



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm

Thursday
26 April 2018

Havering Town Hall,
Main Road, Romford

Members 11: Quorum 4

COUNCILLORS:

**Conservative
(5)**

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

**Residents'
(2)**

Stephanie Nunn
Reg Whitney

**East Havering Residents'
(2)**

Alex Donald (Vice-Chair)
Linda Hawthorn

**UKIP
(1)**

Phil Martin

**Independent Residents
(1)**

Graham Williamson

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

To register to speak at the meeting please call 01708 433100

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

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

Reporting means:-

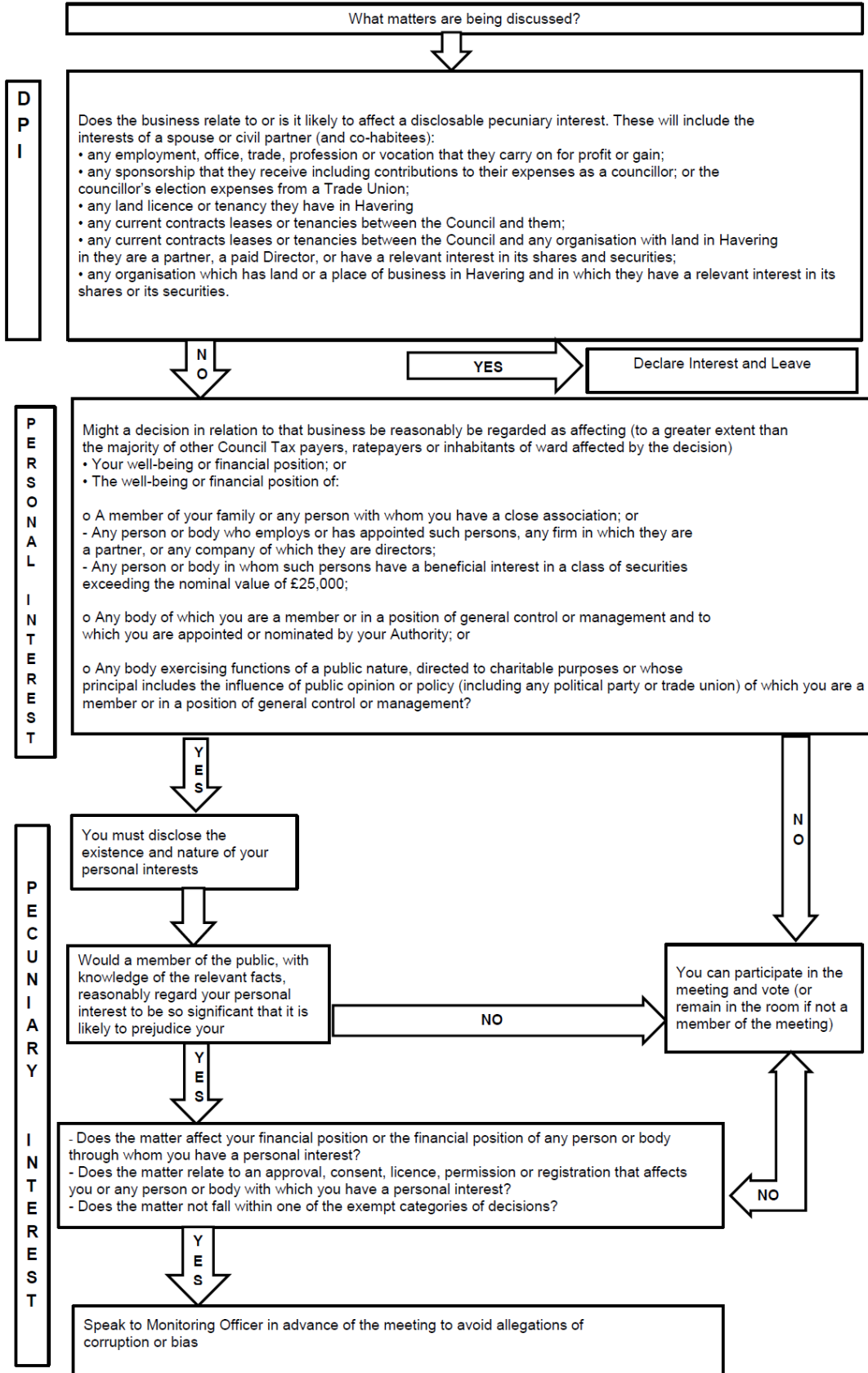
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing,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

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

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

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

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



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 - 18)

To approve as a correct record the minutes of the meetings of the Committee held on 15 March and 5 April 2018 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 19 - 30)

- 6 **P1887.17 - SCOUT HALL, ADJACENT TO 16 QUEENS PARK ROAD** (Pages 31 - 46)
- 7 **P1370.17 - THE OLD FORGE, HALL LANE** (Pages 47 - 64)
- 8 **P1541.17 - 1 ALBERT ROAD, ROMFORD** (Pages 65 - 82)
- 9 **P1592.17 - MARDON, MAYWIN DRIVE** (Pages 83 - 106)
- 10 **P2106.17 - 21 PENTIRE CLOSE, UPMINSTER** (Pages 107 - 126)
- 11 **P1591.17 - 119 MARLBOROUGH ROAD, ROMFORD** (Pages 127 - 146)
- 12 **P1216.17 - 131 GOOSHAYS DRIVE, HAROLD HILL** (Pages 147 - 164)
- 13 **P1371.17 - HAVERING COLLEGE OF FURTHER AND HIGHER EDUCATION, RAINHAM** (Pages 165 - 202)
- 14 **P1996.17 - QUEENS MOAT HOUSE, ST EDWARDS WAY, ROMFORD** (Pages 203 - 218)
- 15 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND AT THEATRE ROAD, HORNCHURCH** (Pages 219 - 224)
- 16 **QUARTERLY PLANNING PERFORMANCE UPDATE REPORT** (Pages 225 - 232)
- 17 **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
15 March 2018 (7.30 - 9.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Robby Misir (in the Chair) Philippa Crowder,
Melvin Wallace, Roger Westwood and +Steven Kelly

Residents' Group Stephanie Nunn and Reg Whitney

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

UKIP Group Phil Martin

**Independent Residents
Group** Graham Williamson

An apology for absence was received from Councillor Michael White.

+Substitute member: Councillor Steven Kelly (for Michael White).

Councillors Robert Benham, Brian Eagling, David Durant and Michael Deon Burton were also present for part of the meeting.

20 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.

384 **MINUTES**

The minutes of the meeting held on 22 February 2018 were agreed as a correct record and signed by the Chairman.

385 **P1749.17 - 86 STATION LANE, HORNCHURCH**

The proposal before members sought consent for a part single/part two storey side extension and a single storey rear extension for the conversion

of the existing building to create 5 self-contained flats, together with a single parking space, cycle storage and a refuse and recycling store.

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

The objector commented that she was a secure tenant as the premises and that if planning permission was granted she would be left homeless. The objector also commented that there was no fire escape at the premises and that there was only one narrow staircase within the premises. The objector concluded by commenting that the application only proposed the provision of 1 parking space and that a pedestrian had previously been knocked down by a vehicle on the premises.

During the debate Members sought and received clarification on issues of parking provision at the premises and the surrounding area.

The report recommended that planning permission be approved however following a motion to defer that was carried by 10 votes to 0 with 1 abstention it was **RESOLVED** that consideration of the report be deferred to allow officers to:

Clarify with the applicant whether there was any scope for additional off street parking to the front of the property.

Seek resolution of the deficiency in the size of one of the bedrooms.

To undertake a parking survey in the surrounding streets to understand the extent to which there was capacity for on street parking (with Highway's input).

Councillor Donald abstained from voting.

386 **P1947.17 - 1 STATION ROAD, HAROLD WOOD**

The proposal before members was for the demolition of the existing building and the erection of a new block comprising of 3 retail units at ground floor and 6 two-bedroom flats above.

With its agreement Councillor Brian Eagling addressed the Committee.

Councillor Eagling commented that he supported officer's recommendation for approval as the site was currently in a poor condition and that the proposal would enhance the area whilst also providing additional homes.

Members noted that the proposal qualified for a Mayoral CIL contribution of £11,674 and **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:

- 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.
- Save for the holder of blue badges that the future occupiers of the proposal would be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That, if by 15 June 2018 the legal agreement had not been completed, the Assistant Director of Development was delegated authority to refuse planning permission.

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.

387 P1845.17 - 87 NORWOOD AVENUE

The proposal before Members was to convert a single dwelling into two self-contained flats. The scheme would include a first floor rear extension in order to provide a kitchen.

This proposal was put before Members as the application has been made by a Councillor.

Members also noted that the application had also been called in by Councillor Robert Benham for the following reasons:

- Not in keeping with the area.
- Reducing the provision of family housing.
- Would present added strain on public services and local amenities.
- Detrimental impact on parking.

With its agreement Councillor Robert Benham addressed the Committee.

Councillor Benham re-iterated the points raised above.

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 carried by 8 votes to 2 with 1 abstention.

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

Councillor Crowder abstained from voting.

388 P1242.17 - BEAM PARK, NEW ROAD, RAINHAM

The report before Members detailed a cross boundary hybrid application (part outline, part detailed) for a total of 2,900 dwellings within Havering and the London Borough of Barking and Dagenham on a site of total area of 31.54 ha. Within Havering the application proposed the erection of 733 dwellings comprising 137 houses and 596 apartments on land known as Beam Park to the east and west of Marsh Way, south of the A1306. Phase 1 of the development would deliver 536 dwellings, a new local centre based around a new railway station, up to 4,110 sq.m of other support uses including commercial floorspace and a 1,500 sqm health centre and community facilities. Phase 1 would also provide the site for a new 3 form of entry primary school with communal sports facilities plus extensive areas of open space and landscaping including a new park either side of the River Beam and a linear parkway along New Road.

With its agreement Councillors Michael Deon Burton and David Durant addressed the Committee.

Councillor Burton commented that as things stood there was currently no school provider in place and the station did not exist. Councillor Burton also commented that Councillors sitting on the Rainham, Wennington and South Hornchurch Working Party had been promised a garden suburb during consultations with the developers however the proposed development was more of a flatted high density development. Councillor Burton concluded that the proposed blocks were taller than had been promised, was an overdevelopment of the site and was not fit for purpose.

Councillor Durant commented that the proposal was a contradiction to the Local Plan and that no consideration had been given to the possibility of the Rainham to Belvedere river crossing that may be introduced in the future. Councillor Durant also commented that the Council needed to approach the Mayor for London's office to determine to ascertain which of the river crossing options were to be taken forward as there would be increased

traffic and greater air pollution to future residents if the Rainham to Belvedere option was chosen.

During the debate Members sought and received clarification on a number of points within the report including nomination rights, parking provision and future medical provision.

The report recommended that planning permission be approved however following a motion to defer consideration of the report it was **RESOLVED** that consideration be deferred to allow officers to look at/discuss with the applicant:

School provision: the committee were concerned that new provision would not be enough to meet the needs of the development alongside other committed development within the area. Further detail needed.

Height: didn't meet the Rainham and Beam Park Planning Framework. Could it be reduced?

Affordable housing: clarity on nomination rights and tenure

Health facility: CCG had allegedly said that the facility would only be available to Havering residents. Need to check this along with what facilities would be available for LBBD residents if the facility was only for Havering residents.

Parking: could this be increased?

The vote for the resolution to defer consideration of the report was carried by 6 votes to 5.

Councillors Hawthorn, Nunn, Whitney, Kelly, Martin and Williamson voted for the motion to defer.

Councillors Misir, Wallace, Crowder, Westwood and Donald voted against the motion to defer.

389 **P1020.17 - 60 ST MARYS LANE, UPMINSTER - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW RESIDENTIAL BLOCK COMPRISING OF FOUR APARTMENTS**

The Committee considered the report noting that the proposed development qualified for a mayoral CIL contribution of £7,800 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:

- A financial contribution of £18,000 to be used for educational purposes.
- All contribution sums should include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement was completed.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from obtaining or purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

That, if by 15 June 2018 the legal agreement had not been completed, the Assistant Director of Development was delegated authority to refuse planning permission.

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.

390 **P1463.17 - 78-80 STRAIGHT ROAD, ROMFORD - PROPOSED ERECTION OF AN APARTMENT BLOCK COMPRISING 19 NO. UNITS PLUS CAR PARKING, LANDSCAPING AND ASSOCIATED DEVELOPMENT**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £29,300 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following obligations.

- A financial contribution of £75,665 towards affordable housing to be paid in three stages; first payment on commencement, second payment at the completion of the 5th unit and third payment on the completion of the 17th unit.
- A financial contribution of £114,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with the Policies DC29 and DC72 of the LDF

Core Strategy and Development Control Policies Development Plan Document.

- A review of the viability of the development if not commenced within two years of the date of the permission to assess whether there had been any improvement in market conditions such that affordable housing could be provided on site or an additional financial contribution towards the provision of affordable housing off-site in accordance with LDF Core Strategy and Development Control Policies Development Plan Policies DC6 and DC72.
- 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 planning obligation prior to its completion irrespective of whether the obligation was completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.
- Greater London Council (General Powers) Act 1974; S16 - Restrictions on Parking Permits - Not to sell, lease, let or otherwise dispose of any dwelling unit or permit any occupation of any dwelling unit without first imposing in the relevant transfer lease, letting or occupation document a term preventing any owner or occupier of any dwelling unit from applying to the Council for a residents parking permit for the area within which the proposed development was situated.

That, if by 15 September 2018 the legal agreement had not been completed, the Assistant Director of Development was delegated authority to refuse planning permission.

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.

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

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £500 and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be

acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following obligations and that if by 22 June 2018 the legal agreement had not been completed, the Assistant Director of Development was delegated authority to refuse planning permission.

- 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.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.

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.

392 **P0096.15 - REAR OF 143 NORTH STREET - DEMOLITION OF THE EXISTING BUILDINGS AND CONSTRUCTION OF 40 FLATS IN TWO BLOCKS WITH PARKING AND LANDSCAPING**

The Committee considered the report noting that the proposed development qualified for a Mayoral CIL contribution of £55,080 and without debate **RESOLVED** that option B be agreed which read as follows:

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

- A financial contribution of £240,000 to be paid prior to the commencement of the development, to be used for educational purposes in accordance with Policy DC72 of the LDF Core Strategy and Development Control Policies Development Plan Document.

- A viability review mechanism for affordable housing to be secured through a S106 legal agreement. Such review to be triggered if the scheme had not reached slab level on at least 20 plots within two years of consent being granted.
- 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 planning obligation prior to its completion irrespective of whether the obligation was completed.
- The payment of the appropriate planning obligations monitoring fee prior to the completion of the obligation.

That, if by 15 June 2018 the legal agreement had not been completed, the Assistant Director of Development was delegated authority to refuse planning permission.

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

Chairman

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Council Chamber - Town Hall
5 April 2018 (7.30 - 9.15 pm)**

Present:

COUNCILLORS:	11
Conservative Group	Robby Misir (in the Chair) Philippa Crowder, Roger Westwood, Michael White and +Frederick Thompson
Residents' Group	Stephanie Nunn and Reg Whitney
East Havering Residents' Group	Alex Donald (Vice-Chair) and Linda Hawthorn
UKIP Group	Phil Martin
Independent Residents Group	Graham Williamson

An apology for absence was received from Councillor Melvin Wallace.

+Substitute members: Councillor Frederick Thompson (for Melvin Wallace).

Councillors John Crowder, Wendy Brice-Thompson, David Durant and Michael Deon Burton were also present for part of the meeting.

20 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.

393 P1422.17 - 77/79 CROSS ROAD (REAR OF) MAWNEYS

The application before Members proposed the construction of three 2-bedroom houses with parking, amenity and access road, and; amending garden layouts to existing dwellings.

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

The objector commented that there were several considerations that were not adequately dealt with within the report. Firstly there was little consideration given to road safety and the limited access that the access road proposed gave. The objector also commented that visibility splay proposed would be to the detriment of pedestrian safety. The objector concluded by commenting that the proposed opening up of the rear of the existing property would affect existing resident's privacy and lead to an increased vulnerability to crime.

In response the applicant commented that he had been working with officers for the last four to five months to fine tune the application so that met all planning criteria. The applicant also commented that the proposal provided ample parking provision. The applicant concluded by commenting that the proposal blended in with existing properties in the area and would provide affordable housing.

The Committee considered the report noting that the proposal qualified for a Mayoral CIL contribution of £5,080 and **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject to the applicant, by 4 August 2018, entering into a Section 106 Legal Agreement to secure the following:

- A contribution of £18,000 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.

In the event that the legal agreement was not completed by 4 August 2018 the application should be refused.

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.

The vote for the resolution to grant planning permission was carried by 8 votes to 2 with 1 abstention.

Councillors White and Nunn voted against the resolution.

Councillor Martin abstained from voting.

394 **P1242.17 - BEAM PARK, FORMER FORD ASSEMBLY PLANT SITE,
NEW ROAD, SOUTH HORNCHURCH**

The report before Members considered a cross boundary hybrid application (part outline, part detailed) for a total of 2,900 dwellings within Havering and the London Borough of Barking and Dagenham on a site of total area of 31.54 ha. Within Havering the application proposed the erection of 733 dwellings comprising of 137 houses and 596 apartments on land known as Beam Park to the east and west of Marsh Way, south of the A1306. Phase 1 of the development would deliver 536 dwellings, a new local centre based around a new railway station, up to 5,272 sq.m of other support uses including commercial floorspace and a 1,500 sqm health centre and community facilities. Phase 1 would also provide the site for a new 3 form of entry primary school with communal sports facilities plus extensive areas of open space and landscaping including a new park either side of the River Beam and a linear parkway along New Road. The development would provide 50% affordable housing.

The application was deferred from the 15 March 2018 meeting for staff to clarify the position in relation to school provision, height, affordable housing, healthcare provision and the level of parking. Revisions had been made to the application in response which were addressed in the report.

With its agreement Councillors David Durant and Michael Deon Burton addressed the Committee.

Councillor Durant commented that the proposal was a contradiction to the Local Plan and that no consideration had been given to the possibility of the Rainham to Belvedere river crossing that may be introduced in the future. Councillor Durant also commented that the Council needed to approach the Mayor for London's office to determine which of the river crossing options were to be taken forward as there would be increased traffic and greater air pollution to future residents if the Rainham to Belvedere option was chosen. Councillor Durant concluded by commenting that although the London Borough of Barking and Dagenham had approved their part of the scheme Havering's resident's views and those of the Rainham, Wennington and South Hornchurch Work Party had been ignored.

Councillor Burton commented that as things stood there was currently no school provider in place and the station did not exist. Councillor Burton also commented that Councillors sitting on the Rainham, Wennington and South Hornchurch Working Party had been promised a garden suburb during consultations with the developers however the proposed development was more of a flatted high density development. Councillor Burton concluded that the proposed blocks were taller than had been promised and the proposal was an overdevelopment of the site and was not fit for purpose as there was insufficient parking provision.

During the debate Members discussed the suitability of the proposal and there were several concerns that views of the Committee, residents and the Rainham, Wennington and South Hornchurch Working Party had not been taken into consideration and the proposal still was not suitable in terms of height and impact on character of the area.

The report recommended that planning permission be granted however following a motion to refuse the granting of planning permission which was carried by 6 votes to 5.

It was **RESOLVED** that planning permission be refused on the grounds of height and impact on character.

Councillors Hawthorn, Donald, Nunn, Whitney, Martin and Williamson voted for the resolution to refuse the granting of planning permission.

395 **P1414.17 - BASSI GRANGE, CLOCKHOUSE LANE, ROMFORD**

The application before Members sought retrospective planning permission for two conservatories, a covered way to the north elevation of the main property, a swimming pool and an outbuilding (pump room) with extended areas of hardstanding and vehicular parking and a retaining wall. The proposals, by virtue of their location and use are subject to the change of use of land to residential curtilage.

Members noted that the application had been called-in by Councillor John Crowder on the grounds that it had been claimed that the property had been in its current state for more than 10 years and was considered by Councillor Crowder to be a vast improvement to the area.

With its agreement Councillor John Crowder addressed the Committee.

Councillor Crowder commented that the property in its current condition was not detrimental to the Green Belt. Councillor Crowder concluded by commenting that the property was in a tidy condition in comparison to neighbouring properties which included a scrapyards and several other businesses.

During the debate Members discussed the merits of the application and the surrounding properties.

Members also received guidance regarding Green Belt policy and of the circumstances that permitted development.

The report recommended that planning permission be refused however following a motion to approve the granting of planning permission it was **RESOLVED** that planning permission be approved on the basis that the development would not give rise to loss of openness and that the development would improve the character of the area.

The vote for the resolution to grant planning permission was carried by 7 votes to 4 with 2 abstentions.

Councillors Hawthorn and Nunn voted against the resolution to grant planning permission.

Councillors Martin and Williamson abstained from voting.

396 **P1995.17 - 3 SUTTONS LANE, HORNCURCH - CHANGING THE USE OF THE EXISTING DRUM SHOP (A1 RETAIL) INTO A NAIL BAR (SUI GENERIS)**

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

397 **P1599.17 - 2ND & 3RD FLOOR EQUITABLE HOUSE, 88/100 SOUTH STREET ROMFORD - SUB-DIVISION OF EXISTING FLATS TO FORM SEVEN ADDITIONAL UNITS**

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:

- To restrict future occupiers from obtaining parking permits.

That, if by 5 August 2018 the legal agreement had not been completed, the Assistant Director of Development had delegated authority to refuse planning permission.

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.

398 **P2048.17 - HORNCURCH SPORTS CENTRE, HARROW LODGE PARK, HORNCURCH ROAD - ERECTION OF A NEW LEISURE CENTRE WITH ACCESS, LANDSCAPING AND ANCILLARY WORK TOGETHER WITH THE DEMOLITION OF THE EXISTING HORNCURCH SPORTS CENTRE AND CONSTRUCTION OF A NEW PERMANENT AND OVERSPILL CAR PARKS AND THE CONSTRUCTION OF A TEMPORARY CAR PARK FOR A 36 MONTH PERIOD**

The Committee considered the report and without debate **RESOLVED** that the proposal was unacceptable as it stood but would be acceptable subject

to the applicant, by 4 October 2018, entering into a Section 106 Planning Obligation to secure the following:

- 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 Planning Obligation to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Planning Obligation 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.
- Development Phasing.
- Provision of alternative venues for existing users of the site (if not resolved).
- Travel Plan.
- A financial contribution of £12,000 to be used for road infrastructure improvements.
- A financial contribution of £15,000 to be used for local cycling improvements study and works.

In the event that the Planning Obligation was not completed by 4 October 2018 the application should be refused.

That the Assistant Director of Development be authorised to secure a Planning Obligation for the above and upon completion of that obligation, grant planning permission subject to the conditions as set out in the report.

That planning permission be granted subject to the conditions set out in the report, on the understanding that the conditions may be updated as appropriate, in case the requirements were discharged satisfactorily before a decision was formally issued.

That planning permission be granted subject to referral to the Mayor of London.

Chairman

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Regulatory Services Committee

26 April 2018

Application No.	Ward	Address
P1687.17	Romford Town	Rubicon Court, 21-23 North Street, Romford
P0161.18	Harold Wood	111 Camborne Avenue, Romford

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 26th April 2018

APPLICATION NO. P1687.17
WARD: Romford Town **Date Received:** 15th January 2018
Expiry Date: 12th March 2018

ADDRESS: Rubicon Court
21-23 North Street
ROMFORD

PROPOSAL: A change of use from A1 retail to a clinic within use class D1 providing multi-disciplinary services including orthotic, physiotherapy and podiatry services with ancillary retail use. The existing shop front and glazed return frontages are to be retained.

DRAWING NO(S): Experian map data OS map
Ground floor unit, The Rubicon, 21-23 North Street, Romford
PL-5684_02
PL-5684_03

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

SITE DESCRIPTION

The subject site comprises of Rubicon Court, 21-23 North Street, Romford, which is located in the Retail Core of Romford town centre. The premises formally had an A1 retail use and are now vacant.

DESCRIPTION OF PROPOSAL

The proposal seeks consent for a change of use from A1 retail to a clinic within use class D1 providing multi-disciplinary services including orthotic, physiotherapy and podiatry services with an ancillary retail use. The existing shop front and glazed return frontages are to be retained.

There would be one full time and three part time staff. The proposed opening hours are between 8am to 6pm Monday to Friday, 8am to 5.30pm on Saturday and 11am to 4pm on Sundays and Bank Holidays.

The property has been vacant since June 2017.

RELEVANT HISTORY

P1749.05 - Change of use of ground floor from A1/A3 (previous application P1157.03) to A1, A2 & A3
Apprv with cons 14-11-2005

CONSULTATIONS / REPRESENTATIONS

A total of 52 consultation letters were sent out as part of the planning application process. The application has been advertised in a local newspaper and by way of a site notice, as the

application does not accord with the provisions of the development plan. No letters of representation were received.

Highway Authority - No objection.

StreetCare Department - The business will require a suitable waste contract to meet the requirements of the business.

RELEVANT POLICIES

Policies 4.7 and 4.8, of the London Plan

Policy ROM10 of the Romford Area Action Plan

Policy DC61 of the LDF

NPPF

MAYORAL CIL IMPLICATIONS

The proposal is not liable for CIL, as it does not increase the gross internal floor area of Rubicon Court, 21-23 North Street.

STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

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

- The use provides a service appropriate to a shopping area;
 - The proposal will not result in a group of three or more adjoining A2-A5 uses;
 - Not more than 15% of the length of the relevant frontage will be in non-retail use following implementation of the proposal; and
 - An active frontage is maintained and the use is open for a significant number of core retailing hours.
- Niche retailing will be encouraged in the retail core of North Street, 8-54 (even) North Street and 23-55 (odd) North Street. Within the retail core, any non-retail uses must have an active frontage.

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

In this regard, Staff consider that the proposed change of use to a clinic (use class D1) providing

multi-disciplinary services including orthotic, physiotherapy and podiatry services with an ancillary retail use would provide a service appropriate to a shopping area and would bring a vacant unit back into use. The use would have an active frontage.

Rubicon Court, 21-23 North Street is a single, detached unit, which does not abut any other retail units. As a result, it would not result in a group of three or more adjoining A2-A5 uses. Staff consider that the following criteria of Policy ROM10, which states that "not more than 15% of the length of the relevant frontage will be in non-retail use following implementation of the proposal" does not apply in this case as it's a single, detached unit.

It is considered that the proposed change of use to a clinic (use class D1) providing multi-disciplinary services including orthotic, physiotherapy and podiatry services with an ancillary retail use would provide services appropriate to the retail core of Romford town centre and therefore would contribute to the vibrancy and vitality of the locality. Staff are of the view that the proposal would maintain an active shop front and contribute to pedestrian flows. The premises would be open every day during normal shopping hours and would bring a vacant unit back into use in a part of the retail core where activity levels are generally quieter.

DESIGN / IMPACT ON STREET / GARDEN SCENE

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

IMPACT ON AMENITY

The proposed opening hours for the D1 use are between 8am to 6pm Monday to Friday, 8am to 5.30pm on Saturday and 11am to 4pm on Sundays and Bank Holidays. It is considered that a change of use to a clinic providing multi-disciplinary services including orthotic, physiotherapy and podiatry services with ancillary retail use would not result in any additional harm to the amenities of the neighbouring occupiers as the applicant is proposing reasonable opening hours. It is unlikely for any significant noise and disturbance to arise from the proposed use. Therefore, it is considered that the proposed change of use would not result in a significant loss of amenity to neighbouring properties and is compliant with Policy DC61.

HIGHWAY / PARKING

The application site is located within a pedestrianised part of Romford town centre and there are public car parks in the vicinity of the site. As such, it is not considered that the proposal would create any highway or parking issues. The Highway Authority has no objection to the proposal.

KEY ISSUES / CONCLUSIONS

It is considered that the proposed clinic (use class D1) providing multi-disciplinary services including orthotic, physiotherapy and podiatry services with ancillary retail use would provide services appropriate to the retail core of Romford town centre, would bring a vacant unit back into use and would therefore contribute to the vibrancy and vitality of the locality. It is considered that the use would not be detrimental to neighbouring amenity or create any parking or highway issues. It is recommended that planning permission is granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 8:00 and 18:00 on Mondays to Fridays, 8:00 and 17:30 on Saturdays and 11:00 and 16:00 on Sundays, Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC19 (Restricted use)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use hereby permitted shall be a clinic providing multi-disciplinary services including orthotic, physiotherapy and podiatry services with ancillary retail use only and shall be used for no other purpose(s) whatsoever including any other use in Class D1 of the Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

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

INFORMATIVES

1. Approval - No negotiation required

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

OFFICER REPORT FOR REGULATORY SERVICES COMMITTEE - 26th April 2018

APPLICATION NO. P0161.18
WARD: Harold Wood **Date Received:** 4th February 2018
Expiry Date: 30th April 2018
ADDRESS: 111 Camborne Avenue
ROMFORD
PROPOSAL: Retrospective permission for the use of the property as a House of Multiple Occupation (Use Class C4) for five occupants and the creation of a vehicle crossover and hard landscaping to the front of the property in order to facilitate the creation of 2 x off street car parking spaces.
DRAWING NO(S): 224-E02
224-P02
224-PE02
224-L&B
224-P01
224-PE01
224-E01
RECOMMENDATION It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application relates to the property at 111 Camborne Avenue, Romford. This is a two-storey end of terrace property located opposite the junction with Camborne Way. The property is set back from the street by a modest front garden. No.111 has been extended to the rear and features further amenity space beyond.

The surrounding area is largely residential in nature featuring a mixture of semi-detached and terraced properties.

DESCRIPTION OF PROPOSAL

Retrospective planning permission is sought for the use of the property as a House of Multiple Occupation (Use Class C4) for five occupants. The scheme will also include the creation of a vehicle crossover and hard landscaping to the front of the property in order to provide two off street car parking spaces.

The proposed HMO would comprise five single bedrooms set out over two floors. In addition to the communal ground floor wash room, each bedroom would include a private WC. There will be no kitchen units within any of the five individuals rooms. Rather, a shared kitchen/communal area will be provided for residents. The rear garden area would be accessed via this communal area and shared by the occupants.

The site will include on street parking for two vehicles at the front of the dwelling.

RELEVANT HISTORY

None

CONSULTATIONS / REPRESENTATIONS

Notification letters were sent to 15 neighbouring properties and 2 letters of objection have been received. The comments can be summarised as follows:

- Living accommodation/facilities available are not acceptable for future residents.
- Detrimental impact upon the local parking provision.
- Potential for future overcrowding.
- Likelihood of additional noise and disturbance.
- Impact on nearby neighbours and their properties.

In response to the above: the issues in relation to the amenity of the surrounding residents as well as the amenity of future occupiers is discussed in the following sections of the report. Planning applications can only be determined based on material planning considerations. Officers cannot pre-empt the future occupiers or what may or may not happen following development.

The following stakeholders were also consulted:

- LBH Environmental Health - No comment.
- Street Management Department - No objection, provided conditions related to cycle storage and vehicle access are adhered to.

RELEVANT POLICIES

LDF

- DC33 - Car Parking
- DC35 - Cycling
- DC4 - Conversions to Residential & Subdivision of Residential Uses
- DC5 - Specialist Accommodation
- DC61 - Urban Design
- DC72 - Planning Obligations

OTHER

- LONDON PLAN - 6.13 Parking
-
- NPPF - National Planning Policy Framework

MAYORAL CIL IMPLICATIONS

The application does not result in the creation of any additional floorspace and is therefore not liable for a charges under Mayoral CIL legislation.

STAFF COMMENTS

This application is for a retrospective change of use to a house in multiple occupation (HMO),

which is defined in the Housing Act 2004 as including a building which has been converted entirely into flats or bedsits which are not wholly self-contained and which are let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.

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

Changes of use between a dwelling house (Class C3) and a smaller HMO (Class C4) and vice versa, are often permitted development within certain Wards across the Borough. Within Harold Wood though, an Article 4 Direction requires that such applications are not permitted unless permission is first approved by the Local Planning Authority.

PRINCIPLE OF DEVELOPMENT

Policies DC4 and DC5 of the Core Strategy and Development Control Policies DPD accept the principle of HMOs in residential areas subject to meeting a number of criteria. Policy DC4 concerns the conversion to a residential use and requires, amongst other things that the property is detached and well separated from neighbouring dwellings, and that the nature of the use does not have an adverse impact on the surrounding area. Any disturbance to adjoining residential occupiers should be no greater than that of an ordinary single family dwelling.

The criteria in policy DC5 which relate to specialist accommodation, include location within a residential area, good accessibility to services and public transport and adequate parking for residents and visitors.

Subject to meeting these criteria the use of the building as an HMO would be in accordance with the Council's policies.

DESIGN / IMPACT ON STREET / GARDEN SCENE

Policy DC61 of the LDF states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

No notable changes are being made to the appearance of the property apart from the resurfacing of the front garden/parking area. The proposals are not considered to give rise to an unacceptable visual impact in the street scene. Numerous properties within the vicinity feature areas of hardstanding at the front of the site for parking purposes.

On balance it is therefore considered that the proposal would be in accordance with policy DC61.

IMPACT ON AMENITY

Policies DC4 and DC5 set criteria that seek to ensure a change of use to an HMO would not be out

of character with the locality and would not be likely to give rise to unacceptable levels of noise and disturbance to residential occupiers nearby. Policy DC4 requires that the proposal should not result in an unacceptable loss of privacy enjoyed by the occupants of adjoining dwellings by reason of overlooking and that it would not be likely to give rise to significantly greater levels of noise and disturbance compared with an ordinary single family dwelling.

In terms of the amenity of future occupants: each of the bedrooms would demonstrate a reasonable outlook and aspect and would each benefit from a private WC. It is considered that the shared kitchen would be adequate in terms of size and sufficiently spacious to accommodate a suitable dining table. Future residents would also benefit from a communal garden area to the rear which is comparable in scale to that of the neighbouring dwellings. The house would continue to provide safe and secure access from the street. The overall layout and functionality of the dwelling would be to a good standard.

The site is located close to numerous junctions within a predominantly residential area. It is acknowledged that those residents living near to the application site and those within it would not be exposed to a level of noise notably greater than that associated with a standard family dwelling.

The main impact on the adjoining residents at 109 and 113 Camborne Avenue would be likely to arise from activities in the rear garden and front parking area with vehicles, manoeuvring and residents coming and going. Officers have noted that the level of occupancy of up to five persons is comparable to that of a single family dwelling. Given the size of the house, this is unlikely to give rise to a significantly greater potential for additional harm. The proposed HMO would be restricted by condition to accommodate not more than 5 persons (if all of the rooms are fully occupied). Under these circumstances it is not considered that the intensification of use would cause harm to neighbouring occupiers to such a degree as to justify a refusal.

Although this end of terrace property will provide bedrooms adjoining neighbouring bedrooms (No.109) staff do not consider this to be sufficient enough reason, on its own, to justify a refusal in this instance. This situation would be the same for a standard family dwelling. The provision of a communal area will mitigate any impact upon the attached neighbours as any future occupiers of the HMO bedrooms will be less inclined to spend the entirety of their time within their bedroom.

On balance, it is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61 and the intentions of the NPPF.

HIGHWAY / PARKING

Policy DC33 sets out the appropriate level of parking for this type of development with Annex 5 setting a maxima of 1 no. space per two habitable rooms. The proposal would provide five bedrooms and two resident parking spaces, which is just below the standard.

The Local Highway Authority consider this level of provision to be acceptable and have raised no objections to the proposal provided access and cycle parking conditions are complied with.

KEY ISSUES / CONCLUSIONS

A house in multiple occupation (HMO) is a recognised form of residential use that is acceptable in

a residential area, subject to there being no significant adverse impacts. In this case whilst there could be some additional impact on neighbours compared with the former use as a single dwelling house, it is considered that, as a matter of judgement the likely impact on adjoining residents would not be materially harmful to an extent to justify the refusal of planning permission. In reaching this conclusion staff have also taken account of the amount off street car parking provision to the front of the site.

It is therefore considered that the scheme complies with the relevant policies of the Core Strategy and Development Control Policies DPD and it is recommended that planning permission be approved subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

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

Reason:-

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

2. SC06 (Parking provision)

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

Reason:-

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

3. SC32 (Accordance with plans)

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

Reason:-

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

4. SC58 (Refuse and recycling)

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason:-

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

5. Cycle Storage

The development hereby approved shall not be occupied until cycle parking is provided in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority. Cycle parking shall be to the standards set out in Table 6.3 of the London Plan. Such cycle parking shall thereafter be retained to the satisfaction of the Local Planning Authority.

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

6. House in Multiple Occupation

The use of the building shall be as a House in Multiple Occupation (HMO) as defined in the Housing Act (2004), and by Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and shall not be occupied by more than five persons at any time.

Reason:-

In order to ensure that the use of the building and level of occupancy does not give rise to an unacceptable level of impact on adjoining residential occupiers or have an adverse impact on the character and appearance of the area in accordance with policies DC4, DC5 and DC61 of the Core Strategy and Development Control Policies DPD.

INFORMATIVES

1. No self-containment of rooms

The applicant should note that this planning permission relates to the use of the building as a house of multiple occupation (HMO), providing communal living accommodation for five persons. Any self containment of the rooms to create separate residential units or studio flats would require planning permission in its own right.

2. Highways Informatives

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

Highway legislation

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

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

Temporary use of the public highway

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

Surface water management

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

3. Approval - No negotiation required

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

4. Street Naming and Numbering

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

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

**REGULATORY
SERVICES
COMMITTEE**

REPORT

26 April 2018

Subject Heading:

P1887.17

Scout Hall adjacent 16 Queens Park Road, Romford

Demolition of existing scout hut and erection of four two bedroom properties

(Application received 16-11-2017)

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

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

Ward:

Harold Wood

Policy context:

Local Development Framework
The London Plan

National Planning Policy Framework

Financial summary:

None

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

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

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

SUMMARY

This proposal seeks consent for the demolition of the existing scout hut and the erection of four, two bedroom properties. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

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

- A financial contribution of £24,000 to be used for educational purposes.
- A financial contribution of £2,500 to re-provide lost residents' parking spaces.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- To restrict future occupiers from obtaining parking permits.

That, if by 24th August 2018 the legal agreement has not been completed, the Planning Manager has delegated authority to refuse planning permission.

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

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

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

2. Materials - The proposed development hereby approved shall be constructed in accordance with the materials detailed on Section 4 of the Design, Access and Supporting Statement unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

4. Parking provision - Before the building(s) hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a

scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Boundary treatment - Prior to the commencement of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

7. Railway Noise assessment - Prior to the commencement of any development, an assessment of:
 - a) railway noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995) and;
 - b) railway vibrationand their impact on the proposed development shall be undertaken. Where necessary, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to, approved in writing by the Local Planning Authority and implemented prior to occupancy.

Reason: To protect residents from the adverse impacts of transportation noise and vibration.

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

Reason: 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.

9. Refuse/recycling - No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

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

10. Cycle storage - No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

11. Obscure glazing - The proposed ground and first floor flank windows serving a W.C and bathroom respectively on the flank wall of the proposed dwellings as shown on Drawing No.'s D1616/FE/01 Rev. b and D1616/FE/02 Rev.b shall be permanently glazed with obscure glass not less than obscurity level 4 on the standard scale of obscurity and shall thereafter be maintained.

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

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

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

13. 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.

14. Vehicle Cleansing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;
- a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
 - b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
 - c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
 - d) A description of how vehicles will be cleaned.
 - e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
 - f) A description of any contingency plan to be used in the event of a breakdown of the wheel washing arrangements.

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

15. Construction Method Statement - No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;

i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

16. Minor space standards - Minor (up to 9 units): All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

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

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

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5,600 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
4. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy

Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

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

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

REPORT DETAIL

1. **Site Description**

- 1.1 The application site comprises of a vacant scout hut located on the south eastern side of Queens Park Road. The surrounding area comprises of two storey terraced, semi-detached and detached houses and flats. The site backs onto a railway line.

2. **Description of Proposal**

- 2.1 This application seeks consent for the demolition of the existing scout hut and the erection of four, two bedroom properties in a terrace, together with 4 parking spaces and 8 cycle spaces.

3. **Relevant History**

- 3.1 None.

4. **Consultation/Representations**

- 4.1 Consultation letters were sent to the occupiers of 27 neighbouring properties. Two letters of objection were received with detailed comments that have been summarised as follows:

- Greater pressure on parking.
- The proposal involves the loss of two existing parking permit spaces on the road.
- Insufficient parking for these two bedroom houses.

- There should be fewer dwellings with more off road parking for each.
 - Concerns regarding the distance between a neighbouring property and the proposed new build in terms of ensuring sufficient access for maintenance.
 - Satisfied with the look and design of the build, as it would enhance the road.
- 4.2 In response to the above, the proposed dwellings would be set in by 1 metre from both side boundaries of the site enabling maintenance to be undertaken. The remaining issues are addressed in the following sections of this report.
- 4.3 StreetCare Department - The waste storage areas are located at the rear of the building. Currently low rise properties receive a sacks collection service. The waste can be stored in the bins in the waste storage area, but waste and recycling sacks will need to be presented by 7am on the boundary of each property on Queens Park Road on the scheduled collection day.
- 4.4 Environmental Health - Recommend a condition regarding an assessment of railway noise if minded to grant planning permission. No objections regarding contaminated land.
- 4.5 The Highway Authority objects to the proposals. The site has a PTAL of 2 (poor) and is outside of the Harold Wood PTAL zone and therefore attracts a parking standard of 1.5-2 spaces per unit. 1 space per unit falls below this requirement. In addition, the vehicle access to the site will lead to the loss of 2 residents' parking permit spaces. The immediate area has a number of existing dwellings without any off street parking (or the possibility of any) and therefore the impact created by the on-site shortfall and loss of on-street parking will place additional parking pressure on Queens Park Road. DC33 applies. In the event planning consent is granted, it is requested that a legal agreement is put in place to prevent future occupiers obtaining resident parking permits and a S106 contribution to re-provide lost residents' parking spaces. The proposed cycle stores are not of sufficient size to practically access and store two cycles. The 1m wide walkways for units 1 and 4 are not wide enough to be practically useable by someone walking a cycle the front of the dwelling. Access for units 2 and 3 appears to be through the gardens of units 1 and 4 which is not practical; the fall back position of walking a cycle through units 2 and 3 is not practical. DC35 applies. There are no concerns in terms of access (other than the loss of parking), servicing and trip generation.
- 4.6 Fire Brigade - No additional fire hydrants are required.

5. **Relevant Policy**

- 5.1 Policies CP1 (Housing supply), CP2 (Sustainable Communities), CP8 (Community facilities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC27 (Provision of community facilities), DC29 (Educational premises), DC32 (The Road Network), DC33 (Car

Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC40 (Waste recycling), (Noise), DC61 (Urban Design) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are also considered to be relevant together with the Design for Living Supplementary Planning Document and the Planning Obligations Supplementary Planning Document (Technical Appendices).

5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant and the Housing SPG. The DCLG Technical Housing Standards document is relevant.

5.3 Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) of the National Planning Policy Framework are relevant.

6. **Mayoral CIL implications**

6.1 The proposal would be liable for a Mayoral CIL contribution of £20 per square metre. The proposed dwellings have a gross internal floor area of 280 square metres and the contribution would be $20 \times 280 = £5,600$ (subject to indexation).

7. **Staff Comments**

7.1 The main issues to be considered are the principle of the development, the impact of the development in the street scene, impact on the amenities of neighbouring properties, highway and parking issues and legal agreements.

8. **Principle of Development**

8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. Policy DC27 states that planning permission which involves the redevelopment of a community facility will be granted where it can be demonstrated that there is no longer a need for the facility affected, either in its current use or any alternative use or where suitable alternative provision is made.

8.2 Kemsley LLP were instructed by the Scout Association Trust Corporation to market the former scout hut for sale freehold with vacant possession due to the property being surplus to requirements for the local scout group, 9th Squirrels Heath Group and lack of scout leaders to run the group. In 2010, the Group was therefore combined with the 8th Squirrels Heath Group, who meet circa 250 yards from the subject property and is well run and well supported group (with approx. 75 children) thus continuing the community group in the area.

- 8.3 The agent's supporting statement states that the scout hut was last used by the scouts in 2010 and it has not been occupied since then. The reason for the closure and subsequent sale was that the property is in very poor condition (with significant cracking to both the east and west elevations) and includes a large amount of asbestos. The Scout Association Trust Corporation was not in a position to invest significant sums of money to the property (estimated at £100,000) to make the required repairs, certainly on a cost effective basis. The property was marketed and it had interest from community groups, childcare operators and developers. However, the only offers received were from developers, as the property was considered to be unfit for alternative purposes. Other community centres can be found within the area - there are two centres on Gubbins Lane - the Harold Wood Neighbourhood Centre and Ingrebourne Centre, which are 0.5 miles from this site. These are both accessible from Harold Wood Station and are within walking distance of the proposed site. There is also the Harold Hill Community Centre, which is 1 mile from the proposed site and is accessible from the station.
- 8.4 Staff consider that the above information clearly demonstrates that there is no longer a need for the scout hut and there is suitable alternative provision nearby. As such, the principle of residential development is considered acceptable in land-use terms and the provision of additional housing is consistent with NPPF as the application site is within an established urban area.

9. Density/Site layout

- 9.1 The site has a PTAL of 2 and the area is considered to be suburban in character. Policy 3.4 Table 3.2 of the London Plan indicates that for 2.7-3.0 habitable rooms/unit, a density range of 50-95 units per hectare would be appropriate. The application site covers an area of approximately 0.04 hectares. The proposed density of development is 99 units per hectare. The proposed development is marginally above the indicated range, however, density is only one measure of acceptability and there are other relevant considerations, including the design and layout, impact on the character and appearance of the area and whether there is an acceptable relationship with adjoining properties. The layout and scale of new developments should also make efficient use of brownfield land. To achieve this there should be a design led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. This accords with the principles set out in the NPPF.
- 9.2 Policy 3.5 of the London Plan states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set this at 70m² for a two storey, 2-bed 3-person dwelling. The proposed dwellings have an internal floor space of 73 square metres, which meets the recommended guidance. The dwellings meet all the remaining criteria of the DCLG Technical Housing Standards.

9.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the proposed dwellings have a private amenity space of between approximately 27 and 35 square metres. Staff are of the view that the proposed rear garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation.

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

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

10.2 The proposed dwellings would consist of facing brickwork, an off white coloured render and slate grey roof tiles. It is considered that the proposed dwellings would integrate satisfactorily with the surrounding area and their design is visually acceptable in streetscene terms. The dwellings have hipped roofs, which minimise their bulk and two projecting gables, which provide articulation to their front facade.

11. **Impact on amenity**

11.1 There is a maisonette at No. 18 Queens Park Road, which is located to the north east of the site and has a side entrance door. It is considered that the proposed dwellings would not result in a significant loss of amenity to No. 18 Queens Park Road, as it does not have any flank windows and there would be a flank to flank separation distance of between approximately 3.5 and 4 metres between the nearest proposed dwelling and this neighbouring property, which would help to mitigate their impact. The proposed dwellings have single storey rear projections with hipped ends, which would help offset their impact. It is considered that the proposed dwellings would not result in a significant loss of amenity to No. 18 Queens Park Road, as Property 1 would not impede a rule of thumb notional line was taken from this neighbouring property, created by a 2m set in and permissible depth of the first floor rear extension at 3m.

11.2 Staff consider that the proposed dwellings would not result in a significant loss of amenity to No. 14 Queens Park Road, as it has a ground and first floor rear extension, which would help to mitigate the impact of the proposal. No. 14 Queens Park Road has two first floor flank windows that serve bathrooms, are obscure glazed and are not habitable rooms. There would be a flank to flank separation distance of 1 metre between No. 14 Queens Park Road and the nearest proposed dwelling. There is favourable

orientation as the proposed development is located to the north east of this neighbouring property. The ground floor W.C and first floor bathroom windows of the proposed dwellings could be obscure glazed if minded to grant planning permission.

12. **Highway/Parking**

12.1 For a PTAL of 2-4, the London Plan car parking standard for 50-95 units per hectare is up to 1.5 spaces per unit. It is proposed to provide 4 parking spaces, which amounts to one space per unit. The Highway Authority objects to the proposals on the following grounds: the site has a PTAL of 2 (poor), is outside of the Harold Wood PTAL zone and therefore attracts a parking standard of 1.5-2 spaces per unit (as per Policy DC33 of the LDF). 1 space per unit falls below this requirement; the vehicle access to the site will lead to the loss of 2 residents' parking permit spaces; the immediate area has a number of existing dwellings without any off street parking (or the possibility of any) and therefore the impact created by the on-site shortfall and loss of on-street parking will place additional parking pressure on Queens Park Road.

12.2 When reviewing the merits of this application, consideration was given to the fact that the parking standards contained in Policy DC33 of the LDF have been superceeded by those in the London Plan, which are lower at up to a maximum of 1.5 spaces per unit. Given that the site is within five minutes walking distance of Harold Wood train station, the proposed dwellings are two bedroom, three person units and there is one off street car parking space per unit, Staff consider that there are insufficient grounds to refuse planning permission based on a lack of car parking provision, although this is a matter of judgement for Members. A legal agreement to prevent future occupiers obtaining resident parking permits and a S106 contribution of £2,500 to re-provide lost residents' parking spaces elsewhere can be secured, which Staff consider would offset any increase in on street parking as a result of the development. Staff also note that single yellow line markings preventing parking between the hours of 10.30am and 11.30am are present outside of the permit bays. The servicing arrangements are considered to be acceptable.

12.3 The Highway Authority has raised additional concerns regarding the practicality of the proposed cycle storage arrangements for each of the units. Whilst the issue of access is a buyer beware issue, further details of the storage solution can be secured by condition to ensure that the most practicable solution is achieved.

13. **Section 106**

13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

- (c) fairly and reasonably related in scale and kind to the development.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. The proposal seeks consent for four dwellings. It is considered that a contribution equating to £24,000 for educational purposes would be appropriate.

14. **Conclusion**

14.1 Having regard to all relevant factors and material planning considerations, Staff are of the view that this proposal would be acceptable. Staff consider that the proposal would integrate satisfactorily with the streetscene and would not be unduly harmful to residential amenity. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a legal agreement to secure the education contribution and to restrict future occupiers from obtaining parking permits.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

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REGULATORY SERVICES COMMITTEE

26 April 2018

REPORT

Subject Heading:

P1370.17

The Old Forge, Hall Lane

Erection of four, three bedroom semi-detached homes on a former factory site (received 11/08/17)

Ward:

Harold Wood

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

Adèle Hughes
Senior Planner
adele.hughes@havering.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	[X]
Connections making Havering	[X]

SUMMARY

This proposal seeks consent for the erection of four, three bed semi-detached homes on a former factory site. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The CIL payment is applicable as the proposal is for four dwellings. The gross internal floor area of the proposed dwellings is 340m². As the former commercial buildings on the site have been demolished, their floorspace cannot be taken into account in assessing CIL liability. The applicable fee is based on an internal gross floor area of 340m² and amounts to £6,800 (subject to indexation).

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

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

That, if by 24 August 2018 the legal agreement has not been completed, the Planning Manager has delegated authority to refuse planning permission.

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

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

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

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

3. Parking provision - Before the building is first occupied, the area set aside for car parking as shown on Drawing No.'s AD/2017/010/03 Revision A and AD/2017/010/04 Revision A shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s), including the replacement sash windows on the front of the building, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

5. Refuse & recycling - The building shall be not occupied until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

6. Cycle storage - The building shall not be occupied until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

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

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

8. 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.

9. Vehicle Cleansing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;
 - a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
 - b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
 - c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
 - d) A description of how vehicles will be cleaned.

- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

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

10. Construction Method Statement - No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- And the development shall be carried out in accordance with the approved scheme and statement.

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

11. Landscaping - No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. No development other than the access shall take place until the approved tree and shrub protection measures have been implemented. All development other than the access shall only be carried out in accordance with the approved tree and

shrub protection until completion. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following completion of the development or in accordance with a programme approved in writing by the Local Planning Authority. Any tree or plant which within a period of 5 years from completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another tree or plant of the same species and size as that originally planted, unless otherwise agreed in writing by the local Planning Authority.

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

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

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

13. Contaminated land (2) a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

14. Obscure glazing - The proposed first floor windows on both flanks of the proposed dwellings hereby approved serving bathrooms as shown on Drawing No.'s AD/2017/010/04 Revision A and AD/2017/010/07 Revision A shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut and thereafter maintained, with the exception of any top hung fanlight(s).

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

15. Boundary treatment - Prior to the first occupation of the dwellings hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

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

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

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

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

18. External lighting – In the event that external lighting is provided, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the proposed dwellings hereby approved. The lighting shall be provided and operated in strict accordance with the approved scheme.

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

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

Reason: Insufficient information has been submitted with the application of any changes in grounds level to accommodate the development and details of any changes are required prior to commencement to ensure that the development is acceptable and does not have any unexpected impact on existing residential amenity in accordance with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.

20. Water efficiency - The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

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

21. Building Regulations - The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings

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

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £6,800. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.
3. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
5. Highway legislation - The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.
6. Temporary use of the public highway -- The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council. If the developer required scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

7. Surface water management - The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.
8. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:<https://www.havering.gov.uk/Pages/Services/Street-names-and-numbering.aspx>

REPORT DETAIL

1. Site Description

- 1.1 The application site, which amounts to 0.11 hectares, lies within the Green Belt on the eastern side of Hall Lane. The single storey commercial buildings on the site have been demolished. There is an extensive verge on the highway boundary.
- 1.2 The area is generally open, but with a number of detached dwellings in the vicinity, including two immediately to the north of the site. The surrounding area comprises of well vegetated land with mature hedgerows and areas of significant planting, including the land to the west of Hall Lane planted as part of the Thames Chase Community Forest.

2. Description of Proposal

- 2.1 The application is for the erection of four, three bedroom semi-detached homes on a former factory site.
- 2.2 The proposed houses would be set back some 20m from the rear edge of the highway and 1.8m from the shared boundary with Four Wantz. The nearest property's flank wall would be located approximately 1.4m from the southern boundary of the site. The two dwellings to the northern part of the site would be setback 3 metres behind the front façade of the dwellings adjacent to the southern boundary. Rear amenity space would be provided to each property.

- 2.3 Each property would be approximately 5.1m wide and have a depth of 10m with hipped roofs and maximum ridge heights of 6.7m above ground level. Two parking spaces would be provided to the front of each property.
- 2.3 The application submission seeks to demonstrate that there are very special circumstances that would justify new residential development in the Green Belt. These include a reduction in the volume of buildings on the site that would increase the openness of the site. Planning permission for the same development was granted in 2015 and 2011 based upon a similar case.

3. History

- 3.1 P1422.14 - Demolition of drain clearance and design factory to create 4no 3 bedroom dwellings (2no semi-detached) – Approved.
- P0783.11 - Factory to be demolished and construction of 4no. three bedroom dwellings (2no. semi-detached)- Approved.

4. Consultation/Representations

- 4.1 The occupiers of 16 neighbouring properties were notified of this proposal. No letters of representation were received.
- 4.2 The Highways Authority has no objection to the proposal subject to conditions regarding a pedestrian visibility splay and vehicle cleansing and informatives if minded to grant planning permission.
- 4.3 Fire Brigade - The Brigade is satisfied with the proposals.
- 4.4 StreetCare Department - Waste and recycling sacks will need to be presented by 7am on the boundary of the property on Hall Lane on the scheduled collection day.
- 4.5 Environmental Health – Recommend two conditions regarding contamination if minded to grant planning permission. No comments in terms of noise.

5. Relevant Policy

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP14 (Green Belt), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC40 (Waste recycling), DC45 (Green Belt); DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Design Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations

Supplementary Planning Document and the Havering Local Plan 2016-2031 Proposed Submission Version are material considerations.

- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 6.13 (parking), 6.9 (Cycling), 6.10 (Walking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 7.16 (Green Belt), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document and the Parking Standards Minor Alterations to the London Plan are relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

6. Mayoral CIL implications

- 6.1 The development proposed would be liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The CIL payment is applicable as the proposal is for four dwellings. The gross internal floor area of the proposed dwellings is 340m². As the former commercial buildings on the site have been demolished, their floorspace cannot be taken into account in assessing CIL liability. The applicable fee is based on an internal gross floor area of 340m² and amounts to £6,800 (subject to indexation).

7. Staff Comments

- 7.1 Planning permission was granted for the creation of four, three bedroom (2 no. semi-detached) chalet-bungalow style dwellings with accommodation in the roof space in February 2015 (P1422.14), when the committee considered that very special circumstances had been demonstrated that justified a departure from Green Belt policies. It was concluded that the harm that would be caused to the Green Belt was outweighed by other material considerations. The single storey commercial buildings on the site have been demolished and work has commenced on the foundations. This proposal comprises of two storey semi-detached dwellings with hipped roofs, which have a lower ridge height (of 6.7m) than that previously approved under P1422.14 (7.8m). The footprint and siting of the dwellings remain the same as previously approved.
- 7.2 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene and neighbouring amenity and highway and parking issues.

8. Principle of Development

- 8.1 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. Chapter 9 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The construction of four dwellings is deemed to be inappropriate in principle and the very special circumstances were considered under the previous approved application, P1422.14 and were considered to be acceptable. When reviewing the merits of this application, significant weight has been attached to the fact that there is an extant planning application for four dwellings on the site (application P1422.14), which does not expire until 13th May 2019. The footprint and siting of the proposed dwellings remain the same as previously approved. This proposal seeks revisions to the previously approved scheme, as it consists of two pairs of semi-detached dwellings with hipped roofs with a ridge height of 6.7m, as opposed to two pairs of chalet-style dwellings with accommodation in the roof space with a ridge height of 7.8m.

9. Green Belt implications

- 9.1 Planning permission was granted for two pairs of semi-detached chalet-bungalow style dwellings with front and rear dormer windows on the site under application P1422.14. Members have previously concluded, under application P1422.14, that harm that would be caused to the Green Belt was outweighed by other material considerations, particularly as the proposed dwellings replace previous commercial buildings on the site and Staff consider that this remains a material consideration for this application.
- 9.2 This proposal comprises of two pairs of two storey semi-detached dwellings with hipped roofs. It is considered that the proposed dwellings would not result in material harm to the open character and appearance of the Green Belt, as the footprint and siting of the dwellings remain the same as previously approved. Furthermore, the proposed dwellings have a ridge height of 6.7m, which is 1.1 metres lower than the dwellings approved under application P1422.14, which had a ridge height of 7.8m. The previously approved dwellings had gabled roofs, whereas the proposed dwellings feature hipped roofs, which minimise their bulk. Taking all the above factors into account, it is considered that the proposal would not result in material harm to the character and appearance of the Metropolitan Green Belt, as the application is for the same development as previously approved (albeit in a slightly different form) and there have been no material change in local circumstances.

10. Density/Site layout

- 10.1 The site has a PTAL of 0 and the area is considered to be suburban in character. Policy 3.4 Table 3.2 of the London Plan indicates that for 3.1-3.7 habitable rooms/unit, a density range of 40-65 units per hectare would be appropriate. The application site covers an area of approximately 0.11 hectares. The proposed density of development is 36 units per hectare, which is acceptable. It is considered however that the relatively low density

of development on this site is acceptable in principle owing to the constraints presented by the form of the site, which would prevent the site from being successfully developed at a higher density.

- 10.2 The proposed development adheres to all of the criteria of the DCLG Technical Housing Standard. The footprint and siting of the dwellings remain the same as previously approved.
- 10.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the proposed dwellings would have a minimum and maximum private amenity space of between approximately 107 and 130 square metres. Staff are of the view that the proposed rear garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining, clothes drying and relaxation. Details of boundary treatment and landscaping can be secured by condition if minded to grant planning permission.

11. Design/Impact on Street/Garden Scene

- 11.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.
- 11.2 Consent was previously granted for two pairs of semi-detached chalet-bungalow style dwellings with front and rear dormer windows on the site under application P1422.14. The footprint and siting of the proposed dwellings remain the same as previously approved. The previously approved dwellings had gabled roofs with a ridge height of 7.8m, whereas the proposed dwellings have hipped roofs with a ridge height of 6.7m, which minimise their height and bulk.
- 11.3 It is considered that the height, form and design of the proposed dwellings would integrate satisfactorily in the streetscene and with the character and appearance of the surrounding area. The proposed materials comprise of roof tiles, brick and render and samples of these will be secured by condition if minded to grant planning permission.

12. Impact on Amenity

- 12.1 Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 12.2 There are two residential properties immediately to the north of the site, the

nearest being the Four Wantz which shares a boundary with the site. Staff consider that whilst the main windows to the two-storey Four Wantz property are located in their southern and northern elevations, at a distance of approximately 11 metres to the nearest side elevation of the proposed development, there would be no significant loss of amenity to the existing occupier. This is due in part to the difference in ground level with the new dwellings being sited on lower ground. A condition is recommended requiring agreement of finished ground levels to ensure that an acceptable relationship is maintained. Details of boundary treatment and landscaping can be secured by condition if minded to grant planning permission.

- 12.3 The proposed dwelling adjacent to the northern boundary of the site has a first floor bathroom window, which can be obscure glazed and fixed shut with the exception of top hung fanlights if minded to grant planning permission to prevent any overlooking or loss of privacy to this occupier. In addition, a condition is proposed to prevent the provision of any further flank windows to the proposed dwellings to protect neighbouring amenity. Subject to these conditions, Staff consider that there would be no significant harm from the development to occupiers of adjacent properties.
- 12.4 It should however be noted that although Staff consider the proposal to be acceptable in its current form, any additions, extensions or alterations to the proposed dwellings may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the amenities of neighbouring occupiers.

13. Highway/Parking

- 13.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The application site has a PTAL rating of 0. The Council's parking standard is a maximum of 1.5 to 2 spaces per unit. The London Plan has a car parking standard of up to 2 spaces per unit within PTAL 0 to 1. In total 8 car parking spaces are proposed for the four dwellings, which is sufficient. The Highway Authority had no objection to the proposals and recommends two conditions regarding a pedestrian visibility splay and vehicle cleansing and informatives if minded to grant planning permission. Details of refuse and cycle storage will be secured by condition if minded to grant planning permission. It is considered that the proposal would not create any highway or parking issues.

13. Section 106

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take

place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. Four new dwellings will equate to a contribution equating to £24,000 for educational purposes.

14. Conclusion

14.1 Staff consider the site to be acceptable in principle for residential development. Staff consider that the proposal would not result in material harm to the open and spacious character of the Green Belt and would integrate satisfactorily with the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. Staff consider the amount and configuration of the parking proposals to be acceptable. There would be a financial contribution of £24,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

26 April 2018

Subject Heading:	P1541.17 1 Albert Road, Romford Erection of 5 dwelling houses (received 18/09/17)
Ward:	Romford Town
SLT Lead:	Steve Moore - Director of Neighbourhoods
Report Author and contact details:	Adèle Hughes Senior Planner adele.hughes@havering.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	[X]
Connections making Havering	[X]

SUMMARY

This proposal seeks consent for the erection of 5 dwelling houses. In all respects, the proposal is considered to accord with the relevant policies contained in the LDF Core Strategy and Development Control Policies Development Plan Document and The London Plan. A Section 106 Legal Agreement is required to secure a financial contribution and prevent future occupiers of the proposal from purchasing parking permits. It is recommended that planning permission be granted subject to conditions and the completion of a Section 106 Legal Agreement.

RECOMMENDATIONS

That the committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee would be £10,572.80 (subject to indexation). This is based on the creation of 528.64 square metres of new gross internal floorspace.

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

- A financial contribution of £30,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme

That, if by 24 August 2018 the legal agreement has not been completed, the Planning Manager has delegated authority to refuse planning permission.

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

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

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

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

3. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building(s), including the replacement sash windows on the front of the building, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

4. Landscaping - No works above ground shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. No development other than the access shall take place until the approved tree and shrub protection measures have been implemented. All development other than the access shall only be carried out in accordance with the approved tree and shrub protection until completion. All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following completion of the development or in accordance with a programme approved in writing by the Local Planning Authority. Any tree or plant which within a period of 5 years from completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another tree or plant of the same species and size as that originally planted, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a

scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

5. Boundary treatment - Prior to the first occupation of the dwellings hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

6. Vehicle Cleansing - Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed. The submission will provide;
 - a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.
 - b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;
 - c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
 - d) A description of how vehicles will be cleaned.
 - e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
 - f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

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

7. Construction Method Statement - No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby

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

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

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

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

8. Contaminated land – (1) Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

- a) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- b) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a “Verification Report” that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and in order that the development

accords with Development Control Policies Development Plan Document Policy DC53.

9. Contaminated land (2) - a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

10. Refuse & recycling - The building shall be not occupied until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

11. Cycle storage - The building shall not be occupied until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

12. 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.

13. Noise insulation - The buildings hereby permitted shall be constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise.

14. Parking provision - Before the building is first occupied, the area set aside for car parking as shown on Drawing No. SK001 Revision E shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.

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

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

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

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

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

17. Water efficiency - The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.

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

18. Building Regulations - The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings

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

19. Obscure glazing - The proposed first floor window on the northern flank of the proposed dwelling in Plot 1 hereby approved serving an en-suite as shown on Drawing No.'s SK002 Revision E and SK003 Revision E shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained.

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

20. Road noise assessment - Prior to the commencement of any development an assessment shall be undertaken of the impact of road noise emanating from Albert Road and Victoria Road upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road traffic noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: Insufficient information has been supplied with the application to assess the impact of road noise. Submission of this detail prior to occupation in the case of new building works will prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Mr Alan Ross during the course of the application. The revisions involved reducing the number of proposed dwellings from six to five and revising the design, scale and layout of the scheme. The amendments were subsequently submitted on 2nd March 2018.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £10,572.80. CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant

(or anyone else who has assumed liability) shortly. Further details with regard to CIL are available from the Council's website.

3. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
4. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
5. Changes to the public highway (including permanent or temporary access) – Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent) there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. please note that unauthorised work on the highway is an offence.
6. Highway legislation - The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised works on the highway is an offence.
7. Temporary use of the public highway - The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised works on the highway is an offence.
8. Surface water management - The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.
9. 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 a 0.09 hectare plot of land facing southwest onto Albert Road. To the north of the site is the rear of a two storey terrace of houses which face onto Victoria Road; to the south is an access road running east to west onto Albert Road and beyond that is the flank of a terrace of two storey houses which face west onto Albert Road; to the east is a St John's Ambulance Station served by the access road mentioned above and to the west is Albert Road across which is another terrace of two storey houses facing east towards the application site. The Victoria Public house is located some 20 metres to the northwest of the site on the corner of Albert Road and Victoria Road.

2. Description of Proposal

- 2.1 The application is for the erection of five dwelling houses, which comprise of one, two storey detached dwelling and a terrace of four dwellings with associated car parking and amenity space.

3. History

- 3.1 P1590.17 - Erection of a 9 unit apartment block at 1 Albert Road, Romford - Undetermined.

P0511.17 - Erection of 6 Dwelling Houses at 1 Albert Road, Romford - Withdrawn.

P0090.15 - Demolition of existing building and construction of 5 new dwellings with off street car parking, landscaping and private amenity - Approved.

P1243.14 - Demolition of existing building and construction of 6 new dwellings with off street car parking, landscaping and private amenity - Refused. Appeal dismissed.

4. Consultation/Representations

4.1 The occupiers of 35 neighbouring properties were notified of this proposal. One letter of representation, one letter of support and two letters of objection were received with detailed comments that have been summarised as follows:

- Object to 6 dwelling houses.
- Siting, design, external appearance and its height, scale and bulk in relation to neighbouring properties.
- Would be an unneighbourly development, appear overbearing and dominant.
- Density.
- Overshadowing.
- Loss of outlook and views.
- Reference was made to planning application P1234.14 and the appeal decision.
- Reference was made to the Human Rights Act, in particular Protocol 1, Article 1 and Article 8.
- Inadequate car parking.
- Given the parking restrictions to the front of the proposed dwellings, it was queried if the proposed parking spaces would infringe upon the public footpath.
- Access and congestion.
- If minded to grant planning permission, the following conditions were requested: Hours of operation and construction method statement.
- Fencing to the rear gardens of neighbouring properties should not be affected by the proposal.
- Overlooking.
- Provision of green squares and play spaces in Romford town centre.

4.2 In response to the above, the number of proposed dwellings has been reduced from six to five. Details of boundary treatment, hours of construction and a construction method statement can be secured by condition if minded to grant planning permission. Each planning application is determined on its individual planning merits. Comments regarding loss of views are not material planning considerations. Given the number of proposed units, there is no policy requirement to provide a play space for this proposal. The Human Rights Act 1998 requires that the Local Planning Authority to act consistently within the European Convention on Human Rights. Of particular relevant to the planning decisions are Article 1 of the First Protocol – The right of the Enjoyment of Property, and Article 8 – The Right for Respect for Home, Privacy and Family Life. Whilst these rights are not unlimited, any interference with them must be sanctioned by law and go no further than necessary. In taking planning decisions, private interests must be weighed against the wider public interest and against any competing private interests Planning Officers have taken these considerations into account when making their recommendations and Members must equally have regard to Human Rights issues in determining planning applications. The remaining issues are addressed in the following sections of this report.

- 4.3 The Highways Authority has no objection to the proposal subject to conditions regarding vehicle cleansing and a construction method statement and informatives if minded to grant planning permission.
- 4.4 Fire Brigade - No additional fire hydrants are required. The Brigade is satisfied with the proposals.
- 4.5 StreetCare Department - Waste and recycling sacks will need to be presented by 7am on the boundary of the property on Albert Road on the scheduled collection day.
- 4.6 Environmental Health - Recommend conditions regarding contamination, boilers and a road noise assessment if minded to grant planning permission.
- 4.7 Essex & Suffolk Water - No objection.
- 4.8 Historic England - The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

5. Relevant Policy

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC11 (Non-designated sites), DC29 (Educational Premises), DC32 (The road network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC40 (Waste recycling), DC53 (Contaminated land), DC55 (Noise), DC61 (Urban Design), DC62 (Access) and DC72 (Planning Obligations) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Residential Design Supplementary Planning Document, the Landscaping Supplementary Planning Document, the Planning Obligations Supplementary Planning Document (Technical Appendices) and the Havering Local Plan 2016-2031 Proposed Submission Version are material considerations.
- 5.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 6.13 (parking), 6.9 (Cycling), 6.10 (Walking), 7.1 (building London's neighbourhoods and communities), 7.4 (local character), 8.2 (Planning obligations) and 8.3 (Community infrastructure levy) of the London Plan are relevant. The DCLG Technical Housing Standards document and the Parking Standards Minor Alterations to the London Plan are relevant.
- 5.3 Policies 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design) of the National Planning Policy Framework are relevant.

6. Mayoral CIL implications

- 6.1 All new floorspace is liable for Mayoral CIL. As the site has been cleared of all buildings there is no existing floorspace than can be offset against the CIL liability. The proposed dwellings would amount to 528.64 square metres

and the CIL rate is £20 per square metre giving a CIL liability of £10,572.80 subject to indexation.

7. Staff Comments

- 6.1 The current proposal is for the erection of 5 dwelling houses. Consent has previously been given for the demolition of the existing building and the construction of 5 new dwellings with off street car parking, landscaping and private amenity under planning application P0090.15.
- 6.2 The main issues in this case are the principle of development, density and site layout, the impact on the streetscene and neighbouring amenity and highway and parking issues.

8. Principle of Development

- 8.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of five new dwellings would therefore not be unacceptable in land use terms. The principle of development was deemed to be acceptable for planning application P0090.15.

9. Density/Site layout

- 9.1 The site has a PTAL of 6a and the area is considered to be suburban in character. Policy 3.4 Table 3.2 of the London Plan indicates that for 3.8-4.6 habitable rooms/unit, a density range of 45-90 units per hectare would be appropriate. The application site covers an area of approximately 0.09 hectares. The proposed density of development is 54 units per hectare, which is acceptable and within the range.
- 9.2 The proposed development adheres to all of the criteria of the DCLG Technical Housing Standard. With the exception of the single storey rear projections to the proposed dwellings in Plots 2-5, the footprint of the proposed dwellings remains almost the same as that previously approved under application P0090.15. Also, the footprint and height of the proposed dwelling in plot 1 are smaller and lower respectively than that previously approved.
- 9.3 In respect of amenity space the Supplementary Planning Document (SPD) for Residential Design places emphasis on new developments providing well designed quality spaces that are usable. In terms of amenity space provision, the proposed dwelling in plot 1 would have a private amenity space of approximately 200 square metres. The proposed dwellings in plots 2-5 would have a private amenity space of between approximately 53 and 57 square metres. Staff are of the view that the proposed rear garden areas are acceptable in terms of area and would provide future occupiers with a useable external space for day to day activities such as outdoor dining,

clothes drying and relaxation. Details of boundary treatment and landscaping can be secured by condition if minded to grant planning permission.

10. Design/Impact on Street/Garden Scene

- 10.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Development must therefore complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.
- 10.2 Consent was previously granted for five dwellings on the site - comprising of one detached property and a terrace of four dwellings, all with gabled roofs under application P0090.15. The type of properties remains the same for this proposal. In comparison with the previous application, the proposed detached property in plot 1 has a hipped roof that minimises its bulk and a ridge height of approximately 7.2 metres, which is 1.1 metres lower than that previously approved (at 8.3 metres). The proposed dwellings in plots 2-5 have the same ridge height as that previously approved. The proposed dwelling in plot 1 has a smaller footprint than that previously approved under application P0090.15. With the exception of the single storey rear projections to the proposed dwellings in Plots 2-5, the footprint of the proposed dwellings remains almost the same as that previously approved under application P0090.15.
- 10.3 It is considered that the height, form and design of the proposed dwellings would integrate satisfactorily in the streetscene and with the character and appearance of the surrounding area. The proposed materials are intended to achieve a traditional elevation treatment and suit a Victorian/late 19th century style of architecture with yellow brick, a fibre cement slate roof and white timber sash windows and samples of these will be secured by condition if minded to grant planning permission.

11. Impact on Amenity

- 11.1 Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.
- 11.2 To the north and north west of the application site is the rear of a terrace of houses which face onto Victoria Road. When reviewing the merits of this application, consideration was given to the following factors. The side garden of the proposed detached house would abut the rear of the gardens of these properties and the garden boundary would be approximately 7 metres from the rear wall of the nearest property on Victoria Road and this relationship was deemed to be acceptable for the previous approved application, P0090.15.

- 11.3 The flank wall of the proposed detached house in plot 1 would be approximately 10 metres from the bottom of the gardens of the houses in Victoria Road and a minimum of approximately 18 metres from the rear of the houses. It is considered that this separation distance is sufficient to adequately mitigate any loss of sunlight/daylight or outlook that might be caused by the new development. The siting of the proposed houses remains the same as that previously approved under application P0090.15. Furthermore, the proposed dwelling in plot 1 has a smaller footprint than that previously approved under application P0090.15. In comparison with the previous application, the proposed detached property in plot 1 has a hipped roof that minimises its bulk and a ridge height of approximately 7.2 metres, which is 1.1 metres lower than that previously approved at 8.3 metres. The proposed dwellings in plots 2-5 have the same ridge height as that previously approved. With the exception of the single storey rear projections to the proposed dwellings in Plots 2-5, the footprint of the proposed dwellings remains almost the same as that previously approved under application P0090.15.
- 11.4 The rear gardens of No.'s 124-132 Victoria Road have a minimum and maximum depth of approximately 7 and 28 metres, which would help to mitigate the impact of the proposal. Given the separation distances between neighbouring properties and the proposed dwellings, Staff consider that the proposed development would not result in a significant loss of amenity (including overlooking, loss of privacy and outlook) to adjacent occupiers. This is same conclusion as was reached in connection with the previous proposal. It is considered that the single storey rear projections of the terraced dwellings in plots 2-5 would not be harmful to residential amenity, as their depth of 2 metres is relatively modest, their flat roofs have a height of 3 metres and their flat roofs minimise their bulk.
- 11.5 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed residential development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the amenities of neighbouring occupiers.
- 11.6 The first floor flank window of the proposed dwelling in plot 1 serving an ensuite can be obscure glazed if minded to grant planning permission to protect neighbouring amenity. Details of landscaping and boundary treatment will be secured by condition. The dwellings in plots 2-5 do not have any flank windows.

12. Highway/Parking

- 12.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. The application site is in PTAL 6a, is well served by public transport and is within walking distance of Romford railway station.

The Council's parking standard is a maximum of 1.5 to 1 spaces per unit. The London Plan has a car parking standard of up to 1 space per unit within PTAL 5 to 6. In total 10 car parking spaces are proposed for the five dwellings, which is sufficient. The Highway Authority had no objection to the proposals and recommends two conditions regarding vehicle cleansing, a construction method statement and informatives if minded to grant planning permission. A Section 106 Legal Agreement will prevent future occupiers of the proposal from purchasing parking permits. Staff consider that creating vehicle access for the car parking spaces for the proposed dwellings would not infringe upon the public footpath irrespective of the parking restrictions in Albert Road. Details of refuse and cycle storage will be secured by condition if minded to grant planning permission. It is considered that the proposal would not create any highway or parking issues.

13. Section 106

13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

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

13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on

infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.

- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. Five new dwellings will equate to a contribution equating to £30,000 for educational purposes.

14. Conclusion

- 14.1 Staff consider the site to be acceptable in principle for residential development. Staff consider that the proposal would not result in material harm to the character and appearance of the streetscene. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would provide suitable amenity provision for future occupiers. Staff consider the amount and configuration of the parking proposals to be acceptable. A Section 106 Legal Agreement will prevent future occupiers of the proposal from purchasing parking permits. There would be a financial contribution of £30,000 for education purposes. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

**REGULATORY SERVICES
COMMITTEE
26 April 2018**

Subject Heading:

**P1592.17: Mardon, Maywin Drive,
Hornchurch**

Construction of two single storey dwellings with private amenity space, on-site car parking with bin & cycle storage. (Application received 2nd October 2017)

Ward:

St. Andrew's

SLT Lead:

**Steve Moore
Director of Neighbourhoods**

Report author and contact details:

**Paul Roberts
Principal Development Management
Officer
paul.roberts@havering.gov.uk
01708 434079**

Policy context:

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

Financial summary:

None

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

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

SUMMARY

The proposal is for the erection of two residential buildings comprising 1 x 3 bed bungalow and 1 x 4 bed bungalow with one bedroom in the roof. The development will be located in between the rear boundary of properties on Maywin Drive (1A-4). Access will be secured via an existing track which runs to the east of 1A Maywin Drive and parking for 4 vehicles is proposed.

The proposal raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents, and parking and access.

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

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 215 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £4,300 Mayoral CIL payment (subject to indexation).

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

- A financial contribution of £12,000 to be used for educational purposes.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Save for the holder of blue badges that the future occupiers of the proposal will be prohibited from purchasing residents or business parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.

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

That, if by 28th August 2018, the legal agreement has not been completed, the Planning Manager has delegated authority to refuse planning permission.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Materials

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

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

4. Construction Methodology

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

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

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

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

5. Landscaping

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

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the

Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

6. Tree Protection Measures

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

Reason:-

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

7. Noise and Vibration Insulation measures

No works shall take place in relation to any of the development hereby approved until a scheme for protecting the proposed dwellings from noise from the railway (including proposed ventilation measures and materials with affected railway facing rooms), is submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the noise insulation measures to be employed. Submission of the information prior to commencement will prevent noise nuisance to the development from the neighbouring railway in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

8. Secure by Design

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

Reason:-

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

9. Contaminated Land

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

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

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

10. Contaminated Land (2)

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

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

11. Vehicle Cleansing

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

The submission will provide;

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

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

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

d) A description of how vehicles will be cleaned.

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

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

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

12. 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.

13. Refuse and Recycling

Before any of the dwellings hereby permitted are first occupied, refuse and recycling shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for refuse and recycling. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing the necessary facilities for the occupiers of the development, protecting their and neighbouring amenity and to ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

14. Cycle Storage

Before any of the dwellings hereby permitted are first occupied, the cycle storage shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason:-

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

15. Boundary Fencing

The proposed dwellings shall not be occupied until details of all proposed walls, fences and boundary treatment have been submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of any boundary treatment. Submission of this detail prior to commencement will protect the visual amenities of the development, prevent undue overlooking of adjoining property and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC6.

16. Lighting

No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the approved scheme.

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

17. Highway Access Detail

No part of the development hereby approved shall be occupied until access to the highway has been completed in accordance with the details that have been previously submitted to and approved in writing by the Local Planning Authority.

Reason:-

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

18. Boilers

Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NO_x boilers with maximum NO_x Emissions less than 40mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO_x abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with the agreed details and shall thereafter be

permanently retained. Following installation emissions certificates will need to be provided to the Local Planning Authority to verify boiler emissions.

Reason:-

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

19. Water Efficiency

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

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

20. Permitted Development Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse hereby permitted, or any detached building erected or additional hardsurfacing created, without the express permission in writing of the Local Planning Authority.

Reason:-

In the interests of amenity and to safeguarded the character of the area 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 Policies DC45, DC61 and DC69.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent throughout the course of the application process. The revisions involved the amendment of the scheme from a single block comprising six units to 2 individual dwellings.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,300 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

3. 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.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover.

4. **Highways Informative**

Changes to the public highway (including permanent or temporary access)

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

Highway legislation

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

Temporary use of the public highway

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

Surface water management

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

5. The applicant is advised that a pump appliance should be able to approach to within 45 metres of all points within each dwelling measured along a line suitable for laying a hose. Further information in this respect should be obtained from the London Fire and Emergency Planning Authority on 020 8555 1200.
6. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
 - (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
7. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
8. Before occupation of the residential/ commercial unit(s) hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

9. Network Rail Informative

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space. For buildings sited less than 2m (3m for overhead lines and third rail) from Network Rail land, there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset

Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts AssetProtectioanglia@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of a piece of land to the side and rear of 1a Maywin Drive, stretching around to the space between the rear of nos. 1-7 Maywin Drive and that of the London Overground railway line to the north. The area is currently used as garden space for 'Mardon', 1a Maywin Drive, and incorporates a single storey outbuilding together with an electricity sub-station in the north eastern corner of the plot, accessed directly off Maywin Drive. A number of mature trees run along the rear boundary of the site.
- 1.2 Aside from the bungalow at 1a Maywin Drive, the area is residential in character and comprises a mix of predominantly two storey semi-detached and terraced housing most built over 50 years ago, except two properties on land to the immediate south east on Maywin Drive adjacent to the junction with Wingletye Lane which were constructed within the last 10 years.

2. Description of Proposal

- 2.1 The planning application under consideration proposes the demolition of the existing outbuilding on the site and the erection of two residential dwellings comprising a 1 x 3 bedroom bungalow and 1 x 4 bedroom bungalow, the latter containing one bedroom within the roof space.
- 2.2 The buildings are proposed to run at 90 degrees to the existing properties on Maywin Drive in the space between the rear gardens of nos.1-3 Maywin Drive and the railway. The property situated closest to the neighbouring dwellings would be finished with a hipped roof with subservient front and rear extensions whilst the property closest to the railway is finished with a crown roof, having a dormer in the railway facing roof and a subservient hipped roof extension to the front. The buildings would be predominately finished in render with a brick plinth and plain clay tiles. The properties would each have 2 parking spaces plus a bin store located off the access into the site within a space formerly part of the rear garden of 'Mardon'.
- 2.3 The application has been significantly amended since submission. The original proposal sought the erection of a single storey block containing 5 x 2 bedroom dwellings which in Officer's opinion was of a scale out of character with the area and one which could undermine neighbouring amenity.

3. Relevant History

- 3.1 D0303.17 - Certificate of Lawfulness for construction of side dormer windows – Approved 17th August 2017

4. Consultations/Representations

- 4.1 Notification letters were sent to 23 properties both on receipt of the original planning application and following the submission of the amended scheme. In response to the initial consultation 10 letters of objection were received, and 5 to the revised submission.

In response to the latter consultation exercise the following objections were raised:

- The access to the property off Maywin Drive is unsafe for pedestrians and road users;
- Cars will not be able to turn adequately within the site;
- Application is 'garden grabbing';
- Loss of privacy;
- Loss of light;
- Noise disturbance;
- Potential light disturbance;
- Increase in local traffic congestion;
- Location of bin storage in rear garden area inappropriate;
- Properties could have further rooms in the roof, undermining neighbour privacy;
- Loss of green land, negative impact on nature conservation (Hornchurch Site of Special Scientific Interest);
- Impact on visual amenity;
- Issues with delivery/emergency vehicles safely accessing the site;
- Negative impact on sewerage;
- Loss of trees;
- Development could encourage unsociable activities.

These matters will be addressed within section 6 of this report.

- 4.2 The following consultation responses have also been received:

- Thames Water – No objection. Advises that there are public sewers crossing or close to the development site and that separate approval should be sought from Thames Water if the development works would come within 3 metres of the sewers.
- London Fire Brigade Water Team - No objection. Happy for works to go ahead as planned.
- Network Rail – No objections. Planning informatives requested.
- London Fire and Emergency Planning Authority – No objection, subject to the installation of sprinklers
- Natural England – No response at the time of writing. Update will follow ahead of Committee.

- Street Care - No objection.
- Environmental Health - No objection, recommended conditions in relation to contaminated land; boiler type and noise insulation.
- Local Highway Authority - No objection, subject to a condition relating to the submission and approval of highway access details; cycle storage and vehicle cleansing during construction and the applicant entering into an agreement restricting future occupiers from obtaining car parking permits.
- Waste and Recycling – The storage of waste should accord with local planning guidance.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply); CP2 (Sustainable Communities); CP10 (Sustainable Transport); CP15 (Environmental Management); CP16 (Biodiversity and Geodiversity); CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout); DC4 (Conversions to Residential and Subdivision of Residential Uses); DC7 (Lifetime Homes and Mobility Housing); DC29 (Educational Premises), DC32 (The Road Network), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC48 (Flood Risk); DC49 (Sustainable Design and Construction); DC51 (Water Supply, Drainage and Quality); DC52 (Air Quality); DC53 (Contaminated Land); DC55 (Noise), DC56 (Light); DC58 (Biodiversity and Geodiversity); DC59 Biodiversity in New Developments); DC60 (Trees and Woodlands); DC61 (Urban Design); DC62 (Access); DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Residential Design SPD, Designing Safer Places SPD, Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (Increasing housing supply); 3.4 (Optimising housing potential); 3.5 (quality and design of housing developments); 3.8 (housing choice); 3.9 (mixed and balanced communities); 5.13 (Sustainable Drainage); 5.14 (Water Quality); 5.21 (Contaminated Land); 6.9 (Cycling); 6.10 (Walking); 6.13 (Parking); 7.1 (Building London's Neighbourhood's); 7.3 (Designing out crime), 7.4 (Local character), 7.6 (Architecture); 7.13 (Safety); 7.14 (Improving Air Quality); 7.15 (Reducing Noise and Enhancing Soundscapes), and 8.2 (Planning Obligations) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the area, the implications for the residential amenity of the future occupants and of nearby properties, and the suitability of the proposed parking, access and servicing arrangements.

Principle of Development

- 6.2 Policy CP1 indicates that outside town centres and the Green Belt, priority will be given on all non-specifically designated land for housing. The provision of additional housing is consistent with the NPPF and Havering policy as the application site is within a sustainable location in an established urban area. The loss of garden space is not in itself justification for disallowing residential development in itself, particularly given that the host property (Mardon) will retain adequate garden space. Notwithstanding that, other policy considerations are of however of relevance. These will be discussed below.

Density/Layout and Quality of Development

- 6.3 Policy 3.4 of the London Plan provides guidance in relation to the dwelling mix within residential developments. The proposal would provide 2no. residential units at a density equivalent to approximately 20 dwellings per hectare, short of the London Policy 3.4 density matrix, which suggests that a dwelling density of between 35 to 65 dwellings per hectare would be appropriate in this location.
- 6.4 The 'Technical housing standards - nationally described space standard' document and Policy 3.5 of the London Plan set out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home.
- 6.5 The proposed dwellings would both meet the internal floor space standards required for the developments proposed. The bedrooms would also comply with the minimum requirements set out in the technical housing standards with regard to floor area and width. Conditions are also recommended in respect of the type of boilers installed and water efficiency to ensure that air quality is safeguarded in the development and water usage is minimised.
- 6.6 Havering's Residential Design SPD does not prescribe minimum space standards for private gardens. The SPD does however state that private amenity space is a key consideration for new residential developments and every home should have access to suitable private or communal amenity space which should be quality and usable with consideration given to privacy, outlook, sunlight, planting and materials. Both units will have over 150 square metres of private amenity, consisting of a patio and a grassed garden space in each case. Both will have access to daylight/sunlight and be private set sufficiently away from neighbouring housing to prevent

overlooking. Landscape and boundary details will be conditioned to promote quality in the final design of the site.

- 6.7 The applicant submitted a noise and vibration survey alongside the application. This concluded that additional noise abatement measures would be required to windows facing onto the railway (there are three), including additional ventilation in order to safeguard against noise pollution. The report was reviewed by the Council's Environmental Health team and a condition in this regard is recommended.

Design/Impact on Streetscene

- 6.8 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.9 The proposed new buildings will be located within space between the rear gardens of property and Maywin Drive and the railway. This would interrupt an established pattern of development by introducing buildings into this area where none currently exist. However, this of itself is not sufficient reason to state that the proposal would contravene policy and undermine local character. The plot attached to 1a Maywin Drive is unique in the vicinity, it wraps around the rear of four other dwellings, separating the houses from the railway, foreshortening their gardens and introduces a boundary line not seen in the established housing to the north-west. Hence, the impact of any interventions into this space should be viewed with regard to this locally unique context.
- 6.10 The application development would not be readily visible in the streetscene, being hidden behind existing housing and in that sense the character of the area would not be affected. From the rear of Maywin Drive housing, the biggest impact will be from the properties adjoin the site, in particular 1-4 Maywin Drive. The bungalows rise from 2.5 metres at eaves level to finish at 5.5 metres at ridge level, with the lower element commencing 1 metre off the shared boundary and the peak of the nearest roof being 4.5 metres away. From these four dwellings there will be impact however Officers consider that given the scale of the proposed development and the distance from the houses (19.5 metres at its closest), the impact on the character of the rear garden character of Maywin Drive will be limited in scope and focussed on a small number of properties which already have a unique rear garden and boundary form. It is therefore considered that the proposed development would not have a detrimental impact on the locality and would serve to maintain and enhance its character and appearance, in accordance with Policy DC61.

Impact on Amenity

- 6.11 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing.

Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

- 6.12 The main consideration in terms of residential amenity relates to the impact on privacy, daylight and outlook for the occupants of the dwellings south of the site on Maywin Drive.
- 6.13 Objection has been received from neighbours that the development will result in daylight/sunlight loss to their property. This will not be the case given the distance from neighbours. The bungalows are proposed to be located to the north east of neighbouring houses and hence will not prejudice sunlight given the east-south-west path of the sun.
- 6.14 The dwellings will not have windows above ground floor level except for the dormer facing the railway. With appropriate boundary treatment opportunities for over-looking will be no different to the present situation and neighbouring privacy will be maintained. That said, in order to prevent the loss of amenity through future building works, it is considered prudent to restrict permitted development rights for the new dwellings so that any works would require planning consent and accordingly in such scenarios an assessment of amenity impact would be required and relevant neighbours consulted. This would be added by condition should approval be given.
- 6.15 Policy DC56 requires that artificial lighting should not have a negative impact on the amenity of residents. Detail on this has not been supplied however a planning condition is recommended which will seek further detail in this regard so that the placement of external lighting and the levels of illuminance will be limited and controlled.
- 6.16 In terms of noise and general disturbance, the addition of two homes will have some impact on existing residents but not sufficient in Officer's view to significantly undermine amenity. The presence of cars plus the additional movements etc to the rear of existing will create some noise that does not currently occur however, it should not be of a scale to disrupt amenity given the likely limited quantum of vehicle/people movements, the screening around the site and against the backdrop of what is a railway line. Indeed, it is not unreasonable to suggest that the presence of the two properties will mitigate against the noise and disturbance to existing residents to some degree. It should also be noted that no noise objection has been received from the Council's Environmental Health team.
- 6.17 A planning condition is recommended to ensure that the proposal meets Secure by Design criteria. The additional units should contribute towards increased surveillance of any unsociable activity that occurs in the vicinity of the site.

Parking and Highway Issues

- 6.18 The site has a Public Transport Accessibility Level (PTAL) rating of 2-3; meaning that the premises has poor to moderate access to surrounding public transport.
- 6.19 The proposal would include 2 dedicated off street car parking spaces for each of the residential units. The use of the existing access route has been accepted by the Council's Transport team and the quantum of parking spaces held acceptable. There is an existing crossover off Maywin Drive, the location of which would have to be altered to ensure that there is safe egress from the site and that highway safety is safeguarded. This detail will be dealt with by planning condition. Other conditions in respect of cycle storage and vehicle cleansing are also recommended.
- 6.20 The Local Highway Authority has requested that the applicant enter into a S106 to prevent future residents from applying for any future resident parking permits. This would help to prevent any overspill onto the surrounding highway network.
- 6.21 The existing property would retain 2 spaces to the front.
- 6.22 The residential refuse stores would be positioned towards the end of the rear garden of 1a Maywin Drive. The bin store would have to be built in accordance with Havering requirements and as such should not compromise neighbouring amenity through smells etc. The refuse store would be set at a distance well within the 30 metres from the highway and therefore within the distance reasonably expected for refuse collection operatives to walk to collect waste.

Trees/Nature Conservation

- 6.23 The railway embankment to the north of the site is designated as a Site of Special Scientific Importance and also a Site of Nature Conservation (Borough) Importance. In respect to the former designation, Hornchurch Cutting provides unique sections through a series of deposits of significant importance to stratigraphical studies of the Pleistocene period. This development is not considered to be prejudicial to further research into this prime stratigraphic site.
- 6.24 In terms of the Site of Nature Conservation, policy DC58 states that biodiversity and geodiversity will be protected and enhanced and that permission will not be granted for developments which adversely affect designated sites. The application was submitted with an Arboricultural Impact Assessment. No felling of trees will take place to facilitate the construction of the two dwellings. One willow will require pruning to allow for construction access but this should not impinge on the integrity of the tree into the future. A condition requiring the submission of further detail of construction methods is recommended to protect the roots of nearby trees from damage. Otherwise the ecological value of the site is limited, however,

a landscaping condition is recommended to secure quality soft landscaping on the site should permission be granted.

Other Issues

- 6.25 In order to alleviate any concern regarding the potential for contaminants on the site, a condition requiring a contaminated land survey is recommended with remediation works following if required.

Mayoral Community Infrastructure Levy

- 6.26 The proposed development will create 2 no. residential units with **583.7** square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of **£11,674** (subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.27 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 6.28 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 6.29 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

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

- 6.31 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.32 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.33 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6,000 per unit towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.34 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £24,000 (equating to 4no. net additional dwellings) for educational purposes would be appropriate.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions and a Section 106 agreement.
- 7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. On balance the proposal is considered to be acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character and appearance of the area or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a Section 106 legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, supporting statements, and received on 2 October 2017 and the amended drawings received on 12 December 2017.

**REGULATORY SERVICES
COMMITTEE
26 April 2018**

Subject Heading:

P2106.17: 21 Pentire Close, Upminster

New dwelling on land adjacent to Pentire Close.
(Application received 28 December 2017)

Ward:

Cranham

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

Kevin McLaughlin
Planning Officer
kevin.mclaughlin@havering.gov.uk
01708 431279

Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The proposal is to erect a detached 'chalet bungalow' style dwelling on the land adjacent to No.21 Pentire Close.

It raises considerations in relation to the impact on the character and appearance of the area, the impact on the residential amenity of the future occupants and of neighbouring residents, and the implications for parking, access and highway safety.

On balance the proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted. Due to the additional child year associated with a new family dwelling, it has been deemed reasonable to request that the applicant enter into a legal agreement in order to make an education contribution.

It is recommended that planning permission be granted subject to the conditions set out below:

This proposal is put before Members as the application has been called in by Councillor Clarence Barrett.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 132 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £2420.00 Mayoral CIL payment (subject to indexation).

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

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

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

That, if by 27 August 2018 the legal agreement has not been completed, the Planning Manager has delegated authority to refuse planning permission.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. Materials (details no samples)

Before any of the development hereby permitted is commenced, written specification of external walls and roof materials to be used in the construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

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

4. Hours of Construction

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

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

5. SC08 (Garage - restriction of use)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site, and that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Landscaping

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

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

7. Boundary Treatment

The proposed building shall not be occupied until details of all proposed walls, fences and boundary treatment have been submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

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

8. Removal of permitted development rights

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

Reason: 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.

9. Standard Flank Window Condition

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

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

10. Flood Mitigation Measures

The development shall be constructed in accordance with the recommended 'Resilience and Mitigation Measures' stated within section 7 (pages 19 and 20), of the Flood Risk Assessment completed by GeoSmart.

Reason: In order to ensure that satisfactory measures are put in place to mitigate the potential for flooding within the area, and in order that the development accords with Development Control Policies Development Plan Document Policy DC48 and Policy 5.12 of the London Plan.

11. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

12. Cycle Storage

The development hereby approved shall not be occupied until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Cycle parking shall be to the standards set out in Table 6.3 of the London Plan. Such cycle parking shall thereafter be retained to the satisfaction of the Local Planning Authority.

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

13. Wheel Washing

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

originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

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

14. Construction Methodology

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;

- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

15. Minor Space Standards

Minor (up to 9 units):

All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

16. Sub-division of garden area.

The proposed garden area shall not be sub-divided at any time and nor shall there be any additional pedestrian or vehicular accesses into the site.

Reason: In order that the annexe approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

17. Water Efficiency

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

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

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with Neil Cooper via email in February 2018. The revisions involved mitigating the impact of the development and reducing the overall bulk and scale of both the proposed dwelling and proposed garage. The final amendments were subsequently submitted on 13/04/18.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £2,420 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.
4. The developer (including their representatives and contractors) is advised that planning consent does not discharge the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development. Please note that unauthorised work on the highway is an offence.
5. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Street Management should be contacted make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.
6. The developer is advised that surface water from the development in both its temporary and permanent states should not be discharged onto the highway. Failure to prevent such is an offence.
7. For any development where a flood risk is identified, the Council as the Lead Local Flood Authority want to see developers consider and implement flood resilience/resistance measures into the buildings themselves. This is

not to stop development but to ensure the protection for future residents is maintained and enhanced.

The following measures are strongly recommended, although this list is not exhaustive:-

- Raising the level of the building by at least 300mm above local levels;
- Waterproof membrane in the ground floor;
- Waterproof plaster and waterproofing to ground floor;
- Electrics from the upstairs down and sockets high up off the ground floor;
- Non return valves on the sewerage pipes;
- Emergency escape plan for each individual property;
- Air brick covers; and
- Movable flood barriers for entrances.

Alongside the resilience measures the applicant is also recommended to consider a Sustainable Drainage System (SuDS) to ensure the surface water run-off is managed appropriately.

8. The council is aware of a ditch which runs along the northern boundary of the application site. Although the ditch is outside the development boundaries, it cannot be altered or affected in any way due to the catchment it serves.

If you are the riparian owner, it is strongly recommended that you (along with any other riparian owners) maintain the ditch line in order to reduce the possibility of flooding.

The drilled culvert inlet to the rear of the proposed dwelling where the parking bays are intended must also be maintained. Access must be maintained to clear the grille on the inlet.

This development should not impede the flow of any surface or ground water to the ditch line and culvert inlet.

9. 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. Call in

1.1 This application has been called in to committee by Councillor Clarence Barrett for the following reasons:

- The bulk and appearance are a concern.
- The site is in very close proximity to a stream which has a history of flooding.

2. Site Description

2.1 The development will be located to the north of No. 21 Pentire Close and within a corner plot which is largely rectangular in shape. The site is currently a generous area of amenity space serving an end of terrace dwelling (No.21) which is finished with a painted render exterior.

2.2 The site is not listed and is not located within a conservation area. No protected trees will be affected by the development.

2.3 The surrounding area is largely residential in nature comprising a mixture of mainly terraced and detached dwellings.

3. Description of Proposal

3.1 Planning permission is sought for the construction of a new dwelling on the land adjacent to No.21 Pentire Close. This property will be a single storey, 'chalet bungalow' detached structure. Benefitting from a generous amount of amenity space, the proposal will feature a hipped roof and a modest dormer to the rear.

3.2 The scheme will also include associated parking to the rear of the site. Said parking will be available within a double garage which can be accessed via a service road to the rear (east) of the site off Front Lane.

4. Relevant History

4.1 N/A

5. Consultations/Representations

5.1.1 Notification letters were sent to 22 neighbouring properties, 9 of which have objected to the proposal.

5.2 The objections can be summarised as follows:

- Parking arrangement is unsuitable for the location and access may be affected
- Detrimental impact upon the local environment and wildlife.
- Insufficient space for the development will put excessive pressure on the surrounding area.
- Negative impact upon the local road network and parking provision.
- Potential for overlooking and loss of privacy.
- Increased pollution (noise, air and general)
- Development will increase the possibility of flooding .
- Local infrastructure already under strain.
- Loss of existing view.
- Future intentions/maintenance.
- Potential for damage to neighbouring properties.

In response to the above, matters relating to material planning considerations have been noted and will be assessed in the amenity section of this report.

The following are not material planning considerations and cannot be taken into account:

- Loss of views
- Construction noise/disturbance during development
- Fears of damage to property
- Maintenance of property

5.2 The following consultation responses have been received:

- LBH Street Management - No objection, provided cycle storage and vehicle cleansing conditions are applied. The existing ditchline must not be altered and must be maintained along with the drilled culvert inlet to the rear of the proposed dwelling where parking bays are intended. Access must be maintained to clear the grille on the inlet. Development must not impede the flow of any surface or ground water to the ditchline and culvert inlet.
- National Grid - No objection. Contractor should contact plant protection prior to any works.
- LBH Refuse and Recycling - No objection. Advice and guidance has been provided. Waste and recycling sacks will need to be presented by 7am on the boundary of the property on Pentire Close on scheduled collection day.
- Essex & Suffolk Water - No objection to development subject to compliance with requirements. Consent is given on the condition that a water connection is made onto the company network.
- London Fire Brigade Water Office - No objection
- LBH Environmental Health - No comment

- LBH Emergency Planning - No objection but strongly advise flood resilience/resistance measures are put in place.

6. Relevant Policies

- 6.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC03 (Housing Design and Layout), DC04 (Conversions to Residential & Subdivision of Residential Uses), DC32 (The Road Network), DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 6.2 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 6.9 (cycling), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), and 8.2 (planning obligations) of the London Plan, are material considerations.
- 6.3 SPD09 (Residential Design) along with The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes), and 7 (Requiring good design), are relevant to these proposals.

7. Mayoral CIL implications

- 7.1 The proposal is liable to Mayoral CIL as it would result in a new dwelling and a net gain of 121m² of gross internal floorspace created. Therefore the proposal would incur a charge of £2,420 based on the calculation of £20.00 per square metre, subject to indexation.

8. Staff Comments

- 8.1 The main considerations relate to the principle of development, the internal layout and floor/amenity space of the proposed dwelling, the impact of the proposed extension on the character of the host building and street-scene, the amenity of other residents and any highways/parking/environmental matters arising as a result.

9. Principle of Development

- 9.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established suburban area.
- 9.2 The proposal will cover an area of land which currently forms part of the garden for No.21 Pentire Close. Under the provisions of the NPPF, there is

no priority given to garden land as a re-developable brownfield site, in effect stating that each application within a garden should be considered on its own merits. In terms of the Local Plan the site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres and is within a predominantly residential area.

- 9.3 On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for domestic residential purposes is therefore regarded as being acceptable in principle.

10. Density/Layout

- 10.1 Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 10.2 The site area is 0.053 hectares. In density terms Policy DC2 identifies the application site as ranked within a Public Transport Accessibility Level Zone (PTAL) of 1b, with the density recommendation being 35-55 units per hectare. On the basis of the site area, and the number of units proposed, this development equates to a development density of 38 units per hectare which is below the range identified. Density is however only one measure of acceptability and further assessment of the application is necessary.
- 10.3 Staff will also seek to apply the standards offered within not only the Technical Housing Standards - Nationally Described Space document, but also Policy 3.5 of the London Plan. Contained within these documents are requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy, appropriate floor areas and other dimensions for key parts of the home.
- 10.4 After applying the above, officers have concluded that the proposed dwelling conforms to the relevant standards and is therefore considered acceptable.
- 10.5 The amenity space provided also accords with Havering's own Residential Design Supplementary Planning Document and is adequate to serve the needs of the proposed 3 bedroom, family dwelling. The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. An area in the region of 140m² will be set aside as private amenity space. In terms of size the proposed amenity space is considered sufficient to serve the needs of the proposed 3 bedroom, family dwelling.
- 10.6 The 90m² which will be retained for the host property is comparable to dwellings within the vicinity. This allocation ensures that a functional area is retained for future occupiers to enjoy.
- 10.7 The neighbouring properties within this suburban area benefit from spacious rear gardens. It is considered that the proposed arrangement will be comparable and in keeping with the surrounding area.

11. Design/Impact on Street / Gardenscene

- 11.1 While the proposed dwelling would contribute towards a greater level of bulk and mass on site, staff regard the development to be acceptable in this instance. After considering the spacious nature of the plot, the separation from site boundaries and the location within the site, officers do not foresee the proposal notably detracting from the street scene.
- 11.2 Positioned in the corner of Pentire Close, the new dwelling will be setback from the street and will not appear as a dominant addition to the area. Staff have taken into account the detached property at the opposite site of the terrace (No.16a) and have deemed the proposed development to be less readily visible and therefore significantly less imposing when viewed from Pentire Close. With only pedestrian access from the front of the site, there are no notable changes to the road network.
- 11.3 Policy DC61 states that development must respond to distinctive local building form and patterns of development, and respect the scale, massing and height of the surrounding context. Although the area features mainly two storey, terraced dwellings, the location of the development will ensure it does not detract from its surroundings. Again, staff have considered the conspicuous nature of No.16a nearby.
- 11.4 After considering the spacious nature of the plot, the separation from site boundaries and the removal from the main Pentire Close thoroughfare, officers do not foresee the proposal notably detracting from the public realm and is therefore not expected to have an adverse effect on the street scene.
- 11.5 Staff acknowledge how an additional dwelling could be perceived as overdevelopment and detrimental towards the character of the locality. That said, in this instance the modest scale and considerate design will sufficiently mitigate the visual impact of the development proposed. When combined with the aforementioned separation distances, officers do not envisage the new dwelling appearing excessively incongruous.
- 11.6 The new build (dwelling and the garage) will not harm the character of the garden scene as staff consider the works have been suitably designed and of a acceptable scale, bulk and mass. Not only does the proposed dwelling feature a comparable front building line with the host property, staff have noted the permission to develop No.21 which would also bring the rear elevations to a similar depth.
- 11.7 As the works will be located a significant distance from No.19 by approximately 13m, officers consider the works will be sufficiently sympathetic to those residents nearest to the site. Overall, the scheme is judged to integrate appropriately with the character of the gardenscene.

12. Impact on Amenity

- 12.1 Although the proposal would increase the level of built form upon this corner plot, the new dwelling has been deemed to be acceptably designed and suitably located in order to ensure that the development does not notably impact upon the level of amenity currently afforded to neighbouring residents.
- 12.2 Not only is the property set approximately 2m from No.21, its roof is also hipped away from the boundary above a modest height of 2.7m. The new dwelling will be set back from the host property's front elevation and (as touched upon above), projects into the garden a comparable distance should No.21 construct their approved depth.
- 12.3 After combining the above, officers do not envisage the residents to the south experiencing a significant loss of light, overshadowing or general loss of amenity. The absence of flank windows will ensure that overlooking or privacy related issues do not arise.
- 12.4 This chalet bungalow style development only features ground floor windows at the front of the dwelling. When combined with the 13-14m distance which separates the proposal from No.19 Pentire Close to the west, staff do not foresee the scheme unacceptably impacting upon this neighbouring property.
- 12.5 Although the proposed property will feature a dormer window to the rear, this is well contained within the main body of the roof and is considerably removed from the site boundaries. This window will have an impact comparable to that of a first floor window, features which are common within the local area. Issues relating to privacy are not expected to arise.
- 12.6 The garage structure to the rear of the garden area is suitable in scale and its location (at the very rear of the garden) ensures it is well removed from the surrounding residents. Which officers have appreciated that the garage is generally of a larger scale when compared to neighbouring outbuildings within the vicinity, the hipped roof finish will reduce the overall bulk significantly. The structure is not deemed to be excessive or imposing upon neighbouring amenity.
- 12.7 After taking into consideration the underdeveloped and agricultural nature of the site which lies to the north, officers do not envisage a development of the scale proposed notably impacting upon this adjoining neighbour.
- 12.8 On the whole, the impact of the scheme is not expected to be excessive. In light of the above, staff do not anticipate a significant detrimental impact upon the level of amenity currently afforded to those individuals residing nearby. The development falls within the aims of Council guidelines for and is not deemed to be unneighbourly. A refusal would be unjust in this instance.

13. Parking and Highway Issues

- 13.1 Appropriate parking provision is included within the scheme. In accordance with London Plan policy 6.13, both the host and the proposed dwelling will benefit from two car parking spaces to the rear of their respective sites. Staff are therefore satisfied that adequate parking provision will be maintained.
- 13.2 As the site can be accessed via a service road to the rear (east) of the site off Front Lane, the proposal is not considered to have adverse effects on the functioning of the road network.

14. Other Issues

- 14.1 The Council's Environmental Health Officers were consulted on the application about the proposal and no specific objections were received with regard to pollution (general, noise or air) or local environment/wildlife impacts.
- 14.2 The effect of a modest family dwelling will not notably impact upon this already residential area.
- 14.3 There is therefore no reason to refuse planning permission with regard to pollution or environmental/wildlife issues. No evidence has been presented to suggest that protected species are present on site.

15. Flood Risk

- 15.1 The Site is currently used within a residential capacity as part of the garden area of 21 Pentire Close. Development proposals comprise the construction of a residential property on the land to the north of to 21 Pentire Close with associated parking and landscaped areas.
- 15.2 According to the Environment Agency's (EA) Flood Map for Planning Purposes, the Site is located within fluvial Flood Zone 1 and is therefore considered to have a Low probability of fluvial flooding. In addition, the Risk of Flooding from Rivers and the Sea (RoFRaS) mapping, which considers the crest height, standard of protection and condition of defences, confirms the flood risk from Rivers and the Sea is Very Low.
- 15.3 That said, according to the EA's Risk of Flooding from Surface Water flood mapping is a variable risk of pluvial flooding at the Site as a result of an overland flow route which originates northwest of the Site within the Pot Kiln Wood area. Approximately 80% of the Site would be impacted by flood depths of up to between 0.15 to 0.3m during an event which has a 3.3% annual probability of occurring (High risk, 1 in 30 year event), including the area proposed for the dwelling.
- 15.4 While the Site has been modelled at moderate to high risk of pluvial flooding it should be acknowledged that there has been no record of any flood events within the site boundary, except for an incident which, according to

anecdotal information, was caused due to inappropriate land use from a downstream property which caused an unmapped drainage channel to back up and overflow.

- 15.5 It is strongly recommended that the development includes the implementation of flood resilience measures (as detailed within the Flood Risk Assessment produced by GeoSmart) in order to protect the property from pluvial flooding. This is secured via condition.

16. Infrastructure Impact of Development

- 16.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 16.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 16.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.

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

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

- 16.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for

Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.

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

17. Conclusion

- 17.1 The proposal is not judged to adversely affect the character of the property or the visual amenities of the streetscene. This development would not cause a significantly detrimental impact upon the residential amenities enjoyed by neighbouring properties.
- 17.2 It is therefore recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

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REGULATORY SERVICES COMMITTEE

26 April 2018

REPORT

Subject Heading:

P1591.17

119 Marlborough Road

Outline planning permission to erect two-storey block comprising of four self-contained units with associated parking, refuse storage, landscaping and amenity spaces

(Application received 22-09-2017)

SLT Lead:

Steve Moore - Director of Neighbourhoods

Report Author and contact details:

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

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

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

SUMMARY

The proposals seek outline planning permission with some matters reserved for the construction of a two storey block comprising of four self-contained units with associated parking, refuse storage, landscaping and amenity spaces.

The application site has been the subject of several planning applications which have sought to redevelop the site for residential purposes. The development proposed was considered by members at the Regulatory Services Committee held on 21 December 2017, where Members resolved to grant permission subject to the completion of a Section 106 agreement to secure a contribution towards education infrastructure amounting to £24,000 (£6,000 per new unit).

The application is brought back to Committee in line with the Council's recent position on the contribution towards education infrastructure and members will note a reduction in financial contribution from £24,000 to £12,000 is proposed. Given the limited child yield arising from 1 bed units and in view of other comparable planning decisions made, it is considered unreasonable to seek this contribution, especially where 1 bed units are limited in size and genuinely for small households (single person or a couple). In this case, two of the four units proposed are one bed in size so the total contribution sought in this case towards education provision would now equate to £12,000. Members are asked to agree to this revised planning obligation. The proposals are the same as those presented to the Committee in December last year.

Having regard to the planning history associated with the site and the fall back position of the applicant, the proposals are continued to be considered by officers to be acceptable in planning terms and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement for the reduced contribution.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 874 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £5440 Mayoral CIL payment (subject to indexation).

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

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

That, if by 24 August 2018, the legal agreement has not been completed; the Planning Manager has delegated authority to refuse planning permission.

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

1. Time Limit

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

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

2. Reserved Matters

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

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

2. Reserved Matters

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

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

3. Materials

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

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

4. Accordance with Plans

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

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

5. Site Levels

No development shall take place until details of existing and proposed site, road and building levels related to Ordnance Datum, or an identifiable temporary datum, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development accords with the approved plans and with Development Control Policies Development Plan Document Policy DC61.

6. Landscaping

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

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

7. Boundary Treatment

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

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

8. Parking Provision

No dwelling in the development hereby approved shall be first occupied until the area set aside for car parking has been laid out and surfaced to the satisfaction of the Local Planning Authority and 6 vehicle parking spaces and storage for 4 bicycles have been made available for residents of the dwellings. The vehicle parking and cycle storage spaces shall be retained permanently thereafter for the parking of vehicles/cycles and shall not be used for any other purpose.

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

9. Refuse and Recycling

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

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

10. Construction Methodology

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

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

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

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

11. Hours of Construction

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

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

12. Vehicle Cleansing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The

approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

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

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

13. Contaminated Land 1

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

- a) A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
- b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Remediation Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

14. Contaminated Land 2

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

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

Reason: To ensure that any previously unidentified contamination found at the site is investigated and satisfactorily addressed in order to protect those engaged in construction and occupation of the development from potential contamination.

15. Access

The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

16. Water Efficiency

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

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

17. Noise

Before any development is commenced, a scheme for protecting the proposed dwellings from noise from the industrial units to the rear of 119 Marlborough Road shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

Reason: Insufficient information has been supplied with the application to judge the adequacy of insulation of the proposed dwellings from industrial noise. Submission of this detail prior to commencement of the development will protect the amenity of future residents.

18. Obscure Glazing

The proposed ground, first and second floor windows serving bathrooms, en-suite rooms and WCs shall be permanently glazed with obscure glass.

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

19. Flank Windows

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plans) shall be inserted in the elevation facing No. 123 Marlborough Road.

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.

20. Balconies

The flat roof areas with the exception of the first floor balcony for flat 4 shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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

INFORMATIVES

1. Planning Obligation

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

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

2. Approval No negotiation required

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

3. Mayoral CIL

The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £5440 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.

4. Temporary use of the public highway

The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a license is required and Streetcare should be contacted on 01708434343 to make the necessary arrangements.

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

5. Surface Water Drainage

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

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

6. Street name/numbering

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

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

7. Discharge of Conditions

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 £116 per request or £34 where the related permission was for extending or altering a dwellinghouse is needed.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located to the south of Marlborough Road and formerly contained a 2 storey A2 office building, which has now been demolished and the site cleared. To the rear, the site adjoins Calgary Court (a 3 storey block of 14 flats) completed in early 2007, and to the west a 2 storey terraced house. To the east is the access road to Calgary Court and beyond that 2 storey dwellings.
- 1.2 The site has a separate vehicular access road to the west which also provides access to a garage to the rear of No.123 Marlborough Road. There is a double yellow line to this side of Marlborough Road at this point (covering the Calgary Court entrance and also the driveway to the west) which prevents parking at any time.
- 1.3 The surrounding area is characterised by predominantly two-storey semi-detached and terraced properties, with some 2-3 storey blocks of flats. There is no uniform design of buildings in this street.

2. Description of Proposal

- 2.1 The proposal is to erect a 2 storey block of 4 flats along with 6 parking spaces, cycle and refuse storage areas, landscaping and amenity spaces and to alter the vehicular access onto Marlborough Road. The application is for outline permission but with landscaping the only reserved matter.
- 2.2 The scheme involves provision of two, two bedroom flats and two 1 bedroom flats. The larger of the two bedroom units partly occupies the roof space. A total of four parking spaces are provided to the rear of the block.

3. History

- 3.1 This application is the latest in a series of broadly similar proposals on this site dating back to 2006. Most applications were either withdrawn or refused. However an appeal found in favour of the development proposals, for a four bedroom scheme similar in design to the current proposals in 2014.
- 3.2 The allowed scheme proved difficult to implement, as it would have required amendments to the ground leases of the owners of the apartments in Calgary Court as there would have been changes to the location of existing parking spaces serving those units. The applicant concludes that whilst this was capable of implementation, that the lease modifications would have been a time consuming and costly process.
- 3.3 Therefore, an application was made in 2016 to modify conditions 2 and 11 of the scheme allowed on appeal, to reduce the number of parking spaces from six in total, to four. This would mean that the development could have been undertaken without the aforementioned alterations to the leases of those owners of premises within Calgary Court. The Local Planning Authority on the advice of the Highway Authority and with a conflict identified with Policy DC33 of the LDF Core Strategy resolved to refuse permission to vary conditions 2 and 11 of application P0259.14 (P1336.16).
- 3.4 An appeal was made against this decision and was subsequently allowed. The appeal decision effectively allowed a reduction in parking for the scheme to four spaces in total). In reaching this view, the appeal inspector placed weight on the applicant utilising a right of way alongside the western boundary to access one vehicle space, with the remaining three accessible by the site's eastern side. This application effectively resulted in a new permission being issued, with the stipulation that works were to commence by 31st December 2017.
- 3.5 It is worth noting that in the interim, whilst the appeal for the variation of conditions 2 and 11 of P0259.14 was being considered, the applicant sought consent for a smaller scale development which members considered at Regulatory Services Committee and resolved to grant planning permission. This scheme retained a total of six parking spaces, however altered the position and scale of the building and accordingly the internal arrangement

of each unit. Whilst this application was successful, the applicant chose to withdraw the application prior to a formal decision being issued due to application P0259.14 being allowed on appeal.

3.6 The planning history of the site is set out chronologically below:

P0091.18 - Erect Two-Storey Block of Four Flats (with Roof Accommodation), Lay Out Parking, Refuse Storage, Landscaping and Amenity Spaces (Amended Proposal) - Refused

P0086.17: Erect Two-Storey Block of Four Flats (with Roof Accommodation), Lay Out Parking, Refuse Storage, Landscaping and Amenity Spaces and Alter Vehicular Access onto Marlborough Road - withdrawn

P1336.16: Variation of conditions 2 and 11 of permission P0259.14 to allow 1 parking space for each flat - refused 11 October 2016 but allowed on appeal June 2017

P0967.16: Demolition of existing building and construction of new building to provide 2No.x 1 bedroom and 2 No. x 2 bedroom units - invalid application

P0574.16: Demolition of existing building and construction of new building to provide 2No. x 1 bedroom and 2 No .x 2 bedroom units - withdrawn;

P0259.14: Change of Use from A2 to residential, demolition of disused commercial premises and erection of 2 No 1 bedroom flats and 2 No 2 bedroom flats with associated amenity space, car parking, access, landscaping and refuse storage - refused 1 May 2014 but allowed on appeal December 2014;

P0969.10: Change of use from A2 to residential, and the demolition of the existing disused commercial premises and erection of 2 no. 1 bed flats and 2 no. 2 bed flats with associated amenity space, car parking, access, landscaping and refuse storage - refused 23 August 2013;

P0291.07: To demolish existing building and erect a 2 storey 4x1 bed flats for residential use - withdrawn;

P0264.06: To demolish existing house and erect a two storey 4 x 1 bed flats for residential use - refused 21 December 2006;

P1603.05: The demolition of the existing warehouse and erect a block of flats containing 14 No. 2 beds with parking and amenity for residential use - approved 29 November 2005;

4. Consultation/Representations

- 4.1 Neighbour notification letters were sent to 65 neighbouring occupiers. One letter of representation was received which expressed a concern over access to the site and increased competition for spaces/highway safety. The highways impacts of the development will be fully assessed within the body of this report.
- 4.2 Highway Authority - No objections, subject to conditions relating to vehicle cleansing.
- 4.3 Environmental Health - No objections, subject to conditions relating to land contamination.
- 4.4 Fire Brigade (Access) - No Objection
- 4.5 Fire Brigade (Hydrants) - No Objection

5. Relevant Policy

- 5.1 Policies CP01 (Housing Supply), CP17 (Design), DC03 (Housing Design and Layout), DC32 (The Road Network), DC29 (Educational Premises), DC33 (Car Parking) DC34 (Walking), DC35 (Cycling), DC61 (Urban Design) and DC63 (Delivering Safer Places), DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 In addition the Residential Extensions and Alterations SPD ,the Residential Design SPD and the Planning Obligations SPD (Technical Appendices) are considered to be relevant.
- 5.3 Policies 5.3 (sustainable design and construction), 6.9 (cycling), 6.10 (walking), 7.3 (designing out crime) 7.4 (local character), 7.6 (Architecture), 8.2 (Planning Obligations) and 8.3 (Mayoral CIL) of the London Plan, are material considerations.
- 5.4 The National Planning Policy Framework, specifically Section 7 (Requiring good design).

6. Mayoral CIL implications

- 6.1 The proposed development will result in the formation of 272m² of new floor space.
- 6.2 The proposal is therefore liable for Mayoral CIL which translates to a total charge of £5440 based on the calculation of £20.00 per square metre (subject to indexation).

7. Staff Comments

- 7.1 The issues to be considered are the principle of the development, its impact in the street scene and on the amenities of occupiers of adjoining/nearby properties and highway/parking/servicing issues.

8. Principle of Development

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

9. Density/Site layout

- 9.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 9.2 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end the policy requires that new residential development conform to minimum internal space standards. There are set requirements for gross internal floor areas of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and minimum floor to ceiling heights.
- 9.3 Given the internal arrangement shown on the layout plans provided, staff have applied the standards required for two bedroom, four person and one bedroom, two person flatted accommodation. Staff conclude that based on the bedroom size and mix that each of the units would exceed the gross internal floor area set out. In addition to a satisfactory gross internal floor area, the proposed flatted units would benefit from sufficient headroom and bedroom size/mix. It is the opinion of staff that the proposed units would comply with all other standards that must be applied. It can therefore be concluded that an internal arrangement capable of providing a standard of living acceptable for future occupiers and which would meet the aims and expectations of the London Plan is demonstrated.
- 9.4 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading. In considering the earlier application, P0259.14, case officers determined that the living space and amenity areas provided were adequate. Similarly in considering the appeal, the inspector also reached this conclusion.
- 9.5 The external areas shown would comply with the guidance set out by the Residential Design SPD. It is therefore reasonable to conclude that an adequate and functional space would be provided for each unit.

10. Design/Impact on Street/Garden Scene

- 10.1 Whilst the site has been the subject of several previous applications, the current proposals in terms of the arrangement of built form are directly comparable to application P0259.14. Whilst the policy basis for that particular decision has not changed in the time period that has elapsed, it is worth noting that a subsequent appeal decision issued July 31st 2017 to alter the parking standards considered the impacts of the development in design terms also and referenced the comments of the original appeal inspector.
- 10.2 In allowing the appeal, the Inspector concluded that whilst “the proposed building would be wider at the front than the existing building, filling the site frontage facing Marlborough Road” that “compared to the blocks of housing either side, it would not appear excessively wide or out of keeping with the street-scene”.
- 10.3 Where staff had expressed concern over the position of balconies to the site frontage appearing out of scale and character with the surrounding local character, the appeal inspector took an opposing view and stated that the “recessed balconies would be a new design feature in the street, but in the context of an area with some design variations” would not appear overly prominent or out of place.
- 10.4 Whilst the comments of the appeal inspector in relation to P0259.14 are the basis for the position of staff in respect of the current development, it must also be recognised that the appeal inspector in considering the revised parking layout/standard under application P1336.16) effectively issued a new planning permission. In allowing this appeal the inspector made the following comments:

“The PPG advises that to assist with clarity, decision notices for the grant of planning permission under section 73 of the Act should also repeat the relevant conditions from the original permission, unless they have already been discharged. I have not been presented with any information regarding whether any of the conditions have been discharged. Therefore, for the avoidance of doubt I have imposed all the conditions from the original permission (apart from the replaced conditions 2 and 11) and, if any have already been satisfactorily discharged, this is matter which can be addressed by the parties.

The configuration, design and appearance of the development is shown on the drawings submitted with this application as being almost identical to that on the drawings specified in the original planning permission, with the exception of the position of a roof light. This difference does not have a material effect on the acceptability of the scheme and has not been raised by any parties nor has it been suggested that the drawings are not acceptable in any respect other than the Council’s objections. I have therefore specified the drawings submitted with this proposal in Condition 2 as this gives certainty. For the reason set out in the Procedural Matters section above I have also included the original location plan.”

10.5 Accordingly due to the identical nature of the built form sought and with no alterations in the policy basis for that conclusion, there would not appear sufficient grounds to substantiate a refusal on the visual impacts/design of the proposals.

11. Impact on Amenity

11.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/ daylight, overlooking or loss of privacy to existing properties.

11.2 In allowing the appeals, the inspector did not consider the impacts of the development to be substantial enough to form grounds for refusal. Subsequently this position was upheld in the most recent appeal decision, which whilst focused on the alterations to the off-street parking, referenced those earlier comments and accepted the visual impacts of the proposals.

11.3 Having had regard to the identical nature of the current proposals, and as the previous appeal decisions are material considerations, it is not considered that the proposals would unduly harm the amenity of existing/future neighbouring occupiers and that this does not constitute material grounds for refusal.

12. Highway/Parking

12.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking.

12.2 The public transport accessibility level rating for the site is 1B which equates to a poor access to public transport. s. The LDF would require 1.5-2 spaces per dwelling, a stance that was adopted in the past and maintained over subsequent applications.

12.3 It is recognised that there is a disparity between Local Authority Guidance and the London Plan, which would for the same development, suggest that less than one space per dwelling would be acceptable. As such, the proposed development is judged to be in accordance with the London Plan.

12.4 Although application P1336.16 was refused on the basis that four parking spaces for the development would not be sufficient, the appeal inspector found the parking provision and arrangements to be acceptable.

12.6 Given the timing of that decision, it is considered that the views of the appeal inspector are of relevance as the most recent permission is still extant and capable of implementation. It was not considered that the

reduction in parking spaces would have modified the development in such a way so as to make it substantially different from that which was granted planning permission, under application P0259.14. In reaching this view the appeal inspector considered the consequential effects of varying the approved plans and the impacts of providing fewer car parking spaces. It was not adjudged to be significant enough to materially alter the development. It was noted that the situation, footprint, design and appearance of the development would remain unchanged.

- 12.7 The inspector considered that “given the size of the development and the configuration of the flats within it, it is possible that occupiers may have access to more than one car and their visitors may well arrive in cars”.
- 12.8 However, the view was taken that “given that the proposal would provide only two fewer than the approved provision of six spaces, any additional parking” was likely to be “limited in quantity”. In addition it was not felt that any substantive evidence had been provided to suggest that additional on-street parking that could arise would necessarily lead to specific harmful effects on highway safety, including in the vicinity of the access to Calgary Court. The Inspector also noted that both London Plan and LDF policies are maximum standards rather than a requirement for a minimum level of parking.
- 12.9 The appeal decision is a material consideration and the development allowed on appeal is extant and capable of being implemented. Therefore, given there has been no material change in site circumstances or planning policies since the recent appeal decision, it is considered there are no material grounds to object to the proposal on parking or highway related matters. It should also be noted that the Highway Authority have raised no objection to the proposals.

13. Section 106

- 13.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 13.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 13.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 13.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 13.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 13.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 13.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 13.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 per new residential unit for educational purposes would be appropriate.
- 13.9 Given the limited child yield arising from 1 bed units, it is considered unreasonable to seek this contribution where these are proposed, especially where the 1 bed units are limited in size and genuinely for small households (single person or a couple). In this case, two of the units are 1 bed in size

so the total contribution sought in this case towards education provision is £12,000.

14. Conclusion

14.1 The application site benefits from two appeal decisions, the most recent of which granted consent effectively for the development sought under this new application. The applicant seeks a consolidated outline permission with a view to a future reserved matters submission.

14.2 Having had regard to the LDF Core Strategy and Development Control Policies Development Plan Document, all other relevant local and national policy, consultation responses and all other material planning considerations and planning history associated with the site, it is recommended that outline permission be granted, subject to prior completion of a S106 legal agreement and planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources would be required to prepare and complete the required Section 106 legal agreement. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None

Equalities implications and risks:

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

**REGULATORY SERVICES
COMMITTEE
26 April 2018**

Subject Heading:

**P1216.17: 131 Gooshays Drive,
Romford**

Variation of condition 29 (car park controls) of planning permission P1905.15 (Construction of a 1,923sqm food store) to extend the maximum length of stay for customers from 60 minutes per visit to a maximum of 90 minutes per visit. (Application received 21 July 2017)

Ward:

Gooshays

SLT Lead:

**Steve Moore
Director of Neighbourhoods**

Report Author and contact details:

**Stefan Kukula
Principal Development Management
Officer
stefan.kukula@havering.gov.uk
01708 432655**

Policy context:

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

Financial summary:

None

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

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

SUMMARY

Planning permission P1905.15 was granted in May 2017 for the construction of a of 1,923sqm Lidl food store.

This application is seeking to vary condition 29 (Car parking controls) of the planning permission under Section 73 of the Town and Country Planning Act, 1990.

The variation concerns extending the car park maximum length of stay for customers, from 60 minutes per visit to a maximum of 90 minutes per visit.

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

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 1,878 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £37,560 Mayoral CIL payment (subject to indexation).

That the variation of condition 29 of planning permission P1905.15 under Section 73 of the Town and Country Planning Act, 1990 is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act, 1990 (as amended) to vary the existing legal agreement, completed on 11 May 2017, in respect of the previous planning permission P1905.15 by varying the definition of Planning Permission, which shall mean either planning permission P1905.15 as originally granted or planning permission P1216.17 and any other changes as may be required from this, to secure the following obligations, by 24 August 2018, and in the event that the deed of variation is not completed by such date then the Planning Manager has delegated authority to refuse planning permission:

- A financial contribution of £10,000 to be paid prior to the opening of the store to be used for the following:
 - i) highway works in respect of site access parking controls and traffic management orders required for their implementation as shown within Transport Assessment ;

ii) a parking survey of the highway within 100m either side of site entrance for a period of 24 months following opening of store and implementation of parking controls on Gooshays Gardens; Gooshays Drive and Trowbridge Road (subject to option for developer to undertake survey to an agreed programme and supplying monitoring information at an agreed interval) should the survey identify the need for further parking restrictions.

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

That the Planning Manager 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. Parking Provision

No building shall be occupied or use commenced until the car/vehicle parking area shown on the approved plans has been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles associated with the development during the approved opening hours.

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

4. Provision of disabled spaces

No building shall be occupied or use commenced until the disabled parking spaces shown on the approved plans have been completed, and thereafter, the area shall be kept free of obstruction and available for the parking of vehicles belonging to disabled people associated with the development.

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

5. Loading

No building shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

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

6. Deliveries

No deliveries to or collections from the site shall be made other than between the following times:
07:00 hours to 21:00 hours Monday to Saturday and 08:00 hours to 21:00 hours on Sundays, Bank or Public Holidays.

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

7. Materials

The external elements of the development shall be constructed in the materials approved under condition 7 of P1905.15; under discharge of condition reference Q0120.17.

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

8. Landscaping

The landscaping measures shall be implemented in accordance with the details approved under condition 8 of P1905.15; under discharge of condition reference Q0118.17. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

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

9. Open storage

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

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

10. Screen fencing

The screen fencing measures shall be implemented in accordance with the details approved under condition 10 of P1905.15; under discharge of condition reference Q0127.17. The fencing/boundary treatment shall be permanently retained and maintained thereafter.

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.

11. Wheel washing

The vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be implemented in accordance with the details approved under condition 11 of P1905.15; under discharge of condition reference Q0067.17.

Reason: 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. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

12. 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..

13. Construction Method Statement

The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on that phase on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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

- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
- j) Piling method statement

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

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

14. Land contamination

The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority (the Phase I Report having already been submitted to the Local Planning Authority and Phase II (Site Investigation) Report discharged in part under discharge of condition application reference Q0121.17) the following:

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

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

d) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, 'Land Contamination and the Planning Process'

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

15. Refuse and recycling

The refuse and recycling measures shall be implemented in accordance with the details approved under condition 15 of P1905.15; under discharge of condition reference Q0119.17.

Reason: In the interests of amenity of occupiers of properties adjoining 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.

16. Opening Hours

The retail store shall not be open to customers outside of the following times: 08:00 hours to 22:00 hours Monday to Saturday and 09:00 hours to 21:00 hours on Bank and Public Holidays and for any 6 hours between these times on Sundays.

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

17. Permitted development restriction - Retail floor space

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), there shall be no provision of retail floorspace in excess of the 1,073 sqm. sales area shown on drawing 3268 205 Q (Option B) without the express permission of the local planning authority, neither shall there be any subdivision of the retail sales area, nor the provision of ancillary or subsidiary retail units within that sales floor.

Reason: The application has been assessed on the basis of a single food retail unit and any changes could materially affect the vitality and viability of Harold Hill minor district shopping centre and affect the suitability of the access and parking provision.

18. Staff Travel Plan

The staff travel plan shall be implemented in accordance with the details approved under condition 18 of P1905.15; under discharge of condition reference Q0140.17.

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

19. Permitted development restriction - Part 7

Notwithstanding the provisions of Article 3, Schedule 2 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 development under Part 7 Class A, B, C, D or E shall be erected or carried out without express planning permission being granted by the local planning authority.

Reason: To protect the amenities and character of the area in accordance with Development Control Policies Development Plan Document Policy DC61.

20. Permitted development restriction - Changes of use

Notwithstanding the provisions of Article 3, Schedule 2 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 development consisting of a change of use under Part 3 Class D, G, J or M shall be carried without express planning permission being granted by the local planning authority.

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

21. External lighting

The external lighting measures shall be implemented in accordance with the details approved under condition 21 of P1905.15; under discharge of condition reference Q0126.17.

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

22. Highway Agreements

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

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

23. Plant and machinery

No building shall be occupied or use commenced until a scheme for plant and machinery to be installed within the new building is submitted to and agreed in writing by the local planning authority to achieve the following noise standard: noise levels expressed as the equivalent continuous sound level LAeq (1 hour)

when calculated at the boundary of the nearest noise sensitive premises shall not exceed LA90-10db. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

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

24. Sustainable Construction

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

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

25. Visibility Splay

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

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

26. Highway Safety

The proposed access shall not be constructed until its layout has been subject to both a Stage 2 and Stage 3 road safety audit procedure in accordance with Transport for London standard SQA-0170 or HD19/15 of the Design Manual for Roads and Bridges and any recommendations in the audits accommodated within the layout/design. Details of both the audits shall be submitted to the local planning authority prior to any access works commencing.

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

27. Implementation of Drainage Strategy

The retail store shall not open to customers until the proposed drainage strategy has been implemented in accordance with the details and plans set out in the report by Peter Brett Associates reference 37630/01/ dated April 2016 submitted as part of the application.

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

28. Car Parking Closure

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

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

29. Car Park Controls

The proposed retail store shall not open to customers until a car parking management strategy to restrict the maximum length of stay for customers to **90 minutes per visit** has been implemented in accordance with details that have previously submitted to and agreed in writing by the local planning authority. The approved management strategy shall be implemented throughout the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate how the proposed car parking restrictions will be achieved. The submission and implementation of the measures prior to the store trading to help minimise any overflow car parking onto local roads. and to ensure that the development accords with the LDF Development Control Policies Development Plan Document DC32 and DC33 (Annex 5).

30. Light controls

The proposed retail store shall not open to customers until blinds have been provided in accordance with the details shown on approved drawings 3268 202 AC and 3268 203 AC. The blinds shall be lowered during the hours of darkness when the store internal lights are illuminated. The store shall be illuminated internally in accordance with the details set out in the light spill report dated 22.12.2016.

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

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.
2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £37,560 (subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. 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, (as amended), a fee of £116 per request or £34 where the related permission was for extending or altering a dwellinghouse, is needed.

5. The planning obligations required been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
6. Temporary use of the highway - If any construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council. If the developer requires scaffolding, hoarding or mobile cranes to be used on the highway, a licence is required and Streetcare should be contacted on 01708 432563 to make the necessary arrangements. Further details are available on the Council website.

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

Highway works - The grant of planning permission does not discharge the requirements of the New Roads and Street Works Act 1981 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works of any nature) required during the construction of the development.

REPORT DETAIL

1. Site Description

- 1.1 The application relates to land at the junction of Gooshays Drive and Trowbridge Road and amounts to 0.27 hectare.
- 1.2 The site was formerly occupied by a local police station with an associated pair of semi-detached dwellings which have since been demolished. The site is currently being redeveloped with the construction of a new Lidl food store and an associated car park.

- 1.3 To the north and south of the site are residential properties. To the west is a Royal Mail sorting office with further residential properties beyond. To the east is the Harold Hill Health Centre and Community Centre.

2. Description of Proposal

- 2.1 Planning permission was granted under application reference P1905.15 in May 2017 for the construction of a of 1,923sqm Lidl food store.
- 2.2 This application is seeking to vary condition 29 (Car parking controls) of the planning permission under Section 73 of the Town and Country Planning Act, 1990. The variation concerns extending the car park maximum length of stay for customers, from 60 minutes per visit to a maximum of 90 minutes per visit.
- 2.3 The application proposes no other changes to the previously approved scheme.

3. Relevant History

- 3.1 P1905.15 - Construction of a of 1,923sqm food store with 55 car parking spaces - Approved, 11 May 2017
- 3.2 P0808.14 - Redevelopment of former Police Station comprising the erection of a 1,153sqm food store with 40 car parking spaces - Approved, 1 September 2015

4. Consultations/Representations

- 4.1 Notification letters were sent to 455 properties and one representation has been received. The comments can be summarised as follows:
- Inconvenience to local residents due parking from construction traffic during the course of the development.
- 4.2 It is noted that issues of disruption during construction have been raised in representations. This is not considered to be a material planning consideration on which a refusal could be based. A Construction Method Statement would be secured through condition, setting out measures to minimise disruption to neighbours during construction.
- 4.3 The following consultation responses have been received:
- Local Highway Authority - no objection.

5. Relevant Policies

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

6. Staff Comments

- 6.1 When considering the previous application for the food store, Staff took into consideration issues in relation to the vitality and viability of Hornchurch town centre, the impact on the character and appearance of the streetscene and surrounding area, the impact on the residential amenity of neighbouring residents, the suitability of the proposed parking, access and servicing arrangements, and the implications for the surrounding highway network. Under the previous application these considerations were assessed and judged to be to be acceptable in all material respects, which in turn led to planning permission being granted.
- 6.2 This application concerns the variation of condition 29 relating to car park controls, and seeks to extend the car park maximum length of stay for customers, from 60 minutes per visit to a maximum of 90 minutes per visit.
- 6.3 The application proposes no other changes to the previously approved scheme.

Principle of Development

- 6.10 The principle of the development was established under planning permission P1905.15. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

Density/Layout

- 6.11 The density and layout of the scheme was assessed under planning application P1905.15 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

Design/Impact on Streetscene

- 6.12 The design and impact on the streetscene was assessed under planning application P1905.15 and judged to be acceptable. This application proposes no alteration to these previously approved arrangements.

Impact on Amenity

- 6.13 The impact on the amenity of neighbouring residents was assessed under planning application P1905.15 and judged to be acceptable. This application proposes no alteration to the previously approved details of the scheme and raises no additional considerations with regards to the amenity of neighbouring residents.
- 6.14 The proposed extension to the maximum length of stay for customers using the car park, from 60 minutes per visit to a maximum of 90 minutes per visit, will not unduly affect neighbouring residents.

Parking and Highway Issues

- 6.15 The amount of car parking provision, servicing arrangements, and highways implications were assessed under planning application P1905.15 and judged to be acceptable.
- 6.16 The maximum length of stay was originally restricted to 60 minutes to ensure that spaces were not occupied by customers staying for extended periods and that sufficient parking spaces remained available for all customers throughout the store opening hours.
- 6.17 Allowing customers to park their vehicles in the food store car park for a maximum of 90 minutes, rather than 60 minutes, would still uphold a reasonable restriction and prevent parking spaces from being occupied by long stay parking. The additional 30 minutes would also provide customers with a greater element of flexibility and more time to complete their shopping trip, whilst reducing the need for customers to park in alternative neighbouring locations should the time limit be exceeded. As a result the variation of the condition is considered to be acceptable.
- 6.18 The Local Highway Authority have raised no objections to the proposal.

Mayoral Community Infrastructure Levy

6.19 The proposed development will create 1,878 square metres of new gross internal floor space. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £37,560 (this may go up or down, subject to indexation) based on the calculation of £20.00 per square metre.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions differing from those subject to which the previous permission was granted and a deed of variation to the existing section 106 agreement.

7.2 Staff consider that the proposal is acceptable in all material respects and that planning permission be granted subject to conditions and the completion of a deed of variation legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

Legal resources would be required to prepare and complete the required deed of variation. The s106 contribution is required to mitigate the harm of the development, ensure appropriate mitigation measures and comply with the Council's planning policies. Staff are satisfied that the contribution and obligations suggested are compliant with the statutory tests set out in the CIL Regulations relating to planning obligations.

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, supporting statements, and drawings received 21 July 2017.

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**REGULATORY
SERVICES
COMMITTEE**

26 April 2018

Subject Heading:

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

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

Ward:

South Hornchurch

SLT Lead:

**Steve Moore
Director of Neighbourhoods**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

At the Regulatory Services Committee meeting on 21 September 2017, Members resolved to grant planning permission subject to completion of a s106 agreement (in respect of the delivery of a section of the proposed Rainham cycle/pedestrian link path running through the application site) by 21 March 2018 or in the event that the s106 agreement was not completed by 21 March 2018 the item shall be returned to the committee for reconsideration.

Due to ongoing discussions between the applicant's solicitor and the Council the 21 March 2018 deadline was not met.

The s106 agreement was finally completed on 9 April 2018 and authority is now sought to grant planning permission.

RECOMMENDATIONS

That the Planning Manager be authorised to grant planning permission subject to the conditions set out below:

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External Materials

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

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

4. Construction Methodology

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

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

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

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

5. Hours of Construction

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

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

6. Refuse and Recycling

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

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

7. Cycle Storage

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

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

8. Car Parking

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

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

9. Landscaping

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

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

10. Screen fencing

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

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

11. Cycle & Pedestrian Path Specification

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

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

12. External Lighting

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

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

13. Contaminated Land Investigation

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

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

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

assessment and a description of the site ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

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

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

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

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

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

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

14. Contaminated Land Monitoring

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

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

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

15. Air Quality

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

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

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

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

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

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

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

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

16. Secured by Design

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

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

17. New Plant and Machinery

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

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

18. Archaeological Investigation

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

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

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

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

19. Sustainable Construction

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

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

20. Vehicle cleansing

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

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

Reason: Insufficient information has been supplied with the application in relation to vehicle washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited

on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

21. Pedestrian Visibility Splay

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

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

22. Road Safety Audit

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

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

23. Flood Risk Resilience

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

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

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the

application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

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

Highway legislation

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

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

Temporary use of the public highway

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

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

REPORT DETAIL

1. Background

- 1.1 At the Regulatory Services Committee meeting on 21 September 2017, Members resolved to grant planning permission subject to completion of a s106 agreement (in respect of the delivery of a section of the proposed Rainham cycle/pedestrian link path running through the application site) by 21 March 2018 or in the event that the s106 agreement was not completed by 21 March 2018 the item shall be returned to the committee for reconsideration.
- 1.2 Due to ongoing discussions between the applicant's solicitor and the Council the 21 March 2018 deadline was not met. However, the s106 agreement was finally completed on 9 April 2018 and authority is now sought to grant planning permission.
- 1.3 The details of the proposed development and the assessment of the merits of the scheme are included in Appendix 1 of this report, which sets out the Chief Executive report from the 21 September 2017 Committee meeting.

2. Conclusion

- 2.1 The s106 legal agreement has been completed in accordance with the resolution granted by Members on 21 September 2017.
- 2.2 The proposal is considered to be acceptable in all material respects and it is recommended that planning permission be granted subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

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

APPENDIX 1: CHIEF EXECUTIVE REPORT 21-09-2017

The report set out below is the same as that previously presented to Committee on 21 September 2017:

SUMMARY

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

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

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

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

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

RECOMMENDATIONS

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

- A scheme for the payment and delivery by the Developer of the section of the proposed Rainham cycle/pedestrian link path running through the application site based on the details set out in the supporting statement and accompanying drawing '01001', which sets out:

- Upon the commencement of works / implementation of planning permission P1371.17, section A of the path to be completed no later than 1st October 2021.
- Section B of the path to be completed prior to the occupation of the CISIC building, pursuant to planning permission P1371.17.
- Section C of the path to be delivered through one of the following mechanisms:
 - i) Upon the commencement of works / implementation of planning permission P1371.17; if the land north of the CISIC building comes forward for development, Section C of the path is to be delivered and completed prior to the occupation of the development of that land.
 - ii) Upon the commencement of works / implementation of planning permission P1371.17; if the land to the west of CISIC comes forward for development, Section C of the path shall be delivered and completed within 6 months of the commencement of the development of that land.
 - iii) In the event that neither scenario i or ii occur, Section C of the path shall be delivered and completed no later than 1 October 2025.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.
- It is resolved to grant planning permission subject to completion of the s106 agreement by 21 March 2018 or in the event that the s106 agreement is not completed by 21 March 2018 the item shall be returned to the committee for reconsideration.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External Materials

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

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

4. Construction Methodology

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

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

i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

5. Hours of Construction

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

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

6. Refuse and Recycling

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

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

7. Cycle Storage

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

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

8. Car Parking

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

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

9. Landscaping

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

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

10. Screen fencing

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

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

11. Cycle & Pedestrian Path Specification

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

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

12. External Lighting

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

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

13. Contaminated Land Investigation

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

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

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

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

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

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

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

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

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

14. Contaminated Land Monitoring

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

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

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

15. Air Quality

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

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

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

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

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

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

•Summary of the assessment of results.

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

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

16. Secured by Design

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

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

17. New Plant and Machinery

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

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

18. Archaeological Investigation

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

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

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

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

19. Sustainable Construction

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

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

20. Vehicle cleansing

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

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

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

- c) A description of how vehicles will be checked before leaving the site – this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.
- d) A description of how vehicles will be cleaned.
- e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.
- f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

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

21. Pedestrian Visibility Splay

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

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

22. Road Safety Audit

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

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

23. Flood Risk Resilience

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

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

INFORMATIVES

4. 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.
5. 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.
6. **Changes to the public highway (including permanent or temporary access)** Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted considered and agreed. If new or amended access as required (whether temporary or permanent), there may be a requirement for the diversion or protection of third party utility plant and it is recommended that early involvement with the relevant statutory undertaker takes place. The applicant must contact Engineering Services on 01708 433751 to discuss the scheme and commence the relevant highway approvals process. Please note that unauthorised work on the highway is an offence.

Highway legislation

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

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

Temporary use of the public highway

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

Streetcare should be contacted on 01708 434343 to make the necessary arrangements. Please note that unauthorised use of the highway for construction works is an offence.

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

REPORT DETAIL

1. Site Description

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

2. Description of Proposal

- 2.1 The application is seeking planning permission for the erection of a part two/ part three storey building to be used by the college as a 'Construction and Infrastructure Skills and Innovation Centre (CISIC)', providing 2,767 square metres of additional further education floor space.

- 2.2 The development would include external alterations to the existing college facility at Burnside House, including repainting the existing metal cladding light grey, to harmonise with the new building; the installation of a new aluminium composite panelling entrance façade, and; the erection of a covered pedestrian link structure between the Burnside House and the new CISC building.
- 2.3 The new education facility would be located to the front of Burnside House in an off-set position. In order to accommodate the new building the car park area would be divided into separate sections. The western and central car park would provide 140 student and staff car parking spaces and would continue to be accessed as per the current service road arrangements from New Road. The eastern car park would provide a further 22 spaces to be used by staff and would be accessed via the installation of a new controlled gateway from the end of Passive Close. Overall, the proposal would increase on-site parking by 84 spaces providing a total of 162 spaces.
- 2.4 Internally the new CISC education facility would provide a series of modern classrooms and specialised workshops associated with construction and infrastructure skills. New courses in trades and skills related to modern methods of construction and rail engineering would be provided in response to the skills required by industry in the region. In addition, courses in electrical engineering, electronics, and plumbing would be delivered.
- 2.5 As part of the wider re-landscaping works the proposal would also deliver a section of the strategic Rainham cycle/pedestrian path, which would run from east to west through the site, along the boundary with Passive Close and around the northern flank of the proposed building.
- 2.6 There are currently approximately 318 students registered at the Rainham College campus. On completion of the CISC, the college would be able to accommodate approximately 732 full time students and 551 part time students. The college expansion would also create a further 60 full time jobs, taking the number of employees from 30 to a total of 90.
- 2.7 The proposed opening hours would be 08:00 to 22:00 Monday to Friday, 09:00 to 18:00 on Saturday, with closure on Sunday, Public and Bank Holidays.

3. Relevant History

- 3.1 P0196.15 - Erection of a part two, part three storey 'Construction and Infrastructure Skills and Innovation Centre' with covered pedestrian link, external alterations to the existing building and alterations to the existing servicing arrangements and car parking provision along with associated landscaping and a cycle/ pedestrian path - Refused, 29 June 2017.
- 3.2 P0642.13 - Single storey temporary building for education (class D1) use - Approved, 23 July 2013.

- 3.3 P1534.12 - Proposed residential development comprising 51 units together with associated amenity space, car parking and cycle parking, vehicle access, hard and soft landscaping, pumping station and associated works - Approved, 2 July 2013.
- 3.4 P0459.12 - Construction of access road and signalised junction to serve future development of college and residential dwellings (subject to separate planning applications) - Approved, 20 May 2013.
- 3.5 P1473.12 - Application for reserved matters pursuant to outline planning permission U0014.09 extension of time planning application P1371.12 (layout, scale, appearance, landscaping) for phase 1 comprising 3803sqm of new floorspace for class D1 education use, 52 new parking spaces and associated works - Approved, 1 March 2013.
- 3.6 P1371.12 - Extension of time limit on outline planning application U0014.09 - redevelopment to provide 11,800 sqm D1 education use with ancillary sporting facilities, new vehicular access arrangements and parking for 200 cars - Approved, 1 March 2013.
- 3.7 U0009.10 - Permanent use for Class D1 (Education) with associated works including landscaping, pedestrian and cycle access from New Road. A new entrance plaza, screening, landscaping, additional car parking and cycle storage. Removal of canopy on western facade, new canopy over building entrance and retention of external brick store building – Approved, 10 December 2010.
- 3.8 Change of use from warehouse (Class B8) to education (Class D1) with associated vehicle parking and servicing - Approved, 22 October 2008.

4. Consultations/Representations

- 4.1 Notification letters were sent to 205 neighbouring residential properties and no representations have been received.
- 4.2 The following consultation responses have been received:
- National Grid - no objection.
 - Network Rail - no objection.
 - Transport for London - no objection.
 - London Fire Brigade Water Team - no objection.
 - Greater London Archaeological Advisory Service (GLAAS) - no objection, recommended a condition in relation to the undertaking of an archaeological evaluation.

- London Fire Brigade Water Team - no objection.
- Designing Out Crime Officer - no objection.
- Environmental Health - no objection, recommended conditions in relation to contaminated land and air quality.
- Environment Agency - no objection
- Local Highway Authority - no objection.

5. Relevant Policies

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

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development at the site, the impact on the character of the surrounding area and on the amenity of the neighbouring residential properties, as well as the implications for parking, and highway and pedestrian safety.
- 6.2 This application follows the Committee's refusal of a similar proposal on 29 June 2017, on the grounds that the use of Passive Close would result in noise and disturbance to neighbouring residents, a danger to pedestrians,

and an inconvenience to local residents, to the detriment of highway safety and residential amenity. Members were otherwise satisfied with the scheme.

- 6.3 This current application has been amended to further reduce the potential amount of traffic associated with the college using Passive Close. In comparison to the previous proposal 5 of the staff car parking spaces would be relocated from the south eastern staff car park, accessed from Passive Close, and moved to the main car park at the centre of the site, accessed from New Road. As a result Passive Close would be used to access only 22 staff parking spaces as opposed to 27 car parking spaces previously.
- 6.4 The overall proposed amount of car parking provision for the college would remain unchanged with a total of 162 spaces. As with the previous proposal the Passive Close access would be barrier controlled to allow the appropriate management by the college. This will prevent vehicular access to the college from Passive Close by students.
- 6.5 It is important to note that Passive Close has, since inception, been intended to form a shared access road for the college site as well as an access to the neighbouring residential properties.
- 6.6 In 2009 planning consent was granted for the redevelopment of the wider site to provide up to 11,800 sq.m of D1 education use with ancillary sporting facilities and a new vehicular access. The planning application was renewed and subsequently extended on 1st March 2013 (ref: P1371.12). The first phase of the development (reserved matters) was approved in March 2013 (ref: P1473.12) and has since been implemented.
- 6.7 The historical outline planning consent approved a new vehicle access to the site to serve both the proposed new college and the residential development at Passive Close. The details of the new access road and junction at New Road were approved as part of planning application P0459.12. This allows the college to use Passive Close as the main point of access in conjunction with the delivery of up to 200 on-site parking spaces.
- 6.8 Members should be aware that as a result of the earlier planning permissions Havering College could potentially establish Passive Close as the main access to the site, as it was originally intended, without any restrictions on the number vehicles using the road. Significant weight should therefore be given to this fact in determining the current application.
- 6.9 Therefore it is critical to understand that in comparison to the arrangements that the college could implement under the planning permissions already in place, the current application would actually deliver a development which would significantly reduce the potential use of Passive Close by the college.
- 6.10 In determining this application it is important that Members are aware of the college's funding constraints associated with this planning application, which make the positive determination of this application a time-critical matter.

- 6.11 A number of London further education (FE) capital projects were awarded London Enterprise Action Partnerships ('LEAP') grant funding in rounds one and two of the Growth Deal funding process. A number of these projects have now had their grant funding returned to the Greater London Authority ('GLA') FE capital grant funding pool as a consequence of being unable to finalise match funding or demonstrate certainty of delivery through planning.
- 6.12 At this stage, the College has approved LEAP funding for the CISIC project. This funding is still in place, however if planning consent is not obtained by October 2017, it is likely that the CISIC FE capital grant will be re-allocated to the GLA funding pool for other London FE capital projects. As a result, the College would be required to submit a new application to the GLA for capital funding to support this project. This is a lengthy process, with no certainty that funding will again be obtained via this route. As such, the CISIC project is at risk of losing its grant funding, potentially resulting in the project not being delivered in the Borough.
- 6.13 Moving forward Havering College have also indicated that the proposal would act as a catalyst for improvements to their other education facilities in Havering. The proposal would help to unlock capital for a number of other potential education facility improvement projects at sites across the Borough. The anticipated improvements strategy hinges on the successful delivery of this proposed development.

Principle of Development

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

Design/Impact on Streetscene

- 6.18 The NPPF places significant emphasis on good quality design and architecture. Paragraph 58 sets out the standards that the development should aim to achieve, this includes adding to the overall quality of the area, responding to local character and being visually attractive as a result of good architecture. Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.19 The existing college building is located adjacent to the southern boundary of the site and comprises a large detached structure of considerable scale and bulk with the appearance of an industrial/warehouse unit. The proposed new block would be located directly to the front of the existing building in an off-set position occupying a more prominent section of the site; where it would sit some 20 metres away from the new residential road at Passive Close, and over 120 metres from New Road.
- 6.20 The new building would match the general height and bulk of the surrounding development. In terms of its appearance, the proposed facility would incorporate a high quality contemporary design comprising part two storey and three storey sections with a mono-pitched sloping roof reaching a height of 13.9 metres. The exterior of the building would be finished with a combination of aluminium panelling and grey profiled metal cladding.
- 6.21 The development would also include external renovation works to the front elevation of the existing college facility, as well as the erection of a covered pedestrian link structure between the new and existing buildings. These measures would help to harmonise the proposed facility within the setting of the existing building.
- 6.22 Overall it is considered that the proposed building would be a fitting addition to the college campus and would be appropriate to the educational nature of the site. As a result it is not considered that the building would form an incongruous feature or result in any material harm to the character and appearance of the surrounding area. As such the proposal would serve to maintain and enhance the character of the local area in accordance with policy DC61.

Impact on Amenity

- 6.23 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through over-dominance or overshadowing. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, or noise and disturbance to existing properties.
- 6.24 The proposed building would be positioned within a relatively central section of the site over 30 metres away from nearest residential accommodation at

Passive Close. Given the distances and the oblique angles, it is not considered that the proposal would present any undue issues in terms of privacy, overshadowing and over-dominance to the neighbouring residents.

- 6.25 It is recognised that the new facility would result in an increase in student numbers attending the campus during the day and into the evening, as well as an intensification of activity on Passive Close as a result of vehicles travelling along it for a short distance to access the 22 space staff car park. The sound of vehicles manoeuvring and car doors closing in eastern section of the car park could also raise some concerns in relation to noise and disturbance. However, in this instance there is already a car park in place. In addition, neighbouring residential accommodation is set away from the college site boundary on the opposite side of a public highway, which would help to reduce any potential noise impact from activities at the college.
- 6.26 Nevertheless, the residential properties have been erected adjacent to an existing college campus, so any residents living nearby can reasonably expect to experience a greater element of noise and disturbance from general activity associated with the college than those living in a purely residential area.
- 6.27 It is important to note that as a result of the earlier planning permissions at the site, Havering College could potentially establish Passive Close as the main vehicular and pedestrian access to the site, as it was originally intended, without any restrictions on the number vehicles using the road. This would allow the college to use Passive Close as the main point of access in conjunction with the delivery of up to 200 on-site parking spaces.
- 6.28 Therefore in comparison to the arrangements that the college could implement under the extant planning permissions already in place; the current application would deliver a development which would significantly reduce the potential use of Passive Close by the college, primarily by introducing a set limit on the number of vehicles accommodated in the staff car park. In this regard Staff are of the opinion that this proposal would present a more suitable option for addressing the highlighted concerns in relation to the amenity of the neighbouring residents and safeguarding pedestrians.
- 6.29 Staff are therefore of the view that the current proposal would be materially less harmful on amenity and as such the proposed development would be acceptable in terms of the impact on the amenity of neighbouring residents.

Environmental Issues

- 6.30 Environmental Health have raised no objections in relation to any historical contaminated land issues associated with the site, but have recommended precautionary conditions in relation to contaminated land and air quality.

- 6.31 The proposal is not considered to give rise to any significant noise issues, subject to controls on the trading and delivery times.

Flood Risk

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

Parking and Highway Issues

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

proposed would be more than sufficient to accommodate student and staff demand.

- 6.37 In comparison to the earlier proposal this current application has been amended to further reduce the potential amount of traffic associated with the college using Passive Close. As a result, 5 of the staff car parking spaces would be relocated from the south eastern staff car park, accessed from Passive Close, and moved to the main car park at the centre of the site, accessed from New Road. Consequently, Passive Close would be used to access only 22 parking spaces as opposed to 27 car parking spaces previously.
- 6.38 The overall proposed car parking provision for the college would remain unchanged with a total of 162 spaces. As with the previous proposal the Passive Close access would be barrier controlled to allow the appropriate management by the college. This will prevent vehicular access to the college from Passive Close by students.
- 6.39 It is important to note that Passive Close has, since its inception, been intended to form a dual access road for both the college site and the neighbouring residential properties.
- 6.40 Members should be aware that as a result of the earlier planning permissions Havering College could potentially establish Passive Close as the main access to their site, as it was originally intended, without any restrictions on the number vehicles using the road. This allows the college to use Passive Close as the main point of access in conjunction with the delivery of up to 200 on-site parking spaces. Given the planning history associated with the use of Passive Close significant weight should therefore be given to this fact in determining the current application.
- 6.41 It is critical to understand that the current application would deliver a development which would significantly reduce the potential use of Passive Close by the college in comparison to the arrangements that the college could implement under the planning permissions that are already in place.
- 6.42 It should be noted that there have been no objections to the proposed development from Highways or Transport for London. In Staff's view, the scheme now proposed addresses the previous refusal reason.
- 6.43 In terms of secure cycle storage a total of 136 spaces would be provided.
- 6.44 As part of the wider re-landscaping works the proposal would also deliver a section of the strategic Rainham cycle and pedestrian link path. The proposed 5 metre wide route would run from east to west through the site, along the northern boundary with the swale at Passive Close and around the northern flank of the proposed building. It is anticipated that the cycle and pedestrian path route would eventually provide a dedicated east-west link from Rainham town centre, along the New Road corridor through to the proposed new station at Beam Park.

6.45 Once it is in place the strategic route would serve to significantly improve cycle and pedestrian access to the college site, reduce car dependency and encourage the use of more sustainable modes of transport.

6.46 It is anticipated that the section of cycle and pedestrian path running through the college site would be brought forward in three stages. A suggested delivery mechanism and timetable for implementation has been set out in a supporting statement and accompanying drawing '01001', and under these terms would be brought forward as follows:

- Section A: Secure Housing Zone funding from that already identified for the Rainham and Beam Park Housing Zone, to support the delivery of this section of the cycle/pedestrian route.

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

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

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

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

7. Conclusion

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

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

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

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

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

**REGULATORY SERVICES
COMMITTEE**

26 April 2017

Subject Heading:

**P0183.17: Queens Moat House, St
Edwards Way, Romford**

**Variation of condition 2 of P0183.17 -
Accordance with plans. Retention of
existing main entrance and stairs, new
substation to western corner of site.
(Application received 7 December
2017)**

Ward:

Romford Town

SLT Lead:

**Steve Moore
Director of Neighbourhoods**

Report Author and contact details:

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

Policy context:

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

Financial summary:

None

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

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

SUMMARY

Planning permission P0183.17 was granted in August 2017 for the construction of a roof extension comprising 4no. residential flats and shared gym facility; plus, renovation works to the existing building façade and landscaping works.

This application is seeking to vary condition 2 (Accordance with plans) of the planning permission under Section 73 of the Town and Country Planning Act, 1990. The proposed revisions would involve the retention of the existing main entrance and stairs and the erection of a new substation to the western corner of site.

The proposed amendments are judged to be of a reasonable nature and the variation of condition 2 is considered to be acceptable. It is therefore recommended that planning permission is granted subject to the same conditions as the previous consent and the applicant entering into a deed of variation to the existing section 106 agreement.

RECOMMENDATIONS

That it be noted that proposed development is liable for the Mayors Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on 241.4 square metres of new gross internal floor space. The proposal would therefore give rise to the requirement of £4,828 Mayoral CIL payment (subject to indexation).

That the variation of condition 2 of planning permission P0183.17 under Section 73 of the Town and Country Planning Act, 1990 is unacceptable as it stands but would be acceptable subject to the applicant entering into a Legal Agreement under Section 106 of the Town and Country Planning Act, 1990 (as amended) to vary the existing legal agreement, completed on 17 August 2017, in respect of the previous planning permission P0183.17 by varying the definition of Planning Permission, which shall mean either planning permission P0183.17 as originally granted or planning permission P1996.17 and any other changes as may be required from this, to secure the following obligations, by 24 August 2018, and in the event that the deed of variation is not completed by such date then the Planning Manager has delegated authority to refuse planning permission:

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

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

- Save for the holders of blue badges that the future occupiers of the proposal will be prevented from purchasing parking permits for their own vehicles for any existing, revised or new permit controlled parking scheme.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the Legal Agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- Payment of the appropriate planning obligations monitoring fee prior to the completion of the agreement.

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

1. Time Limit

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

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

2. In Accordance with Plans

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

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

3. External Materials

The external elements of the development shall be constructed in the materials approved under condition 3 of P0183.17; under discharge of condition reference Q0027.18.

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

4. Construction Methodology

The Construction Methodology shall be carried out in accordance with the details approved under condition 4 of P0183.17; under discharge of condition reference Q0005.18, as detailed in the Construction Method Statement/Management Plan, prepared by Mark Pattengell, and dated December 2017.

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

5. Hours of Construction

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

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

6. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

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

7. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the

Local Planning Authority. The cycle storage shall be permanently retained thereafter.

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

8. Accessible and Adaptable Dwellings

All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.

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

9. New Plant and Machinery

No building shall be occupied or use commenced until a scheme for the new plant or machinery is submitted to and approved in writing by the Local Planning Authority to achieve the following standard - Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property shall not exceed LA90 -10dB. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

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

10. Noise Insulation

No building shall be occupied or use commenced until a scheme for protecting the proposed dwellings from noise from nearby restaurants and commercial premises at North Street, has been previously submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

Reason: Insufficient information has been supplied with the application to judge the impact of noise upon the proposed development. Submission of an assessment prior to commencement will protect future residents against the impact of noise in accordance with Development Control Policies Development Plan Document Policy DC61.

11. Water Efficiency

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

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

12. Parking Provision

Before any part of the dwelling hereby permitted is first occupied the car parking provision as indicated in drawings 'P.12.01 Rev D' and 'P.12.02 Rev E' shall be laid out and implemented to the full satisfaction of the Local Planning Authority and thereafter this car parking provision shall remain unobstructed and permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

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

13. Landscaping

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

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

14. Car Parking Management Scheme

No part of the development hereby permitted shall be occupied until details to show how car parking is to be managed within the site and spaces allocated to

visitors and existing tenants has been submitted to the Local Planning Authority for approval in writing. The submission shall include details of measures to be used to manage and maintain the service road free from obstruction by parked vehicles. The car parking management strategy shall be provided in accordance with the approved details prior to the first occupation of any dwelling. Such facilities shall be permanently retained thereafter for the lifetime of the development.

Reason: Insufficient information has been submitted with the application to demonstrate how the service road that serves the development would be managed and parking controlled so as to avoid access for residents, service and emergency vehicles being restricted and the access to the electricity sub-station and flood water storage area being obstructed. The approval and provision of the management scheme is considered necessary prior to first occupation in the interest of highway safety and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC32 and DC33.

15. Road Traffic Noise Assessment

The dwellings shall be constructed in strict accordance with the measures set out in the Noise Statement (Doc No: REP(00)U002), dated 11/5/17, submitted in relation to condition 15 of P0183.17 and approved under discharge of condition application reference Q0230.17.

Reason: To protect future residents against the impact of transportation noise and vibration, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

16. Substation Noise Impact Assessment

Before any development is commenced, an assessment shall be undertaken of the impact of noise and vibration emanating from the proposed substation and a scheme for protecting the surrounding dwellings from noise and vibration shall be submitted to and approved by the Local Planning Authority. Any works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.

Reason: Insufficient information has been supplied with the application to judge the impact of noise and vibration upon the proposed development and surrounding occupiers. Submission of an assessment prior to commencement will protect future residents against the impact of noise, in accordance with Development Control Policies Development Plan Document Policies DC55 and DC61.

INFORMATIVES

1. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No

significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

2. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £4,828 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
3. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
4. 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.
5. Any offloading of scaffolding from St. Edwards Way will require a separate permit from the Council's Street Works team.
6. Before occupation of the residential units hereby approved, it is a requirement to have the property/properties officially Street Named and Numbered by our Street Naming and Numbering Team. Official Street Naming and Numbering will ensure that that Council has record of the property/properties so that future occupants can access our services. Registration will also ensure that emergency services, Land Registry and the Royal Mail have accurate address details. Proof of having officially gone through the Street Naming and Numbering process may also be required for the connection of utilities. For further details on how to apply for registration see:

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

REPORT DETAIL

1. Site Description

- 1.1 The application relates to the premises at Queens Moat House, St Edwards Way, Romford. This is a large detached four-storey office block located within Romford town centre.
- 1.2 The building is positioned with a prominent frontage onto the A118 St. Edwards Way and backs onto the two storey residential accommodation at Haysoms Close to the rear.
- 1.3 The land is not designated for any specific purposes in the Local Development Framework (LDF) and the site is surrounded by a mixture of uses including commercial and residential.

2. Description of Proposal

- 2.1 Planning permission P0183.17 was granted in August 2017 for the construction of a roof extension comprising 4no. residential flats and shared gym facility; plus, renovation works to the existing building façade and landscaping works. The accommodation comprises 1no. one-bedroom unit and 3no. two-bedroom units.
- 2.3 The planning permission followed prior approval consent under applications J0004.17 and J0017.16 to convert the existing ground, first, second and third floors from offices to 41no. self-contained residential flats.
- 2.2 This application is seeking to vary condition 2 (Accordance with plans) of planning permission P0183.17 under Section 73 of the Town and Country Planning Act, 1990. The proposed revisions would involve the retention of the existing main entrance and stairs and the erection of a new single storey substation building to western corner of site involving the reconfiguration of the car park layout to accommodate the new structure.
- 2.3 The application proposes no other changes to the previously approved scheme.

3. Relevant History

- 3.1 P0183.17 - Rooftop extension comprising 4no. self-contained flats and shared gym facility; plus, renovation works to existing building facade; and, landscaping works - Approved, 17 August 2017

- 3.2 J0004.17 - Prior approval for the change of use of offices (B1a) to provide 41no. residential units (C3) arranged over ground, first, second and third floors - Granted, 3 April 2017
- 3.3 J0017.16 - Change of use of offices (class B1) to C3, to provide 32 residential units over ground, first, second and third floors - Granted, 16 December 2016

4. Consultations/Representations

- 4.1 Notification letters were sent to 110 properties and no representations have been received.
- 4.2 The following consultation responses have been received:
- London Fire and Emergency Planning Authority - no objection.
 - Environmental Health - no objection, recommended conditions relating to noise levels and noise insulation.
 - Local Highway Authority - no objection, recommended that a S106 be provided to prevent future occupiers obtaining resident's parking permits.

5. Relevant Policies

- 5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC11 (Non-designated Sites), DC29 (Educational Premises), DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places), DC66 (Tall Buildings and Structures) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.
- 5.2 Other relevant documents include the Romford Town Centre Development Framework, the Residential Design SPD, Designing Safer Places SPD, Romford Area Action Plan (ROM13) Planning Obligations SPD (technical appendices) and the Sustainable Design and Construction SPD.
- 5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes), and 8.2 (planning obligations) of the London Plan, are material considerations.

- 5.4 The National Planning Policy Framework, specifically Sections 6 (Delivering a wide choice of high quality homes) and 7 (Requiring good design), are relevant to these proposals.

6. Staff Comments

- 6.1 When considering the previous application for the roof extension, Staff took into consideration issues in relation to the principle of development, the density and layout, the design and impact on the streetscene, the impact on amenity, and the implications for parking and highways. These considerations were assessed and judged to be acceptable in all material respects, which in turn led to planning permission being granted.
- 6.2 This application concerns the retention of the existing main entrance and stairs and the erection of a new single storey substation building to western corner of site involving the reconfiguration of the car park layout to accommodate the new structure. Staff note that these are the only matters for consideration.

Principle of Development

- 6.3 The principle of the development was established under planning permission P0183.17. As with the previous application the provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.

Density/Layout

- 6.4 The density and layout of the scheme was assessed under planning application P0183.17 and judged to be acceptable. This application proposes no alteration to the previously approved details concerning the roof extension.
- 6.5 The amendment to the site layout would involve the erection of a relatively modest single storey substation building to western corner of site, which currently forms a grassed verge to the service road to the rear of the building. The siting of the proposed sub-station structure, which would involve the deletion of 2no. parking spaces from the previously approved scheme, would not unduly affect the vehicle access or the turning and manoeuvring areas within the site.
- 6.6 The acceptability of deleting two of the parking spaces from the previously approved scheme is discussed in more detail in the 'Parking and Highway Issues' section of the report.

Design/Impact on Streetscene

- 6.7 The design and impact on the streetscene was assessed under planning application P0183.17 and judged to be acceptable. This application proposes no alteration to the previously approved details concerning the roof extension.
- 6.8 The proposed single storey flat roof substation building would form an unobtrusive and inconspicuous feature within car park setting at the rear of the site.
- 6.9 Planning permission P0183.17 proposed replacing the front doorway and entrance steps at St. Edwards Way. The existing front door and entrance steps are in good condition providing a functional and practical means of entry. The retention of these features in the proposed conversion of Queens Moat House would not undermine the wider renovation works to the front facade of the property or unduly harm the character and appearance of the streetscene at St. Edwards Way.

Impact on Amenity

- 6.10 The impact on the amenity of neighbouring residents was assessed under planning application P0183.17 and judged to be acceptable. This application proposes no alteration to the previously approved details concerning the roof extension.
- 6.11 It is recognised that the proposed substation building would lie some 15 metres from the residential properties at Haysoms Close, raising some concerns in relation to noise and disturbance. As such Staff will include an additional condition requiring a full noise impact assessment to be undertaken specifically in relation to the substation, prior to the commencement of works, in order to ensure that suitable noise insulation and mitigation measures are incorporated into this element of the development.

Parking and Highway Issues

- 6.12 The parking provision and highways implications were assessed under planning application P0183.17 and judged to be acceptable. The previous scheme proposed a total of 32 off-street parking spaces to be used by the 45 flats granted consent through the prior approval process and planning permission.
- 6.13 In order to accommodate the substation building two of the proposed parking bays in the western corner of the site would be deleted from the scheme, resulting in a total of 30 spaces.

- 6.14 The site has a Public Transport Accessibility Level (PTAL) rating of 6a; meaning that the premises has very good access to a variety of public transport facilities. Government guidance encourages a relaxation in parking and other standards in town centre locations, particularly where there is good access to public transport and the proposal accords with this advice.
- 6.15 As set out with planning permission P0183.17; given the central location and the good public transport links there is no policy requirement for the scheme to provide dedicated off street residents' car parking provision and the reduction of two spaces is considered to be acceptable. A condition will be carried over from the earlier planning permission requiring the applicant to provide further details of how the parking space allocation will be managed once the flats are occupied.
- 6.16 The Local Highway Authority have raised no objection subject to the applicant once again entering into a legal agreement to prevent future occupiers from applying for parking permits. This will be incorporated into the deed of variation. Subject to the completion of this agreement, the proposal would be acceptable in highway terms and it is not considered that the proposed change of use would result in any parking or highway safety issues. The legal agreement would be consistent with the earlier legal agreements completed for the recently granted prior approval applications for residential conversion in the existing floors of Queens Moat House.

Mayoral Community Infrastructure Levy

- 6.17 The proposed development will create 4no. new residential units with 241.4 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £4,828 (this may go up or down, subject to indexation) based on the calculation of £20.00 per square metre.

Infrastructure Impact of Development

- 6.18 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.19 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of

the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.

- 6.20 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.21 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.22 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.23 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.24 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.
- 6.25 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £24,000 for educational purposes would be appropriate.

7. Conclusion

- 7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable subject to conditions differing from those subject to which the previous permission was granted and a deed of variation to the existing section 106 agreement.
- 7.2 Staff consider that the proposal is acceptable in all material respects.
- 7.3 Staff are of the view that the siting, scale and location of the proposal would not be disproportionate or have a harmful impact on the character of the streetscene or result in a loss of amenity to neighbouring occupiers. The proposal is considered to be acceptable in all other respects and it is therefore recommended that planning permission be granted subject to conditions and the completion of a deed of variation legal agreement.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions will be sought through the legal agreement.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

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

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 7 December 2017.

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REGULATORY SERVICES COMMITTEE

REPORT

26 April 2018

Subject Heading:

Application for the Stopping Up of
Highway Land at Theatre Road,
Hornchurch

Ward:

Hornchurch

Report Author and contact details:

Mark Philpotts, Principal Project Leader,
StreetCare – Tel: 0170843751
Email: mark.philpotts@havering.gov.uk

Policy context:

Section 247 Town and Country Planning
Act 1990 (as amended)

Financial summary:

None

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

Havering will be clean and its environment will be cared for	[x]
People will be safe, in their homes and in the community	[x]
Residents will be proud to live in Havering	[x]

SUMMARY

This report relates to an application received on 7 March 2018 for the stopping up of highway to enable the full implementation of development of land pursuant to a planning permission (planning reference P0960.16) for the erection of a three / five storey building comprising 44 residential units, car parking, landscaping and other associated work ("Planning Permission").

The developer has applied to the Council under s.247 of the Town and Country Planning Act 1990 (as amended) (the "Act") to stop up the area(s) of highway shown zebra hatched on the plan entitled 75 North Street, Hornchurch – Highway Stopping up Theatre Road annexed to this report (the "Plan") so that the development can be carried out. The Council's highway officers have considered the application and consider that the stopping up is acceptable in all material respects to enable development pursuant to Planning Permission.

RECOMMENDATIONS

Subject to the grant of Planning Permission, the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 and subject to the lawful implementation of Planning Permission that:-

- 2.1 The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway shown zebra hatched on the Plan as the land is required to enable development for which the Council has granted the Planning Permission.
- 2.2 In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
- 2.3 In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the Order.
- 2.4 In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination unless the application is withdrawn.

REPORT DETAIL

- 3.1 On 14 June 2016 the Council received an application for the erection of a three / five storey building comprising 44 residential units, car parking, landscaping and other associated work (planning reference P0960.16).
- 3.2 The stopping up is necessary in order that development pursuant to the Planning Permission can be implemented and it involves the stopping up of sections of existing public highway being footway.
- 3.3 The section of public highway to be stopped up measures approximately 13.5 meters in length by 3.3 meter in width and is sited between OS grid reference points 553941E, 187520N; and 553955E, 187519N.
- 3.3 The development involves building on land which includes areas of adopted highway. In order for this to happen, the areas of the highway shown zebra hatched on the attached Plan need to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The Stopping Up Order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London Borough to make an Order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council may confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the Order. If however a Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

IMPLICATIONS AND RISKS

Financial implications and risks:

The costs of the making, advertising and confirmation and any associated costs, should the Order be confirmed or otherwise will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

Legal implications and risks: Human Resources implications and risks:

Section 247 of the Town and Country Planning Act 1990 gives the power to the London Boroughs to make stopping up orders for highways within their Boroughs if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the planning permission granted. (Outside London the power is in the hands of the Secretary of State). The responsibility was devolved to the London Boroughs through the Greater London Authority Act 1999.

The process for the making of the order is as follows. Following the Council's resolution, notices of the proposed order are advertised and served on relevant authorities, principally the statutory undertakers, and displayed on site. Following the objection period of 28 days if there have been no objections the Council may make the order.

In the event that relevant objections are made, other than by a Statutory Undertaker or Transport Undertaker the application is referred to the Mayor for London for determination. In the event of objections by a Statutory Undertaker or Transport Undertaker application is referred to the Secretary of State for determination.

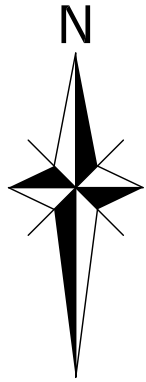
Legal resources will be required to draft the stopping up order and notices as well as carry out the Consultation process and mediate any negotiation with objectors.

Equalities implications and risks:

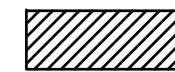
None directly attributable to the proposal.

BACKGROUND PAPERS

1. Regulatory Services Committee Report dated 27 April 2017
2. Plan entitled 75 North Street, Hornchurch – Highway Stopping up Theatre Road



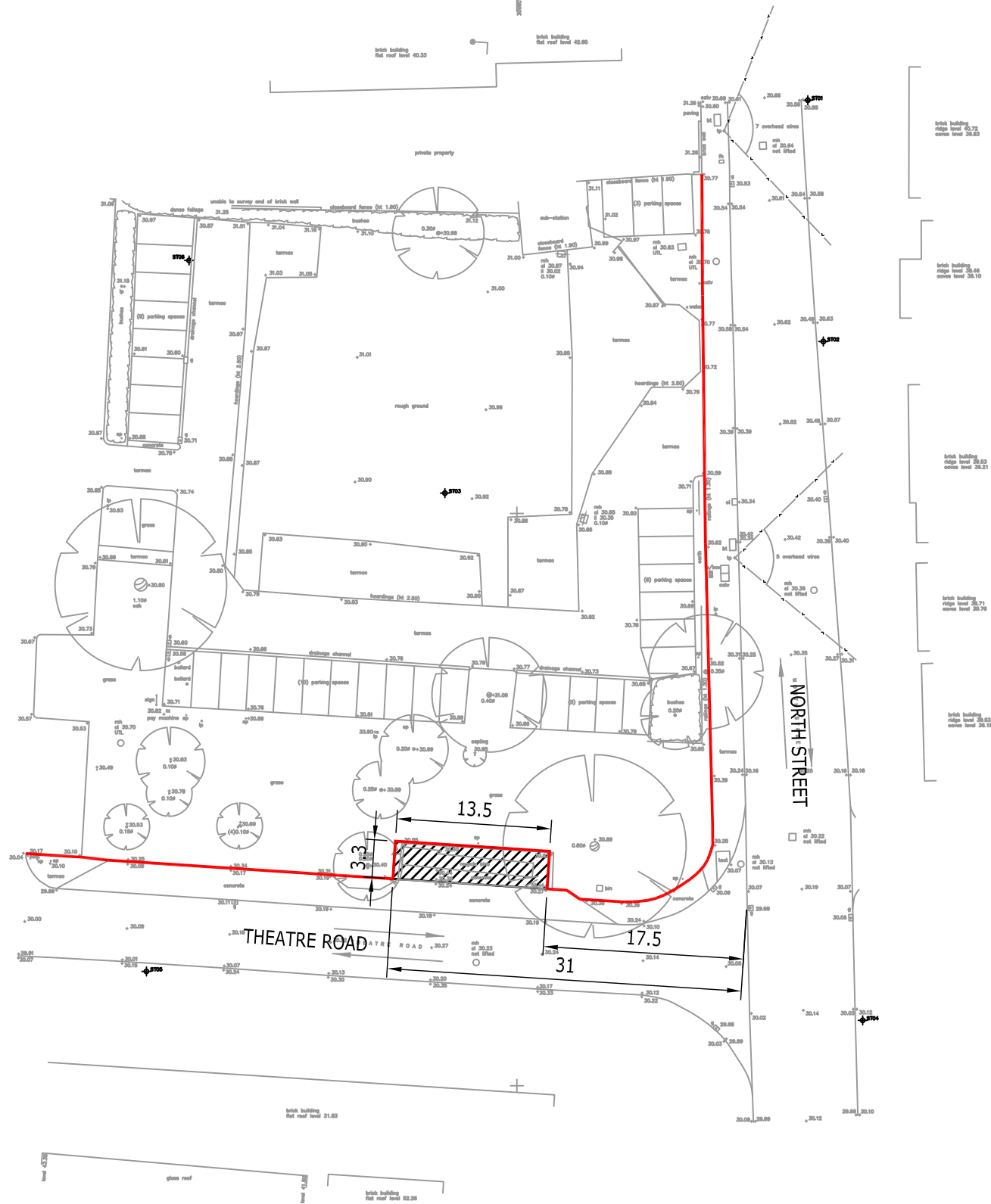
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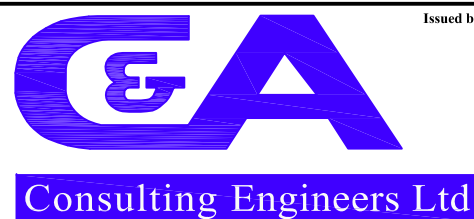
AREA OF EXISTING HIGHWAY/FOOTWAY TO BE STOPPED UP



HIGHWAY BOUNDARY



Rev	Amendments	Drm	Chk	App	Date



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Station Road
Hook
Hampshire
RG27 9HA
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Park House, Park Farm
East Malling Trust Estate
Bradbourne Lane
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01732 448120

Job Title
**75 NORTH STREET
HORNCHURCH**

Drawing Title
**HIGHWAY STOPPING UP
THEATRE ROAD**

Client
**MERCURY DESIGN
AND BUILD LIMITED**

Scale 1:500 @A3	Date JAN 2018	Designed DC
Drawn EV	Checked GG	Approved SC
Job No 15-041	Drawing No 15-041/009	Rev

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

26 April 2018

Subject Heading:	Quarterly Planning Performance Update Report.
SLT Lead:	Steve Moore – Director of Neighbourhoods
Report Author and contact details:	Simon Thelwell Planning Manager – Projects and Regulation simon.thelwell@havering.gov.uk
Policy context:	The National Planning Policy Framework National Planning Practice Guidance
Financial summary:	None

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

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

SUMMARY

This report produces a summary of performance on planning applications/appeals and planning enforcement for the previous quarter, January to March 2018. Details of any

planning appeal decisions in the quarter where the committee resolved to refuse planning permission contrary to officer recommendation are also given.

RECOMMENDATION

That the report be noted.

REPORT DETAIL

1. Background

- 1.1 One of the recommendations from the recent review of the Regulatory Services Committee carried out by Planning Advisory Service was that Members be regular and effectively informed of performance and quality statistics on planning applications.
- 1.2 The Government has set performance targets for Local Planning Authorities, both in terms of speed of decision and quality of decision. Failure to meet the targets set could result in the Council being designated with applicants for planning permission being able to choose not to use the Council for determining the application.
- 1.3 The intention is to provide a quarterly report summarising the current performance in regard to designation measures, including details of any appeal decisions where the committee has decided to refuse planning permission contrary to officer recommendation. A summary of planning enforcement performance is also provided for information.

2. Quality of Planning Decisions

- 2.1 Designation Round 1 applied to all planning applications decided between 1 April 2015 and 31 March 2017 and subsequent appeals decided up to 31 December 2017. Quality performance with regard to Major (10 or more residential units proposed or 1000+ sq m new floorspace or site area greater than 0.5 hectares), County Matter (proposals involving minerals extraction or waste development) and Non-Major applications were assessed separately. If more than 10% of the total decisions in each category over the period were allowed on appeal, the threshold for designation would be exceeded. The final figures were:
- 2.2 Major Applications:

Total number of planning decisions over period: 65
Number of appeals allowed: 6 (of which 5 were committee decisions to refuse contrary to officer recommendation)
% of appeals allowed: 9.2%

County Matter Applications:

Total number of planning decisions over period: 21
Number of appeals allowed: 2 (of which 2 were committee decisions to refuse contrary to officer recommendation)
% of appeals allowed: 9.5%

Non-Major Applications:

Total number of planning decisions over period: 3419
Number of appeals allowed: 52
% of appeals allowed: 1.5%

Therefore, Havering will not be designated for quality of decisions over the period, although the figures ran very close to the designation threshold and one additional adverse appeal decision in either category would have led to the 10% being exceeded.

2.3 Future rounds:

There has been no announcement on what period would be assessed for future designation rounds. Working on the basis that designation would be announced every year, the next period would be decisions between 1 April 2016 and 31 March 2018, with subsequent appeal decisions to December 2018. The current figures are:

Major Applications:

Total number of planning decisions over period: 53
Number of appeals allowed: 3 (of which 3 were committee decisions to refuse contrary to officer recommendation)
% of appeals allowed: 5.7%
Appeals still to be determined: 2
Refusals which could still be appealed: 3

County Matter Applications:

Total number of planning decisions over period: 16
Number of appeals allowed: 0
% of appeals allowed: 0%
Appeals still to be determined: 0

Non-Major Applications:

Total number of planning decisions over period: 3577
 Number of appeals allowed: 69 (to date)
 % of appeals allowed: 1.9%

2.4 Due to the low number of decisions that we take that are majors or county matters, any adverse appeal decision can have a significant effect on the figure. The majors category looks to be at risk at this time – there are possibly 5 more appeal decisions to come and if 3 of those were to be allowed between now and December, the designation threshold of 10% would be exceeded.

2.5 As part of the quarterly monitoring, it is considered useful to provide details of the performance of appeals generally and summarise any appeal decisions received where the Committee resolved to refuse planning permission contrary to officer recommendation.

Appeal Decisions Jan-Mar 2018				
Total Number of Appeal Decisions - 26				
Appeals Allowed - 11				
Appeals Dismissed - 15				
% Appeals Allowed - 42%				
Appeal Decisions where Committee Decision Contrary to Officer Recommendation				
Total Number of Appeal Decisions - 1 (details below)				
Appeals Allowed - 1				
Appeals Dismissed - 0				
% Appeals Allowed - 100%				
Appeal Decisions Jan-Mar 2018				
Decision by Committee Contrary to Officer Recommendation				
Date of Committee	Application Details	Summary Reason for Refusal	Appeal Decision	Summary of Inspectors Findings
11/05/17	P1753.16 Pinewood Poultry Farm, 1 Pinewood Road, Havering-Atte-Bower Demolition of existing buildings and redevelopment to provide 5 detached houses.	Inappropriate development, harmful to the Green Belt.	Appeal Allowed	The proposed buildings would be similar height to existing and although larger footprint, there would be less buildings overall. There would be no greater impact on openness of the Green Belt and development would not be inappropriate.

Appeal Decisions Apr 2017-Mar 2018

Total Number of Appeal Decisions -	118
Appeals Allowed -	31
Appeals Dismissed -	87
% Appeals Allowed -	26%

Appeal Decisions where Committee Decision Contrary to Officer Recommendation

Total Number of Appeal Decisions -	24
Appeals Allowed -	11
Appeals Dismissed -	13
% Appeals Allowed -	46%

3. Speed of Planning Decisions

3.1 Designation Round 1 applied to all planning applications decided between 1 October 2015 and 30 September 2017. Speed of decision was to apply to all major and non-major development applications, with the threshold for designation set as follows:

Speed of Major Development (and County Matters) – 60% of decisions within timescale (13 or 16 weeks or such longer time agreed with the applicant)

Speed of Non-Major Development - 70% of decisions within timescale (8 weeks or such longer time agreed with the applicant)

3.2 For the designation period, Havering achieved the following performance:

Major Development – 85.5% in time

County Matter – 95% in time

Non-Major Decisions – 92.5% in time

3.3 As for the quality performance measure, there has been no announcement on future designation round for speed of decision, so it is considered that a rolling two year figure is monitored for the purposes of this report. To end March 2018, the following performance has been achieved:

Major Development – 85.2% in time

County Matter – 94.1% in time

Non-Major Decisions - 92.2% in time

4.0 Planning Enforcement

4.1 There are no designation criteria for planning enforcement. For the purposes of this report, it is considered useful to summarise the enforcement activity in the preceding quarter. This information is provided below:

Jan – Mar 2018	
Number of Enforcement Complaints Received:	147
Number of Enforcement Complaints Closed:	209
Number of Enforcement Notices Issued:	9
Enforcement Notices Issued in Quarter	
Address	Subject of Notice
Lakeview Caravan Park, Cummings Hall Lane, Noak Hill	Unauthorised change of use of undeveloped area of caravan park. Stop Notice also served
66 Hillcrest Road, Hornchurch	Unauthorised decking and fences
30 Berwick Road, Rainham	Unauthorised structures in front garden
37 Rosewood Avenue, Hornchurch	Unauthorised conversion to 2 flats
110 Hillview Avenue, Hornchurch	1) Unauthorised conservatory 2) Unauthorised dormers
110 Lower Bedfords Road, Romford	Unauthorised front/side boundary walls/gates, unauthorised storage container
41 Deyncourt Gardens, Upminster	Roof not in accordance with planning permission
96 Dagenham Road, Romford	Breach of Condition – creation of balcony

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources are sometimes required in defending appeals, particularly where there is a Public Inquiry or Hearing.

Human Resources implications and risks: None

Equalities implications and risks: None

BACKGROUND PAPERS

MHCLG Statistics
Appeal Decisions
Register of Enforcement Notices

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