



Havering

L O N D O N B O R O U G H

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 11 January 2018	Havering Town Hall, Main Road, Romford
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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
richard.cursons@onesource.co.uk**

To register to speak at the meeting please call 01708 433100

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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 - 6)

To approve as a correct record the minutes of the meeting of the Committee held on 21 December 2017 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX & REPORTS (Pages 7 - 22)

6 P1603.17 - LEXINGTON WAY GARAGE BLOCK, LEXINGTON WAY, UPMINSTER
(Pages 23 - 34)

7 P1619.17 DUNELM ROMFORD, EASTERN AVENUE WEST, ROMFORD, RM7 7JN
(Pages 35 - 50)

8 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

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
21 December 2017 (7.30 - 8.30 pm)**

Present:

COUNCILLORS: 11

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

Residents' Group Stephanie Nunn and Reg Whitney

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

UKIP Group +David Johnson

**Independent Residents
Group** Graham Williamson

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

+Substitute members: Councillor John Crowder (for Philippa Crowder) and Councillor David Johnson (for Phil Martin).

Councillors Frederick Thompson and Wendy Brice-Thompson were also present for part of the meeting.

5 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.

351 **MINUTES**

The minutes of the meetings held on 16 November and 7 December 2017 were agreed as correct records and signed by the Chairman.

352 P1389.17 - LAND AT ROM VALLEY WAY, ROM VALLEY WAY

The report before Members detailed an application for the re-development of the site to provide 620 Residential units (use class C3) and 830sqm of commercial floor space (use class A1/A3/D1) in buildings extending to between 4 and 8 storeys in height together with associated car and cycle parking, hard and soft landscaping and infrastructure works.

The application was reported to the Committee as it was for a major development within Romford.

Officers advised that the application had been withdrawn from consideration at the meeting to allow further negotiations to take place with the applicant.

353 P1496.17 - 65 HIGHFIELD CRESCENT, HORNBURCH

The application before Members was for the retrospective planning permission for a children's treehouse in the rear garden of the property.

The application was previously considered by the Committee on 16 November 2017, where it was deferred to enable staff to seek to negotiate the following:

- To discuss with the applicant about the location of the slide and potential for relocating it away from the rear boundary.

In response to this, the applicant had provided additional comments, as well as an additional plan showing the vegetation adjacent to the boundary with No.63 Highfield Crescent, which lay to the eastern side of the application site.

Members noted that the application had previously been called-in by Councillor John Mylod on the grounds of a loss of privacy (overlooking the rear garden and conservatory) and bad positioning of the tree house.

In accordance with the public speaking arrangements the Committee was addressed by an objector without a response by the applicant.

The objector commented that the treehouse was poorly positioned and that the slide opening would lead to overlooking and a loss of privacy to their amenity space. The objector concluded by commenting that the applicant had refused to meet to discuss an amicable solution to the problem of overlooking.

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

The vote for the resolution to grant planning permission was granted by 9 votes to 2.

Councillors White and Whitney voted against the resolution to grant planning permission.

354 **P1731.17 - ST CEDD HALL, SIMS CLOSE, ROMFORD**

The application before Members was for retrospective planning permission for an obscure glazed polycarbonate sheeting roof above a raised decking area and alterations to the side decking panels and for a timber framed link-way structure between the main building and an outbuilding.

Members noted that the application had been called-in by Councillor Frederick Thompson on the grounds that he considered that the plot was over-developed and constituted something more suited to a commercial site rather than a residential area.

With its agreement Councillor Frederick Thompson addressed the Committee.

Councillor Thompson commented that fifty percent of the site had been built over and that the applicants had been non-conforming with previous planning permissions.

The report recommended that planning permission be granted however following a vote to approve planning permission which was lost by 1 vote to 10 it was **RESOLVED** that planning permission be refused on the grounds of overdevelopment of the site and the visual impact of the proposal which would lead to a loss of openness of the site.

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

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

355 **P1868.16 - 44 VICTORIA ROAD - EXTENSION TO CREATE THREE NEW APARTMENTS AND A RETAIL UNIT AT THE GROUND FLOOR LEVEL**

The Committee noted that the proposed development was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee was based on 198.38 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of a £3,967.60 Mayoral CIL payment (subject to indexation).

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations, by 20 April 2018, and in the event that the Section 106

agreement was not completed by such date then the application should be refused:

- A financial contribution of £12,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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.

356 **P1591.17 - 119 MARLBOROUGH ROAD, ROMFORD - OUTLINE PLANNING PERMISSION TO ERECT A TWO-STOREY BLOCK COMPRISING OF FOUR SELF-CONTAINED UNITS WITH ASSOCIATED PARKING, REFUSE STORAGE, LANDSCAPING AND AMENITY SPACES**

It was noted that the proposed development was liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee was based on 874 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of a £5,440 Mayoral CIL payment (subject to indexation).

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations by 20 April 2018 and in the event that the Section 106 agreement was not completed by such date then the application should be refused

- A financial contribution of £24,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from

the date of completion of the Section 106 agreement to the date of receipt by the Council.

- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

Chairman

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Regulatory Services Committee

11 January 2017

Application No.	Ward	Address
P0995.17	Rainham and Wennington	The Refuse Container Unloading Jetty, Rainham Landfill Site, Coldharbour Lane, Rainham
P1316.17	Romford Town	24 Princes Road, Romford

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 11th January 2018

APPLICATION NO. P0995.17
WARD: Rainham & Wennington
Date Received: 4th July 2017
Expiry Date: 2nd February 2018
ADDRESS: The Refuse Container Unloading Jetty
Rainham Landfill Site
Coldharbour Lane
Rainham
PROPOSAL: Permanent retention of the jetty, and associated infrastructure, together with a change of use of it to allow continued use in association with the Landfill and use in association with the Rainham Lagoons restoration project and as a marine logistics hub
DRAWING NO(S): Site Location Plan, drawing no. 0225/03/01
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

CALL-IN

This application has been called in by Councillor Durant for a full explanation of its implications in respect of future plans for this area and to ensure the matter has been referred to and considered by the relevant 'regeneration' Council departments.

SITE DESCRIPTION

This application relates to the jetty, associated with Rainham landfill, on the banks of the River Thames. The jetty is located to the west of the landfill complex, on the northern bank of the Thames and comprises the main jetty structure, an associated platform area and a number of portacabins. The jetty is accessed by vehicular traffic via Coldharbour Lane which goes through the Freightmaster Estate and around the perimeter of the landfill. There is no public access to the site.

Rainham Landfill covers some 177ha and forms a rough triangular parcel of land, including the Freightmaster Estate, on the northern bank of the River Thames, and is the subject of a site specific allocation within the LDF (policy SSA17). This seeks to ensure that this area, in the future, becomes a riverside conservation park and a 'wildspace for a world city'. The draft Local Plan indicates that the Freightmaster Estate be designated as a Strategic Industrial Location.

The site is located approximately 1km to the Inner Thames Marshes Site of Special Scientific Interest (SSSI) and, locally designated, RSPB (Rainham Marshes) Nature Reserve. The SSSI forms the largest expanse of wetland bordering the upper reaches of the Thames Estuary. The site is of particular note for its diverse ornithological interest and especially for the variety of breeding birds and the numbers of wintering wildfowl, waders, finches and birds of prey, with wintering teal populations reaching levels of international importance. The Marshes also support a wide range of wetland plants and insects with a restricted distribution in the London area, including some that are nationally rare and scarce. The River Thames is, for reference, also a controlled water and Marine Conservation Zone.

The nearest residential properties to the application site are circa 2.5km to the north in Rainham

and 0.7km to the south of the River Thames at Erith, in the London Borough of Bexley.

DESCRIPTION OF PROPOSAL

Planning permission was granted for the jetty in 1998, subject to a condition that it should only be used in connection with the adjacent landfill site and should be removed when no longer required.

This application seeks the permanent retention of the jetty, and associated infrastructure, together with a change of use of it to allow continued use in association with the landfill and use in association with the Rainham Lagoons restoration project and as a marine logistics hub in perpetuity.

The application proposes no additional development with this application simply seeking the permanent retention of the jetty as it stands and as a marine logistics hub. The applicant has suggested the wider parameters of use will allow the jetty to perform an important function as part of the sustainable blue transport network on the Thames and allow onward transportation of building materials and waste for the benefit of construction in and around London which would have otherwise occurred by road-based vehicle.

RELEVANT HISTORY

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

Apprv with Agreement 22-09-2016

U0001.10 - Variation of condition 1 to application U0011.08 to allow for the importation of wastes for onward transportation to the Frog Island Waste Treatment Facility and to allow the landing of waste materials for processing at the Transfer Station and Material Recycling Facility under application P1275.96.

Apprv with cons 05-07-2010

U0011.08 - Change of wording to condition 1 of planning permission P0835.97 to allow the exportation of recycled aggregates from the Rainham Waste Transfer Jetty

Apprv with cons 25-11-2008

P0835.97 - Continued use of the waste transfer jetty

Apprv with cons 12-02-1998

CONSULTATIONS / REPRESENTATIONS

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

Environment Agency - No objection although it is recommended that development should be used as an opportunity to ecologically enhance the water-body (the River Thames).

LBH Environmental Health - No objection.

LBH Lead Local Flood Authority - No comments received.

LBH Highways - No comments received.

London Riverside BID Ltd - No comments received.

Marine Management Organisation - No comments received.

Metropolitan Police (Designing Out Crime) - No comments received.

Natural England - No objection subject to a condition requiring a scheme of measures to ensure a net gain for biodiversity.

Port of London - No objection.

RSPB - No comments received.

TfL - No objection.

Thames Chase - No comments received.

RELEVANT POLICIES

LDF

CP07 - Recreation and Leisure

CP10 - Sustainable Transport

CP11 - Sustainable Waste Management

CP15 - Environmental Management

CP16 - Biodiversity and Geodiversity

CP17 - Design

DC22 - Countryside Recreation

DC32 - The Road Network

DC33 - Car Parking

DC39 - Freight

DC44 - Transport of Aggregate By Rail or River

DC48 - Flood Risk

DC52 - Air Quality

DC55 - Noise

DC56 - Light

DC57 - River Restoration

DC58 - Biodiversity and Geodiversity

DC61 - Urban Design

SSA17 - London Riverside Conservation Park

W1 - Sustainable Waste Management

W2 - Waste Management Capacity, Apportionment & Site Allocation

W4 - Disposal of inert waste by landfilling

W5 - General Considerations with regard to Waste Proposals

OTHER

LONDON PLAN - 2.6 - Outer London: Vision and strategy

LONDON PLAN - 2.8 - Outer London: Transport

LONDON PLAN - 4.1 - Developing's London economy

LONDON PLAN - 5.12 - Flood risk management

LONDON PLAN - 6.1 - Strategic approach

LONDON PLAN - 6.12 - Road network capacity

LONDON PLAN - 6.14 - Freight

LONDON PLAN - 7.4 - Local character

LONDON PLAN - 7.14 - Improving air quality

LONDON PLAN - 7.15 - Reducing noise and enhancing soundscapes

LONDON PLAN - 7.19 - Biodiversity and access to nature

LONDON PLAN - 7.24 - Blue ribbon network

LONDON PLAN - 7.26 - Increasing the use of the blue ribbon network for freight transport

LONDON PLAN - 7.29 - The River Thames

NPPF - National Planning Policy Framework

NPPW - National Planning Policy for Waste

PPG - Planning Practice Guidance

MAYORAL CIL IMPLICATIONS

Not CIL liable.

PRINCIPLE OF DEVELOPMENT

Staff note that the extant planning permission for the jetty is temporary, with a condition requiring the jetty to be dismantled and all materials removed within six months of the date of completion of waste disposal associated with the landfill or such other time that it is no longer required for such purposes. Conditions also imposed include restrictions on the use of the jetty and the location/destination of landing material. The Legal Agreement pursuant to application ref: P1566.12 also includes reference to Veolia using reasonable endeavours up to the last day of the Aftercare Period to assist the Council in securing a riverworks licence to use the Jetty.

Staff nevertheless note that policy DC39 of the LDF advocates the use of the River Thames and although this jetty is not safeguarded (given the existing conditions requiring its removal on completion of the landfilling activities) it is considered that this shows principle policy support for freight movements and infrastructure on the Thames. In this regard policy DC44 of the LDF suggests planning permission will be granted for the establishment of facilities for the importation and distribution of aggregate by rail or river where both the follow criteria are met:

- it has no significant adverse impact on the efficient functioning of the strategic road network; and
- there is no conflict with green belt, environmental or employment policies.

Policy 7.26 of the London Plan in a similar vein to the above states that the Mayor seeks to increase the use of the Blue Ribbon Network for transport freight.

Although originally the jetty was installed to facilitate the delivery of waste materials to the landfill staff note that the jetty does provide a potentially valuable provision in the delivery of other freight, particularly as it is proposed to retain (through the Local Plan) the industrial use of the adjacent Freightmaster Estate. It is acknowledged that such a use was never envisaged when the jetty was first constructed however staff, in view of the above, consider that there is principle policy support for increased use of the River Thames. Mindful of the provisions of the Legal Agreement pursuant to P1566.12 it is nevertheless considered any future use of the jetty (or part of it) in connection with the proposed public/recreational use of the land should not be lost as a result of this proposal. Therefore, a condition is recommended that seeks to restrict the marine logistics use to December 2026 unless a satisfactory management plan is submitted and implemented for the subsequent multi use of the facility, including leisure use.

The implications of the proposal in terms of landscape value, nearby amenity, highways and environment (ecology) are discussed in the proceeding sections of this report.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The jetty structure, as existing, has a utilitarian appearance which is not surprising given its use. No changes are proposed to this as part of this application and therefore staff do not consider a refusal on grounds of visual impact would be justified. Policy 7.29 of the London Plan however details that the River Thames is a strategically important and iconic feature in London. Although raised in respect of ecological improvements (which is discussed in a later section of this report) staff note that both the Environment Agency and Natural England have sought to suggest that this application may offer opportunities for ecological enhancements and/or gains and one such enhancement suggested is the provision of bolt-on timber fenders (or eco-fenders) to the jetty (or river wall).

In respect of this, and that this proposal seeks to retain the jetty on a permanent basis, staff note that views of it (the jetty) would exist from the landfill once this is restored and open to the public. The aforementioned works, if secured as part of this application, would in the view of staff improve the aesthetic appearance of the jetty and in doing so reduce its landscape impact, mindful that the character and nature of this area will change once the landfill is fully restored.

With regard to compatibility staff note that although final restoration plans for the landfill (as required by condition pursuant to application ref: P1566.12) have not yet been approved, the illustrative masterplans submitted when the application was determined did include or show the access road round to the jetty being retained with a dense area of planting/vegetation proposed adjacent to screen this and the Freightmaster Estate. Staff, in view of this, do not consider the permanent retention of the infrastructure associated with the landfill would have any implications on the restoration of the landfill and/or the perimeter path which would be maintained as the jetty is fenced, as existing, at the point at which it projects out into the Thames.

In respect of the aspirations for this area, and compatibility with the proposed more generic use, this is a slightly subjective judgement. In staff's opinion the benefits to realising the potential of the jetty and increasing the opportunities for freight transport via the Thames are substantial. That said, staff are also conscious about the impacts of approving a development which would introduce new industrial activities in this locality and potentially conflict with the restoration of the wider area.

On balance, staff do not consider that the granting of a permanent planning permission for the jetty would have any significant implications to the overall restoration aspirations from a landscape perspective. This is however subject to condition requiring a management plan for future multi use and pending the outcome of options arrangements of the Legal Agreement pursuant to P1566.12. The acceptability of a generic marine logistics hub, in respect of this, is discussed in the 'Amenity' and 'Highways/Parking' sections of this report in context of the rationale put forward by the applicant to this application.

In respect of future users experience, whilst if approved this application would result in the retention of industrial/transport related infrastructure, staff do not consider, post completion of the landfill, that the landscape impact would be so severe to warrant refusal. Indeed the Legal Agreement pursuant to P1566.12 infers retention and a prolonged use. Such infrastructure on the Thames is not uncommon and to some future visitors to the jetty may actually be seen as a feature of interest rather than something negative or disturbing.

IMPACT ON AMENITY

The site is well removed from any nearby residential properties. As existing the jetty is not restricted in terms of the number of boat movements or overall throughput. From an amenity perspective, staff acknowledge that vehicle movements to and from the jetty have the potential to give rise to air quality and noise impacts. In respect of this and the use of the jetty for waste or dredgings associated with the landfill or the lagoons, staff note such material would be arriving by vehicle to both sites if the jetty was not in use. Accordingly it is not considered any such impacts, mindful that these restoration projects already benefit from planning permission, would be sufficient to warrant refusal.

With regard to the additional landings through the use as a marine logistics hub the applicant has suggested a limit to the maximum number of vehicle movements by condition to a maximum of 100 loads (200 movements) per day whilst the landfill remains in operation and 80 loads (160 movements) per day after the landfill closes. Staff consider that this level of use would not be prejudicial to the future recreational use of the former landfill.

The Council's Environmental Health/Public Protection department has reviewed the application and raised no objections to the proposals.

HIGHWAY / PARKING

Similarly to that considered in respect of amenity, the existing vehicular activity resulting from the jetty in connection with the landfill have been accepted. That said staff note that as existing the extant planning permission for the jetty does restrict where landed material can be taken. Whilst the use of Coldharbour Lane is necessary for all movements, deliveries to and from the landfill do not progress beyond this. Use of the jetty for general purposes would likely result in vehicle movements from the site continuing to Ferry Lane and the interchange to the A13.

TfL have been consulted on this application for this reason and whilst no comments were issued on the basis that the overall amount of usage the jetty would receive would remain the same, staff are unsure on a review of the information submitted that this statement is correct. The applicant has suggested that there would be 80 loads a day (160 movements) associated with a general marine logistics hub. This is considerably less than the 300 HGV (600 movements) limit on loads

to the landfill site and therefore it would be difficult to demonstrate that the proposal would have an adverse impact on the road network.

OTHER ISSUES

ECOLOGY

Natural England within their consultation response to the application, although raising no objection in principle, note that the proposal has the potential to damage or destroy the interest features of the Inner Thames Marshes SSSI. In respect of this it is suggested that measures to ensure a net gain for biodiversity and a transport plan demonstrating that air quality specific to potential impacts to the SSSI has been considered, appraised and mitigated (as appropriate) are secured by condition. The Environment Agency has supported this request suggesting that in line with the Thames River Basin Management Plan opportunities to ecologically enhance the waterbody should be secured should planning permission be granted on a permanent basis. Subject to the imposition of a suitable condition requiring a scheme of ecological improvements staff raise no objection in terms of ecology or nature conservation.

KEY ISSUES / CONCLUSIONS

Staff do not consider that the permanent retention of the jetty with the additional importation of material associated with the silt lagoons and general marine logistics would have any significant adverse impacts on the efficient functioning of the strategic road network and/or result in any significant adverse impacts on the environmental or amenity, subject to suitable safeguarding conditions. In addition, suitably worded conditions would ensure that possible multi-use of the jetty as part of the restoration of the landfill site is fully considered at that time. Therefore it is recommended that planning permission be granted.

RECOMMENDATION

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

1. SC32 (Accordance with plans)

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

Reason:-

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

2. Multi Use Details

After 31 December 2026, the jetty shall be only be used in connection with the adjacent landfill and silt lagoon sites unless a management plan is submitted to and approved in writing by the Local Planning Authority outlining the subsequent multi-use of the jetty as a logistics hub, facility for silt lagoon restoration and leisure facility including full details of access arrangements for the jetty and timescales for implementation of any measures connected with multi-use. Once approved, the jetty shall only be operated in accordance with the management plan.

Reason:-

The use of the jetty should not prejudice the future aspirations for the wider site to be a recreational asset which may wish to utilise the river and jetty.

3. Lorry Movements

During the operation of the landfill site in accordance with Planning Permission Reference P1566.12, the total number of lorry movements from the jetty shall not exceed 100 loads (total 200 movements). After 31 December 2026, or when material is no longer permitted to be imported onto the landfill site, whichever is the sooner, the total number of lorry movements from the jetty shall not exceed 80 loads (total 160 movements). A detailed log of all lorry loads and movements to and from the jetty shall be kept at all times and available for inspection in the jetty office (office on the weighbridge).

Reason:-

In order that the activity associated with the use is an acceptable level in terms of noise, visual amenity and compatibility with future recreational use of the area.

4. NSC02 (Scheme of ecological enhancements)

No landing of waste materials or dredging to be used in the restoration of the Rainham silt lagoons or general logistics hub use shall occur until a scheme of ecology enhancements has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the provision of bolt-on timber fenders to the jetty and furthermore outline a timetable for the installation of the enhancements proposed and their maintenance throughout the use hereby approved. The scheme as approved shall be implemented in accordance with the agreed timescale and thereafter retained.

Reason:-

In view of the nearby ecological designations and the status of the River Thames, given this application proposes the permanent retention of the jetty and associated its infrastructure, it is considered that the scheme of ecological enhancements will ensure that the site positively contributes to the local environment and biodiversity value, in accordance with Development Control Policies Development Plan Document Policies DC58 and DC61, Policy SSA17 of the Site Specific Allocations Development Plan Document and London Plan Policies 7.19 and 7.29.

5. Operating Hours

No landing of waste materials or dredging to be used in the restoration of the Rainham silt lagoons or use as general logistics hub shall occur until details of the proposed hours of operation are submitted to and approved in writing by the Local Planning Authority. The jetty shall be operated in accordance with the details approved.

Reason:-

To ensure that the additional use of the jetty can be monitored by the Local Planning Authority and in the interests of ensuring that any intensification does not give rise to undue environmental, amenity or highway implications contrary to Development Control Policies Development Plan Document Policies DC32, DC55, DC58 and DC61.

6. NSC04 (External lighting)

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, for review and approval in writing, prior to installation. Any such submission shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The installation of any such lighting shall be undertaken in accordance with the approved details.

Reason:-

Insufficient information has been supplied with the application to judge the impact arising from the installation of external lighting. Submission of this detail prior to installation will protect amenity; the river corridor and ensure that the development accords with Development Control Policies Development Plan Document Policies DC56, DC58 and DC61.

7. Restriction on use of landward areas

Notwithstanding the details shown on plan number 0225-03/01, no storage of material, parking/waiting of vehicles, loading/unloading or other operations shall take place on the landward part of the site. All activity including storage, loading/unloading and other operations shall take place on the jetty structure itself.

Reason:-

In the interests of the visual amenity of the area and future recreational use of the former landfill site.

INFORMATIVES

1. Approval following revision ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, further information and details required to make the proposal acceptable were negotiated with the agent.

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 11th January 2018

APPLICATION NO.	P1316.17	
WARD:	Romford Town	Date Received: 9th October 2017 Expiry Date: 4th December 2017
ADDRESS:	24 Princes Road Romford	
PROPOSAL:	Conversion of the property from a C3 dwelling house to a C4 HMO	
DRAWING NO(S):	Site location plan 1:250, Block plan 1:500, Land registry plan 1:1250 Un-numbered ground floor plan Un-numbered front elevation Un-numbered rear elevation Un-numbered first floor plan	
RECOMMENDATION	It is recommended that planning permission be REFUSED for the reason(s) given at the end of the report	

SITE DESCRIPTION

The application site is situated to the west side of Princes Road, Romford and comprises of a two storey semi-detached dwelling with an attached garage. The surrounding area is predominantly residential in character and includes a mix of mainly semi-detached and terraced properties.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the conversion of the existing dwelling into a 5 bedroom, 5 person HMO. The proposal would include a double bed in each room with a separate bathroom on the first floor and a shower room on the ground floor. Garden amenity space would also be shared among occupants.

There is an existing garage that is used for storage and two car parking spaces proposed to the front of the premises on existing hardstanding. The concrete surfacing is poor in appearance and the applicant has stated that if required a condition requiring a more attractive surface would be acceptable.

The existing garage is to be used for cycle storage to accommodate 4 bicycles.

RELEVANT HISTORY

None

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 33 neighbouring occupiers, eight responses have been received objecting to the proposal for the following reasons:

- Building works being undertaken to convert the property into 5 bedsits

- The road is residential and has been ruined by HMO's
- The proposal will result in increased car parking pressure
- 5 people would be excessive resulting in overcrowding
- Increased noise and disturbance
- The proposal will result in a fire risk
- Increased waste
- The property may deteriorate
- Neighbouring bedroom would be adjacent to proposed living room
- Property not suited for conversion

With regard to the use of the premises as a HMO and other premises in the road being used as such, each application is to be considered on its individual merits.

Issues relating to the number of people occupying the dwelling, noise and disturbance, suitability for conversion and its impact on car parking are addressed in the body of this report.

It is not considered that the proposal would generate significantly more waste or physical deterioration to the property than that generated by a large family, which could be accommodated within the building. On the issue of fire risk, the London Fire Brigade have not objected to the proposals.

Highways - Object to the proposal on the basis that the area has a low PTAL of 2 on a scale 1 - 6b where 1 is the lowest level of accessibility. The parking requirement in this case is 2.5 car parking spaces. The absence of suitable off street parking is likely to lead to increased pressure for parking space along the road.

Waste & Recycling - Refuse to be presented 7am within the boundary of the premises on the day of collection.

London Fire Brigade - No additional requirement for fire hydrants

Environmental Health - No objection

RELEVANT POLICIES

LDF

CP17 - Design

DC04 - Conversions to Residential & Subdivision of Residential Uses

DC05 - Specialist Accommodation

DC33 - Car Parking

DC35 - Cycling

DC55 - Noise

DC61 - Urban Design

SPD09 - Residential Design SPD

OTHER

London Plan - 6.13 Parking

London Plan - 7.1 Building London's neighbourhoods and communities

London Plan - 7.2 An inclusive environment

London Plan - 7.4 Local character

NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

Not liable for CIL

STAFF COMMENTS

The main issues for consideration relate to the principle of the use, standard of accommodation, impact on neighbouring amenity and parking and highway issues.

PRINCIPLE OF DEVELOPMENT

Policy DC4 of the LDF relates to conversion to residential use and subdivision of residential uses. Specifically in relation to conversion to residential communal uses (including houses in multiple occupation) it states the following requirements:

- The original property is detached and well separated from neighbouring dwellings.
- The nature of the new use does not have an adverse impact on the surrounding area and will not be likely to give rise to significantly greater levels of noise and disturbance to occupiers of nearby residential properties than would an ordinary single family dwelling
- It satisfies policy DC5.

It is considered that the proposal would not comply with the Policy DC4 as the proposal relates to a two storey semi-detached dwelling. Staff consider that the proposal, which would provide accommodation for up to 5 unrelated individuals would be likely to give rise to an unacceptable intensity of use and levels of related activity, comings and goings when compared to that of a large family which could be accommodated by the property. Thus the proposal would be likely to result in a greater level of activity associated with a single family dwelling house, creating conditions detrimental to neighbouring residential premises.

In terms of Policy DC5, the proposals do not sufficiently meet some of the criteria. Issues covered by Policy DC5 relating to amenity impact and parking issues are covered later in this report.

DESIGN / IMPACT ON STREET / GARDEN SCENE

The property is in the process of being refurbished with UPVC windows being replaced by the traditional wooden equivalent. No further changes are being made to the appearance of the property apart from the resurfacing of the front garden which, if the scheme were acceptable, could be satisfactorily addressed by condition.

The proposals are not considered to give rise to an unacceptable visual impact in the street scene.

IMPACT ON AMENITY

The refurbishment works were in the process of being completed and at the time of the visit the property was vacant. The building was being refurbished to a high standard, including new bathroom and toilet fittings along with new flooring. The nature of the accommodation is not therefore judged to be so poor as to constitute an unacceptable form of living accommodation for prospective occupiers.

The site provides a communal rear garden area and shared kitchen/dining facilities. Staff consider that it is of reasonable size, suitably private and would function as an acceptable amenity space. The amenity space is directly accessible to residents through the communal kitchen.

However, Staff consider that converting a three bedroom, single family dwelling into a five bedroom, five person HMO would greatly intensify the use of the building. The site is situated in a residential area and it is judged that occupation by up to five unrelated individuals within a semi-detached dwelling would have the potential to generate significantly higher levels of general activity and related noise and disturbance than if it were used as a single family home. This is likely to be particularly noticeable to occupiers of the neighbouring property.

While the property includes shared kitchen/dining space, given that the premises would be used by separate individuals, this is unlikely to be used at the same time by the unrelated individuals therefore it is to be expected that a significant amount of time will be spent in individual rooms for day to day activities such as listening to music or watching tv, this also generates potential for noise disturbance to neighbouring residents, particularly on the upper floor where the rooms adjoin neighbouring bedrooms.

Staff consider the proposed use would be likely to materially intensify activity at the site with the potential to cause significant harm to residential amenity from noise, disturbance and activity, including the use of the outdoor communal amenity space contrary to Policies DC4, DC5 and DC61 of the LDF.

HIGHWAY / PARKING

Policy DC2 and Annex 5 of the LDF Development Control Policies DPD indicate that HMOs are expected to provide 1 space per two habitable rooms. Policy 6.13 of the London Plan indicates provision of less than 1 space per residential unit where 1-2 bedrooms units are proposed. Whilst the London Plan standard does not specifically refer to HMOs, it remains a useful comparator, particularly as the London Plan is the more up to date development plan document. Taking into account both standards, the proposed HMO would therefore be expected to provide at least 2 parking spaces.

Given the shallow nature of front gardens it is not considered that car parking provision could be satisfactorily accommodated on the front garden of the property. The feasibility of a legal agreement withdrawing the ability for future occupants to obtain residents' car parking permits has been explored with the highways officer but this is not considered to be appropriate in this case as the existing parking restrictions are limited in duration and therefore increased car parking pressure is still likely to result from the proposal.

The proposal would fail to provide parking spaces in accordance with the requirements and given the poor PTAL of 1b (very poor) and the heavily parked nature of the area with controlled parking

along the street, the inadequacy of the parking arrangements would result in an overspill of car parking in the area contrary to Policy DC33 and Policy 6.13.

KEY ISSUES / CONCLUSIONS

It is considered that the proposal is contrary to Policy DC4, as the proposal relates to a two storey semi-detached property adjoining a single family house. Staff consider that the proposed HMO, which provides 5 bedrooms to accommodate up to five unrelated individuals, would give rise to a material increase in activity internally and associated comings and goings to and from the property, which would create conditions detrimental to residential amenity.

The intensification of the site would result in an unacceptable impact on neighbouring residential occupiers in terms of noise, disturbance and general increase in activity.

In addition the proposal does not meet the on-site parking standard and would lead to on street overspill in an area that is already heavily parked contrary to Policy DC33 and Policy 6.13.

The proposal is therefore considered to be contrary to policy and it is recommended that planning permission is refused.

RECOMMENDATION

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

1. Reason for refusal - Impact on amenity

The proposal would, by reason of the intensification of occupation, cause significant harm to residential amenity from noise, disturbance and general day to day activity, including that associated with the use of the communal amenity space contrary to Policies DC4, DC5 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

2. Reason for refusal - Parking Deficiency

The proposed development would, by reason of an unacceptable shortfall in on-site parking provision, result in significant harm to local on-street parking conditions due to overspill parking contrary to Policy DC33 of the LDF Core Strategy and Development Control Policies DPD and Policy 6.13 of the London Plan.

INFORMATIVES

1. Refusal - No negotiation ENTER DETAILS

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal and the reason(s) for it was given to applicant Mr Ali Khan by telephone on 8 December 2017.

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REGULATORY SERVICES COMMITTEE 11 January 2018

Subject Heading:

P1603.17

Lexington Way Garage Block, Lexington Way, Upminster

Removal of condition 19 (access restriction) of planning permission P1419.15

Ward:

Cranham

SLT Lead:

Steve Moore
Director of Neighbourhoods

Report Author and contact details:

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

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	[]
Connections making Havering	[]

SUMMARY

This is a variation of condition application under section 73(2) of the Town and Country Planning Act 1990, which seeks permission for the removal of condition 19 (access restriction) of planning permission P1419.15. This application is considered on the material planning considerations which are independent to the Council's interest as landowner of the site. The proposal is considered acceptable and as such it is recommended that planning permission is granted subject to conditions and a variation of the legal agreement being completed.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant, by 11th May 2018, entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the unilateral undertaking completed on 31 March 2016 in respect of planning permission P1419.15 by varying the definition of Planning Permission which shall mean planning permission P1419.15 as originally granted or P1603.17.

Save for the variation set out above and necessary consequential amendments the unilateral undertaking dated 31 March 2016 and all recitals, terms, covenants and obligations in the said unilateral undertaking dated 31 March 2016 will remain unchanged.

In the event that the Deed of Variation is not completed by such date then the application shall be refused.

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

That the Assistant Director of Development be authorised to arrange for the completion of a unilateral undertaking to secure the above and upon completion of that unilateral undertaking, grant planning permission subject to the conditions set out below:

That Staff be authorised that upon the completion of the Deed of Variation that planning permission be granted subject to the following conditions:

1. *Accordance with plans* - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans submitted as part of P1419.15 together with the current proposal P1603.17.

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. *Car parking* - No dwelling unit shall be occupied until the car/vehicle parking areas shown on drawing 84463/110 Rev C for application P1419.15 for the 12 new dwellings hereby approved have been completed, and thereafter, the areas shall be kept free of obstruction and permanently made available for the parking of vehicles associated with the development and shall not be used for any other purpose.

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

3. *Materials* - The development hereby permitted shall be constructed with external materials as previously approved under application Q0237.16, N0097.17 & Q0261.17.

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

4. *Landscaping* - The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0093.17. All planting, seeding or turfing within the scheme in accordance with drawing numbers: 16-378 G002, 1870 01 A and 1870 02 A shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping.

5. *Refuse and recycling* - Prior to the first occupation of the dwellings hereby permitted, the proposed refuse and recycling stores shall be provided in accordance with the details as previously approved under application Q0017.17 and be permanently retained thereafter.

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

6. *Cycle storage* - Prior to the first occupation of the dwellings hereby permitted, cycle storage shall be provided in accordance with the details as previously approved under application Q0017.17 and be permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

7. *Boundary treatment* - Prior to the first occupation of the dwellings hereby permitted, boundary treatment shall be provided in accordance with the details as previously approved under application Q0017.17 and be permanently retained thereafter in accordance with the approved plans.

Reason: To 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.

8. *Secured by Design* - The development hereby permitted shall be implemented in accordance with principles and practices of the Secured by Design Scheme as previously approved under application Q0187.16.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in the National Planning Policy Framework, Policy 7.3 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

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. *Wheel washing* - The development hereby permitted shall be implemented in accordance with the wheel washing details as previously approved under application Q0185.16. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

Reason: In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area.

11. *Construction method statement* - The development hereby permitted shall be implemented in accordance with the construction method statement as previously approved under application Q0185.16.

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

12. *Pedestrian Visibility Splay* - The proposals should provide a 2.1 by 2.1 metre pedestrian visibility splay on either side of each of the proposed access points or crossovers to the dwellings, set back to the boundary of the public footway as previously approved under application Q0093.17. There should be no obstruction or object higher than 0.6 metres within the visibility splay.

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

13. *Renewable energy* - A renewable energy system for the development hereby permitted shall be installed in accordance with the details as previously approved under application Q0156.17.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC50 of the LDF Development Control Policies Development Plan Document and Policy 5.2 of the London Plan.

14. *Removal of permitted development rights* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Article 3, Schedule 2, Part 1 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Classes A, B, C or E, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

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

15. *Accessibility* - The ten new dwellings hereby approved to be constructed on the former garage block part of the site shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

16. *External lighting* - All external lighting to the development hereby permitted shall be provided in accordance with the details as previously approved under Q0093.17 and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity. Also in order that the development accords with Policies DC32 and DC61 of the LDF Development Control Policies Development Plan Document.

17. *No additional flank windows* - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those shown on the 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.

18. *Obscure glazing* - The proposed window on the northern flank elevation of the first floor flat shown on drawing 84463/201 Rev A as previously approved under application P1419.15 shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained.

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

19. *Car parking area* - The parking layout shown on drawing 16-378 G001 Rev G and the external finishes for the area shown on drawing 16-378-G002 shall be provided in accordance with the details as previously approved under Q0246.16 and retained thereafter to the satisfaction of the Local Planning Authority. The development hereby permitted shall be landscaped in accordance with the details as previously approved under Q0093.17. All planting, seeding or turfing within the scheme in accordance with drawing numbers: 16-378 G002, 1870 01 A and 1870 02 A shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the visual amenities of the development and in order that the proposal complies with Policies DC60 and DC61 and the SPD on Landscaping. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

Informatives

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

2. Statement Required by Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

3. *Secured by Design* - In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217 3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

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

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

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of 10 dwelling houses and 2 no. flats, which are located on a rectangular plot that lies behind the main residential frontage of Lexington Way and Roseberry Gardens. There is a surfaced road around the edge of this plot that provides access to private garages to the rear of the frontage dwellings.
- 1.2 The area is residential in character comprising mainly two-storey units, including maisonettes, but with some three storey flats to the south. There is a large informal grassed recreational area with a playground on the south side of Lexington Way.

2. Description of Proposal

- 2.1. Planning permission is sought for the removal of condition 19 (access restriction) of planning permission P1419.15, which states that: "Notwithstanding the details shown on drawing 84463/110 Rev C none of

the ten dwellings to be constructed on the former garage block part of the site shall be occupied until an access restriction to prevent motor vehicles, including motorcycles, from travelling east/west along the northern and southern perimeter roadways has been erected in accordance with details, including location, that have previously been submitted to and agreed in writing by the local planning authority.

Reason: Insufficient information has been supplied with the application to assess whether the proposed restriction is of the right form and location so as to prevent unauthorised access through the site, whilst at the same time maintaining access to existing garages. A restriction is required to protect the amenities of both existing and future residents in accordance with the Development Control Policies Development Plan Document Policy DC61”.

3. Relevant History

- 3.1 N0097.17 - Minor amendment from P1419.15. Substitution of brick slips with tile hanging on the gable end of units 1 & 2 – To be determined.

N0074.17 - Non-material amendment to planning permission P1419.15, comprising: Substitution of external front porch canopy with individual canopies to each dwelling- Approved no conditions.

N0016.17 - Non-material amendment for changes to design of new dwellings comprising: removal of chimney stacks and raising some window sill heights – Approved no conditions.

P1419.15 - Demolition of existing garage court, to be replaced with 10 new dwellinghouses and 2no. flats with associated hard and soft landscaping and car parking – Approval with agreement.

4. Consultations/Representations

- 4.1 The application has been advertised through site and newspaper notices and neighbour notification letters were sent to 97 properties. No letters of representation were received.

- 4.2 Highway Authority - No objection.

5. Relevant Policies

- 5.1 Policies DC32 (The Road Network); DC33 (Car Parking); DC34 (Walking); DC35 (Cycling); DC36 (Servicing); DC61 (Urban Design) and DC62 (Access) of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD).

- 5.2 Policies 6.9 (cycling), 6.10 (walking) and 6.13 (parking), of the London Plan.

- 5.3 The provisions of the National Planning Policy Framework and the National Planning Policy Guidance are also material considerations.

6. Staff Comments

- 6.1 The main access to the application site is from Lexington Way. Planning application P1419.15 involved widening this existing access closest to the highway, to provide a double vehicle width. At the north end of the site, the access remains a single vehicle width and this has been retained to allow access to the existing garages in the rear of properties in Roseberry Gardens. Condition 19 of P1419.15 sought to impose an access restriction to prevent motor vehicles, including motorcycles, from travelling east/west along the northern and southern roadways within the site. The reason for condition 19 was to prevent unauthorised access through the site, whilst at the same time maintaining access to existing garages.
- 6.2 The Council's Homes & Housing Department has provided the following information: The Council will not be able to manage or continually secure the traffic restriction along the roadway, as there will be no warden in attendance. It is unreasonable for this condition to be imposed as there would be cost implications to employ a warden to maintain and enforce this restriction. The restriction, how it could be managed going forward and the method of access were carefully reviewed. Consideration was given to the following access options: key, fob, coded access and a Warden. The distribution of any booking system or code would involve in excess of 50 new and existing residents in both Roseberry Gardens and Lexington Way. There are limitations in terms of the loss, replacement and unauthorised issuing and distribution of keys, fobs and codes in connection with an access restriction. There are various financial implications including the initial installation and future maintenance costs of an access restriction as well as budget and security controls and service charges. Other constraints are how the access restriction would be managed and enforced during and outside of normal working hours. Taking into account all of the above factors, the Homes and Housing Department do not consider it to be reasonable, practical, serviceable or financially viable to implement the access restriction and therefore, this application seeks the removal of condition 19 of planning permission P1419.15. It is Staff's view that condition 19 should be removed, as the number of vehicular movements for the 10 no. houses and 2 no. flats (approved under application P1419.15) and the existing garages of neighbouring properties in Roseberry Gardens are minimal and some level of vehicular movement along these access routes has existed historically.

7. Affordable Housing

- 7.1 All of the twelve units would initially be affordable and could well remain so for a number of years. Two of the units (17%) would meet the terms of the policy and the remainder would be affordable for an unspecified period. Staff have been advised that a significant proportion of any capital receipt would be recycled into further affordable housing schemes. This would be in accordance with the wider Council objectives for affordable housing. The affordable housing provision would not change as part of this application. A

Deed of Variation is necessary to ensure that these obligations agreed through the original unilateral undertaking dated 31 March 2016 are linked to this planning application.

8. Infrastructure Impact of Development

- 8.1 The proposal involved a net addition of 6 units and a charge of £72,000 was secured and this wouldn't change as part of this application. A Deed of Variation is necessary to ensure that these obligations agreed through the original unilateral undertaking dated 31 March 2016 are linked to this planning application.

9. Conclusion

- 9.1 In conclusion, the removal of condition 19 (access restriction) of planning permission P1419.15 as outlined in this report is considered to be acceptable. It is therefore recommended that planning permission be granted, subject to the completion of a Deed of Variation.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity. The residential development is exclusively for affordable housing, thus contributing to the provision of mixed and balanced communities and the Borough's housing needs.

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REGULATORY SERVICES COMMITTEE

11 January 2018

Reference No. & Site address	P1619.17 Dunelm Romford, Eastern Avenue West, Romford, RM7 7JN
Subject Heading:	Installation of new mezzanine floor of 2382 square metres (Application received 06 October 2017)
Ward:	Brooklands
SLT Lead:	Steve Moore Director of Neighbourhoods
Report Author and contact details:	Paul Roberts Principal Planning Officer Paul.roberts@havering.gov.uk 01708 434079
Policy context:	Local Development Framework The London Plan National Planning Policy Framework
Financial summary:	Not Relevant

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

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

SUMMARY

The proposal is for the installation of a mezzanine within the existing building covering 2382 square metres. No external works will occur save for the addition of cycle parking stands for 14 bikes. The retailer sells a range of household goods, soft furnishings and furnishing products

The application raises issues in respect of the impact of the development on the vitality and viability of nearby town centres, highway capacity and safety, access and local employment opportunities. The impact of neighbouring amenity is also an issue as are matters of congestion, parking and access.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and a s106 legal agreement.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) by 10th May 2018, to secure the following obligations. In the event that the Section 106 agreement is not completed by such date then the application shall be refused returned to the committee for reconsideration:

- A local employment opportunity framework or a commuted sum, agreed with the Local Planning Authority (value to be confirmed), to provide alternative local employment initiatives if the applicant is unable to provide an appropriate level of opportunities on-site.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Cycle Storage

Notwithstanding the approved drawings details of 14 cycle spaces in accordance with TfL's London Cycling Design Standards shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be installed on-site prior to the occupation of the approved development 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 is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

4. No food to be sold

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) there shall be no sale of food (other than confectionary and the sale of food and beverages within the ancillary cafe) from the building.

Reason:-

To preserve the vitality and viability of local town centres.

5. Construction Methodology

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

- a) parking of vehicles of site personnel and visitors (to be restricted to the service yard);
- b) storage of plant and materials (to be restricted to the service yard);
- 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.

6. A12 Access

Details of the proposed dropped kerb (or other suitable design solution) on the footway to the east of the vehicular entrance to the site from the A12 shall be submitted to and approved by the Council in consultation with Transport for London (TfL), prior to the commencement of development. The improvement works shall be delivered prior to the occupation of the development and retained thereafter.

Reason:-

In the interest of ensuring good design and enhanced public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, DC32, DC34 and DC35.

7. Access

Prior to the commencement of development, details of safe access from the A12 into the site for pedestrians, and those with impaired mobility, shall be submitted to and approved by the Council prior to the commencement of development. The improvement works shall be delivered prior to the occupation of the development and retained thereafter.

Reason:-

In the interest of ensuring good design, enhanced public safety and improved accessibility to comply with policies of the Core Strategy and Development Control Policies, namely CP10, DC32, DC34, DC35 and DC61.

8. Hours of operation

The premises shall not be used for the purposes hereby permitted other than between the hours of 0800 – 2000 on Monday to Friday, 0800 to 1800 on Saturdays and 1030 to 1700 on Sundays, Bank or Public Holidays without the prior consent of the Local Planning Authority.

Reason:-

To preserve the amenity of local residents.

INFORMATIVES

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

2. **Highways**

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

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

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

3. The planning obligation recommended in this report has been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the premises at the Dunelm furnishing store on the south side of Eastern Avenue West, approximately 100 metres west of the junction with North Street in Romford. The site currently consists of a single storey retail building and parking for 176 cars. Access for vehicles is provided off Eastern Avenue West, via an access road that does not comprise a separate footway. Pedestrian access can be secured via a small gap in a wooden fence bounding the site on Cedar Road. The site covers 1.2 hectares and is located adjacent to housing to the east and south. The river Rom is located at the western edge of the site beyond which is the Western Avenue Retail Park.
- 1.2 Eastern Avenue West consists of 4 lanes of carriageway separated by a barrier. This road has a mixture of commercial activities although King George Playing Fields is located north west of the site. The site lies within a Flood Zone 2 area.

2. Description of Proposal

- 2.1 The application proposes the installation of a mezzanine extension covering 2,382 square metres. The gross floorspace of the existing store would

increase from 4,530 square metres presently to 6,420 square metres. The upper floor would be accessed by internal stairs and a lift.

- 2.2 No external changes to the building are proposed. Seven 'Sheffield' cycle stands would be provided to the front of the store.

3. Relevant History

- 3.1 P0917.17 Installation of a new glazed shopfront, creation of a new paved pedestrian refuge and realignment of parking spaces. Approved July 2017.
- 3.2 P0551.09 Replacement of existing vertical metal cladding with horizontal metal cladding and new colour scheme for the building. Installation of new perimeter railings and brickwork wall and canopy to the site entrance area and redecoration of the existing railings and walls.
- 3.3 D0003.06 Internal alterations to building, comprising installation of mezzanine. Certificate of Lawfulness approved March 2006.
- 3.4 P0830.02 Extension to building to create additional retail unit; new entrance doors and elevational alterations with associated revisions to parking and service areas. Approved October 2002. Dunelm occupied both the former MFI unit and the new floorspace created.

4. Consultations/Representations

- 4.1 Notification letters were sent to 64 properties and the scheme was also advertised via site notice and in the local press. At the time of writing this report no responses to the consultation exercise have been received
- 4.2 The following consultation responses have been received:
- LBH Highways: Objects to the proposals on the basis of the lack of safe and accessible access from the A12 for people walking and cycling.
 - Metropolitan Police Design Out Crime Officer: No comment.
 - LBH Environmental Health: No objections in respect of land contamination, noise and air quality.
 - LBH Waste and Recycling: Requests that guidance notes in respect of commercial waste are followed.
 - Transport for London: No objections subject to no impingement on the safe operation of the A12 during construction works. TfL also consider that the entrance to the site (A12) would benefit from improvements for pedestrians and cyclists crossing the entrance, to promote sustainable modes and ensure public safety.
 - Thames Water: No comments, application should be determined in accordance with national and local policy guidance.
 - London Fire and Emergency Planning Authority: No comments.
 - London Fire Brigade Water Team, no comments.

5. Relevant Policies

- 5.1 Policies CP2 (Sustainable Communities), CP3 (Employment), CP4 (Town Centres), CP9 (Reducing the need to travel), CP10 (Sustainable Transport), CP15 (Environmental Management), CP17 (Design), DC15 (Locating Retail and Service Development), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), 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, DC55 (Noise), DC56 (Light), DC57 (River Restoration), DC59 (Biodiversity in New Developments), DC61 (Urban Design), DC62 (Access), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include Designing Safer Places SPD, Landscaping SPD, Planning Obligations SPD and the Sustainable Design and Construction SPD.
- 5.3 Policies 2.7 (Outer London: Economy), 2.8 (Outer London: Transport), 2.15 (Town Centres), 3.1 (Ensuring Equal Life Chances For All), 3.2 (Improving Health and Addressing Health Inequalities), 4.7 (Retail and Town Centre Development), 4.8 (Supporting a Successful and Diverse Retail Sector and Related Facilities and Services), 4.12 (Improving opportunities for All), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and Construction), 5.6 (Decentralised Energy in Development Proposals), 5.7 (Renewable Energy), 5.9 (Overheating and Cooling), 5.10 (Urban Greening), 5.11 (Green Roofs and Development Site Environs), 5.12 (Flood Risk Management), 5.14 (Water Quality and Wastewater Infrastructure), 5.15 (Water Use and Supply), 6.3 (Assessing Effects of Development on Transport Capacity), 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure), 6.9 (cycling), 6.10 (walking), 6.12 (Road Network Capacity), 6.13 (parking), 7.1 (Lifetime Neighbourhoods), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.14 (Improving Air Quality), 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes), 7.19 (Biodiversity and Access to Nature), 7.24 (Blue Ribbon Network), 7.27 (Blue Ribbon Network: Supporting Infrastructure and Recreational Use), 7.28 (Restoration of the Blue Ribbon Network), and 8.2 (Planning Obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 1 (Building a strong competitive economy), 2 (Ensuring the vitality of town centres), 4 (promoting sustainable transport), 8 (Promoting healthy communities), 10 (Meeting the challenge of climate change, flooding and coastal change), and 11 (Conserving and enhancing the natural environment), are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact of the retail expansion on the vitality and viability of Havering's town centres, the impact of the proposal on existing residential amenity, the suitability of the proposed parking, access and servicing arrangements, the impact of the development on safety and flow of the local highway network, and the integration of the scheme into the pattern of local development

Principle of Development

- 6.2 The site lies within the Eastern Avenue West retail park, an out of town centre as identified on the Havering Proposals Map. The application seeks the expansion of the existing store to extend the offer of furnishing at the premises to include nursery bedding, furnishing and accessories as well as car seats and prams/buggies. The additional jobs on offer (11 additional part-time roles) at the store will be of benefit to the local residents and the increase in employment opportunity this scheme provides is welcomed.
- 6.3 Policy 4.7 of the London Plan notes that in making decisions on retail development, the focus should be on sites within town centres. If none are available they should be on sites that are, or can be well integrated with the existing centre and public transport, and proposals for out of centre development will be subject to an assessment of impact. Paragraph 4.45 states that extensions to out of centre retailing can *"compromise the strong town centres first policy which is essential to London's development as a sustainable, liveable city as well as exacerbating road traffic congestion, and for the large numbers of Londoners who do not have a car, undermining this Plan's social inclusion policies."*
- 6.4 Policy CP4 of Havering's Core Strategy and Development Control policies DPD sets out the hierarchy of town centres within the Borough from the Metropolitan Centre of Romford, the Major and Minor District Centres to Major and Minor Local Centres. The policy states that the town centre hierarchy will be promoted and enhanced by amongst others:
- directing retail development to the borough's town centres through the 'sequential test',
 - and ensuring the scale and use of new development is consistent with the role and function of centres and does not harm the vitality and viability of other centres.
- 6.5 Policy DC15 of the LDF states that planning permission for retail and service development and extensions to, or the redevelopment of existing edge of centre and out of centre retail stores over 200 square metres (including mezzanines), will only be granted where the sequential test is satisfied, unless specific exceptions stated in the policy apply. There are considered to be no relevant exceptions that apply and therefore, in accordance with policy a sequential test was requested of the applicant at pre-application stage and one was submitted with the proposal documents.

Sequential Exercise

- 6.6 Paragraph 24 of the NPPF sets out that LPAs should apply a Sequential Test to planning applications for main town centre uses which are not in an existing centre and are not in accordance with an up-to-date development plan. The order of preference for the sequential approach is:

- 1) locations within existing centres;
- 2) edge-of-centre locations, with preference given to accessible sites that are well-connected to the centre; and then
- 3) out-of-centre sites, only in circumstances where there are no in-centre or edge of centre sites available.

Preference should be given to accessible sites that are well-connected to the town centre and flexibility should be shown by applicants and planning authorities on matters such as format and scale.

- 6.7 The sequential exercise conducted by the applicant looked at sites capable of accommodating a retail unit of between 5495sqm and 6465 sq.m. with off-street parking for at least 130 cars, in or adjacent to Romford Town Centre, and available now or in the near future. This scoping of sites is considered to be appropriate and proportionate to this application with it evidencing some flexibility in sites considered, in terms of the size of the proposed unit and also the amount of parking required (limited to 130 spaces - 35 less than on the Dunelm site).
- 6.8 The six sites reviewed form part of the Romford Area Action Plan. These being: Angel Way; Bridge Close; Como Street; 18-46 High Street; 37-59 High Street and Station Gateway and Interchange. These are reviewed below.
- 6.9 The applicant's sequential test states that the Angel Way site is not available to the applicant, and in addition the retail units that form part of the site's existing permission vary in size from 473 sq.m. to 1803 sq.m. and therefore would not be able to accommodate the proposed development. Bridge Close was considered and discounted because of the Council's allocation of the site for a mix of residential and Class A3 retail uses, ones that do not incorporate the Class A1 proposed by Dunelm for the site. In addition, the vision for the site is not the single retail form as practised by Dunelm but rather a comprehensive residential led redevelopment alongside other improvements, a form of development this applicant is not capable of providing. According to the sequential test the Como Street site is of insufficient size to accommodate the proposed retail unit and the sole use of the site for retail development would be inconsistent with policy objectives to redevelop the site. The 2 High Street sites, 18-46 and 37-59 were reviewed and both discounted because of their limited size and the Council's desire to see comprehensive redevelopment of these sites incorporating a significant amount of residential, a form of development Dunelm do not deliver. The final site, Station Gateway and Interchange, is a larger site with an allocation

for a significant mixed use redevelopment of land around Romford Station, a form of development that the applicant is not capable of bringing forward.

- 6.10 The applicant also undertook an online search of sites currently available for sale or let within Romford town centre. None of the number found were of the scale to accommodate the existing Dunelm unit never mind the proposed extended store. Having regard to the specific nature of the proposed retail format and the sequential test submitted with the application, Staff are satisfied that no sequentially preferable alternative sites have been identified and that, as a defined 'out of centre' retail site, the application site is suitable, in policy terms, for the proposed use.

Retail Impact Assessment

- 6.11 Paragraph 26 of the NPPF states that where assessing applications for retail development which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (or a default threshold of 2,500 square metres if the figure has not been set locally.) The 2,500 square metres threshold is relevant in this case, as the Council does not have a locally set threshold.
- 6.12 At 1,890 square metres the additional floorspace is below this threshold, nevertheless, the applicant has for completeness undertaken an assessment to calculate the likely impact of the store expansion on the vitality and viability of Romford town centre. The report provides an assessment of the likely trade diversion arising from the mezzanine floorspace on the town centre, concluding that approximately 20% of the additional turnover (£0.9m) would be drawn from Romford town centre, an impact of 0.2% on the money spent on comparison goods shopping in the Centre. This level of impact (having regard to the overall health of the town centre) is not significantly adverse. It is anticipated that the bulk of the turnover drawn to the expanded store will come from similar out of town furnishing operators in the region such as those located at Gallows Corner.
- 6.13 The conclusions of the report are considered to be sound and have taken into account the findings of the Council's 2015 Retail Study. Taking these factors into account Officers are satisfied that the proposal is unlikely to compromise the retail vitality and viability of Romford Town Centre.
- 6.14 The existing premises is subject to a condition which restricts the sale of food from this site (except confectionary) to safeguard Havering's town centres. It is considered appropriate to attach a condition to the same should this application be approved.

Impact on Amenity

- 6.15 The application premises is situated at the eastern edge of a retail park accessed directly off the A12. The nearest residential houses are on Burnham Road some of which overlook the car park. Any impact on amenity

will be mostly confined to vehicle movements and people leaving and returning to their cars, the number of which is expected to grow to a maximum of approximately 40% at peak time on Saturday lunchtime with 158 arrivals between 1145 and 1245 as compared to the existing 111. The PM peak (1700-1800) will see arrivals increase from approximately 40 vehicles to 57. Although these movements are relatively significant in percentage terms it is not considered that the nature and scale of the activity (cars being parked and people exiting/entering vehicles) will be significantly different so as to be apparent and detrimental to neighbouring residential amenity. As noted the entry/exit to the car park is on the busy A12, away from housing and the car park is for the most part set away from dwellings and as such impact is not considered to be acute. Moreover, the car park even at peak time is likely to operate at less than 70% of its capacity, thereby alleviating any concern of the potential additional noise and disturbance associated with a car park operating close to, or at capacity. The previous extension permission for the site (LBH Ref: P0830.02) included a condition restricting hours of use to limit any noise and disturbance for nearby residents during unsocial hours. It is considered appropriate to repeat the condition for this extension.

- 6.16 As the works are internal there will not be impacts in terms of privacy, daylight and outlook. To safeguard neighbouring amenity during the construction phase it is recommended that a condition is attached requiring the submission and approval of a Construction Management Plan prior to works starting, including a requirement that during this phase the parking of vehicles and the storage of material is located in the existing service yard adjacent to the A12, and away from housing.

Environmental Issues

- 6.17 The Council's Environmental Health team have raised no objections in relation to any historical contaminated land issues. The site is located within a Flood Zone (Zone 2) but the works are exclusively internal and present no issues in relation to local flood risk.

Parking and Highway Issues

- 6.18 Policy 6.13 of the London Plan states that an appropriate balance between promoting new development and excessive car parking which can undermine cycling, walking and public transport use should be reached. In this instance the application site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 3, meaning that the site offers an average degree of access to surrounding public transport.
- 6.19 The application has demonstrated via the submitted Transport Statement that there will not be any significant impact on the safe operation of the A12. Traffic movements are expected to increase as a result of the development but not to an extent prejudicial to highway safety.

- 6.20 The London Plan maximum car parking standards for non-food retail in this location is 1 space per 30-50 square metres of development, equating to a maximum of 128-214 parking spaces for the store if the mezzanine was approved. Based on existing customer patterns at peak hour operation (Saturday lunchtime), the maximum number of parking spaces that would be occupied is anticipated to be in the order of 115, an amount substantially lower than the 176 parking spaces provided in the car park. Hence, it is felt that the additional floorspace will not prejudice the availability of on-street car parking in the roads surrounding the site, even with a significant upturn in customer parking at this site over and above what is anticipated with the enlarged sales area. Moreover, the improved pedestrian accessibility and enhanced cycle parking provision highlighted below will serve to encourage non-vehicular travel to the store.
- 6.21 The applicant has stated that 14 cycle parking spaces will be provided. Full details of these spaces are required via planning condition, to ensure that they are secure and covered for the benefit of employees as well as customers, in accordance with the London Cycling Design Standards.
- 6.22 The applicant has not submitted details of construction accompanying this proposal. As stated a condition requiring the submission of a Construction Management Plan is recommended to amongst other matters ensure that the safe operation of the A12 is not prejudiced.

Accessibility

- 6.23 Policy CP10 of the Core Strategy states that in order to promote sustainable transport, "new developments in their design and layout prioritise the needs of pedestrians and cyclists and minimise the distance to local public transport nodes". Policy DC15 amongst other factors states that the applicant must justify the location of their retail development in terms of, "the accessibility of the site in terms of public transport, cyclist and pedestrian access and how car borne traffic will be minimised". Policies DC34 and DC35 seek to ensure that developers take account of the need of pedestrians and cyclists.
- 6.24 The site does not currently have safe and secure access from the A12 for people walking and cycling. The pavement stops at the eastern edge of the entrance to the site from the A12 without a dropped kerb and no separate link is provided for pedestrian or cyclists into the site, so that non car users are obliged to share the space with cars on a road situated straight off a busy and fast carriageway. This is not an attractive or safe route for people and does not encourage sustainable transport alternatives, including those travelling to the site via local bus routes. Indeed, it serves to exclude people with mobility issues entering or leaving the site except when in a vehicle.
- 6.24 The applicant claimed in their submission that pedestrian access is currently gained off Cedar Road and would continue to do so following this development. However, a site visit has revealed that this approach to be seriously lacking in design and access terms. The pedestrian entrance on

Cedar Road is via a small gate within a wooden boundary fence, a gate which catches on a slope entering the car park so as to not open fully and one that leads the pedestrian directly onto a marked parking space. This may be acceptable for the applicant in terms of existing store arrangements, however in the context of this submission, no attempt to enable all people to access this larger store is neither desirable nor acceptable.

- 6.25 Policy is clear on this matter and the applicant was advised during the pre-application submission of this deficit in the scheme and the requirement to rectify it. In that regard, it is considered essential that any approval of this scheme encompass conditions requiring the submission of an appropriate access to the store for all customers and to encourage the use of sustainable forms of transport, including improvements to the access to the site off the A12.

Employment

- 6.26 The applicant anticipates that this development will create an additional 11 part-time jobs. In the interests of supporting the local community it is considered a commitment towards employment opportunities for Havering residents could be secured via legal agreement. If the applicant is unable to provide an appropriate level of opportunity for operational reasons a commuted sum based on a formula agreed with the Council's Economic Development department, could be secured. Such an obligation is considered appropriate in this instance, in context of the policy position outlined in DC13 of the Core Strategy.

Mayoral Community Infrastructure Levy

- 6.27 The proposed development is not liable for Community Infrastructure Levy.

7. Conclusion

- 7.1 The applicant has demonstrated that the proposed extension of a retail store in this out of town location would not have a detrimental impact on Havering town centres, in particular Romford Metropolitan Centre. The expanded store will serve to increase the retail offer at the site and have a positive benefit on local employment opportunities.
- 7.2 The impact on neighbouring amenity will not be significant and the extension will not prejudice the safe operation of the public highway. The current access arrangements are deficient and will be made even more so if this application was allowed to continue in the form submitted. Hence, planning conditions are proposed which will serve to make the store fully accessible to all residents, improve the level of public safety at the entrance to the site and also encourage the use of more sustainable forms of transport.
- 7.3 It is therefore recommended that the application be approved subject to planning conditions and a legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions may be sought through the legal agreement.

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, supporting statements, and drawings received 6 October 2017, and additional plans received on 16 October 2017.

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