unrelated individuals at one time. As such the proposal would be likely to give rise to an intensity of use, that would be beyond that which could be reasonably expected with a single family house. Given the close proximity to the neighbouring residential properties the proposal would create noise and disturbance, and conditions detrimental to neighbouring residential amenity and would therefore be unacceptable.

The internal arrangement and layout of the premises presents its own issues. Staff consider that the layout and arrangement of accommodation would fail to comply with the high quality expected by London Plan Policy 3.5, the principles of which can be applied as a guideline. The existing premises is awkwardly shaped and in converting the existing without significant internal alterations the development results in awkwardly shaped and poorly arranged spaces. The tapered walls of the property give rise to cramped and impractical layouts and the arrangement of living space over three storeys is such that bedrooms would be located more than one floor from the kitchen located which would not align with the aspirations of the HMO licensing standards. Occupiers of the two bedrooms within the roof-space that do not benefit from en-suites would have to travel down two flights of stairs to use the facilities at ground floor (toilet/shower room). This does not represent a practical or high quality living arrangement. The proposed kitchen at first floor is of limited size and does not seem capable of accommodating an area to sit and eat, certainly not for the number of persons that could be present at any given time given the level of occupancy sought. The provision of a communal lounge area is not considered to offset adequately concerns regarding the size of the kitchen/dining facilities and suitability of the bathroom arrangements. Staff do not therefore consider the development to provide a reasonable level of amenity or facilities for future residents. Two of the bedrooms at third floor level have no windows, only rooflights, meaning they have no outlook and further adds to concerns regarding the quality of the resultant living environment.

Given the scale of occupation proposed relative to the actual gross internal floor area of the unit, it is reasonable to expect some form of communal amenity space. To this end, the constraints of the site allow for the provision of only a small "balcony area" which currently serves the host premises with outlook over the service yard. This space would not reasonably allow for any acceptable level of sitting out, or the drying of clothes for a household of this size. Whilst it is acknowledged that in mixed use settings the level of amenity space expected is typically reduced, or in some cases waived altogether, staff consider that given the level of proposed occupation sought that the amenity space provision shown would not be quality or useable and would further reinforce concerns over the cramped and confined nature of the development and forms additional grounds for which to substantiate a recommendation for refusal.

## **HIGHWAY / PARKING**

The site has a PTAL rating of 4, which translates to a good access to public transport. Staff further acknowledge that the premises is located within an area designated as a minor local centre by the LDF. The existing premises does not benefit from any off-street parking, which is an arrangement which typifies the surrounding residential uses over the commercial parade.

Household type and structure has an influence on car ownership and therefore is an important consideration in understanding parking requirements. HMO style living can lead to up to 4 or 5 cars per house in some places due to an increase in the number of adults in some households.

Staff accept that the premises is located in a mixed use environment and that therefore the requirement for vehicle parking could be reduced or reasonably waived entirely, however this would be a matter of judgement and relative to the scale of development and level of occupation. In this case, the intensification of the existing residential use, in so far as that the number of adult occupiers would increase significantly over the existing as a result of the conversion proposed, the absence of dedicated off-street does indeed raise concerns.

The LDF suggests that HMOs require 1 space per 2 habitable rooms and as no provision of off-street parking is shown on accompanying plans or inferred in supporting statements the Highway Authority have objected. The London Plan does not specifically cite a requirement for HMO properties in vehicle parking terms however given the level of occupation it is reasonable to expect that some vehicle parking should be sought.

On the basis that no reference to parking is made by the applicant, it is assumed that no off-street parking has been provided. This further reinforces the above concerns over the scale of the HMO and the proposed level of occupancy. The proposed development would be detrimental to the functioning of the highway as it would potentially result in an increase in on-street parking within secondary/surrounding roads. The increased competition for spaces would be to the detriment of the amenity of surrounding residents.

## **KEY ISSUES / CONCLUSIONS**

Having had regard to the above and in doing so all relevant planning policy, material considerations and recent decisions, it is the opinion of staff that planning permission should be **REFUSED**.

## **RECOMMENDATION**

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

### **1. Reason for Refusal - Impact on Amenity**

The proposal, by reason of the increased amounts of activity within the building and outdoor areas, together with an intensification of the residential use in such close proximity to the neighbouring residential properties, would result in unacceptable levels of noise and disturbance to the detriment of residential amenity, contrary to Policy DC61 of the Core Strategy and Development Control Policies DPD.

### **2. Reason for Refusal - Poor Quality Living Environment**

The proposal, by reason of the cramped internal layout, poor access to communal facilities for residents and confined outdoor amenity area, would create a limited and poor quality standard of accommodation. As a result the proposal would not provide acceptable living conditions for all of the future occupants, to the detriment of residential amenity and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

### **3. Reason for refusal - Parking Deficiency**

The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to Policy DC33 of the Core Strategy and Development

## 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 the agent in writing 07-11-2017



## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th November 2017

**APPLICATION NO.** P1359.17  
**WARD:** Upminster **Date Received:** 11th August 2017  
**Expiry Date:** 20th November 2017  
**ADDRESS:** 13 Springfield Gardens  
UPMINSTER  
**PROPOSAL:** REMOVAL OF EXISTING REAR CONSERVATORY AND  
REPLACEMENT WITH SINGLE STOREY REAR EXTENSION  
TOGETHER WITH TWO STOREY SIDE EXTENSION & ADDITION OF  
NEW REAR CONSERVATORY  
REVISED APPLICATION - P1879.16  
**DRAWING NO(S):** E.1601-16-01  
E.1601-16-02  
E.1601-16-03 C  
E.1601-16-04 B  
E.1601-16-05 B  
E.1601-16-06 A  
E.1601-16-07  
E.1601-16-08 B

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

---

### **CALL-IN**

A call in has been received from Councillor Ower on the grounds so it can be discussed by the Regulatory Services Committee as there are a number of special circumstances for the committee to look at and there are a number of similar extensions locally.

### **SITE DESCRIPTION**

Residential, two storey, half hipped roof semi-detached dwelling, finished in a mixture of painted render and face brick. Parking for two vehicles on the driveway to the front of the property. The surrounding area is characterised by single and two dwellings of various styles and designs.

### **DESCRIPTION OF PROPOSAL**

The principle of a rear and side to this property has been established by the previous consent P1879.16 and this application relates solely to the changes outlined below in relation to the previously approved scheme.

1. The ridge line of the first floor side extension has been raised so it is now the same as the original dwelling.
2. The eaves line of the side extension is higher than previously approved.
3. The rear extension has been increased in width to now include a new sun room with a roof lantern alongside.

4. The existing structures adjacent to No.11 will be removed to make way for this extension.
5. The front elevation of the first floor side extension has a face brick and not a render appearance.
6. The size of the first floor window has changed from 1.22m x 0.84m to 1.17m x 0.97m and the window design altered.

## **RELEVANT HISTORY**

L/HAV 569/78 - Extension to living room - Approved.

342/80 - Enclosed porch (with 15) - Approved.

P1661.86 - 1st floor side extension and ground floor side extension - Approved.

P1879.16 - Removal of existing conservatory and replacement with single storey rear extension with a Two Storey Side extension & addition of new rear conservatory. Revised Application

## **CONSULTATIONS / REPRESENTATIONS**

No representations were received in response to the consultation process.

## **RELEVANT POLICIES**

### LDF

DC33 - Car Parking

DC61 - Urban Design

SPD04 - Residential Extensions & Alterations SPD

### OTHER

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.6 - Architecture

NPPF - National Planning Policy Framework

## **MAYORAL CIL IMPLICATIONS**

Application is not CIL liable.

## **STAFF COMMENTS**

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

The principle of a two storey side extension has already been accepted. The issue is therefore whether the differences between this development and that previously approved is sufficiently harmful to the character of the streetscene to justify refusal.

The two storey side extension is visible from the street and, although the proposal has been designed with a set back of 0.5m from the front wall of the dwelling, the ridge line of extension has

been increased to allow the new roof to be the same ridge height as the existing dwelling and the eaves line of the extension now sits higher than that of the existing dwelling. There is no break in the roof line to provide a subservient appearance.

The constructed two storey side extension fails to comply with Council guidelines as it does not have a lower ridge line and therefore, lacks subservience. The extension is considered to appear somewhat at odds with the character and appearance of the existing dwelling, exacerbated by the use of an all-brick finish rather than part-render as previously, and the altered design of the fenestration.

Staff acknowledge that the width of the two storey side extension is quite narrow at 2.2m, which is approximately 36% of the width of the original dwelling. Furthermore, Staff acknowledge that there is a varied character within this section of Springfield Gardens as the houses of a various styles and designs. It is a matter of judgement for Members to consider if the ridge height of the two storey side extension has demonstrable harm on the street scene. Overall, staff consider that the two storey side extension, by its lack of a break in the roof-line, unacceptably impacts on the visual appearance of the pair of semi-detached dwellings and as a result lacks subservience.

This proposed development is partly for the benefit of a family member who has special needs with permanent carers and medical staff attending the property. In this instance, although consideration has been afforded to the special circumstances of the family, the submitted application has been assessed on its individual merits and in line with the spirit of Council guidelines.

Staff have requested for the first floor front elevation of the side extension to be rendered so it would relate better to the existing dwelling house. This request has currently been declined. However, should Members decide that this would be improve the relationship of the side extension to the original dwelling, this could be condition should the application be approved.

Although, there are variances in respect to the fenestration, Staff consider that these, of themselves, would not have a materially unacceptable impact on the appearance of the extended dwelling.

The development would also be noticeable within the rear garden environment. No objections are raised to the inclusion of the proposed sun lounge and roof lantern from a visual point of view. It is considered that this part of the development to be of acceptable design and will relate well with the existing dwelling in terms of its bulk, scale and massing.

### **IMPACT ON AMENITY**

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

The two storey side extension is located on the west side of the dwelling and would not affect the attached property to the eastern side.

The depth and height of the of the single storey rear extension would be in excess of Council guidelines as the rear extension would be an extension onto an extension with an overall depth of

approximately 6.18m. The height excluding the roof lantern would be marginally above the 3m normally permissible due to ground level to the rear of the site.

It was noted during the case officer's site visit that the attached neighbour at No.15 Springfield Gardens has benefited from a single storey rear extension which would mitigate the proposed single storey rear extension including the roof lantern. No objections are raised from a neighbourliness point of view.

Of a greater concern would be the potential impact on the unattached neighbour at No.11 Springfield Gardens. However, this relationship was previously considered and found to be acceptable under the previous application P1879.16 and the alterations to the side extension do not materially affect the previous judgement regarding the two storey side extension in relation to No.11.

As previously mentioned, the depth and height of the single storey rear extension would be in excess of Council guidelines. The impact on no.15 would be no different to that previously approved. The proposed sun lounge extension and roof lantern on the boundary adjacent to No.11 would be mitigated by the separation distance between the proposal and this neighbour and by the partial screening effect from the neighbouring garage on the boundary. No objection are raised to the single storey rear extension from a neighbourliness point of view.

No materially greater harm to neighbouring amenity compared to the previously approved development is considered to result.

#### **HIGHWAY / PARKING**

No highway or parking issues would arise from the proposal as minimum of two parking spaces would be retained.

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

The proposal is considered to be contrary to the above-mentioned policies and guidance and refusal is recommended.

#### **RECOMMENDATION**

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

##### **1. Reason for refusal - Streetscene and Rear Garden**

The two storey side extension would, by reason of its external appearance, in particular the design of the eaves and roof, appear as an unacceptably dominant and visually intrusive feature in the streetscene, which lacks subservience to the original dwelling and is harmful to the appearance of the surrounding area contrary to the Residential Extensions and Alterations SPD and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

---

#### **INFORMATIVES**

##### **1. Refusal - Amendments requested not made**

Statement Required by Article 35 (2) of the Town and Country Planning (Development

Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr Edwards (agent) by e-mail and phone. The revisions involved the lack of a break in the roof-line over the first floor side extension, the different design on first floor window on the front elevation, the first floor level being face brick and not rendered and the eaves line of the first floor side extension being raised higher than the existing dwelling. The applicant declined to make the suggested revisions.

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th November 2017

**APPLICATION NO.** P1390.17  
**WARD:** Pettits **Date Received:** 22nd August 2017  
**Expiry Date:** 17th November 2017

**ADDRESS:** 89 Main Road  
Romford

**PROPOSAL:** Change of use A1 to Beauty Salon (Su Generis) and alterations to rear elevation to include air conditioning condenser units.

**DRAWING NO(S):** DP/0000/FC/01  
DP/0000/FC/02  
DP/0000/FC/03  
DP/0000/FC/07  
DP/0000/FC/05  
DP/0000/FC/06  
DP/0000/FC/04

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

---

### **SITE DESCRIPTION**

The application site is located on the northern side of Main Road, approximately 40 metres from the junction with Balgores Lane which is on the opposite side of the road. The site falls within the Core Area of the Main Road Major Local Centre and forms part of a parade of shops with commercial units at ground floor level and residential flats above. The site lies within the Gidea Park Conservation Area. The locality comprises commercial units with The Harvester directly east of the site, and two other public houses nearby. Further north-west, along Heath Drive are residential dwellings. Directly north of the site is the rear garden of these residential dwellings and the pay and display car park which is also behind The Harvester.

The application site most recently had a retail use (A1) with its main access from the front, off Main Road and service access towards the rear. There is a highways tree towards the front of the application site.

### **DESCRIPTION OF PROPOSAL**

Consent is sought for the change of use of the premises to a beauty salon (sui generis).

The premises will offer a range of services including deep cleansing facials and non surgical skin improvement treatments, in addition to classic/gel manicures and pedicures. waxing eyelash extensions and eyebrow shaping/tinting and body/face massages.

The applicant advises that 3/4 professional beauty therapists will be employed and will operate from their own private rooms for the comfort of client needs.

Hours of operation sought are as follows -

Monday to Friday - 10:00AM to 20:00PM

Saturday - 09:00AM to 17:00PM

Sundays - CLOSED

The proposal also includes the addition of air conditioning units to the rear of the building and alterations to the shopfront. A replacement fascia sign is also shown on the application drawings but would require a separate application for advertisement consent.

## **RELEVANT HISTORY**

None relevant.

## **CONSULTATIONS / REPRESENTATIONS**

56 neighbouring occupiers were consulted by way of direct notification with 105 letters of representation having been received from residents by way of a pro-forma letter. The comments made are summarised below -

- Similar uses within close proximity
- Works undertaken without planning permission
- Insufficient parking

The comments in large express concern over increased competition which in itself is not a material planning consideration. The fact that works have taken place without planning consent is not a criminal offence and is not material to the consideration of this application, which will be assessed in the same way as if the works had not already commenced. Other material considerations will be fully considered in the assessment of this current application.

In addition the following comments were received from consultees:

Environmental Health - No objection

Highway Authority - No objection

Gidea Park Civic Society - No objection as property has recently been unoccupied and this will bring it back into use. Commercial viability is not a matter for them to comment on. The fascia sign seems appropriate.

## **RELEVANT POLICIES**

### LDF

- DC16 - Core and Fringe Frontages in District and Local Centres
- DC32 - The Road Network
- DC33 - Car Parking
- DC34 - Walking
- DC55 - Noise
- DC61 - Urban Design
- DC68 - Conservation Areas

- SPD02 - Heritage SPD
- SPD04 - Residential Extensions & Alterations SPD
- SPD12 - Shopfront Design SPD

## **MAYORAL CIL IMPLICATIONS**

The application is not liable for Mayoral CIL.

## **STAFF COMMENTS**

### **PRINCIPLE OF DEVELOPMENT**

The application site is located within a Major Local Centre. Policy D16 states that planning permission for service uses (A2, A3, A4, A5) will only be granted within District and Neighbourhood Centres throughout the retail core at ground floor level where:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in the grouping of 3 or more adjoining A2-A5 uses; and
- Within the retail core of Hornchurch and Upminster the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length. Within the retail cores of Collier Row, Elm Park, Harold Hill and Rainham and the Major Local Centres, a 33% figure will apply.

The advice contained in the NPPF is that retail vitality should be protected such that Local Plans should "define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations".

Members may wish to consider that the purpose of the retail frontage is to provide retail and service uses so that they do not have to be located in more sensitive areas such as within predominantly residential environments. Whilst the proposed change of use would result in a grouping of 3 or more non-retail uses a use such as that proposed is not unfamiliar within high-street settings and is becoming increasingly more common.

The relevant frontage is not defined in Policy DC16 however staff are of the view that the relevant frontage is between 77 and 89 Main Road as at these points in the frontage natural breaks in the parade occur. At the present time the percentage of non retail uses in this frontage is approximately 41%, which is already greater than the 33% maximum advised by policy. The proposal would further increase this to approximately 56%. The proposal would result in four of the seven units being in non-retail use which could be construed as harmful.

The application is for a Sui Generis use which is not a service use and therefore its suitability requires further consideration. Although in this instance the proposed use would not be an "A-Use" per se, it would provide a service, generate additional footfall and generally contribute to the vitality and viability of the centre. The applicant suggests that there would be some degree of retail associated with the use, with the associated sale of beauty products however it is clear from the arrangement of the premises on the layout plan provided that the focus of the business use would



be for beauty treatments. Nevertheless the use proposed in this case would in the view of staff provide a service that could be expected to be found within a shopping area and could therefore be considered as an appropriate use within a town centre.

In addition, whilst the policy relates to "relevant frontage" it is also reasonable to look at the function of the shopping centre as a whole. Within the Gidea Park Major local centre a wide range of services can be found including other convenience store uses. Whilst it is accepted that there may be other comparable uses, not necessarily within the immediate vicinity, but within the wider locality - competition between businesses is not a material planning consideration. The proposed change of use would permit a service that is appropriate to the centre and therefore contributes to the vibrancy and vitality of the locality. Staff are of the view that the proposal maintains an active shop front, which could be maintained by condition, and contributes to pedestrian flows. The premises are open seven days a week during normal shopping hours.

Although the change of use is contrary to Policy DC16, as a matter of judgement, staff consider that the use displays the characteristics expected to be found in a town centre and that it would contribute positively to the vitality of the retailing function of the centre.

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

The alterations to the shop-front would be in keeping with the surroundings of the site, with the greater expanse of glazing providing an active and open frontage that would complement the parade.

To the rear of the premises, the air conditioner units would not be unduly harmful visually, given that they would replace much larger units and would not be readily visible from the street-scene.

### **IMPACT ON AMENITY**

Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

The change of use of an existing commercial unit would not raise any overlooking or loss of privacy concerns. With regard to the impact upon the amenity of neighbouring occupants, consideration must be given to potential implications in terms of operating hours, noise and disturbance and odours, particularly in view of the fact that there are residential properties located on the upper floors of the parade.

The proposed use would not significantly increase the level of noise and disturbance from pedestrian movements and vehicles over and above the existing conditions or that typically associated with a Major Local Centre which is a mixed use environment. Having had regard to the intended use, the hours of operation would appear consistent with other comparable uses within the vicinity/wider area. A condition will be imposed to ensure the premises doesn't open unreasonably late. Although Sunday trading is not currently envisaged nevertheless it is considered reasonable for the premises to open on a Sunday and the condition will be worded to enable this.

Should planning permission be granted, conditions are nevertheless considered necessary to ensure that the amenity of residents is protected. In this regard staff recommend a condition be

imposed to secure details of the plant equipment to the rear to prevent undue harm arising from operating noise. Subject to the above, and on the basis that the Council's Environmental Health department have raised no objection, staff do not consider the proposed use would give rise to significant amenity impacts capable of substantiating a refusal.

## **HIGHWAY / PARKING**

The application site is located within a Major Local Centre with a pay-and-display to the rear as well as a service road to the rear of the parade itself.

The application does not involve any changes to the existing highway or creation of car parking provisions. The proposal utilises an existing commercial building, previously used as a convenience store. It cannot be evidenced that the proposed use would result in a materially greater demand for parking compared to the previous use of the site, or alternative uses that could take place without the need for planning permission. As such it is considered that the proposal would not result in any highway or parking issues that could not adequately be served by existing parking facilities and that there are no material highway grounds for refusal.

The Highway Authority have raised no objection to the proposals. The proposal is therefore considered acceptable in terms of parking and impact on the highway in accordance with Policy DC33.

## **KEY ISSUES / CONCLUSIONS**

Having had regard to the above and in doing so all relevant planning policy and material considerations it is recommended that the application be approved subject to conditions.

## **RECOMMENDATION**

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

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

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

Reason:-

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

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

The development hereby permitted shall not be carried out otherwise than in complete 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. SC27 (Hours of use)**

The premises shall not be used for the purposes hereby permitted other than between the

hours of 08:30 and 20:00 Mondays to Fridays, 08:30 and 17:00 Saturdays and 10:00 and 16:00 Sundays and not at all on Bank/Public Holidays, without the prior consent in writing of the Local Planning Authority.

Reason:-

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

**4. SC35 (Window Display)**

A active window display shall be provided at maintained all times in the shop window fronting Main Road.

Reason:-

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

**5. SC42 (Noise - New Plant) (Pre Commencement)**

No building shall be occupied or use commenced until a scheme for the new plant or machinery is 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.

---

## **INFORMATIVES**

**1. Approval - No negotiation required**

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

## OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 16th November 2017

**APPLICATION NO.** P1496.17  
**WARD:** St Andrew's **Date Received:** 12th September 2017  
**Expiry Date:** 20th November 2017  
**ADDRESS:** 65 Highfield Crescent  
HORNCHURCH  
**PROPOSAL:** Retrospective planning permission for children's treehouse in rear garden.  
**DRAWING NO(S):** Appendix 1  
Appendix 2  
Land Registry Plan - EX36409  
**RECOMMENDATION** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

---

### **CALL-IN**

A call in has been received from Councillor Mylod on the grounds of a loss of privacy (overlooking the rear garden and conservatory) and bad positioning of the tree house.

### **SITE DESCRIPTION**

The application site comprises of a residential, two storey semi-detached dwelling finished in a painted render appearance and which is located on the south west side of Highfield Crescent. The ground level slopes downhill from north east to south-west and backs on to the property at No.17 Kenley Gardens, Hornchurch. The surrounding area is characterised by predominately two storey semi-detached dwellings.

### **DESCRIPTION OF PROPOSAL**

Planning permission is sought for the retention of a children's tree house in rear garden. The tree house has been partially constructed but is not yet fully complete.

The tree house and the bottom of the slide would be approximately 3.48m and 1.49m respectively from the boundary with No.17 Kenley Gardens. The tree house would have an overall height of 3m from ground level and the internal height of the tree house would be 1.5m with access to the tree house being provided by a ladder underneath the tree house.

One small opening would be provided facing 17 Kenley Gardens to allow for the children to use the slide which would be approximately 42cm in width and height.

The application has been submitted further to an invitation from the Planning Enforcement team further to their investigation under reference ENF/538/17.

### **RELEVANT HISTORY**

ES/HOR 505/52 - 1 of 6 House - Approved.

ES/HOR 583/62 - Room over garage - Approved.

P0247.14 - Proposed single storey side & rear extensions - Approved.

## **CONSULTATIONS / REPRESENTATIONS**

Two e-mails of representations were received from the same resident with the comments summarised below.

- The tree house is very high and wide and overlooks their property which is unacceptable.
- There is a large opening at the rear of the tree house which looks into the neighbouring property.
- Also, the patio is overlooked.
- The tree house spoils the enjoyment of our home and garden.
- The tree house is unattractive due to its height of the ground.
- The tree house has the appearance of a garden shed on a platform.
- Additional noise from the children's tree house due to its elevated position.
- Loss of light due to the width and height of rear extension.
- No room for the three recently planted trees to expand.
- The trees will block out the light to the neighbouring garden.
- Further comments outline that the tree house is larger than the garden shed and greenhouse.

In response to comments raised, all comments will be considered however, it should be noted that the Council have no control over the planting of trees within the curtilage of the property and this can be done without requiring planning consent.

## **RELEVANT POLICIES**

### LDF

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

### OTHER

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

## **MAYORAL CIL IMPLICATIONS**

Application is not CIL liable.

## **STAFF COMMENTS**

The issues arising from this application are the visual impact of the development, the impact on neighbouring amenity and any parking and highway implications.

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

The subject site is of generous proportions as are most other plots within Highfield Crescent.

The play equipment is considered to be of fairly modest proportions and although the overall height is 3m, this is to the ridge of the two small gabled roofs. The eaves height varies between 2.41m to

2.58m.

The tree house and the bottom of the slide would be approximately 3.48m and 1.49m respectively from the boundary with No.17 Kenley Gardens.

Although the gabled roofs of the structure can be seen from adjacent garden areas, they would be hipped away from the residents along Kenley Gardens and are of a modest nature and do not raise unacceptable environmental issues. No objections are raised to the proposal from a visual point of view.

### **IMPACT ON AMENITY**

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

The tree house is located near the bottom of the garden and the tree house and the bottom of the slide would be approximately 3.48m and 1.49m respectively from the boundary with No.17 Kenley Gardens, which lies to the rear of the site.

The proposal is not judged to be materially harmful to the amenity of neighbouring residents along Highfield Crescent. The tree houses is located towards the end of relatively generous rear gardens and its positioning combined with the partial screening of the vegetation along the side boundaries would assist in mitigating its impact. The treehouse is not yet fully complete but the currently open sided west-facing elevation would be a of solid construction, preventing any sideways overlooking towards the properties to the west.

Of a greater concern would be the potential impact on the neighbouring properties to the rear of the site along Kenley Gardens, in particular No.17. As a matter of judgement, Staff consider that it is difficult to demonstrate the development is materially overbearing or resulting in loss of light, mindful that the tree house is set off the boundary by approximately 3.48m which would alleviate the height of the proposal and the roof would be hipped away from their boundary. The treehouse is positioned to the north of this property and as such would not materially affect sunlight to the rear garden.

Similarly, Staff consider it would be difficult to demonstrate the harm from the only opening in the rear elevation, which is approximately 42cm wide and high. The opening does not create conditions for overlooking, being set only slightly higher than the floor level of the tree house, and existing solely for the purpose of providing access for a child to use the slide feature. The applicant has tried to screen the impact of the proposal by planting two silver birch trees and a cherry blossom tree. However, limited weight has been given to this as the trees are not established and do not provide an effective screen.

Taking all the factors into consideration Staff consider it would will be difficult to justify refusal based on harm to properties in Kenley Gardens.

In all, the proposal is not considered to result in material harm to local character or neighbouring amenity to justify refusal.

## **HIGHWAY / PARKING**

No highway or parking issues would arise as a result of the proposal.

## **KEY ISSUES / CONCLUSIONS**

The application is considered to be acceptable and approval is recommended.

## **RECOMMENDATION**

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

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

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

Reason:-

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

### **2. SC80 (Retrospective 2) ENTER DETAILS**

Unless within three months of the date of this decision, the treehouse is completed in accordance with the approved plans received on 16th October 2017, including the completion of the roof and the infilling of the side elevations, the building hereby permitted shall be removed and all materials resulting from the demolition shall be removed from the site.

Reason: To ensure that the development has an acceptable relationship with neighbouring residential property.

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

The development hereby approved shall be constructed in accordance with the materials detailed under Section 11 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. SC46 (Standard flank window condition)**

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

Reason:-

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

---

## INFORMATIVES

### 1. **Ownership**

The applicant is advised that this planning permission does not grant permission for any part of the development to encroach onto any property not within the applicant's ownership.

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

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



# REGULATORY SERVICES COMMITTEE

16 November 2017

# REPORT

**Subject Heading:**

**P1047.17**

Beehive Court, Gubbins Lane

Conversion of 14 no. bedsits into 8 no. one bedroom, wheelchair accessible flats, the construction of a new lift shaft and associated refurbishment works. Works also include construction of new access ramps and additional car parking spaces within the existing car park.

(Application received 22-08-2017)

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

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

**Ward:**

Harold Wood

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

Communities making Havering

[X]

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

**SUMMARY**

This application is put before Members as the site is Council owned. This application should be considered on its own merits and on the material planning considerations which are independent to the Council's interest as landowner of the site. This application seeks consent for the conversion of 14 no. bedsits into 8 no. one bedroom, wheelchair accessible flats, the construction of a new lift shaft and associated refurbishment works. Works also include construction of new access ramps and additional car parking spaces within the existing car park. 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. 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.

### **5. 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.

### **6. Water Efficiency**

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

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

## **INFORMATIVES**

### **1. Approval - 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.

## **2. Street Naming and Numbering**

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

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

## **3. Fee**

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

# REPORT DETAIL

## **1. Site Description**

1.1 The application site entitled 'Beehive Court' is located on the junction of Gubbins Lane and Arundel Road, Romford. The scheme consists of 5 no. two storey blocks set within a 1.5 acre plot with communal gardens to the perimeter of the site and a central courtyard. The site is a sheltered housing scheme owned and managed by the London Borough of Havering. There are 48 units in total, which consist of 34 no. flats and 14 no. bedsits.

## **2. Description of Proposal**

2.1 This application seeks consent for the conversion of 14 no. bedsits into 8 no. one bedroom, wheelchair accessible flats, the construction of a new lift shaft and associated refurbishment works. Works also include construction of 8 new access ramps and additional 8 car parking spaces within the existing car park.

2.2 The proposed works are confined to the 'southern block', which would be extensively re-configured and refurbished on both the ground and first floors to provide wheelchair accessible flats, as well as retaining the various communal facilities that are still required such as the warden's office, guest sleepover room, etc. In addition, the proposal would provide new additional communal facilities for the residents, such as a salon, wheelchair accessible communal W.C and a mobility scooter store. A limited amount of external

changes are proposed, which include a new external wall (incorporating a window and door) within the existing recessed entrance/covered porch, some window/door openings to be infilled and partially infilling some existing window openings. The proposal incorporates the construction of a lift shaft within the central courtyard of the site. The garden areas are to be retained and largely unaffected, the only necessary adaptations will include the construction of new pathways and ramps, so all occupants can access the communal gardens.

- 2.3 The supporting statement states that following a review of the Council's existing stock, Beehive Court has been identified as ideal premises to convert some of the accommodation into wheelchair accessible, self-contained one bedroom flats, which are currently in very limited availability and high demand locally. A recent assessment has also concluded that the need for the facility to be retained in its original form is not critical, as other more suitable facilities are available elsewhere within the local area.

### **3. Relevant History**

- 3.1 P0911.15 - Internal alterations to convert 14 bedsits and 3 flats into 10 one-bedroom flats and 1 two-bedroom flats. Alterations include infilling, partially external lobby entrance area and replacing door - Approved with conditions.

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

- 4.1 The occupiers of 72 neighbouring properties were notified of this proposal. Four letters of representation were received with detailed comments that have been summarised as follows:
- Queried if all the work will be internal or if there will be any added structure to the current building.
  - Concerns regarding access during construction works.
  - Any enlargement to the building would appear too large and unsightly in the streetscene.
  - Reference was made to the fact that planning permission was refused to a neighbouring property.
  - Difficulty viewing the plans.
  - A tenant will lose their home to accommodate the refurbishment.
  - Tenants being decanted to facilitate the Housing Regeneration and lack of consultation by Housing Services.
  - Lifts should be provided to accommodate all first floor flats, not just the internal block including a lack of consultation regarding this.
- 4.2 In response to the above, the proposal involves a limited amount of external changes which include a new external wall (incorporating a window and door) within the existing recessed entrance/covered porch, some window/door openings to be infilled and partially infilling some existing window openings and the construction of a lift shaft within the central courtyard of the site. Comments regarding access during construction works and a planning application concerning a neighbouring property are not material planning considerations. Each planning application is determined

on its individual planning merits. The plans were emailed to the person concerned.

- 4.3 Comments regarding a tenant losing their home to accommodate the refurbishment and tenants being decanted to facilitate the Housing Regeneration are not material planning considerations, although the Council's Housing Department has provided the following information: The primary function of the block is to provide self-contained accommodation to elderly residents enabling them to live independently. The existing accommodation offer is not fit for purpose and the current proposal not only address the issue of unsustainable bedsit units but facilitates a long term strategy of the Community Sheltered Hub dealing with social isolation in the wider community. The two bedroom unit was previously accommodation for an onsite warden which is now not part of our service model. Consequently the proposed scheme looks to maximise the use of the space to support service provisions. Group Consultations with residents at Beehive Court Sheltered Scheme have taken place during 2017 regarding the conversion of empty bedsit properties into new one bedroom sheltered flats. While the original plans included a two bedroom flat, on discussion with the occupant concerned our proposal was considered unsuitable. The occupant of the two bedroom flat will be moving off site to a general needs property, will also benefit from a direct offer, assistance to move and financial support to cover Home Loss and Disturbance.
- 4.4 Environmental Health - No objections or comments with regards to contaminated land or air quality. A condition is required regarding a road noise assessment with regards to the road noise emanating from Gubbins Lane upon the development, but Staff consider that it is not reasonable to impose this condition given that the building is currently used for bedsits and this condition was not imposed for a previous planning application – reference P0911.15.
- 4.5 Highway Authority - No objection.
- 4.6 Essex & Suffolk Water - We do not have any apparatus located in the proposed development. We have no objection to this development subject to compliance with our requirements; consent is given to the development on the condition that a water connection is made onto our Company Network for the new dwelling for revenue purposes.
- 4.7 Fire Brigade - There should be access for a pump appliance to within 45m of all points in each dwelling measured along a line suitable for the laying of hose. If this cannot be achieved, a fire main should be installed and access provided to within 18m of the inlet to the main, which should be visible from the appliance. No additional fire hydrants are required.

## **5. Relevant Policy**

- 5.1 Policies CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC29 (Educational premises), DC33 (Car Parking),

DC40 (Waste recycling), 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 and the Planning Obligations Supplementary Planning Document.

5.2 Policies 3.18 (Educational facilities), 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 and the Housing SPG 2016 are relevant.

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

## **6. Mayoral CIL implications**

6.1 The proposed development has a gross floor area of less than 100 square metres and as such, is exempt from the Mayoral CIL.

## **7. Staff Comments**

7.1 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 The proposal would only result in the rearrangement of the existing residential use. The use would therefore remain as residential and is acceptable in principle.

## **9. Density/Layout**

9.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. The proposal would not have a significant impact on density as it will result in the reduction of 6 units.

9.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end, Policy 3.5 requires that new residential development conforms to minimum internal space standards.

9.3 The proposals have been assessed against the Technical Housing Standards - nationally described space standards. For one bedroom flats for one person, the space requirement is set at 39m<sup>2</sup> and 50m<sup>2</sup> for two people. The proposal would provide residential units with varying floor space sizes all of which meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve.

9.4 The proposal would not increase the amount of units on site and therefore, there is not a requirement for additional amenity space provision. The garden areas are to be retained and largely unaffected, the only necessary adaptations will include the construction of new pathways and ramps, so all occupants can access the communal gardens.

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

10.1 The proposal involves a limited amount of external changes which include a new external wall (incorporating a window and door) within the existing recessed entrance/covered porch, some window/door openings to be infilled and partially infilling some existing window openings. The changes are considered to be acceptable and would integrate satisfactorily with the streetscene. The lift shaft would project approximately 0.3m above the roof ridge of the building, although given its siting to the centre and rear of the building and its relatively narrow width of 2.5m, it is considered that it would not appear unduly prominent or adversely affect the character and appearance of the streetscene. In addition, the lift shaft would be partly screened by the higher roof ridge of the western part of the 'southern block' and ground levels slope downhill within the site adjacent to the western and southern elevations of the 'southern block', which would help to mitigate its impact.

10.2 Three ramps would be located to the front of the southern block and it is considered that these would not adversely affect the streetscene, as ground levels slope downhill from south to north to the front of the building in Arundel Road, which would help to mitigate their impact. The remaining five ramps would be located to the rear (north) of the site and as such, would not be directly visible in the streetscene.

10.3 Staff consider that the 8 new car parking spaces would not adversely affect the streetscene, as four spaces would be set back a minimum of approximately 19 metres from Arundel Road, which would mitigate their impact. It is considered that replacing an area of grass with tarmac to provide the remaining four car parking spaces would not have a detrimental impact on the streetscene, as the size of this area is relatively modest.

## **11. Impact on Amenity**

11.1 It is considered the conversion of 14 no. bedsits into 8 no. one bedroom, wheelchair accessible flats, the construction of a new lift shaft and associated refurbishment works would not result in material harm to residential amenity, as the site is well separated from neighbouring properties. The proposed lift shaft would be located to the centre and rear of the building and its overall proportions are relatively modest. The lift shaft would be largely screened by the front elevation and flank walls of the existing building, which would help to mitigate its impact. It is considered that the proposal would not create any additional overlooking or loss of privacy over and above existing conditions. Staff consider that the ramps



would improve the accessibility within the site for occupants. It is considered that the creation of eight car parking spaces would not be harmful to residential amenity, as they would be located adjacent to the existing car park within the site.

## **12. Highway/Parking**

- 12.1 The site has a PTAL rating of 3. The proposal would result in a reduction in units and involves the creation of eight car parking spaces that would be located adjacent to the existing car park within the site, which is deemed to be acceptable. The Highway Authority has no objection to the proposal.

## **13. Planning Obligations**

- 13.1 Staff do not consider a contribution towards education provision to be justified in this case, as the proposed development would replace 14no. bedsits with 8 no. one bedroom units.

## **14. Conclusion**

- 14.1 Staff are of the view that the conversion of 14 no. bedsits into 8 no. one bedroom, wheelchair accessible flats, the construction of a new lift shaft, associated refurbishment works, new access ramps and additional car parking spaces within the existing car park are acceptable in principle, would not adversely impact on the streetscene or result in a significant loss of amenity to neighbouring occupiers. The conversion would provide a suitably high quality living environment for the enjoyment of future occupiers. Staff consider that the scheme would not create any highway or parking issues. The proposal is considered to be acceptable in all other respects and it is therefore recommended that 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.

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

None

**Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development is for sheltered accommodation, thus contributing to the provision of mixed and balanced communities. The proposal would also improve access within the building and the site.

# REGULATORY SERVICES COMMITTEE

16 November 2017

# REPORT

**Subject Heading**

P1021.17: 214 Wingletye Lane

Demolition of existing garage and construction of dwelling with off street car parking and private amenity.

(Application received 17 June 2017).

**Ward:**

Emerson Park

**SLT Lead:**

Steve Moore  
Director of Neighbourhoods

**Report Author and contact details:**

David Alabi  
Senior Planning Officer  
[David.alabi@havering.gov.uk](mailto:David.alabi@havering.gov.uk)  
01708 431738

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This application seeks permission for the demolition of the existing garage and the construction of a new bungalow with retained car parking provision for the host property.

The development is considered to be unacceptable because of the impact of the proposal on the character of the area, it is therefore recommended that planning permission is refused.

The application is subject to call in by Councillor Glanville if the application is to be recommended for approval on the basis that the development is forward of the building line and would create car parking problems and Councillor Kelly if the application is to be recommended for refusal on the basis that the development is in keeping with the area and the off-setting of the building line fits in with the aspect of the corner position.

## RECOMMENDATIONS

That authority be delegated to the Assistant Director of Development to refuse planning permission, subject to the reasons outlined below:

1. The proposed development would, by reason of its location, size and forward projection in front of the building line with dwellings along Wych Elm would appear as an overly dominant and visually intrusive feature in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the Residential Design SPD and London Plan Policy 7.4 .
2. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

## INFORMATIVES

1. Refusal and CIL

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 £1,800. Further details with regard to CIL are available from the Council's website.

## 2. Refusal of 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 the applicant's agent by email on 31 July 2017.

# REPORT DETAIL

## 1. Site Description

1.1 The application site is located to the rear of 214 Wingletye Lane and comprises of the garage and part of the rear garden of this property. The site is at the junction of Wych Elm Road with the south side of the road comprising mainly of detached bungalows of varied design and appearance. The northern side of the road is dominated by two storey dwellings. The area is residential in character and includes dwellings of varied design and appearance.

## 2. Description of Proposal

2.1 Planning permission is sought for the demolition of the existing double garage and its replacement by a bungalow along with two car parking spaces and associated amenity space. Two car parking spaces will also be retained for the host property at 214 Wingletye Lane.

2.2 The proposed bungalow would have a staggered footprint with a maximum depth of 12m and maximum width of 10m to the rear elevation. The height of the building would be 5.5m to its ridge.

## 3. History

3.1 None relevant

## 4. Consultation/Representations

4.1 Twenty five neighbouring occupiers were notified along with Emerson Park & Ardleigh Green Residents Association and 10 letters of objection have been received for the following reasons:

- the building would take up most of the plot
- out of character
- bungalow being shoe-horned into the plot

- increased traffic & traffic hazard
- construction will cause noise and disturbance
- a party wall runs along the left side of 212a Wingletye Lane where the dwelling is proposed. This would block light and inhibit views and infringe privacy as well as increasing noise.
- loss of view
- the proposed bungalow would be close to the pavement, forward of the building line and would appear incongruous the proposal would set a precedent contrary to policy DC61 Urban Design which states that: "development should respond to local patterns of development and complement or improve the amenity and character of the area through layout and integration with surrounding land & buildings".

4.2 Highway Authority - No objections, subject to conditions.

4.3 Response to concerns raised.

4.4 It is considered that although the development would occupy a substantial part of the plot, it is within an acceptable density range and the proposed amenity space is functional and therefore acceptable. Issues relating to character, traffic and light are addressed in the body of the report.

4.5 Party wall and ownership issues are private matters outside the scope of planning considerations, while matters relating to noise and disturbance during construction may be addressed by condition if the application were considered acceptable.

## **5. Relevant Policy**

5.1 Policies CP17 (Design), DC26 (Location of community facilities), DC29 (Educational Facilities), DC34 (Walking), DC35 (Cycling), DC55 (Noise), DC61 (Urban Design) and DC63 (Delivering Safer Places) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Policies 3.18 (Education Facilities), 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime) and 7.4 (local character) of the London Plan, are material considerations.

5.3 The National Planning Policy Framework, specifically Sections 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

## **6. Staff Comments**

6.1 This application is reported to Committee as it is subject to a call in by Councillor Kelly if the application is to be recommended for refusal as he

considers that the development is in keeping with the area and the off-setting of the building line fits in with the aspect of the corner position.

- 6.2 Councillor Glanville has also requested that the application be called in if it is to be recommended for approval as he considered it to be forward of the building line and creating parking problems.
- 6.2 The main issues for consideration relate to the principle of development, design, layout, impact on the street scene, impact on the amenities of neighbouring occupiers and car parking.

## **7. Principle of Development**

- 7.1 The NPPF excludes private garden land from its definition of previously developed land, which is also known as brownfield land. This is not to say that development of garden land is inappropriate, however each proposal will be judged on its own merits. Policy CP1 indicates that outside town centres and the Green Belt, priority will be given on all non-specifically designated land for housing. The proposal is for redevelopment of an existing, residential site. The principle of residential development is therefore considered acceptable in land use terms and the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within an established urban area.

## **8. Density and Layout**

- 8.1 Policy DC2 of the Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.8.2 The proposal would provide a single residential unit at a density equivalent to approximately 33 dwellings per hectare. This is in keeping with the aims of Policy DC2 which states that a dwelling density of between 30-50 dwellings per hectare would be appropriate in this location.8.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The DCLG Technical housing standards require that new residential development conforms to nationally described minimum internal space standards.
- 8.4 The proposal would provide a single residential unit with three bedrooms to accommodate 5 people with a floor area of 90 sq.m. The DCLG technical standard requires a minimum floor area of 86 sq.m for the size of dwelling proposed. The proposal would therefore meet the required minimum standards and is therefore acceptable in this respect.
- 8.5 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.

8.6 The retained amenity space for the host property would measure 56.sq.m and located immediately to the rear of the dwelling. The amenity provision for the proposed dwelling would measure 42 sq. m and would also be situated to the rear of the proposed development.

8.7 Although both the amenity space for the retained dwelling and the proposed dwelling would be compact and smaller than the gardens serving neighbouring dwellings, it is considered that the retained amenity space for both dwellings would be functional and of acceptable quality and as such would be fit for the purpose of meeting the amenity needs of future occupiers.

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

9.1 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies DC61 and CP17 of the Core Strategy and Development Control Policies Development Plan Document accord with the NPPF in requiring development to be satisfactorily located and of a high standard of design and layout, requiring development to maintain or improve the character and appearance of the local area in terms of scale and design.

9.2 The proposed bungalow would include a staggered footprint with varied roof pitches. The main roof would be hipped with a gabled section to the front facing north elevation of the building. The main entrance would be set in to the eastern elevation of the building with the rear elevation to the garden including windows and glazed doors.

9.3 Viewed within the context of the site and its surroundings, it is considered that the bungalow would appear bulky and overly dominant in its location forward of the building line with the adjacent property No. 2a and the general pattern of development along Wych Elm Road.

9.4 Wych Elm Road falls away from west to east and when viewed from long range vantage points along this road the proposed building would be uncharacteristically prominent and as such would dominate views along the street.

9.5 In addition, it is considered that the cramped nature of the development would be out of keeping with the layout and setting of bungalows along the south side of the road. The main feature of which is the spacious plots and the set back from the road. This setting would be prejudiced by the forward siting and setting of the proposed dwelling.



## **10. Impact on Amenity**

- 10.1 Policy DC61 considers that new development should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 10.2 The nearest affected property would be 2A Wych Elm Road which is a bungalow on the eastern side of the application site. The proposed building would be L shaped and set forward of the front main wall of no. 2A by 2.3m at its nearest point and some 9m at its furthest point. The L shape of the proposed building would minimise the overall impact of the proposed building upon the neighbouring property.
- 10.3 The host property no. 214 Wingletye Lane is on the western side of the application site some 15.5m away. In addition the proposed development includes main windows to Wych Elm Road with a secondary bedroom window on its western elevation which, if the scheme were acceptable, could be conditioned to include obscure glazing to avoid any loss of privacy to the host property.
- 10.4 In relation to the impact of the development on the amenities of nos. 212 and 212A Wingletye Lane, the gardens of these dwellings back on to the application site and these dwellings are 16m and 27m away. Moreover given the single storey nature of the proposed development it is not considered that it would be overly intrusive or result in any loss of sunlight or daylight. If the scheme were acceptable, a condition could be imposed withdrawing permitted development rights for loft extensions and alterations.

## **11. Highway/Parking**

- 11.1 This site/area has a low PTAL of 1a and as such the required parking standard would be a maximum of two spaces per dwelling. The application involves loss of the existing garage on the site but the submitted plans show 2 parking spaces to the front of the proposed dwelling and two spaces for the host property. The concerns raised about car parking and increased congestion and hazards have been taken into account. However, it is considered that the provision is in accordance with the requirements outlined in Policy 6.13 of the London Plan. No objections have been raised by the Highways officer and it is not considered that the development would give rise to any significant car parking or issues that are likely to result in hazardous conditions.

## **12. Mayoral Community Infrastructure Levy**

- 12.1 The proposal is liable for Mayoral CIL as it would result in one additional residential unit with 90 square metres of gross internal floorspace created.

On the basis of a charge of £20.00 per square metre, the proposal would incur a charge of £1,800, subject to indexation.

### **13. Infrastructure Impact of Development**

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.

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

13.2 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.

13.3 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.

13.4 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.

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

area of the Borough where there is a surplus of school places. Previously, in accordance with the SPD, a contribution of £6,000 per dwelling was sought. It is considered that this is reasonable when compared to the need arising as a result of the development.

13.6 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. It is considered that a contribution equating to £6,000 per dwelling for educational purposes would be appropriate.

13.7 As this application involves a single dwelling, contributions of £6,000 will be required towards education in the borough.

#### **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 proposed development would be out of keeping with the distinctive character of the streetscene and area in general and would represent an unacceptable and over-dominant form of development and as such refusal is recommended.

## **IMPLICATIONS AND RISKS**

#### **Financial Implications and risks:**

None.

#### **Legal Implications and risks:**

None

#### **Human Resource Implications:**

None.

#### **Equalities and Social Inclusion Implications:**

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

**BACKGROUND PAPERS**

Application form and drawings received 19 June 2017

# REGULATORY SERVICES COMMITTEE

16 November 2017

# REPORT

**Subject Heading:**

**P1080.17**

35 Limerick Gardens, Upminster

Conversion and extension of existing garage to annexe.

(Application received 14 July 2017).

**SLT Lead:**

Steve Moore - Director of Neighbourhoods

**Report Author and contact details:**

Steven Hoang  
Planner  
steven.hoang@havering.gov.uk  
01708 432643

**Ward**

Cranham

**Policy context:**

Local Development Framework  
The London Plan  
National Planning Policy Framework

**Financial summary:**

None

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

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

## SUMMARY

This application seeks permission for the conversion and extension of an existing garage at the foot of the rear garden to enable it to be used as a granny annexe. Proposed plans suggest that the annexe will consist of one bedroom with ensuite facilities together with a store and living area. The proposed granny annexe does not provide self-contained facilities. The applicant has confirmed that the proposed granny annexe will be occupied by a disabled elderly relative.

A legal agreement is required to ensure that the granny annexe shall be used only for living accommodation ancillary to the existing dwelling known as 35 Limerick Gardens, Upminster, and shall not be used as a separate unit of residential accommodation at any time. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

## RECOMMENDATIONS

That the application is unacceptable as it stands but would be acceptable subject to applicant entering into a Section 106 Legal Agreement to secure the following obligations by 16 March 2018 and in the event that the Section 106 agreement is not completed by such date the application will be refused:

- That the residential annexe hereby approved shall be permanently retained as an annexe to the existing dwelling at 35 Limerick Gardens, Upminster and shall not be sub-divided or sold off separately from the main dwelling.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That authority be delegated to the Assistant Director of Development 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**

The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 11 of the application form unless otherwise agreed in writing by the Local Planning Authority.

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

## **3. 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. Adapted doors condition**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no doors other than those expressly authorised by this permission shall be constructed in the elevations of the building hereby permitted.

**Reason:** To prevent the creation of a separate access on to the access drive at the rear, in the interests of amenity and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## **5. Balcony condition**

The roof area of the building 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.

## **6. Removal of PD Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3, Schedule 2, Part 2, Class A, the rear garden shall not be subdivided and no additional gates, walls or enclosures shall be erected or constructed within the existing boundaries of the site without permission under the provisions of the Town and Country Planning Act 1990 being sought and obtained in writing from the Local Planning Authority.

**Reason:** In order that the annexe approved remains ancillary to the main dwelling, in the interests of amenity, to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

## **7. Removal of PD Rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015(as amended) Article 3, Schedule 2, Part 1, Class A, no extensions shall be erected unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

## **INFORMATIVES**

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

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



## REPORT DETAIL

### **1. Site Description**

- 1.1 The application site is to the rear garden of a two storey, mid-terrace dwelling located on the north side of Limerick Gardens. The property has been extended previously by means of a single storey rear extension and loft conversion with a rear dormer extension. There is off-street parking for two cars to the front on hardstanding. The property also benefits from an existing detached garage to the rear which is served by an access road via Sunnycroft Gardens.
- 1.2 The locality is predominantly residential in character, typified by two storey terraced properties which include existing garages and outbuildings to the rear garden.

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

- 2.1 Permission is sought to convert and extend an existing detached garage at the foot of the rear garden to enable it to be used as a granny annexe.
- 2.2 The proposed building will be approximately 2.5m high featuring a flat roof and about 8.5m in depth with a maximum width of approximately 5.1m. The proposed granny annexe will have an internal floor space of about 36.7 sq.m. Existing windows/doors will be replaced by new windows and doors proposed to the front and rear elevations. A 'cream' rendered finish is proposed to the front and rear elevations, the side elevations will be facing-brick due to restricted access.
- 2.3 Plans indicate the granny annexe to consist of one bedroom with ensuite facilities together with a store and living area. The proposed granny annexe does not provide self-contained facilities. The applicant has confirmed that the proposed granny annexe will be occupied by a disabled elderly relative.

### **3. History**

- 3.1 D0019.15 - Certificate of lawfulness for proposed Single Storey Rear Extension, loft Conversion with rear dormer window & soil vent pipe - approved on 24.03.2015.

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

- 4.1 Neighbour notification letters were sent to neighbouring properties informing of them of the application. No representations were received.
- 4.2 Environmental Health - No objections.

## **5. Relevant Policy**

- 5.1 Policies DC33 (Car Parking), DC55 (Noise) and DC61 (Urban Design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Extensions and Alterations Supplementary Planning Document.
- 5.2 Policies 7.4 (local character), 7.6 (Architecture) and 6.13 (Parking) of the London Plan, are material considerations.
- 5.3 The National Planning Policy Framework, specifically Section 7 (Requiring good design) is relevant to this proposal.

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

- 6.1 The existing garage is positioned at the foot of the rear garden, against the northern boundary of the site, thus not visible from Limerick Gardens or any other surrounding streets. Given these circumstances, the proposed conversion and extension of the existing garage to a granny annexe would not impact upon the character of the streetscene.
- 6.2 With regard to the rear garden scene, it is acknowledged that there are several existing outbuildings situated within the surrounding rear gardens of the neighbouring properties along Limerick Gardens. The proposed granny annexe would project 3m further forward than the existing garage. The height of the granny annexe would remain the same as the existing garage and the extended part will be slightly less wide than the existing garage. Although the proposed building will be larger than most immediate neighbouring garages/outbuildings, the proposed granny annexe would appear as a simple box-like structure, giving a similar appearance to existing neighbouring garages/outbuildings within the vicinity. In addition, it is recognised that the existing garage is set further rearwards than other neighbouring garages/outbuildings towards the east, which would visually reduce the impact of the proposed extension when viewed from the rear garden environment.
- 6.3 For the reasons mentioned above, it is considered that the proposed granny annexe would not appear out of character with the established garden scene and therefore is not considered to be unduly harmful to the surrounding area.

## **7. Impact on Amenity**

- 7.1 The Residential Extensions & Alterations SPD states that outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties. 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.

- 7.2 To the north of the existing garage lies an access road which would mitigate any severe impact caused to the neighbours situated along Laburnham Gardens. With regards to the attached neighbours, the scale and siting of the proposed annexe is not considered to create a material loss of amenity in terms of loss of outlook, overbearing impact or visual intrusion. In addition, the proposed annexe is set to the north of the attached neighbours and thereby the loss of daylight/sunlight would be negligible.
- 7.3 The annexe would not provide its occupiers with the normal standards of outlook and private amenity space expected. However, as it is not to be used as a self-contained unit and is entirely in an ancillary capacity, staff are of the view that these shortcomings are not so great as to justify refusing the application.
- 7.4 Staff consider that there would be comings and goings to the annexe and increased use of the garden area in a general sense but no more so than an outbuilding in use as a hobby, games and garden room, particularly in the summer months. As such, staff are of the view that the conversion and extension of the existing garage to an granny annexe would not give rise to an unacceptable level of noise and disturbance and would be unlikely to give rise to significant adverse impacts.
- 7.5 It is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional door openings in the proposed building, to avoid the potential for a separate access to be created on to the access drive at the rear. It is also considered necessary to impose a condition to remove permitted development rights in Class A for extensions that could result in further intensification of use of the curtilage to the possible detriment of neighbouring residents' living conditions and reduction in the amount of amenity space provision. Officers also consider it necessary for this condition to remove the PD rights under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided. The occupancy of the annexe will be restricted to purposes connected to the residential use of the main dwelling at 35 Limerick Gardens secured through the applicant entering into a Section 106 Legal Agreement.
- 7.6 In all, the development is considered to fall within the spirit of adopted guidelines for householder extensions and the proposal is not deemed to be unneighbourly.

## **8. Highway/Parking**

- 8.1 Although the proposal involves the loss of an existing garage, sufficient off-street parking for two cars will remain onsite in accordance with the provisions of Policy 6.13 of the London Plan. The proposed development would not severely impact upon the use and efficiency of the highway.

**9. Mayoral Community Infrastructure Levy**

9.1 The additional floor space created by the granny annexe would not exceed 100 square metres, as such, is not liable for Mayoral CIL.

**10. Conclusion**

10.1 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, the Residential Extensions & Alterations SPD and all other relevant local and national policy, consultation responses and all other material planning considerations, the proposed granny annexe would demonstrate clear connections with the main dwelling and its use would be entirely in an ancillary capacity to No.35 Limerick Gardens. The development would not harm the established rear garden setting and officers are of the opinion that the proposal would not result in an undue impact on the amenity of neighbouring residents.

**IMPLICATIONS AND RISKS**

**Financial Implications and risks:**

None.

**Legal Implications and risks:**

Legal resources will be required for the drafting of a legal agreement.

**Human Resource Implications:**

None.

**Equalities and Social Inclusion Implications:**

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

**BACKGROUND PAPERS**

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

**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

16 November 2017

**Subject Heading:**

P1239.17

143 New Road, Rainham, RM13 8ES;

Outline planning application for the demolition of all buildings and redevelopment of the site for residential use providing up to 35 units with ancillary car parking, landscaping and access;

(Application received 25.07.2017);

**SLT Lead:**

Steve Moore - Director of Neighbourhoods;

**Report Author and contact details:**

Mehdi Rezaie;  
Principal Planner;  
Mehdi.Rezaie@havering.gov.uk  
01708 4324732

**Ward:**

South Hornchurch

**Policy context:**

National Planning Policy Framework 2012;  
The London Plan 2016;  
Development Plan Document 2008;

**Financial summary:**

None.

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

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

## SUMMARY

This report concerns an outline planning application for the demolition of all buildings at Inserco House, 143 New Road and Centurion House to redevelop the site for residential use providing up to 35 units (a mixture of 1, 2 and 3-bedroom apartments and 3-bedroom townhouses) with ancillary car parking, landscaping and access.

Staff considers that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions.

This application is submitted by Council, the planning merits of the application are considered separately to the Council's interests as applicant.

## RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3.

As this is an Outline application, CIL would be assessed and applied when a reserved matters application is submitted.

That the Assistant Director of Development be authorised to enter into any subsequent legal agreement to secure the requirement of Condition 32 below, including that:

- 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 planning permission be granted subject to the conditions set out below:

**1. Outline – Reserved matters to be submitted:**

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

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

**2. Time limit for details:**

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

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

**3. Time limit for commencement:**

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

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

**4. Materials:**

Unless details are provided and approved as part of the reserved matters submission(s), no above ground works shall take place in relation to any of the development hereby approved until details and samples of all materials to be used in the external construction of the building(s) and hard landscaped areas are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

**5. Accordance with Plans:**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications (as set out on page one of this decision notice) and any other plans, drawings, particulars and specifications pursuant to any further approval of details as are approved by the Local Planning Authority

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

**6. Site levels:**

Unless details are provided and approved as part of the reserved matters submission(s), prior to the commencement of the development, a drawing showing the proposed site levels of the application site and the finished floor levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

**7. Refuse and recycling:**

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

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

**8. Cycle storage:**

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



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

**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. Land contamination:**

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

- a) A Phase II (Site Investigation) Report, as the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
- b) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for

contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

#### **11. Land contamination continued:**

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.

- a) Following completion of the remediation works as mentioned 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.

#### **12. Development facilities:**

Electric charging points shall be installed in 10% of the allocated parking spaces at the development. The charging points shall be supplied with an independent 32amp radial circuit and must comply with BS7671. Standard 3 pin, 13 amp external sockets will be required. The sockets shall comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the National Planning Policy Framework states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to [amongst other things] incorporate facilities for charging plug-in and other ultra-low emission vehicles."

#### **13. 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.

**14. Air quality continued:**

- a) Prior to the commencement of the development hereby approved, the developer or contractor must be signed up to the NRMM register.
- b) The development site must be entered onto the register alongside all the NRMM equipment details.
- c) The register must be kept up-to-date for the duration of the construction of development.
- d) It is to be ensured that all NRMM complies with the requirements of the directive.
- e) An inventory of all NRMM to be kept on-site stating the emission limits for all equipment.

Reason: Being 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 on site within Greater London will rise to Stage IIIB of the Directive.

**15. Air quality continued:**

- a) Prior to the commencement of the development, a Dust Monitoring Scheme for the duration of the demolition and construction phase of the development

hereby approved, shall be submitted for the written approval of the Local Planning Authority. The scheme shall detail

- Determination of existing (baseline) pollution levels;
- Type of monitoring to be undertaken;
- Number, classification and location of monitors;
- Duration of monitoring;
- QA/QC Procedures;
- Site action levels; and
- Reporting method.

b) Following the completion of measures identified in the approved Dust Monitoring Scheme, a “Dust Monitoring Report” that demonstrates the effectiveness of the dust monitoring carried out must be produced, and is subject to the approval of the Local Planning Authority.

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

Reason: To ensure that the construction activities do not give rise to any exceedances of the national air quality objectives/limit values for PM10 and/or PM2.5, or any exceedances of recognised threshold criteria for dust deposition/soiling.

#### **16. Air quality continued:**

Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority full details of mitigation measures that will be implemented to protect the internal air quality of the buildings. The use hereby permitted shall not commence until the approved measures have been shown to be implemented to the satisfaction of the Local Planning Authority in writing.

Reason: To protect the health of future occupants from potential effects of poor air quality and to comply with the national air quality objectives within the designated Air Quality Management Area.

#### **17. Air quality continued:**

Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site.

**18. Boundary Treatment:**

Unless details are provided and approved as part of the reserved matters submission(s), no development above ground level shall take place until details of all proposed walls, fences and boundary treatment are submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details prior to the first occupation of the development for residential purposes and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

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

**19. Surfacing materials:**

Unless details are provided and approved as part of the reserved matters submission(s), before any above ground development is commenced, surfacing materials for the access road and parking areas shall be submitted to and approved in writing by the Local Planning Authority and thereafter the access road shall be constructed with the approved materials. Once constructed, the access road shall be kept permanently free of any obstruction (with the exception of the car parking spaces shown on the approved plans) to prevent uses of the access road for anything but access.

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

**20. Car parking:**

Before the residential units hereby permitted are first occupied, the area set aside for car parking spaces shall be laid out and surfaced to the satisfaction of the Local Planning Authority and provide a minimum of 34.No. spaces, those areas shall be retained permanently thereafter for the accommodation of vehicles associated with the site.

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 DC32.

## **21. Pedestrian Visibility Splay:**

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

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

## **22. Vehicle Access:**

No part of the development hereby approved shall be occupied until access to the highway has been completed in accordance with the details of access approved as part of the reserved matters.

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

## **23. Vehicle Cleansing:**

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

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

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

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

d) A description of how vehicles will be cleaned.

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

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

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

#### **24. Drainage:**

No development shall commence until full details of the drainage strategy, drainage layout, together with SUDS information to serve the development have been submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained.

#### **25. Community Safety:**

Prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full 'Secured by Design' accreditation. The development shall only be carried out in accordance with the approved details.

Reason: In the interest of community safety and in accordance with the Development Control Policies Development Plan Document Policies DC63 and London Borough of Havering's Supplementary Planning Documents on '*Designing Safer Places*' (2010) and '*Sustainable Design Construction*' (2009).

#### **26. Community Safety continued:**

Prior to the first occupation of each building or part of a building or use, a 'Secured by Design' accreditation shall be obtained for such building or part of such building or use.

Reason: In the interest of community safety and in accordance with the Development Control Policies Development Plan Document Policies DC63 and London Borough of Havering's Supplementary Planning Documents on '*Designing Safer Places*' (2010) and '*Sustainable Design Construction*' (2009).

**27. 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.

**28. 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.

**29. Archaeology:**

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.

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

**30. Hard and soft landscape details including:**

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



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

### **31. Ecology/Biodiversity:**

No development shall take place until a scheme for the provision of bat and bird boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved within each phase of the development shall be completed and available for use before the last dwelling within that phase is occupied.

Reason: To ensure that any protected species remain safeguarded.

### **32. Requirements/Contributions:**

Before the development hereby permitted is commenced, the landowner shall enter into a suitable legal agreement (such as a S106 agreement) or other appropriate mechanism that ensures, to the satisfaction of the local planning authority, the performance of the following obligations:

- Pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 - Restrictions on owner and occupiers applying for Parking Permits including provisions not to sell, lease, let or otherwise dispose of any dwelling unit or permit any occupation of any dwelling unit without first imposing in the relevant transfer lease, letting or occupation document a term preventing any owner or occupier of any dwelling unit from applying to the Council for a residents parking permit for the area within which the proposed development is situated;
- Controlled Parking Zone Contribution: Provision of £3920 to be paid prior to commencement;
- Financial contribution of £157,500 to be used for educational purposes, to be paid prior to first occupation;
- Financial contribution of £54,540 to be used for off-site carbon emissions offset measures in lieu of on-site carbon reduction measures, to be paid prior to first occupation;
- Financial contribution of up to £65,866.19 towards the A1306 Linear Park, to be paid prior to commencement;
- To provide affordable housing in accordance with a scheme of implementation for all New Road sites controlled by the developer that ensures that individual development sites are completed so that the overall level of affordable housing

(by habitable rooms) provided across the sites does not at any time fall below 35% overall. The affordable housing to be minimum 50% social rent with up to 50% intermediate;

Reason: The development would otherwise be unacceptable if the obligations sought were not able to be secured.

## **INFORMATIVES**

### **1. Approval following revision**

Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework In accordance with para 186-187 of the National Planning Policy Framework 2012.

### **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.

### **3. Changes to the Public Highway:**

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

### **4. Highway Legislation:**

The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications

and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised works on the highway is an offence.

**5. Temporary use of the public highway;**

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

**6. Surface water management:**

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

**7. Community Safety:**

In aiming to satisfy the condition the applicant should seek the advice of the Metropolitan Police Service Designing out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 02082173813.

**8. 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>

**9. Protected species:**

The presence of European protected species, such as bats, is a material consideration in the planning process and the potential impacts that a proposed development may have on them should be considered at all stages of the process.

Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of the local authority ecologist and/or the relevant statutory nature conservation organisation (e.g. Natural England). Developers should note that it is a criminal offence to deliberately kill, injure or capture bats, or to deliberately disturb them or to damage or destroy their breeding sites and resting places (roosts). Further works may require a licence to proceed and failure to stop may result in prosecution.

**10. Protected species continued:**

The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Their telephone number is 0845 1300 228.

**11. Crime and disorder:**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, staff considers that the proposal will not undermine crime prevention or the promotion of community safety.

**12. Letter Boxes:**

The applicant will be expected to provide letter boxes for all units and to be accessible from the external parts of the building.

## REPORT DETAIL

### **1. Site Description:**

- 1.1 The site is located on the north-west corner of New Road/Betterton Road junction. The context of the site is predominantly suburban residential to the north, east and west, characterised by low density single and two-storey dwellings/bungalows and some three-storey apartment blocks. The site is within the Rainham and Beam Park Housing Zone and within the area covered by the adopted Rainham and Beam Park Planning Framework.
- 1.2 The site does not form part of a conservation area, and is not located within the immediate vicinity of any listed buildings. Site constraints that are of material relevance with the works proposed include potentially contaminated land, Health and Safety Zone, Air Quality Management Area, Flood Zone 1 and 2 and area of potential archaeological significance.
- 1.3 The application site relates to a square parcel of land, a site area amounting to approximately 0.383ha (3830m<sup>2</sup>) and is generally level. The northern part of the site currently comprises a single storey industrial building which fronts onto Betterton Road, whilst the southern part encompasses a two-storey office building with a single storey block to the west and associated car parking and areas of hardstanding and grass verge.
- 1.4 The sites northern boundary (along Betterton Road) is bounded by a low lying brick wall with metal palisade fencing beyond which is a bungalow, the sides southern boundary (along New Road) and its eastern boundary encompass wooden panel fencing, whilst the sites northern boundary (adjacent to the bungalow) is separated by dense shrubs and a treeline including mature trees beyond which is a three storey block of flats and associated parking court. Opposite the site are mainly industrial units including large shed type buildings.

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

- 2.1 The application is for outline permission seeking approval with access, layout, appearance, landscaping and scale as reserved matters.
- 2.2 The outline proposals submitted with this application is for the demolition of the existing buildings and redevelopment of the site comprising the erection of an up to four-storey high building fronting onto New Road and up to three storey town houses to the rear. The indicative mix proposed across the site includes 12.No. of 1 bedroom apartments, 10.No. of 2 bedroom apartments, 6.No. of 3 bedroom apartments and 7.No. 3 bedroom townhouses.
- 2.3 The proposal also outlines 34.No. dedicated vehicular parking spaces for its residents at a ratio of just under 1:1, Secure cycle storage areas are to be provided

within the apartment block and suggested that a minimum of 48.No cycle racks spaces will be provided together with internal refuse areas.

- 2.4 Vehicular access to the proposed apartment block and townhouses are proposed from the rear of the site off Betterton Road, this area is also to serve as refuse access.
- 2.5 The application site lies within the Rainham and Beam Park Housing Zone, and is owned by private landowners. The applicant is the London Borough of Havering, although they do not own the land. The Council are seeking to undertake Compulsory Purchase Orders ("CPOs") to help deliver the comprehensive redevelopment of the area which is key to delivering the forecasted rate of house building and quality of development identified the adopted Rainham and Beam Park Planning Framework. The precursor to a CPO is normally to have planning permission in place.

### **3. Planning History:**

- 3.1 A planning history search revealed an extensive planning background, as this application seeks the complete re-development of a particular site, the specific historical permissions issued to the land in question are not considered relevant in this instance.

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

- 4.1 The application was advertised by way of site and press notices as well as notification to 10 properties nearby. One letter of representation has been received from a business located on the site, commenting that the proposal would result in the loss of business premises.
- 4.2 The following consultee responses have been received:
- 4.3 Highways Authority: No objection subject to imposition of conditions on pedestrian visibility splays, vehicle access and vehicle cleansing (conditions 21-24) and guidance notes on changes to and temporary use of the public highway and highway legislation (informatives 3-6). The highways engineer has also requested that any S106 obligations in the form of restrictions on parking permits be made and Controlled Parking Zone Contributions be sought (condition 32).
- 4.4 Transport for London: No objection, initial objection raised regarding boundary of site which after discussion have withdrawn their objection.
- 4.5 LBH Environmental Protection Noise: No objection.
- 4.6 School Organisation and Pupil Place Team: A S106/CIL education contribution is a requirement to support the requirement of 2.No. early years, 6.No. Primary and 4.No. Secondary generated from the development.

- 4.7 LBH Environment Protection: No objection in relation to land contamination, air quality matters or noise pollution subject to the imposition of conditions (conditions 10-17).
- 4.8 LBH Street Management Waste and Recycling: Further plans are required.
- 4.9 Historic England: Further information required, request for pre-determination archaeological assessment/evaluation.
- 4.10 Thames Water: No objection with regard to sewage and infrastructure capacity.
- 4.11 Essex and Suffolk Water: No objection.
- 4.12 Metropolitan Police: No objection subject to Secured by Design principles being applied and conditions imposed.
- 4.13 London Fire Brigade: No objection and satisfied with the proposal.
- 4.14 Hydrant Officer: No objection and additional hydrants required.

## **5. Planning Policy:**

### **5.1 The 'National Planning Policy framework' ('NPPF') 2012:**

The National Planning Policy is set out in the "NPPF" which was published in March 2012. The "NPPF" and Guidance ("NPPG") states clearly that its content is to be a material consideration in the determination of applications. The "NPPF" states that due weight should be given to the adopted policies of the Local Development Framework (LDF) according to their degree of consistency with the "NPPF" (the closer the policies in the plan to the policies in the "NPPF", the greater the weight that may be given). Accordingly, due weight is also given to the Nationally Described Space Standards (2015).

The relevant paragraphs from the "NPPF" include paras '7-9, 11-17, 21, 23, 28, 34, 35, 38-39, 40, 41, 47, 50, 52, 54-68, 70, 80, 89, 92, 95-96, 112, 150, 158-161, 173-177, 186-188, 196-197, 203-206'.

### **5.2 The London Plan 2016:**

The relevant policies from the 'London Plan' include: Policy 1.1 (Delivering the Strategic Vision and Objectives for London), Policy 3.3 (Increasing Housing Supply), Policy 3.4 (Optimising Housing Potential), Policy 3.5 (Quality and Design of Housing Developments), Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities), Policy 3.7 (Large Residential Developments), Policy 3.8 (Housing Choice), Policy 3.9 (Mixed and Balanced Communities for All), Policy 3.10 (Definition of Affordable Housing), Policy 3.11 (Affordable Housing Targets), Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), Policy 5.1 (Climate change mitigation), Policy 5.2 (Minimising carbon dioxide emissions), Policy 5.3 (Sustainable design and construction), Policy 5.6 (Decentralised energy in development proposals), Policy 5.7 (Renewable energy), Policy 5.9 (Overheating and cooling), Policy 5.10 (Urban greening), Policy 5.11 (Green roofs and development site environs), Policy 5.12 (Flood risk

management), Policy 5.13 (Sustainable drainage), Policy 5.14 (Water quality and wastewater infrastructure), Policy 5.15 (Water use and supplies), Policy 5.16 (Waste self-sufficiency), Policy 5.18 (Construction, excavation and demolition Waste), Policy 5.19 (Hazardous Waste), Policy 5.21 (Contaminated Land), Policy 6.1 (Strategic Approach), Policy 6.3 (Assessing effects of development on transport capacity), Policy 6.9 (Cycling), Policy 6.10 (Walking), Policy 6.13 (Parking), Policy 7.1 (Lifetime neighbourhoods), Policy 7.2 (An inclusive environment), Policy 7.3 (Designing out crime), Policy 7.4 (Local character), Policy 7.5 (Public realm), Policy 7.6 (Architecture), Policy 7.14 (Improving air quality), Policy 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes), Policy 7.19 (Biodiversity and access to nature), Policy 8.2 (Planning obligations), Policy 8.3 (Community Infrastructure Levy).

### 5.3 London Borough of Havering's Development Plan Document ("DPD") 2008:

Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires local planning authorities to have regard to the provisions of the development plan and any other material considerations when dealing with an application for planning permission. Havering's development plan comprises the London Plan (2016), London Borough of Havering's 'DPD' (2008), together with London Borough of Havering's ("LBH") Supplementary Planning Documents 'Designing Safer Places' (2010), 'Landscaping' (2011), 'Planning Obligations' (2013), 'Residential Design' (2010), 'Sustainable Design Construction' (2009), 'Protection of Trees' 2009.

The relevant policies from Havering's "DPD" include; Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP16 (Biodiversity and Geodiversity), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC6 (Affordable Housing), (DC7 - Lifetime Homes and Mobility Housing), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), DC48 (Flood Risk), DC49 (Sustainable Design and Construction), DC50 (Renewable Energy), DC51 (Water Supply, Drainage and Quality), DC52 (Air Quality), DC53 (Contaminated land), (Contaminated Land), DC55 (Noise), DC58 (Biodiversity and Geodiversity), DC60 (Trees and Woodlands), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), DC72 (Planning Obligations).

### 5.4 Rainham and Beam Park Planning Framework:

5.4.1 This site forms part of a wider regeneration project which will see Rainham and Beam Park poised for significant investment into new infrastructure and housing. In June 2015, following a successful bidding process, Rainham and Beam Park was identified as one of the GLA's new 'Housing Zones'. The Zone encompasses the historic heart of Rainham and extends northwards and westwards to include the land either side of New Road including the industrial areas between the road and the railway lines. The Borough boundary along the River Beam marks the western extent of the Zone and the area around Marsh Way bridge and up to the River Beam are commonly referred to as Beam Park. The western boundary borders onto the London Borough of Barking and Dagenham.



5.4.2 The Council produced a Planning Framework for the area/Housing Zone in January 2016. The purpose of the Planning Framework was to provide a comprehensive and flexible plan for the Rainham and Beam Park area. It is a strategic document that aims to assist the Council in directing investment, as well as helping to guide and shape the quality of development coming forward. The Planning Framework sets out design principles for new development and seeks to ensure that appropriate infrastructure is put in place.

5.4.3 The Planning Framework establishes a strong vision based on five core aims. These are to create: a sustainable neighbourhood; a great place to live; a place with a strong identity; an accessible place; and a place with quality open spaces.

5.4.4 The Framework includes an illustrative masterplan, prepared to show how the area could develop over the next 15 to 20 years. The illustrative masterplan in this regard suggests potentially:

- 3,250 new homes, of which 1,000 would be houses;
- 3,500-4,000m<sup>2</sup> new town centre uses in Beam Park including 2,000m<sup>2</sup> retail floorspace and a new railway station;
- A new 2-form entry Primary School;
- Health and community facilities at Beam Park Centre; and
- An expansion of Havering College.

5.4.5 It is suggested that proposed new development should be predominately residential with a mix of town house and apartments with a variety of typologies, unit sizes and tenures important to achieve a mixed and balanced community. In respect of New Road, the Planning Framework suggests that this will be transformed from a traffic dominated hostile corridor into a tree-lined and friendly boulevard, making use of surplus road space. It is proposed to remodel junctions and to reduce the carriageway space to the optimal dimensions to accommodate anticipated future traffic levels.

5.4.6 Within the Planning Framework, this site forms part of 'Beam Parkway' in which it is suggested townhouses should form 25-30% of dwelling proposed. A residential density of 100-120 units per hectare is suggested with building heights of four storeys fronting New Road and 2-3 storey townhouses to the rear. Maximum car parking standards of 0.5 space per 1 bedroom or studio unit; 1 space per 2 bedroom unit; 1.5 spaces per 3 bedroom unit; and 2 spaces per 4+ bedroom unit are recommended.

## **6. Mayoral CIL implications:**

6.1 It is noted that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. As this is an outline application, there are no definitive gross internal floor areas for the dwellings, so the applicable levy is not known.

## **7. Principle of Development:**

7.1 In terms of national planning policies, Para 17 from the ‘*NPPF*’ 2012 sets out the overarching roles that the planning system ought to play, a set of core land-use planning principles that should underpin decision-taking, one of those principles are that planning should:

*“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*

7.2 Additionally, other materially relevant policies appear from the ‘*London Plan*’ 2016 which include: Policy 1.1 on ‘Delivering the Strategic Vision and Objectives for London’ and Policy 3.3 on ‘Increasing Housing Supply’ and Policy 3.4 on ‘Optimising Housing Potential’ fall integral to the decision making process.

7.3 In terms of local planning policies, Policy CP1 on ‘Housing Supply’ of LBH’s ‘*Development Plan Document*’ 2008 expresses the need for a minimum of 535 new homes to be built in Havering each year through prioritising the development of brownfield land and ensuring it is used efficiently. Table 3.1 of the London Plan supersedes the above target and increases it to a minimum ten year target for Havering (2015-2025) of 11,701 new homes or 1,170 new homes each year. Ensuring an adequate housing supply to meet local and sub-regional housing need is important in making Havering a place where people want to live and where local people are able to stay and prosper. Expanding on this, policy CP2 aims to ensure that sustainable, attractive, mixed and balanced communities are created.

7.4 The aspiration for a residential-led redevelopment of the Rainham and Beam Park area was established when the area was designated a Housing Zone. Furthermore the production of the Planning Framework sought to re-affirm this and outline potential parameters for development coming forward across the area with the aim of ensuring certain headline objectives are delivered. The ‘Rainham and Beam Park Planning Framework’ 2016 supports new residential developments at key sites including along the A1306, and the Housing Zones in Rainham and Beam Park. Therefore the existing business uses are not protected by planning policy in this instance.

7.5 Staff, in view of the above raise no in principle objection to a residential-led development coming forward on this site, in accordance with Policy CP1 on ‘Housing Supply’ of LBH’s ‘*Development Plan Document*’ 2008; and Policies 3.3 on ‘Increasing Housing Supply’ and 3.4 on ‘Optimising Housing Potential’ of the ‘*London Plan*’ 2016 and Paras 17 and 47 from the ‘*NPPF*’ 2012 which seeks to increase housing supply.

## **8. Density/Site Layout:**

8.1 The development proposal is to provide 35.No residential units on a site area of 0.383ha (3830m<sup>2</sup>) which equates to a density of 91 units per ha. The site is an area with low-moderate accessibility with a PTAL of 2. Policy SSA12 of the LDF specifies a density range of 30-150 units per hectare; the London Plan suggests a

density range of between 35 and 170 dwellings per hectare depending upon the setting in terms of location (suggesting higher densities within 800m of a district centre or a mix of different uses). The Planning Framework suggests a density of between 100-120 dwellings per hectare.

- 8.2 Given the range of densities that could be applicable to this site, a proposed density of 91 units per hectare is not considered to be unreasonable and would be capable of being accommodated on this site given the mixed character of the area and proximity to the future Beam Park district centre and station. The proposal therefore complies with Policy DC2 on 'Housing Mix and Density' of the LBH's *'Development Plan Document'* 2008.
- 8.3 Based on the building footprint and the building height indicated on the proposed parameter plans, the proposed apartment block would be detached and of a four-storey tall along the frontage with New Road. Having reviewed the plot width and its depth, the particularly wide nature of New Road, officers consider the height proposed to be appropriate for the site in the context of a changing character to the area as outlined in the Framework and would not be considered unacceptable.
- 8.4 The primary elevation of the proposed apartment block would front onto New Road and be south facing which presents coherency with the street interface, to the rear the dwellings would front onto Betterton Avenue and their siting and orientation would in turn respond positively on the established perpendicular street pattern and contribute to the stipulated character of the area. Officers are of the opinion that its siting in the location proposed would harmonise well against the pattern of development from properties on New Road. The general layout plan of the building would fall in accordance with Policy DC61 of the LDF
- 8.5 The remaining area within the development is largely hard surfacing and consists of the access road and parking provision. It is considered that the layout of the site is acceptable on its planning merits in accordance with the London Borough of Havering's Supplementary Planning Document for *'Residential Design'* 2010

## **9. Design/Impact on Street/Garden Scene:**

- 9.1 The application would involve the demolition of a single storey industrial building and a two-storey office building with a single storey block elements. While the buildings all appear to be in a structurally sound condition, they do not hold any architectural or historical value, therefore no principle objection raised to their demolition.
- 9.2 Scale is a reserved matter. From the submitted Design and Access Statement and plans it is indicated that the proposed apartment block fronting New Road would not be greater than four-storeys in height with the dwellings to the rear at a height up to three-storeys. It is considered that would present a development at a height which does not detract from the current character of the street scene, both old, new and those proposed for the area (as shown from the submitted illustrative masterplan on proposed heights). It is considered that the footprint and siting of the

building together with its dedicated parking areas would be acceptable on their planning merits.

- 9.3 Appearance is also reserved matter. From the submitted Design and Access Statement, the agent has not drawn attention to the proposed building design nor specified its intended material use. A condition would be applied to the grant of any permission requiring details of material use for reason of visual amenity (condition 4).
- 9.4 Landscaping is a reserved matter; it is considered that the proposal can achieve an acceptable level of landscaping given the proposed layout. A condition would be applied to the grant of any permission requiring details of landscaping (condition 30).

## **10. Impact on Amenity:**

- 10.1 The proposed flatted block together with the dwellings at the rear would not adversely impact on one another. The proposed apartment block and town houses facing Betterton Road are sited such that there are no concerns with regard to its overshadowing or overlooking (subject to reserved matters). Amendments had been received to reflect a more narrowed building footprint to the dwellings at the rear of the site (adjacent to the residential bungalow) together with elements reduced to two-storey in height. There is a concern that the proximity to the rear garden of 1 Betterton Road may result in overlooking, given that the proposed houses would be approximately 11.3 metres from the boundary. This concern could be addressed at reserved matters stage through suitable siting of rear facing habitable rooms and windows. In this respect, the application is considered acceptable at the outline stage.
- 10.2 Officers have further reviewed the external space provided with the proposed development, and the revised plans show both private and communal amenity space for its occupants which appear to be plentiful and in accordance to LBH's Supplementary Planning Document for '*Residential Design*' 2010 and Policy PG20 on 'Housing Design, Amenity and Privacy' from the '*Rainham and Beam Park Planning Framework*' 2016.
- 10.3 From a noise and disturbance perspective, the applicant has submitted a 'Noise Assessment and Air Quality' report which reaffirms that both residents from within and outside the proposal would not be nuisance by unacceptable levels of noise or air pollution arising from the development. The Council's Environmental Health officers have reviewed the submitted report and concluded that the scheme (subject to conditions 13-17 being imposed) would be compliant with Policy DC49 on 'Sustainable Design and Construction'; Policy DC52 on 'Air Quality'; Policy DC55 on 'Noise' and Policy CP17 on 'Design' of LBH's '*Development Plan Document*' 2008; and policies, 5.2, 7.14 and 7.15 of the '*London Plan*' 2016; and LBH's Supplementary Planning Document for '*Sustainable Design Construction*' 2009.

- 10.4 Officers are yet to view further details of how the proposed communal amenity space would be designed to be private, attractive, functional and safe, details of boundary treatments, seating, trees, planting, lighting, paving and footpaths or details of effective and affordable landscape management and maintenance regime are yet to be provided and would be assessed as part of any reserved matter submission. Notwithstanding this, and from a crime design perspective the proposal would present a layout that offers natural surveillance to all open areas. The proposal would accord Policy 3.5 on 'Quality and Design of Housing Developments' and Policy 7.1 on 'Lifetime neighbourhoods' and Policy 7.3 on 'Designing out crime' from the 'London Plan' 2016; and Policy DC63 on 'Delivering Safer Places' of the LBH's 'Development Plan Document' 2008; and with LBH's Supplementary Planning Document for 'Designing Safer Places' 2010.
- 10.5 Officers have reviewed the proposed waste storage areas catering the apartments/dwellings, which have been set to be serviced via Betterton Road. As it stands, there are no overriding concerns with this arrangement as scheme demonstrates a convenient, safe and accessible solution to waste collection in keeping to guidance from within Policy DC40 on 'Waste Recycling' of the LBH's 'Development Plan Document' 2008.

## **11. Highway/Parking:**

- 11.1 The application site achieves a PTAL score of 2 (low-moderate accessibility), the proposal for 35.No. units is accompanied by the provision of 34.No. vehicular parking spaces, which equates to a parking ratio of just less than 1.1. The provision proposed is closely aligned with the maximum standards suggested in the Planning Framework (which are based on the London Plan) of 35.5 spaces. Notwithstanding this, officers have to be mindful that the site would be located close to the proposed Beam Park station and accessibility levels would consequently increase. Officers are also mindful that this is submission is application for outline planning permission and the residential mix is potentially subject to change at reserved matters stage.
- 11.2 Accordingly, officers are content with the provision of parking proposed considering the 34 spaces would suitably allow the applicant at reserved matters to finalise a car parking management plan. This element from the proposal adheres to Policy 6.13 on 'Parking' from the 'London Plan' 2016; and to DC33 on 'Car Parking' and Policy DC36 on 'Servicing' of the LBH's 'Development Plan Document' 2008.
- 11.3 The applicant has submitted a Transport Assessment has been submitted as part of this application which predicts that the traffic generated from the proposed residential development would have a negligible increase over existing traffic conditions, in peak periods, but a significant reduction over the whole day. The Highways Authority have reviewed the aforementioned document and consider the development acceptable from a highway perspective and unlikely to give rise to undue highway safety or efficiency implications which may fall contrary to Policy DC32 on 'The Road Network' of LBH's 'Development Plan Document' 2008.

- 11.4 The Councils Highways Engineer has further reviewed all other highways related matters such as access and parking and raises no objections subject to the imposition of conditions (covering pedestrian visibility, vehicle access and vehicle cleansing during construction), financial contribution to Controlled Parking Zone and limitation on future occupiers from obtaining any permits in any future zone. In this respect, the proposal is considered to be compliant with Policy DC33 on 'Car Parking' of LBH's 'Development Plan Document' 2008; and Policy 6.13 of the London Plan.
- 11.5 The London Fire Brigade has raised no objection in principle. In this respect the proposal is compliant with Policy DC36 on 'Servicing' of LBH's 'Development Plan Document' 2008.

## **12. Affordable Housing and Mix:**

- 12.1 Policy DC6 of the LDF and Policies 3.9, 3.11 and 3.12 of the London Plan seek to maximise affordable housing in major development proposals. The Mayor of London Supplementary Planning Guidance "Homes for Londoners" sets out that where developments propose 35% or more of the development to be affordable at an agreed tenure split, then the viability of the development need not be tested – in effect it is accepted that 35% or more is the maximum that can be achieved. The proposal is to provide both rented and intermediate housing.
- 5.1 Policy DC2 on 'Housing Mix and Density' of the LBH's 'Development Plan Document' 2008 provides an indicative mix for market housing, this being 24% being 1 bedroom apartments, 41% being 2 bedroom apartments, and 34% being 3 bedroom apartments. The proposal, incorporates an indicative mix of 34.3% being 1 bedroom apartments, 28.6% being 2 bedroom apartments, and 17.1% being 3 bedroom apartments and 20% being 3 bed dwellings. The proposed mix is and closely aligned with the above policy guidance, officers are content that the mix on offer falls in accordance with Policy DC2 on 'Housing Density and Mix' of the LBH's 'Development Plan Document' 2008.

## **13. Other Material Planning Considerations:**

- 13.1 From a biodiversity and geodiversity perspective, officers have assessed the built form of the site and taken into consideration the 'Phase a Habitat Survey' by the applicant. The findings from the survey recorded features suitable for nesting birds (treelines features) and Black redstart sparsely vegetated ground for foraging and bats (roosting features within mature trees). Notwithstanding this, the site and its trees do have the potential to harbour protected species and therefore it would appropriate to impose conditions (condition 31 and informatives 9 and 10) as a means to safeguarding them in accordance with Policy CP15 on 'Environmental Management' and Policy CP16 on 'Biodiversity and Geodiversity' of the LDF; and Policy 7.19 on 'Biodiversity and access to nature' from the 'London Plan' 2016; and Para 118 from the "NPPF" 2012.

- 13.2 From an arboricultural perspective, a tree survey has been carried out as part of this application from the Ecology Report which indicates a line of mature cherry trees (along the southern and western boundaries), the report and plans outline that a number of the trees on the southern boundary will be removed (6 in total) with the remaining on the western and northern boundaries are remaining. Officers can confirm that none of the trees from within the site are protected by any Tree Preservation Orders, officers consider the trees proposed to be removed to hold little to no amenity value if not for the ecological factors which to a degree remain in situ by the retention of remaining trees. In this respect, the proposal would not fall contrary to Policy DC60 on 'Trees and Woodlands' of the LDF; or LBH's Supplementary Planning Document for '*Protection of Trees*' 2009 and '*Landscaping*' 2011; and Para 118 from the "*NPPF*" 2012.
- 13.3 From a flooding and drainage perspective, a review of the Environment Agency mapping indicates that the site is located within tidal Flood Zone 2 and 3. Both the Flood Zone 2 and 3 areas remain protected to a degree by the Thames Tidal flood defences which are of very high standard. The applicant has submitted a Flood Risk Assessment and the Environment Agency has responded with no objection stating the development will not increase risk elsewhere and where possible shall reduce flood risk overall. This element of the proposal adheres with Policies DC48 and DC49 of the LDF and LBH's Supplementary Planning Document for '*Sustainable Design Construction*'; and Policies 5.12 and 5.13 of the London Plan and Paras 104 and 121 from the "*NPPF*" 2012.
- 13.4 The application site is not classified within the Consultation Zone (as designated by the Health and Safety Executive) and therefore officers can confirm that the development would not place new residential occupiers at an unacceptable risk of harm in the event of a major incident involving this site constraint.
- 13.5 From a land contamination perspective, comments received from Environment Health and Protection on requirement for conditions 10-13 is paramount where the development is on or near a site where contamination is known, or expected to exist. Therefore, subject to imposition of the above conditions, the development proposal would adhere with Policy DC53 on 'Land Contamination' of LBH's '*Development Plan Document*' 2008.
- 13.6 From a sustainability perspective, the proposal is accompanied by a Sustainability Statement and Energy Statement. The reports outline an onsite reduction in carbon emissions by 36%, to include a photovoltaic strategy which aims to further reduce CO2 emissions by a further 35% across the entire site. In calculating the baseline energy demand and carbon dioxide emissions for the site, a financial contribution of £54,540 has been calculated as carbon emissions offset contribution in lieu of on-site carbon reduction measures. The development proposal, subject to condition 32 being imposed and contributions sought would comply with Policy 5.2 of the London Plan.
- 13.7 From a crime prevention and community safety perspective, the submitted Planning Statement has made reference to the sites layout and use of natural surveillance. Notwithstanding this, and in the absence of consultation response from the Crime Design Advisor, officers are suggesting a series of conditions to be

included within the conditions list so to respond with Secured by Design principles in accordance with Policies CP2, CP17, DC49 and DC63 of LBH's *'Development Plan Document'* 2008; and with LBH's Supplementary Planning Document for *'Designing Safer Places'*; and Policies 3.5, 7.1 and 7.3 of the *'London Plan'* 2016.

#### **14. Planning Obligations/Financial contributions:**

- 14.1 Policy DC72 on 'Planning Obligations' of LBH's *'Development Plan Document'* 2008 which in part emphasises 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.
- 14.2 In 2013, the Council adopted its Supplementary Planning Document on *'Planning Obligations'* 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.
- 14.3 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.
- 14.4 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 on 'Planning Obligations' of LBH's *'Development Plan Document'* 2008 and Policy 8.2 on 'Planning obligations' of the *'London Plan'* 2016.
- 14.5 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 on 'Educational Premises' of LBH's *'Development Plan Document'* 2008.
- 14.6 Previously, in accordance with the SPD, a contribution of £4500 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is



considered that, in this case, £4500 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.

- 14.7 Policy DC29 on 'Educational Premises' of LBH's *'Development Plan Document'* 2008 highlights how the Council will ensure that the provision of primary and secondary education facilities is sufficient in quantity and quality to meet the needs of residents. This is partly achieved by seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the residential development. Therefore, financial contribution totalling £157,500 to be used for educational purposes in accordance with the Policy DC29 and LBH's Supplementary Planning Document for *'Planning Obligations'* 2013.
- 14.8 Policy DC2 on 'Housing Mix and Density' of LBH's *'Development Plan Document'* 2008 emphasises that residential developments will only be permitted with less than one car parking space per unit where on-street car parking can be controlled through a Controlled Parking Zone. Therefore the sought sum to be used for Controlled Parking Zone allowing provision in the sum of £3920 (£112 per unit) to be paid prior to the commencement of the development in accordance with the Policy DC2 and LBH's Supplementary Planning Document for *'Planning Obligations'* 2013.
- 14.9 A financial contribution totalling £54,540 to be used for off-site carbon emissions offset measures in lieu of on-site carbon reduction measures is required in as the submitted Sustainable Design Construction Statement highlights that in order to achieve 'zero carbon' for the residential portion of the scheme, 30.3 tonnes per annum of regulated CO<sub>2</sub>, equivalent to 909 tonnes over 30 years from the new-build domestic portion should be offset onsite. In calculating the baseline energy demand and carbon dioxide emissions for the site, a financial contribution as carbon emissions offset contribution in lieu of on-site carbon reduction measures has been calculated at £60 per tonne (£54,540) and would be required in accordance with Policy 5.3 on 'Sustainable Design and Construction' and Policy 5.15 on 'Water use and supplies' and Policy 5.16 on 'Waste self-sufficiency' and Policy 8.2 on 'Planning obligations' from the *'London Plan'* 2016 and Policy 5.2 on 'minimising Carbon Dioxide Emissions'; and Policy CP15 on 'Environmental Management' and with Policy DC49 on 'Sustainable Design and Construction' and Policy DC72 on 'Planning Obligations' of LBH's *'Development Plan Document'* 2008; and LBH's Supplementary Planning Document for *'Sustainable Design Construction'* 2009.
- 14.10 Based on the length of frontage being 61m and 20% proportion of costs of providing the assets required to implement the scheme, financial contribution of up to £65,866.19 (at a proportion contribution of 2.45%) will be sought towards the A1306 Linear Park which is considered to be an essential component of the regeneration of the Housing Zone and would be partly funded by developer contributions in accordance with the Planning Framework.
- 14.11 Policy DC6 of the LDF and Policies 3.9, 3.11 and 3.12 of the London Plan seek to maximise affordable housing in major development proposals. Therefore,

affordable housing shall be sought in accordance with a scheme of implementation for all New Road sites controlled by the developer that ensures that individual development sites are completed so that the overall level of affordable housing (by habitable rooms) provided across the sites does not at any time fall below 35% overall. The affordable housing to be minimum 50% social rent with up to 50% intermediate.

- 14.12 In this case, the applicant is the Council, but they currently have no interest in the site. The purpose of the application is to establish the principle of residential development on the site to support regeneration initiatives in the area. As such, it is unlikely that the current owners of the site would be willing to enter into a legal agreement (which is the usual method for securing planning obligations) as they have no role in the present application.
- 14.13 The NPPG states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. It is considered that this application presents such an exceptional circumstance and the obligations are recommended to be secured through a planning condition.

## 15. Conclusion:

- 15.1 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:** This application is made by Council, the planning merits of the application are considered separately to the Council's interests as applicants.

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.

**Human Resources implications and risks:** None

**Equalities implications and risks:** The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types, including units that provide for wheelchair adaptable housing, and units which are designed to Lifetime Homes standards. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities.

This page is intentionally left blank