



Havering

LONDON BOROUGH

PLANNING COMMITTEE AGENDA

7.30 pm

**Thursday
5 July 2018**

**Havering Town Hall,
Main Road, Romford**

Members 8: Quorum 4

COUNCILLORS:

**Conservative Group
(4)**

Robby Misir (Chairman)
Carol Smith (Vice-Chair)
Philippa Crowder
Michael White

**Residents' Group
(1)**

Stephanie Nunn

**Upminster & Cranham
Residents Group'(1)**

John Tyler

**Independent Residents
Group
(1)**

David Durant

**Labour Group
(1)**

Paul McGeary

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
Before 5.00PM 3 July 2018**

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:-

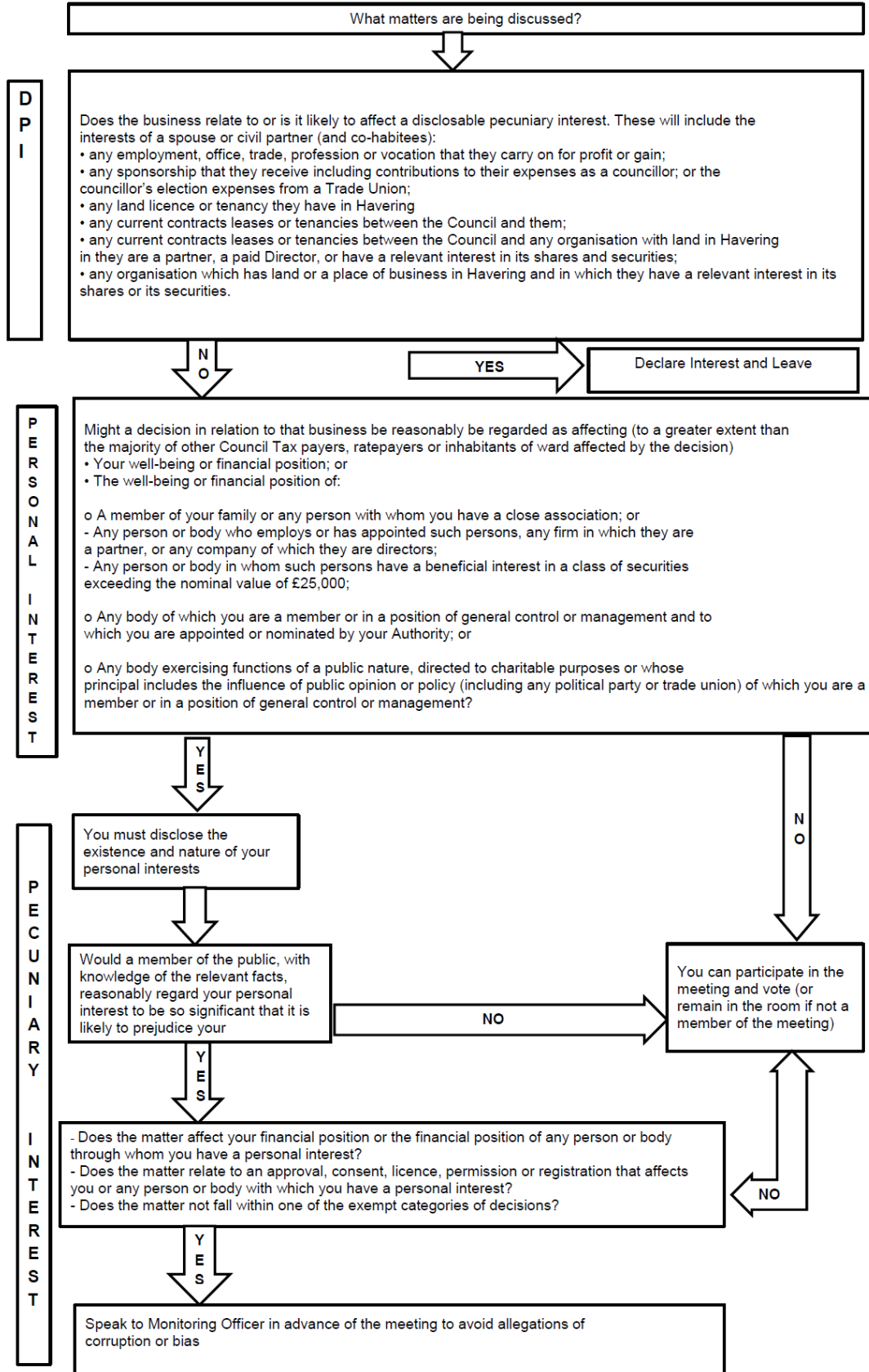
- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, 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 - 2)

To approve as a correct record the minutes of the meeting of the Committee held on 7 June 2018 and to authorise the Chairman to sign them.

5 APPLICATIONS FOR DECISION (Pages 3 - 6)

See attached document

- 6 **P2051.17 - 6 BROOKSIDE, HORNCHURCH** (Pages 7 - 10)
- 7 **P1749.17 - 86 STATION LANE, HORNCHURCH** (Pages 11 - 22)
- 8 **P0133.18 - 58 MALVERN ROAD, HORNCHURCH** (Pages 23 - 30)
- 9 **P2103.17 - 49 MALVERN ROAD, HORNCHURCH** (Pages 31 - 38)
- 10 **P0561.18 - 14 IVES GARDENS, ROMFORD** (Pages 39 - 44)
- 11 **P0580.18 - 134 ARDLEIGH GREEN ROAD, HORNCHURCH** (Pages 45 - 48)
- 12 **P0312.18 - 2 BERTHER ROAD, HORNCHURCH** (Pages 49 - 56)
- 13 **STOPPING UP - LOWEN ROAD, RAINHAM** (Pages 57 - 64)
- 14 **STOPPING UP - ROMA COTTAGE, DUNEDIN ROAD, RAINHAM** (Pages 65 - 72)

Andrew Beesley
Head of Democratic Services

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**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
Havering Town Hall, Main Road, Romford
7 June 2018 (7.30 - 8.15 pm)**

Present:

COUNCILLORS: 8

Conservative Group Robby Misir (in the Chair) Carol Smith (Vice-Chair),
Philippa Crowder and +Melvin Wallace

Residents' Group Stephanie Nunn

**Upminster & Cranham
Residents' Group** John Tyler

**Independent Residents
Group** David Durant

Labour Group Paul McGeary

An apology for absence was received from Councillor Michael White.

+Substitute Members: Councillor Melvin Wallace (for Michael White).

5 members of the public were present.

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

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

1 **DISCLOSURE OF INTERESTS**

There were no disclosures of interest.

2 **MINUTES**

The minutes of the meeting of the Committee (previously known as the Regulatory Services Committee) held on 26 April 2018 were agreed as a correct record and signed by the Chairman.

3 **P1386.17 - 158 ALBANY ROAD, HORNCHURCH - RETROSPECTIVE APPLICATION FOR A SINGLE STOREY OUTBUILDING IN THE REAR GARDEN FOR PERSONAL AND BUSINESS USE**

The application had been withdrawn from the agenda and was to be issued under delegated powers as no speakers attended the meeting to convey their objections.

4 **P0080.18 - COCKHIDE FARM, BRAMBLE LANE - MINERAL EXTRACTION AND IMPORTATION OF INERT MATERIAL TO ENABLE RESTORATION TO AGRICULTURE INCLUDING ANCILLARY PLANT AND BUILDINGS**

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

The Committee considered the report and the update report and **RESOLVED** on a vote of 7 for and 1 abstention to agree the recommendation to **GRANT PLANNING PERMISSION** subject to the prior completion of a legal agreement and an amendment to the head of terms regarding spend of £12,500 contribution to be amended to read highway maintenance to include local roads, i.e not just Bramble Lane.

Councillor Durant abstained from voting.

Chairman

Agenda Item 5

Applications for Decision

Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a specific application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

Advice to Members

Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations.
5. The development plan for Havering comprises the following documents:
 - London Plan March 2016
 - Core Strategy and Development Control Policies (2008)
 - Site Allocations (2008)
 - Romford Area Action Plan (2008)
 - Joint Waste Development Plan (2012)
6. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
7. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
8. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development

which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

9. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
10. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made based on the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

Non-material considerations

11. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
 - Building Regulations deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by Highways Legislation.
 - Environmental Health covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the Party Wall Act.
 - Covenants and private rights over land are enforced separately from planning and should not be considered.

Local financial considerations

12. In accordance with Policy 6.5 of the London Plan (2015) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund CrossRail.
13. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

Public speaking and running order

14. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.
15. The items on this part of the agenda will run as follows where there are registered public speakers:

- a. Officer introduction of the development
- b. Registered Objector(s) speaking slot (3 minutes)
- c. Responding Applicant speaking slot (3 minutes)
- d. Ward Councillor(s) speaking slots (3 minutes)
- e. Officer presentation of the material planning considerations
- f. Committee questions and debate
- g. Committee decision

16. The items on this part of the agenda will run as follows where there are no public speakers:

- a. Where requested by the Chairman, officer presentation of the main issues
- b. Committee questions and debate
- c. Committee decision


Late information

17. Any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Update Report.

Recommendation

18. The Committee to take any decisions recommended in the attached report(s).

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 Havering LONDON BOROUGH	Planning Committee 5 July 2018
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Application Reference:	P2051.17
Location:	6 Brookside, Hornchurch
Ward:	Emerson Park
Description:	Two storey front extension, two storey side and rear extension with a room in the roof and increase in ridge height including front and rear dormer windows.
Case Officer:	Aidan Hughes
Reason for Report to Committee:	A Councillor call-in has been received.

1. BACKGROUND

- 1.1 The application was called in by Councillor Roger Ramsey, in the event of a recommendation of refusal, prior to the implementation of the delegated power changes agreed by Governance Committee and Council. The call-in has been honoured on the basis on which it was originally lodged.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The proposed development, by reason of its excessive scale, bulk, mass, crowned roof form would appear incongruous, dominant and visually intrusive in the streetscene and rear garden environment. This will be harmful to the open and spacious character and appearance of the surrounding area.

3 RECOMMENDATION

- 3.1 That the Committee resolve to REFUSE planning permission for the follow reason:
The proposal is considered to be unacceptable by reason of its excessive scale, bulk, mass, crowned roof form and resultant incongruous, dominant and visually intrusive impact in the streetscene and rear garden environment. This will be harmful to the open and spacious character and appearance of the surrounding area and contrary to the Residential Extensions and Alterations SPD and the Emerson Park Policy Area SPD and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.

Informatives

1. INF31 Refusal no negotiations.

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Planning permission is sought for a two storey front extension, two storey side and rear extension with a room in the roof and increase in ridge height including front and rear dormer windows.

Site and Surroundings

- 4.2 The application site is located within Brookside and is in Sector 2 of the Emerson Park Policy Area. The site contains a two storey detached property finished in a mixture of face brick and painted render.
- 4.3 There is parking in the garage with three spaces on the drive. The surrounding area is characterised by two storey dwellings of various styles and designs.

Planning History

- 4.4 The following planning decisions are relevant to the application:

P1035.12 - Two storey rear extension and detached outbuilding to rear of garden - Approved (Not implemented, consent lapsed).

P1629.17 - Two storey side and rear extension with a room in the roof and increase in ridge height including front and rear dormer windows - Refused on grounds of visual impact in streetscene and rear garden environment. Appeal dismissed.

5 CONSULTATION RESPONSE

- 5.1 No statutory consultations were required to be carried out in connection with this application.

6 LOCAL REPRESENTATION

- 6.1 13 neighbouring properties were notified about the application and invited to comment, however no representations were received.
- 6.2 The following Councillor made representations:

Councillor Roger Ramsey wishes to call the application in on the grounds of the size and design.

7 MATERIAL PLANNING CONSIDERATIONS

- 7.1 The main planning issues raised by the application that the committee must consider are:
 - The visual and amenity impact arising from the design and appearance of the proposal on the street and rear garden.

- Whether the grounds for refusal of the previous application P1629.17, which was also dismissed on appeal, have been overcome.

7.2 **Visual and amenity impact and application P1629.17**

- This application is a resubmission of a previously refused planning application P1629.17. The application was subsequently dismissed on appeal. The key issue in this case therefore is whether the revised proposal overcomes the previously stated concerns.
- The previous application was refused planning permission for the following reason:

The proposed development, by reason of its excessive depth, scale, bulk, mass, crowned roof form would appear incongruous, dominant and visually intrusive in the streetscene and rear garden environment. This will be harmful to the open and spacious character and appearance of the surrounding area and contrary to the Residential Extensions and Alterations SPD and the Emerson Park Policy Area SPD and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.

- In dismissing the appeal, the Inspector did not raise concerns regarding the depth of the two storey rear extension but concerns were raised regarding the scale, bulk and mass of the crowned roof form.
- The Inspector commented that “the new extension would continue the line of the south elevation, producing a side elevation whose substantial bulk and scale would be discernible from the street. It would also marginally increase the existing roof height of this side of the building”.
- The Inspector stated the development would “fail to leave the original form of the building clearly legible, which would harm its character and appearance. The other roof forms of the adjacent buildings in Brookside predominantly comprise a mixture of hipped and gabled profiles. When viewed in this context, the proposed crown roof would be an incongruous form, and there is little evidence before me to suggest this is a common or prevalent roof type in the vicinity”.
- The Planning Inspector agreed with the Council that the 2012 scheme better reflected the character of the existing dwelling and therefore would be less visually harmful within the street scene
- On this submission the only differences between the previously refused (and dismissed) scheme and the current scheme is the altered design of the rear dormer window and the introduction of flank windows on either side of the proposed two storey rear extension. There has been no change to the crown roof design or the bulk and mass of the development.
- Mindful of the Planning Inspector's conclusion in respect of the appeal, Staff consider the changes to the previously refused scheme would not

bring the proposal within the realms of acceptability. There have been no material changes to the design of the extension and the crown roof form remains as previously. As such, the previous concerns regarding the excessive scale, bulk, mass and crowned roof form of the extension and its incongruous, dominant and visually intrusive impact in the street scene and rear garden environment remain. Therefore the grounds for the previous reason for refusal have not been overcome.

- The proposal is therefore contrary to the Residential Extensions and Alterations SPD, the Emerson Park Policy Area SPD and Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.
- The impact on amenity was assessed on the previous application and found to be acceptable and this was reinforced by the Planning Inspector, however the only material change is the inclusion of the first floor flank windows.
- In the event that planning permission is given, it is recommended that the first floor flank windows should be conditioned to be obscured glazed and fixed shut apart from open-able fanlights.

7.3 Parking and Highway Implications


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

7.4 Local Financial Considerations

The proposal is not liable for Mayoral CIL.

8 Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 Havering LONDON BOROUGH	Planning Committee 5 July 2018
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Application Reference:	P1749.17
Location:	86 Station Lane, Hornchurch
Ward:	St Andrew's
Description:	Revised application 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.
Case Officer:	Adèle Hughes
Reason for Report to Committee:	It was deferred from a previous planning committee meeting.

1 BACKGROUND

1.1 This application went to Regulatory Services Committee on 15 March 2018, where it was deferred to enable staff to:

- Seek the resolution of the deficiency in the size of one of the bedrooms.
- Clarify if there is any scope for additional off street parking to the front of the property.
- Undertake a parking survey in the surrounding streets to understand the extent to which there is capacity for on street parking (with Highway input).
- The report is now brought back to Members, updated with further information on the above matters. Given the change to reporting format, the previous report has been transferred across to the new template and reproduced below from section 2 onwards for completeness

1.2 Internal space standards

1.2.1 The last committee report stated that "The Technical Housing Standard states that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide. Bedroom 1 of Flat 4 (on the first floor) has a width of 1.9 metres, which technically does not meet the 2.15 metres in line with the DCLG Technical Housing Standard". Following negotiations with

the agent, the width of Bedroom 1 of Flat 4 has increased to 2.15 metres and as such, the proposal meets all the criteria of the DCLG Technical Housing Standard.

1.3 Off-street car parking capacity

1.3.1 With the current layout, there is only the space for a single independently accessible parking space. The existing vehicle crossing to the site cannot be widened as this would result in the removal of a significant part of the 'accessible area' of the bus stop – i.e. the footway area raised to be compatible with the 2-door low floor buses serving the bus stop. The plans for application P1635.16 showed a more open frontage without widening the vehicle crossing, which invited the use of the forecourt for parking by three vehicles, despite only one space being shown, but the Highway Authority was concerned that this would impact on the adjacent fully accessible bus stop detrimental to passengers and highway safety. The Planning Inspector for P1635.16 agreed with this point. It is for this reason that there isn't any scope for additional off street parking to the front of the property.

1.4 Capacity for on street car parking in the vicinity of the site

1.4.1 The applicant's transport consultant has undertaken a parking stress survey using the Lambeth Methodology which is an industry-standard approach and this was accepted by the Inspector for the appeal for application P1635.16. The Lambeth Methodology was developed by the London Borough of Lambeth and seeks to measure 'parking stress'. In the case of planning applications, it is sometimes used by applicants to argue for a low off-street parking provision on the basis that the adjacent streets have spare on-street capacity.

1.4.2 For a residential scheme, the Lambeth Methodology generally uses a 200m (2 minute) walk from the site (actual distances rather than a radius) and relies on undertaking a survey where most residents could be expected to be at home and so would capture any on-street parking generated by existing residents. The survey should be conducted over two separate weekday nights between 00:30 and 05:30 (i.e. excluding Fridays, Saturdays and Sundays). The survey looks at how many spaces are available in each street based on multiples of 5m gaps (excluding dropped kerbs and any restrictions in force at night). The surveyor will generate a theoretical number of spaces from the survey and then count the actual number of cars parked. By dividing the actual numbers parked by the theoretical number of spaces and multiplying by 100, the parking streets are expressed as a percentage. The Highway Authority is satisfied with the use of the Lambeth Methodology and has no concerns regarding the implementation of the car parking survey. In addition, the Highway Authority has advised that no further evidence is required and it is not necessary to undertake another parking survey.

1.4.3 The applicant's transport consultant concluded that parking stress in the area was at 81% and that the development would generate 5 vehicles to be parked which would increase stress to 84%. The transport consultant suggested that this was acceptable and in the terms of capacity, the Highway Authority could not disagree. This point was upheld on appeal for application P1635.16, as

the Inspector concluded that the proposal would not have an adverse impact upon on-street parking provision.

- 1.4.4 Taking into account the appeal decision for P1635.16, the Highway Authority has no objection to this application, although it has requested a legal agreement to be entered into in order to prevent residents of the development obtaining residents permits in the event a scheme is introduced in the future.
- 1.4.5 Insofar as existing schemes, a residents' parking scheme to the south of the town centre was developed between initial proposals in March 2015 and a scheme becoming operational in October 2017. The scheme operates as far south as The Avenue between Sandown Avenue and Station Lane. A further residents' parking scheme was initiated in early 2017 which included Devonshire Road, however, following informal consultation, ward councillors did not wish to take the scheme forward. In the last month, there has been an indication from ward councillors that there may now be requests from the community to look at the matter again.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The part single/part two storey side extension, single storey rear extension for the conversion of the existing building to create 5 self-contained flats is acceptable in principle. It is considered that the proposal would not adversely affect the streetscene or neighbouring amenity. Staff consider that there are insufficient grounds to refuse this application on parking grounds and therefore, this application is recommended for approval subject to the completion of a legal agreement to secure a financial contribution towards education and to restrict future occupiers from obtaining parking permits.

3 RECOMMENDATION

- 3.1 That the Committee resolve to grant planning permission subject to:

The prior completion of a legal agreement to secure the following planning obligations:

- A financial contribution of £18,000 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.
- To restrict future occupiers from obtaining parking permits.

- 3.2 That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit- The development must be commenced no later than three years from the date of this permission.
2. Samples of materials – No works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building(s) are submitted to and approved in writing by the Local Planning Authority.
3. Accordance with plans - The development should not be carried out otherwise than in complete accordance with the approved plans.
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.
5. 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.
6. Preserved trees - 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.
7. Boundary treatment - Details of all proposed walls, fences and boundary treatment.
8. Gas Protection Measures - Prior to the commencement of any groundworks or development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane.
9. Noise assessment - Prior to the commencement of any development, an assessment of the impact of existing external noise sources on the new development shall be undertaken.
10. Refuse and recycling - Details of refuse and recycling facilities.
11. Cycle storage - Details of cycle storage.
12. Obscure glazing - The proposed first floor flank window serving a shower room to Flat 5 on the flank wall of the proposed two storey side extension as shown on Drawing No.'s 15-1196-30 and 15-1196-31A shall be permanently glazed with obscure glass not less than obscurity level 4 on the standard scale of obscurity and shall thereafter be maintained.

13. Standard flank window condition - 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) unless specific permission has first been sought and obtained from the Local Planning Authority.
14. Hours of construction.
15. Minor space standards - All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
16. Water efficiency - The dwelling shall comply with Part G2 of the Building Regulations - Water efficiency.

Informatives

1. Approval following revision
 2. Approval and CIL
 3. Fee informative
 4. Planning obligations
 5. Street naming and numbering
- 3.4 That, if by 5 November 2018 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- This is a revised application for the demolition of the garage and the erection of a part single/part two storey side extension and a single storey rear extension associated with the subdivision of the property to provide 5 self-contained flats (2 one-bedroom and 3 two-bedroom) together with 1 parking space, 10 cycle spaces and a refuse and recycling store.

4.2 Site and Surroundings

- The application site is a detached two storey house built in the early part of the 20th century and which faces east onto Station Lane. The house has an east facing gable feature to the right of the front door, and ground and first floor bay windows to the left. The roof is finished in a hipped end to the south.
- The house is set back from the footway by 7 metres and there is a generous rear garden. To the side of the house is a detached garage.
- The house is currently divided into two flats with a ground floor flat accessed by the original front door and the flat occupying the rest of the house by an entrance in the south flank behind the garage.
- To the north of the property is 84 Station Lane which is another detached house, this has been considerably extended to the side and rear and is now in use as a restaurant and banqueting suite.
- To the south is 88 Station Lane which is a two storey detached dwelling; to the east is Station Lane and to the west are the rear gardens of houses facing north onto Stanley Road and south onto Devonshire Road.

4.3 **Planning History**

- The following planning decisions are relevant to the application:

P0353.16 - Part single/part two storey side extension and single storey rear extension associated with subdivision of property to provide 5 self-contained flats (3 x one-bed, 1 x two-bed, 1 x three-bed) together with 3 parking spaces, 20 cycle spaces and refuse and recycling store- Refused on streetscene, poor standard of accommodation for future occupiers, parking and highway and planning obligation grounds.

P1635.16 - part single/part two storey side extension and single storey rear extension for 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 – Refused on streetscene, amenity space, parking and highway and planning obligation grounds. Appeal dismissed on streetscene and highway safety grounds only.

5 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.2 The following were consulted regarding the application:

5.3 Highway Authority - Given the comments made by the Inspector for the appeal for P1635.16, the Highway Authority is unable to object to the proposal because of a shortfall on parking, however, a legal agreement is requested to restrict future occupiers from obtaining parking permits if at all possible (see Highways section below).

6 LOCAL REPRESENTATION

6.1 A total of 26 neighbouring properties were notified about the application and invited to comment.

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 6 of which objected

6.3 **Representations**

- The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- There is a mature Copper Beech tree in the garden of the neighbouring property to the south which is the subject of a tree preservation order. The proposed rear extension would damage the tree's roots. (The tree is

identified as T9 in TPO 6/90. If permission were to be granted then a condition would be imposed requiring the submission and approval of a methodology for ensuring that no damage is caused to the tree).

- Windows in the south elevation of the extension should be obscure glazed and fixed shut to avoid overlooking and loss of privacy.
- Overdevelopment.
- Noise.
- The proposal would put pressure on on-street parking in the area.
- Congestion.
- The traffic survey was undertaken in the early hours of the morning and the parking survey was done after midnight and as such, they do not provide a realistic picture of the parking or traffic situation during the day.
- The parking survey is out of date as The Avenue is now resident only parking.
- Highway and pedestrian safety.
- Access.
- Impact on residential amenity.
- Overlooking and loss of privacy.
- Visual impact and out of character.
- The side extension would be out of scale with the proportions of the original building, appear cramped and lack subservience.
- Lack of accessibility to the amenity space provision.
- Loss of light.
- Nothing has changed since the previous applications.
- Requested a Planning Officer to visit a neighbouring property. (The Case Officer visited the neighbouring property).
- Reference was made to previous objections under applications P0353.16 and P1535.16, which should be taken into account for this application.

6.4 **Non-material representations**

- The following issues were raised in representations, but they are not material to the determination of the application:
- The garage to be demolished has an asbestos roof and the correct procedures should be followed to ensure that there is no contamination of surrounding properties. (Separate legislation governs the removal of asbestos).
- Reference was made to a petition that was received for the previous application, P1635.16 with 42 signatures outlining concerns that the existing parking problems in the area would be made worse by the proposal. (Parking is a material consideration, although a petition submitted for a previous planning application cannot be taken into account).
- Ventilation (This is a building control matter and is not a material planning consideration).

6.5 Environmental Health - No objections or comments in terms of air quality. Recommend a condition regarding a noise assessment to be undertaken including the impacts of plant, machinery and entertainment noise arising from 84 Station Lane, Hornchurch if minded to grant planning permission.

The site is located within a 250m radius area of a former unlicensed landfill (land adjacent to Mill Cottage). To address any potential risks of ground gas presence and release to the proposed development, it is recommended that a condition is placed regarding gas protection measures.

6.6 Procedural issues

The following procedural issues were raised in representations, and are addressed below:

- Lack of consultation and no site notice. (The Council has a duty to consult neighbouring properties that abut the application site and any wider consultation is carried out at the Council's discretion. There is no requirement to provide a site notice).

7 PLANNING HISTORY

- This application follows two previous applications on the site - references P0353.16 and P1635.16, which were both refused. P1635.16 was for a part single/part two storey side extension and single storey rear extension for 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 that was refused planning permission for the following reasons:

1) The design, width and roof form of the proposed two storey extension would fail to respect the original building and detract from its appearance harmful to the character of the streetscene contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document.

2) The proposed development would, by reason of a lack of private amenity space provision for flats 1, 4 and 5 and due to the site layout, the communal amenity space for flats 1, 4 and 5 is not particularly useable or of a high quality given its lack of accessibility for future occupiers of these flats harmful to their residential amenity contrary to Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the Design for Living Residential Design Supplementary Planning Document.

3) The proposed development would, by reason of the creation of two, one bed and three, two bedroom residential units and the provision of only one car parking space for future occupiers result in increased parking congestion in surrounding streets, harmful to the amenity of surrounding occupiers and to the functioning of highway, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework.

4) The widening of the access to provide the parking would impact the adjacent bus stop and be detrimental to the amenity of passengers

contrary to Policy DC32 (The Road Network) of the Core Strategy and Development Control Policies Development Plan Document.

5) In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.

- Application P1635.16 was subsequently dismissed on appeal, as the proposed development would be harmful to the character and appearance of the host property and the area and the proposed development would be harmful to highway safety. The Inspector concluded that the proposed development would not harm the living conditions of future occupiers and would not have an adverse impact upon on-street parking provision. The appeal decision for P1635.16 is a material consideration when reviewing the merits of this application.
- The issue in this case is whether the revised proposal overcomes previously stated concerns. In this respect, the current application differs from the refused scheme, P1635.16, in the following key areas:
 - Broken the frontage line and set the main wall of the extension back 0.5m and introduced a square bay in a similar but smaller format to the main existing frontage bay with a flat roof.
 - Lowered the eaves level. The overall ridge height of the extension has reduced by approximately 0.35m.

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

- The visual impact and impact on amenity arising from the proposal.
- The quality of living environment for future occupiers of the flats.
- Highways and parking issues.

8.2 The visual impact of the proposal

- The appeal decision for P1635.16 stated that "The proposed side extension, whilst incorporating sash windows and being of brick construction, is of bland design and lacks the strength of features and architectural detailing of the original building. Although the ridge of the proposal would be lower than that of the existing building, the proposal, by continuing the front building line and eaves height of the original building, would not appear as a subordinate addition to the original building. The proposal would substantially extend the frontage and create an addition out of scale with the proportions of the original building. Taken together, the proposal would create a large addition of visually inferior appearance and would diminish the attractive character and appearance of the original property and the area".

- For this proposal, the main wall of the extension has been set back 0.5m and there is a square bay window in a similar but smaller format to the main existing frontage bay with a flat roof. The eaves of the side extension have been reduced in height and the overall ridge height of the extension has been reduced by approximately 0.35m. When reviewing the merits of this application, it is considered that the above changes have brought the proposal within the realms of acceptability and the changes to the architectural detailing of the two storey side extension represent an improvement. Overall, Staff consider that the two storey side extension would appear subservient to the existing building and would integrate satisfactorily with the streetscene.

8.3 **Impact on residential amenity**

- It is not considered that the proposal would have a material detrimental impact on the amenity of neighbouring occupiers. No. 88 Station Lane has a side door, one ground floor and one first floor flank window that serve a hallway and landing and all of these are obscure glazed. The front of the two storey side extension is set further back than the ground floor side flank window of the dwelling to the south and does not extend far enough back to cause loss of light to the living room window to the rear of that property. The only first floor flank window in the two storey side extension serves a shower room and this could be conditioned to be obscure glazed if minded to grant planning permission. The rear windows look out onto the generous rear garden (with a depth of between 17 and 20 metres) and there is therefore no potential for loss of amenity from these. Staff consider that the proposed development would not create any additional overlooking or loss of privacy to neighbouring properties (including those to the rear of the site in Devonshire Road) over and above existing conditions.
- Staff consider that the proposal would not create undue noise and disturbance to neighbouring properties, as the building is detached. The part single/part two storey side extension and single storey rear extension for the conversion of the existing building to create 5 self-contained flats would be subject to Building Regulations including the provision of sound insulation, which would help to mitigate the impact of the proposal. The Council's Environmental Health Department has requested a noise assessment to be undertaken including the impacts of plant, machinery and entertainment noise arising from 84 Station Lane, Hornchurch, which will be secured by condition if minded to grant planning permission to protect the amenity of future occupiers.
- The previous application, P1635.16, was refused on the ground that the proposed development would, by reason of a lack of private amenity space provision for flats 1, 4 and 5 and due to the site layout, the communal amenity space for flats 1, 4 and 5 is not particularly useable or of a high quality given its lack of accessibility for future occupiers of these flats harmful to their residential amenity.

- The appeal decision stated that "Whilst some of the proposed flats would not have individual private outdoor amenity spaces, the communal space to the rear of the building is large...and would be a private, attractive, functional and safe environment" for future occupiers. The Inspector concluded that the proposed development would not harm the living conditions of future occupiers.

8.4 Highway and parking issues

- In terms of parking, the third reason for refusal for P1635.16 stated that: "The proposed development would, by reason of the creation of two, one bed and three, two bedroom residential units and the provision of only one car parking space for future occupiers result in increased parking congestion in surrounding streets, harmful to the amenity of surrounding occupiers and to the functioning of highway, contrary to Policies DC2, DC32 and DC33 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework".
- The appeal decision for P1636.15 stated that "The proposal, with one off-road car parking space, would fall well below the Borough's adopted parking standards of 1 to 1.5 spaces per unit. The appeal is supported by a transport statement that highlights the proposed development could be expected to generate a parking demand for six vehicles". The Inspector gave consideration to the good public transport links in the area, the proposed cycle parking provision and was of the view that "the increase in on-street parking would be low. Whilst normally parking provision should be made on site, there is no substantive evidence before me that would suggest vehicles could not be parked on the surrounding highways". The Inspector concluded that the proposal would not have an adverse impact upon on-street parking provision.
- Given the comments made by the Inspector for the appeal for P1635.16, the Highway Authority have commented that they are unable to object to the proposal because of a shortfall on parking, however, a legal agreement is requested to restrict future occupiers from obtaining parking permits if at all possible.
- The Inspector considered that any additional parking could be accommodated on surrounding streets. Given this finding, it would be difficult to sustain a refusal on parking grounds. However, a restriction on the ability of occupiers to obtain parking permits would mean that residents would not be able to park in surrounding streets should controls be introduced in the future.
- With regards to access, the fourth reason for refusal stated that "The widening of the access to provide the parking would impact the adjacent bus stop and be detrimental to the amenity of passengers contrary to Policy DC32 (The Road Network) of the Core Strategy and Development Control Policies Development Plan Document" and this was upheld on appeal.


- For this proposal, the front boundary wall and hedge on the front boundary of the site would be retained in its entirety, which has addressed previous concerns regarding highway safety.

8.5 Local Financial Considerations

- The proposal would attract the following section 106 contributions to mitigate the impact of the development:
 - Up to £18,000 towards education.
 - The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:
 - £1,760 Mayoral CIL towards Crossrail

9 Conclusions

- All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

 Havering LONDON BOROUGH	Planning Committee 5 July 2018
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Application Reference:	P0133.18
Location:	58 Malvern Road, Hornchurch
Ward:	Romford Town
Description:	Single storey rear extension, dormer window, external alterations & conversion of the dwelling into two self-contained flats.
Case Officer:	Adèle Hughes
Reason for Report to Committee:	A Councillor call-in has been received

1. BACKGROUND

- 1.1 The application was called in by Councillor Joshua Chapman prior to the implementation of the delegated power changes agreed by Governance Committee and Council. The call-in has been honoured on the basis on which it was originally lodged.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The conversion of the dwelling into two self-contained flats is acceptable in principle. It is considered that the proposal would not adversely affect the streetscene or neighbouring amenity. Staff consider that that there are insufficient grounds to refuse this application on parking grounds and therefore, this application is recommended for approval subject to the completion of a legal agreement to secure a financial contribution towards education.

3 RECOMMENDATION

- 3.1 That the Committee resolve to grant planning permission subject to:

The prior completion of a legal agreement to secure the following planning 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.

3.2 That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

3.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time limit – The development must be commenced no later than three years from the date of this permission.
2. Matching materials - All external finishes to match those of the existing building.
3. Accordance with plans – The development should not be carried out otherwise than in complete accordance with the approved plans.
4. Standard flank window condition – 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) unless specific permission has first been sought and obtained from the Local Planning Authority.
5. Boundary treatment – Details of all proposed walls, fences and boundary treatment.
6. Refuse - Details of refuse and recycling facilities
7. Cycle storage - Details of cycle storage.
8. Hours of construction
9. Balcony - The roof area of the extension shall not be used as a balcony, roof garden or similar amenity area without separate planning consent.
10. Water efficiency – The dwelling shall comply with Part G2 of the Building Regulations - Water efficiency.

Informatives

1. Approval – No negotiation required
2. Fee informative
3. Planning Obligations
4. Street naming and Numbering

3.4 That, if by 5 November 2018 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- The proposal involves demolishing the existing single storey rear extension and constructing a new single storey rear extension, which would project 4 metres from the rear façade of the dwelling with a 3m high flat roof and a sky light.
- The proposal includes a rear dormer window and the conversion of the dwelling into two, two bedroom self-contained flats.
- The external alterations consist of a new ground floor flank window serving a bedroom.

Site and Surroundings

- 4.2 The application site comprises of a two storey semi-detached residential dwelling located on the south eastern side of Malvern Road, Hornchurch.

Planning History

- 4.3 No planning history.

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6 LOCAL REPRESENTATION

- 6.1 A total of 55 neighbouring properties were notified about the application and invited to comment.

- 6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 3, which all objected

- 6.3 The following Councillor made representations:

- Councillor Joshua Chapman objects to the application and called it in for committee consideration if it is not refused under delegated powers on the grounds that the conversion into flats is out of keeping for the road which consists of family housing. The applicant has not submitted any parking information as part of their application. This is because there will be no parking, which goes against a number of our planning policies. The driveways are too small to contain cars, so there will be no parking as part of this proposed conversion. Yet, there will be a significant increase in the number of cars, which will only add significant pressure to a road already troubled by parking issues. The applicant is relying on the local parking infrastructure to pick up the slack from their development.

Representations

- 6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Parking.
- Impact on neighbouring amenity.
- Noise from people living upstairs.
- The conversion of the dwelling into flats would change the character of the road.
- Loss of light.
- Sense of enclosure from the single storey rear extension.
- Overlooking.
- Impact on infrastructure (Officer comment: Refer to section 7.6 of the report).

Non-material representations

- 6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Would set a precedent for other conversions of houses into flats (Officer comment: Each planning application is determined on its individual planning merits)
- Would have an adverse effect on property prices (Officer comment: Comments regarding the impact of the proposal on property value are not material planning considerations).
- Loss of views (Officer comment: This is not a material planning consideration).
- Drainage capacity/problems and the impact of the proposal on the neighbouring footings (Officer comment: These are building control matters and are not material planning considerations).
- Stress and inconvenience (Officer comment: Whilst it is recognised that building works can have an impact upon people's homes and lives, this is not a material planning consideration which can be taken into account).
- Overcrowding (Officer comment: This is not a material planning consideration).
- Impact on local services (Officer comment: This is not a material planning consideration).

- 6.6 Highways: Object to the proposals. The site has a PTAL of 2 (poor) which attracts a parking standard of 1 -1.5 spaces per unit. There is no possibility of off-street parking and so parking would have to be accommodated on-street. Malvern Road has a residents' permit scheme and there are concerns that the proposals will place further pressure in an area with parking stress. DC33 applies. 2 cycle spaces per unit should be provided in accordance with the London Plan. DC35 applies.

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the committee must consider are:

- Layout
- The visual impact and impact on amenity arising from the proposed development.
- Highways and parking issues.

7.2 **Layout**

- Units 1 and 2 have a gross internal floor area of 66 and 63 square metres respectively. The size of the flats meets the 61 square metres for a two bedroom, 3 bed spaces, one storey dwelling contained in the Technical Housing standards. The flats meet all the remaining criteria of the Technical Housing Standards. It is considered that the flats would have a reasonable outlook and aspect.

- With regards to amenity space, the SPD on Residential Design indicates suitable requirements for new residential accommodation. There would be a paved area to the rear of Unit 1 with an area of approximately 17 metres, beyond which is a communal amenity area of 48 square metres. Staff are of the view that the proposed individual and communal amenity spaces 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 will be secured by condition if minded to grant planning permission.

- The two storey semi-detached property No. 60 Malvern Road, which abuts the application site, is a dwelling house. It is considered that the conversion of the dwelling into two self-contained flats would not result in a significant loss of amenity to the adjoining property at No. 60 Malvern Road, as the hallway and stairwell to Unit 2 and the bathroom of Unit 1 would abut the party wall of this neighbouring property at ground floor level and these are not habitable rooms. The stairwell, cupboards and kitchen of Unit 2 would abut the party wall of No. 60 Malvern Road at first floor level, although given that the stairwell and cupboards are not habitable rooms, Staff consider that the use of the kitchen of Unit 2 would not result in significant levels of noise and disturbance that would be unduly harmful to the amenity of No. 60 Malvern Road as to warrant a refusal and as such, this relationship is deemed to be acceptable. The conversion of the dwelling into two flats would be subject to Building Regulations including the provision of sound insulation, which would help to mitigate the impact of the proposal.

7.3 **The visual impact of the proposal**

- Policy DC61 seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout, which is compatible with the character of the surrounding area and does not prejudice the environment of the occupiers or adjacent properties.
- The proposed single storey rear extension would not be directly visible in the streetscene, as it would be setback approximately 8 metres from the front façade of the dwelling, which would mitigate its impact. The extension has a flat roof with a height of 3m (not including the sky light), which minimises its bulk. The extension would be set in approximately 0.8

metres from the south eastern boundary of the site. The depth and height of the single storey rear extension adhere to the Residential Extensions and Alterations SPD.

- The proposed materials comprise of facing brickwork to match the existing dwelling and a parapet style roof with a brick edge finish. The dormer window would have a painted render appearance. Staff consider the proposal materials to be acceptable.
- The dormer window would not be visible in the streetscene, as it would be located on the rear façade of the dwelling. Staff consider that the dormer would be well contained within the body of the roof of the dwelling and would integrate satisfactorily with the existing dwelling.
- Staff consider that the conversion of the dwelling into flats would not change the visual character of the road, as there are no external changes to the front façade of the dwelling.

7.4 Impact on residential amenity

- It is considered that the rear extension would not result in a significant loss of amenity to No. 60 Malvern Road, as it would only project approximately 0.7 metres further than the existing single storey rear extension.
- No. 56 Malvern Road has a front door, a ground floor high level window that serves a lounge and is a secondary light source with a bay window on its front façade and a back door on its north eastern flank wall. No. 56 Malvern Road has a single storey rear extension, which would help to mitigate the impact of the proposal. It is considered that the rear extension would not result in a significant loss of amenity to No. 56 Malvern Road, as it doesn't have any flank windows that are primary light sources to habitable rooms.
- When reviewing the merits of this application, consideration was given to the fact that the depth and height of the single storey rear extension adhere to the Residential Extensions and Alterations SPD and therefore, Staff consider that the rear extension would not result in a significant loss of neighbouring amenity.
- The extension would be set in approximately 0.8 metres from the south eastern boundary of the site and as such, Staff consider that it would not create an undue sense of enclosure.
- It is considered that the proposal would not create any additional overlooking or loss of privacy over and above existing conditions.

7.5 Parking and Highway Implications

- The application property benefits from no off-street parking currently and the proposal makes provision for no off-street parking. It would represent an intensification of the residential use and therefore it is not unreasonable in policy terms to expect some provision of off-street parking for the new dwelling. The Highway Authority has objected on this basis.
- It is noted that the existing dwelling has five bedrooms and can accommodate seven people. In comparison, the proposal consists of the creation of two, two bedroom, 3 person self-contained flats. When

reviewing the merits of this application, Staff have given some weight to the fact that the number of bedrooms in the property would be reduced from five to four and the total number of occupants would reduce from seven to six, which may reduce the need for on-street car parking.

- However, staff observed that properties located on Malvern Road tend not to benefit from off-street parking and on balance it is not considered that the addition of one new self-contained flat (having had regard to the existing arrangement) would not be of significant detriment to the functioning of the highway or create significant additional competition for existing spaces sufficient enough to form sole grounds for refusal.
- In reaching this position, Staff are of the view that whilst car parking is in fairly high demand in this location that an effective on-street parking control system is already in place. Consideration has been given to a refusal of the application on parking grounds but staff consider that this would be unlikely to be sustained as a stand alone reason were an appeal submitted.
- Moreover potential occupiers of the proposed dwellings would be aware of the absence of off street and the need to apply for a parking permit before deciding whether to purchase a property in this location. Were the application to provide off-street parking, this would not offset the loss of community parking bays which would be required to facilitate such an arrangement.


7.6 Financial and Other Mitigation

- The proposal would attract the following section 106 contributions to mitigate the impact of the development:
 - Up to £6,000 towards education.

8 Conclusions

- All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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 Havering LONDON BOROUGH	Planning Committee 5 July 2018
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Application Reference:	P2103.17
Location:	49 Malvern Road, Hornchurch
Ward:	Romford Town
Description:	Existing bungalow demolished, proposed 2No. x 4 bedroom detached house
Case Officer:	Cole Hodder
Reason for Report to Committee:	A Councillor call-in has been received.

1. BACKGROUND

- 1.1 The application was called in by Councillor Joshua Chapman prior to the implementation of the delegated power changes agreed by Governance Committee and Council. The call-in has been honoured on the basis on which it was originally lodged.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The site benefits from a previous permission enabling the developer to construct a pair of semi-detached dwellings. Whilst the visual impacts associated vary slightly, on balance they are not considered to be materially greater than previously considered. Accordingly officers do not consider that there are sufficient grounds to substantiate a refusal.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:

The prior completion of a legal agreement to secure the following planning 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.

- 3.2 That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.
- 3.3 That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time Limit 3 years - Development must be commenced no later than three years from the date of this permission.
2. Accordance with plans - The development must not deviate from the approved plans.
3. Materials - Details/samples of all materials to be used in the external construction of the building.
4. Landscaping - Details of any/all hard and soft landscaping within the site including any proposed planting
5. Boundary Treatment - Details of all proposed walls, fences and boundary treatment
6. Compliance with Part M4(2) of the Building Regulations - The dwelling show comply with Part M4(2) of the Building Regulations
7. Compliance with (Reg 36 (2)(b) / Part G2 of the Building Regulations) - The building shall comply with Part G2 of the Building Regulations.
8. Construction Hours - All building operations in connection with the development shall take place only between 8.00am and 6.00pm Monday to Friday and 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
9. Noise Insulation - The dwellings shall be constructed to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise
10. Cycle Storage - Details of cycle storage provision
11. Refuse and recycling - Details of refuse storage

12. Construction Methodology - The applicant is required to provide a detailed Construction Method Statement.
13. Balcony Condition - The roof area of the rear projection shall not be used as a balcony, roof garden or similar amenity area without separate planning consent.
14. Flank window condition - 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) unless permission is sought.
15. Obscure Glazing - Flank windows shown shall be permanently glazed with obscure glass not less than level 4 obscurity on the standard obscurity scale.
16. Removal of permitted development rights - 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 permission having first been sought.

Informatives

1. Approval no negotiation
 2. Approval and CIL
 3. Street name and numbering – Prior to occupation the dwellings hereby permitted must be Street Named and/or Numbered by LB Havering's Street Naming and Numbering team
- 3.4 That, if by 5 November 2018 the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- This application seeks permission for demolition of the existing detached dwelling and the construction of a pair of semi-detached dwellings with living accommodation within the roof as an integral feature. Dormer windows are proposed to the front and rear elevations.

4.2 Site and Surroundings

- The application plot comprises an area of some 350m², inclusive of a single detached bungalow with a footprint of 70m²
- The dominant building form within the locality is pairs of two storey semi-detached houses, with minimal setback from the back edge of the highway.

- Parking is provided in on-street bays which are for the use of resident permit holders only.

4.3 Planning History

The following planning decisions are relevant to the application:

P0621.08 - Development of two three bedroom dwellings - Approved but development not implemented

P1804.16 - Demolition of existing detached bungalow and construction of two semi-detached dwellings (three bedrooms) - Approved and capable of being implemented until 7 August 2020.

5 LOCAL REPRESENTATION

5.1 A total of twenty nine neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: Three of which, three objected.

Petitions received: One objecting, containing forty-three signatories

The following Councillor made representations:

- Councillor Joshua Chapman is concerned that the site is too small and thin to accommodate dwellings of the size sought and that the proposals could be representative of an overdevelopment of the site.
- In addition concerns are expressed over increased parking problems within a road where parking is already considered to be a problem.
- The design of the dwelling houses is not considered to complement the character of the neighbourhood with a modern design that would be in stark contrast with the other Victorian properties.

Representations

5.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- Impact on parking and the increased competition for spaces

Non-material representations

- 5.4 The following issues were raised in representations, but are not material to the determination of the application:
- Prospective occupancy, potential HMO etc. The applicant seeks consent for two residential dwellings and accordingly members must consider the development as such.
- 5.5 Highway Authority: Objection to the proposals. The site has a PTAL of 2 (poor) which attracts a parking standard of 1 -1.5 spaces per unit. With the number of bedrooms it is expected that parking should be provided at the higher end of this range. Accordingly there is concern that the development will place pressure on the existing residents' parking scheme. DC33 applies. Highway Authority acknowledges that there is an extant permission under P1804.16 for three bedroom dwellings.

6 MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the application that the committee must consider are:
- The impacts of the development over and above those previously considered in the determination of application P1804.16.
 - The visual impacts associated with the formation of dormer windows to the front roof slope, the increased ground floor footprint and formation of Juliet balconies to first floor rear elevation. In all other respects the dwellings are as previously considered.
 - The acceptability of the development without any provision for off-street parking having been made, mindful that consent has been granted previously for a parking-free scheme at the site.
- 6.2 **Formation of dormer windows**
- Whilst recognised to be of a width greater than that set out within the Residential Extensions and Alterations Supplementary Planning Document, the dormer windows would be modestly proportioned.
 - The street-scene and immediate surroundings of the application site are of varied character and lack uniformity with contrasting dwelling types observed during site inspection.
 - Accordingly whilst front dormers are not prevalent within the immediate locality, this is not in itself sufficient justification for a decision to refuse planning permission.
- 6.3 **Other visual changes**
- The increased ground floor footprint would not result in any unacceptable harm to neighbouring amenity. An addition of a 3.0m single storey

element to each property is shown. There would remain an adequate separation from shared boundaries.

- The formation of a 'Juliet Balcony' at first floor level to serve each dwelling would not result in any increased levels of overlooking/loss of privacy that could reasonably be considered to be more harmful than that of traditional fenestration, or views from the rear dormer windows as part of the extant permission for the site.

6.4 **Vehicle parking**

- The application property has no off-street parking and the current proposals would make no provision for off-street parking. The introduction of a new dwelling would represent an intensification of the existing residential use and the Highway Authority have objected on the basis that there would be potential for increased parking stress.
- It is important to recognise that the site benefits from an existing permission that allowed an additional 3 bed dwelling with no provision made for off-street parking for either the host/proposed unit. That decision is a material consideration. However, it is also noted that the 4 bed nature of this proposal would lead to a greater impact on the highway than that permitted by the existing permission.
- Whilst car parking was observed to be in fairly high demand in this location particularly in the evenings, it was concluded previously that an effective on-street parking control system was in place. Properties located on Malvern Road tended not to benefit from off-street parking and the view taken previously was that the addition of one new dwelling (having had regard to the existing arrangement) would not be of sufficient detriment to form sole grounds for refusal.
- Whilst it is reasonable for there to be some expectation for off-street parking, given the earlier decision to grant permission and the absence of quantifiable harm between the previous scheme and this one, staff consider a refusal on the basis of lack of parking would be difficult to sustain were an appeal submitted.
- Potential occupiers of the proposed dwellings would be aware of the absence of off street parking and consequently the need to apply for a parking permit before deciding whether to purchase a property in this location. Were the application to provide off-street parking, this would not offset the loss of community parking bays which would be required to facilitate such an arrangement.

Local Financial Considerations

- 6.5 The proposal would attract the following section 106 contributions to mitigate the impact of the development:

- Up to £6,000 towards education infrastructure.


6.6 The proposal would attract the following Community Infrastructure Levy contributions to mitigate the impact of the development:

- £4,720 Mayoral CIL towards Crossrail

Conclusions

6.7 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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 Havering LONDON BOROUGH	Planning Committee 5 July 2018
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Application Reference:	P0561.18
Location:	14 IVES GARDENS ROMFORD
Ward	ROMFORD TOWN
Description:	Single storey side and rear extension to include 2 skylight windows.
Case Officer:	Oscar Orellana
Reason for Report to Committee:	A Councillor call-in has been received

1 BACKGROUND

- 1.1 The application was called in by Councillor Joshua Chapman prior to the implementation of the delegated power changes agreed by Governance Committee and Council. The call-in has been honoured on the basis on which it was originally lodged.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The visual impact of the rear and side extension is acceptable and not out of keeping with the surrounding area. Furthermore, it is considered that the mass and siting of the extension would result in little to no material harm to the residential amenity enjoyed by the neighbouring property. No material amenity issues or parking and highway issues are therefore considered to result.

3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

Conditions

1. Materials as per application form.
The materials used in the construction of the development should match those in the application form.
2. Balcony condition
The roof area of the extension shall not be used as a balcony without specific planning permission from the Local Planning Authority.
3. Standard flank window condition
No window other than those shown on the plans are permitted without specific planning permission from the local authority.

Informatives

1. INF28 Approval without Amendment

4 PROPOSAL AND LOCATION DETAILS

4.1 Proposal

- Proposed single storey wrap around extension to the existing dwelling.
- Side element of the extension is 2.4m wide, 13m deep from the front elevation.
- Rear element of the extension is 8m wide, 4m deep from original rear elevation.
- Extension would consist of a flat roof and would be 2.95m high.

Site and Surroundings

- 4.2 The property is a detached double storey dwelling at the end of Ives Gardens. There is only one neighbour adjacent to the north west of the site and borders land belonging to the Romford Bowls Club to the east.

Planning History

- 4.3 There is no relevant planning history that would apply to the site.

5 CONSULTATION RESPONSE

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

7 LOCAL REPRESENTATION

- 7.1 LBH Environmental Health Department – No objections/comments regarding the application in terms of noise, contaminated land and air quality.
- 7.2 A total of 49 neighbouring properties were notified about the application and invited to comment.
- 7.3 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 1 of which, 1 objected

7.4 The following Councillor made representations:

- Councillor Joshua Chapman called-in the application due to the reason of the height of the side elevation of the development would be significantly overbearing and will block the light entering the side window at no 12 Ives Gardens. It would result in a significant impact on the residential amenity of the residents at no.12 Ives Gardens.

Representations

7.5 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

Objections

- The development would obstruct light to a flank wall window, which services a habitable room.
- The development will appear out of character with the surrounding area.
- The property would appear over developed.
- The proposal would appear overbearing.

Non-material representations

7.6 The following issues were raised in representations, but they are not material to the determination of the application:

- The proposal would restrict access to the rear of number 14 Ives Gardens in order to maintain the neighbouring property. (Officer comment: rights of access for maintenance are a civil matter between the parties concerned)
- The removal of the existing garage would damage the rear garden at the neighbouring property. (Officer comment: the impact of the development post decision would be a civil matter between the parties concerned)
- The proposal would de-value the neighbouring property. (Officer comment: the potential value of properties is not a planning consideration)
- The proposal would result in alteration to the deeds.(Officer comment: Alteration to deeds would be considered a civil matter)
- The council is ignoring covenant 1, 2 and 3 found on the deeds belonging to number 23 Ives Gardens (Officer comment: a planning permission gives a public law right to develop, it does not override private property interests. The enforcement of any covenant is a civil matter and not something which can be taken into account as part of the planning process)
- One covenant states no brick walls can be built and that only a 5ft fence can be built to the front of the property. (Officer comment: a planning permission gives a public law right to develop, it does not override private property interests. The enforcement of any covenant is a civil matter and not something which can be taken into account as part of the planning process)
- Another covenant states that the dwellings must be 8 feet apart. (Officer comment: a planning permission gives a public law right to develop, it does not override private property interests. The enforcement of any

covenant is a civil matter and not something which can be taken into account as part of the planning process)

- The proposal will cause nuisance and noise to the neighbouring dwelling. (Officer comment: the potential impact of noise would not be relevant where a residential extension is proposed – noise would be subject to environmental protection legislation)
- The objector found it hard to believe that the proposal was for a gym, sauna and games room. (Officer Comment: the proposed use of the extension, provided it is ancillary to the main dwelling is not relevant under the planning process other than in cases for a proposed out building.)
- The objector would not have bought the property had they known that the covenants would not be considered under planning applications. (Officer comment: as stated above planning permission gives a public law right to develop, it does not override private property interests. The enforcement of any covenant is a civil matter and not something which can be taken into account as part of the planning process)
- Undue stress because of the proposal. (Officer Comment: the assessment of a planning application is based on amenity grounds only and undue stress cannot be taken into account)
- A previous application at number 2 Ives Gardens for a brick wall was refused. (Officer Comment: No planning application was found for 2 Ives Gardens)

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

- The impact of the proposal upon visual and residential amenity
- Highways and parking issues

Visual Amenity

8.2 The proposed side extension would be in line with council guidance as the garage is not beyond the front elevation of the property. There will be some impact to the street scene but it is considered that the relocation of the garage with lower eaves would be a minor change to the existing appearance.

8.3 The rear garden environment would not result in an over developed appearance as the proposal would have low eaves and appear secondary with the original building as recommended by council guidance.

Residential Amenity

8.4 The potential harm to 12 Ives Gardens in terms of privacy, access to light and outlook were considered during the planning application.


8.5 It is officer's opinion that the impact would not justify a refusal in this case, as the impact would not be materially harmful. The reasons for this are twofold.

- 8.6 The proposed site is set to the south of 12 Ives Gardens and currently has a detached garage to the rear of the property with a pitched roof that measures a height of 3.4m. The proposed works would demolish the detached garage and incorporate it into the proposed side extension. Resulting in minimal change to the impact on the rear garden.
- 8.7 12 Ives Gardens has a single flank window at ground floor level, which services a dining room. The development would reduce the spacing between the two buildings at ground floor level but would not result in an undue loss of light or outlook. The proposal would be set within a notional 45-degree line taken from the sill of the side elevation window, which is in accordance with council guidance.

Conclusions

- 8.7 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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 <p>Havering LONDON BOROUGH</p>	<p>Planning Committee 5 July 2018</p>
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Application Reference:	P0580.18
Location:	134 ARDLEIGH GREEN ROAD ROMFORD
Ward	Squirrels Heath
Description:	Proposed replacement garage
Case Officer:	Oscar Orellana
Reason for Report to Committee:	The Planning Manager considers Committee consideration to be necessary because the application has been submitted by a Planning Officer's close relative.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 It is considered that the application will cause no undue harm to the surrounding properties in terms of residential and visual amenity enjoyed currently.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission subject to conditions to secure the following matters:

Conditions

1. Materials as per application form.
The garage should be built in accordance with the materials stated under Section 10 of the application form. To ensure the garage will not appear out of character with the surrounding area.
2. Garage - restriction of use
The garage shall be made permanently available for the parking of motor vehicles and no other purposes. This is in order to provide satisfactory parking on site.
3. Standard flank window condition
No windows other than those proposed on the submitted plans are permitted. In order to ensure that no loss of privacy occurs as a result of the development.

Informatives

1. INF28 Approval without Amendment

3 PROPOSAL AND LOCATION DETAILS

Proposal

- The proposal seeks planning permission for the replacement of the existing garage.
- The proposed garage will be of similar dimensions to the existing
- The proposed garage would be an approximate 2.5m further to the rear of the property.

Site and Surroundings

3.1 The property is a double storey residential property located to the east of Ardleigh Green Road. The property has a multi hipped roof finished in brick and white render. The property is semi-detached and has sufficient parking for four vehicles.

Planning History

4.1 There is no relevant planning history that would apply to the site.

5 CONSULTATION RESPONSE

5.1 None received

6 LOCAL REPRESENTATION

6.1 A total of 14 neighbouring properties were notified about the application and invited to comment.

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: none

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the committee must consider are:

- The visual and amenity impacts arising from the proposals
- Highways and parking issues

Visual Amenity

7.2 Council guidelines state "Garages should not project forward of the main building line of the house and will rarely be acceptable if located in the front garden. A sufficient distance must be provided from the edge of the public

highway boundary to the front of the garage to enable the garage door to be opened with a car standing in front of it.”

- 7.3 The proposal would replace an existing pitched roof garage which is set back from the highway. The proposal would be re-located approximately 2.5m further back from the highway. As a result, the proposal would not project forward of the main building line of the house. The existing boundary fencing would screen the proposed garage in part and the impact on the garden scene would be no greater than what is present on site.
- 7.4 It is considered the proposed detached garage would not unacceptably impact on the street scene or rear garden environment. For these reasons Staff considers the proposed garage will not have an unacceptable visual impact upon the surrounding area and is acceptable.

Residential Amenity

- 7.5 Consideration has been given to the impact of the proposal on the adjacent properties, primarily in respect of privacy and overshadowing.
- 7.6 It is considered the proposed detached garage would be well removed from the neighbouring attached property at number 132 Ardleigh Green Road. No objections are therefore raised.
- 7.7 The proposed garage would be set close to the boundary with the flats No.136-140. Although the proposal is close to the boundary it is considered that the placement of the garage would have no greater impact to the rear garden than what exists on site.
- 7.8 In all, the development is not considered unneighbourly and complies with the spirit of adopted guidance.
- 7.9 A condition would be attached to the garage should it be approved, to ensure that the garage 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.


Highways and Parking

- 7.10 There will be change to the amount of parking available on site and the property will comply with parking standards.

Conclusions

- 7.11 It is considered that the application will cause no undue harm to the surrounding properties in terms of residential and visual amenity enjoyed currently. It is therefore recommended that the application should be granted planning permission. The details of the decision are set out in the RECOMMENDATION.

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 Havering LONDON BOROUGH	Planning Committee 5 July 2018
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Application Reference:	P0312.18
Location:	2 Berther Road, Hornchurch
Ward:	Emerson Park
Description:	Single storey rear infill extension, front entrance porch and boundary wall and gated entrance.
Case Officer:	Stefan Kukula Principal Development Management Officer
Reason for Report to Committee:	A Councillor call-in has been received

1. BACKGROUND

- 1.1 The application was called in by Councillor Roger Ramsey prior to the implementation of the delegated power changes agreed by Governance Committee and Council. The call-in has been honoured on the basis on which it was originally lodged.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The application is seeking planning permission for a single storey rear infill extension, the addition of a front entrance porch and boundary wall and gated entrance.
- 2.2 The application raises material planning considerations in relation to the character and appearance of the streetscene, the impact on the surrounding residential amenity and the implications for highways, pedestrian access and parking. The proposals are considered be acceptable.

3 RECOMMENDATION

- 3.1 That the Head of Planning is delegated authority to issue the planning permission and impose conditions to secure the following matters:

Conditions

- Time limit: to be commenced within three years.
- Accordance with plans.
- Constructed with matching materials.
- Hours of use: The internal areas of the extension shall not be used as part of the existing restaurant use other than between the hours of 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays. The external seating areas shall not be used other than between the hours of 10:00 and 22:00 on Monday to Sunday and Bank or Public holidays. (To ensure compliance with existing hours of use condition).

4 PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application is seeking planning permission for:

- A single storey rear infill extension to provide customer toilet facilities (approximately 17 square metres);
- Front entrance porch;
- New 0.6 metre high boundary wall and gated entrance along street frontage with 2 metre high side section adjacent to side access and external dining area.

Site and Surroundings

4.2 The premises at 2 Berther Road, Hornchurch is a two storey detached building currently occupied by the 'Shish Meze Restaurant'. The building is located on the junction of Berther Road and Butts Green Road within an area of hardstanding with an outdoor seating area to the side, a car park and seating area to the front and Emerson Park Train Station and the railway line immediately to the south.

4.3 The site is located within Sector One of the Emerson Park Policy Area and forms part of the Butts Green Road Minor Local Centre and as such the surrounding area is characterised by a mixture of commercial and residential uses.

Planning History

4.4 The following planning decisions are relevant to the application:

P1471.08 - Change of use from A1 to A3 (restaurant) - Approved and development implemented.

P1024.13 - First floor rear extension and rear dormer to provide three additional flats and retrospective change of use of part of the ground floor from A1 to A3 use - Refused on grounds of lack of parking; harm to character of area, and; overdevelopment of the site. Appeal (APP/B5480/A/14/2212339) dismissed on grounds of unacceptable effect on the character and appearance of the locality and adverse effect on highway safety.

P0152.15 - Single storey side extension - Approved and development implemented.

P0845.17 - Single storey rear and side extension on ground floor and Change of use of first floor to A4 use class (Drinking establishments) - Refused on grounds of noise and disturbance to neighbouring residents, and; lack of parking.

P2047.17 - Change of use of first floor to mixed use A3/A4 use class (Restaurant/Cafe and Drinking establishment). Single storey rear infill extension and part demolition of rear store. Erection of entrance porch - Refused on grounds of noise and disturbance to neighbouring residents, and; lack of parking.

5 LOCAL REPRESENTATION

5.1 A total of 81 neighbouring properties were notified about the application and invited to comment.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 22 of which, 22 objected and commented.

5.3 The following local groups/societies made representations:

- Emerson Park and Ardliegh Green Residents' Association – objecting.

5.4 The following Councillors made representations:

- Councillor Roger Ramsey has objected and called-in the application on the grounds that he believes there would be increased nuisance and disturbance caused to nearby residents by the increase in floor area and intensification of use.

Representations

5.5 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

- Increased noise and disturbance to neighbouring residents.
- Exacerbate existing parking and traffic problems on Berther Road and in the surrounding area.
- Boundary wall and gates would not be in keeping with the residential character and appearance of the streetscene.
- Insufficient car parking provision.
- The restaurant expansion is too large for a residential area.
- Smells and odours from restaurant.

Non-material representations

5.6 The following issues were raised in representations, but they are not material to the determination of the application:

- Loss of property value.

5.7 The following were consulted regarding the application:

- Environmental Health – no objections, recommended conditions in relation to noise insulation and noise and vibration mitigation.
- Local Highway Authority – no objection.

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the application that the committee must consider are:

- Principle of the development;
- Impact on the character and appearance of the streetscene;
- Impact on the amenity of surrounding residential properties, and;
- Implications for highways, pedestrian access, and parking.

Principle of the development

6.2 The site forms part of the Butts Green Road Minor Local Centre. Policy DC16 states that planning permission for uses appropriate to a shopping area, including A3, in the borough's Minor Local Centres will be granted at ground floor level. The proposal effectively involves the extension of internal floor space of an existing A3 use, to provide associated customer toilet facilities.

6.3 In accordance with Policy DC16 the proposal would retain the building's active frontage and maintain an impression of visual and functional continuity, thus enhancing and aiding the vitality of the Minor Local Centre.

- 6.4 On this basis the proposal is considered to be policy compliant in landuse terms and its continued use for appropriate commercial purposes within the Minor Local Centre is therefore regarded as being acceptable in principle.

Impact on streetscene

- 6.5 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.
- 6.6 The restaurant premises at 2 Berther Road forms a prominent feature in terms of its contribution to the streetscene, particularly from vantage points along Berther Road and the junction at Butts Green Road.
- 6.7 The proposed single storey rear extension would effectively infill a section of the rear yard area, and would not be visible from the streetscene at Berther Road.
- 6.8 The proposed front porch is considered to form a relatively minor addition to the front entrance and would be generally in keeping with the architectural style and design of the building.
- 6.9 The proposed walls would replace existing sections of permanent fencing of a similar height along sections of the site frontage and adjacent to the side access driveway. The fencing is already used to enclose existing outdoor dining areas, and the introduction of replacement walls would essentially maintain the existing character and appearance of the streetscene in this part of Berther Road. The proposed entrance gateway with brick pillars would match the proposed walls and harmonise with the existing front boundary treatment at Tilia Court, located directly opposite the application premises. A condition will be included requiring that the bricks used in the construction of the walls and entrance gateway match the existing building.

Impact on amenity

- 6.10 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.
- 6.11 The proposed single storey rear infill extension would be positioned some 5.4 metres off the side boundary with the residential property at 2a Berther Road, adjacent to the side wall of a garage which immediately abuts the boundary. As such it is not considered that the proposed extension would present any undue issues in relation to overshadowing, loss of daylight, over-dominance or privacy.

- 6.12 The extension would provide customer toilet facilities, comprising some 17 square metres of internal floor space. As part of a minor reconfiguration of the ground floor internal layout the existing toilet facilities would be removed, with this area utilised as part of the kitchen and restaurant circulation space. Consequently the proposal would not result in a significantly greater amount of restaurant floor space to facilitate additional tables or customers. In this instance Staff do not consider that the proposal would result in an intensification of the restaurant use or lead to a greater number of customers above the existing capacity. Staff are therefore of the view that the proposal would not create an increase in noise and disturbance to neighbouring residents beyond that which is currently experienced.
- 6.13 The existing permitted opening hours for the restaurant are 10:00 and 22:00 on Monday to Friday and between 10:00 and 23:00 on Saturday, Sunday and Bank or Public holidays. The use of the external seating areas is restricted to between the hours of 10:00 and 22:00 on Monday to Sunday and Bank or Public holidays. The application proposes no changes to the permitted opening hours.
- 6.14 Extract and ventilation systems have been installed as part of the previous arrangements and are being utilised. Any requirement for new equipment to suit the specification of the restaurant would be installed under further guidance and instruction from Environmental Health.


Highways/ Parking

- 6.15 The proposed side extension would result in no alteration to the existing 4no. off street car parking spaces along the strip of hardstanding to the front, accessed directly from Berther Road. The proposed gateway would still ensure safe access into the building for pedestrians.
- 6.16 The site is located within a Minor Local Centre and is immediately adjacent to Emerson Park Station and in close proximity to bus stops along Butts Green Road. As such the existing off-street car parking provision is considered to be acceptable.
- 6.17 The proposed rear extension would not impede the existing servicing arrangements for the site would continue allowing vehicles to park in the side access for loading and deliveries.
- 6.18 The Local Highway Authority have raised no objections and the proposal.

Conclusions

- 6.19 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

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 <p>Havering LONDON BOROUGH</p>	<p>Planning Committee 5 July 2018</p>
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Application Reference:	Stopping Up Order
Location:	Land at Lowen Road Rainham
Ward:	South Hornchurch
Description:	Stopping up of Highway
Case Officer:	Mark Philpotts
Reason for Report to Committee:	The Head of Planning considers Committee consideration to be necessary.

1 Background

- 1.1 on 13 March 2014 the Council approved planning permission under application reference P0047.14 (reserved matters pursuant to application reference P2058.08) for the demolition of 24 residential units and 5 commercial units (89-153 odd Lowen Road) and erection of 87 new residential units in 2 blocks, accessed from Lowen Road with landscaping and parking areas. The decision notice was issued on 19 March 2014. In order to facilitate the development, stopping up of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.2 A resolution is therefore sought to stop up the adopted public highway shown zebra hatched on the plan reference Lowen Road Stopping Up Plan at Appendix A ("Plan") to enable the development to be carried out in accordance with the planning permission granted under application reference number P0047.14 pursuant to P2058.08.
- 1.3 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.

2 Recommendation

That the Committee resolve to authorise the stopping up of the highway land at Lowen Road shown zebra hatched on the Plan, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990, subject to:

- the grant and lawful implementation of planning permission application reference P0047.14;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;

if objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

3 Proposal and Location details

- 3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.
- 3.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.
- 3.3 The layout of the Orchard Village development has already been considered and approved under application ref P0047.14 (pursuant to application P2058.08) following a full statutory public consultation exercise. The approved layout plans would require the stopping up of the area(s) of land that are the subject of this report. The stopping up now proposed would give effect to the development on the land over which Lowen Road, Rainham lies.

- 3.4 The area of land to which the application to stop up relates is a section of Lowen Road, Rainham measuring approximately 6.5 meters in width by 75 meter in length and sited between OS grid reference points 550726(E), 183292 (N); and 550775(E), 183334(N). The land is classified as carriageway and footway on the register of highways maintainable at the public expense.
- 3.5 The development approved pursuant to the planning permission incorporates a redesign of the existing road layout within the confines of the Orchard Village development.
- 3.6 It is considered that the most effective way to accommodate the approved road layout is by stopping up parts of the existing highway. Once the stopping up process is complete, the intention is to adopt the new approved layout using powers available to the Council under section 38 of the Highways Act 1980. Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so will enable the development to be carried out.

4 Planning History

The following planning decisions are relevant to the application:

P2058.08 – The Mardyke Estate Rainham – redevelopment to provide for up to 555 residential units, with associated car parking, alterations to existing access and provision of new landscape and amenity space, together with up to 900 sqm of class A1, A2, A3, A4, A5 and/or D2 accommodation and up to 600sqm of class B1(A) offices. Full permission is sought for the new estate road (the bus route).-outline application - Approved

P0047.14 – Orchard Village (formerly Mardyke Estate) Phase 4 Rainham RM13 8PU – reserved Matters application pursuant to P2058.08 for the demolition of 24 residential units and 5 commercial units (89-153 odd Lowen Road) and erection of 87 new residential units in 2 blocks, accessed from Lowen Road with landscape and parking areas - Approved

The stopping up is necessary in order that development pursuant to planning permission can be carried out.

5 Consultation

- 5.1 The Council's highway officer has no objection to the proposed stopping up order.
- 5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.
- 5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the Council must:
- (i) notify the Mayor; and
 - (ii) cause a local inquiry to be held.
- 5.4 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the "special circumstances of the case" the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the Council which may dispense with the inquiry.
- 5.5 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

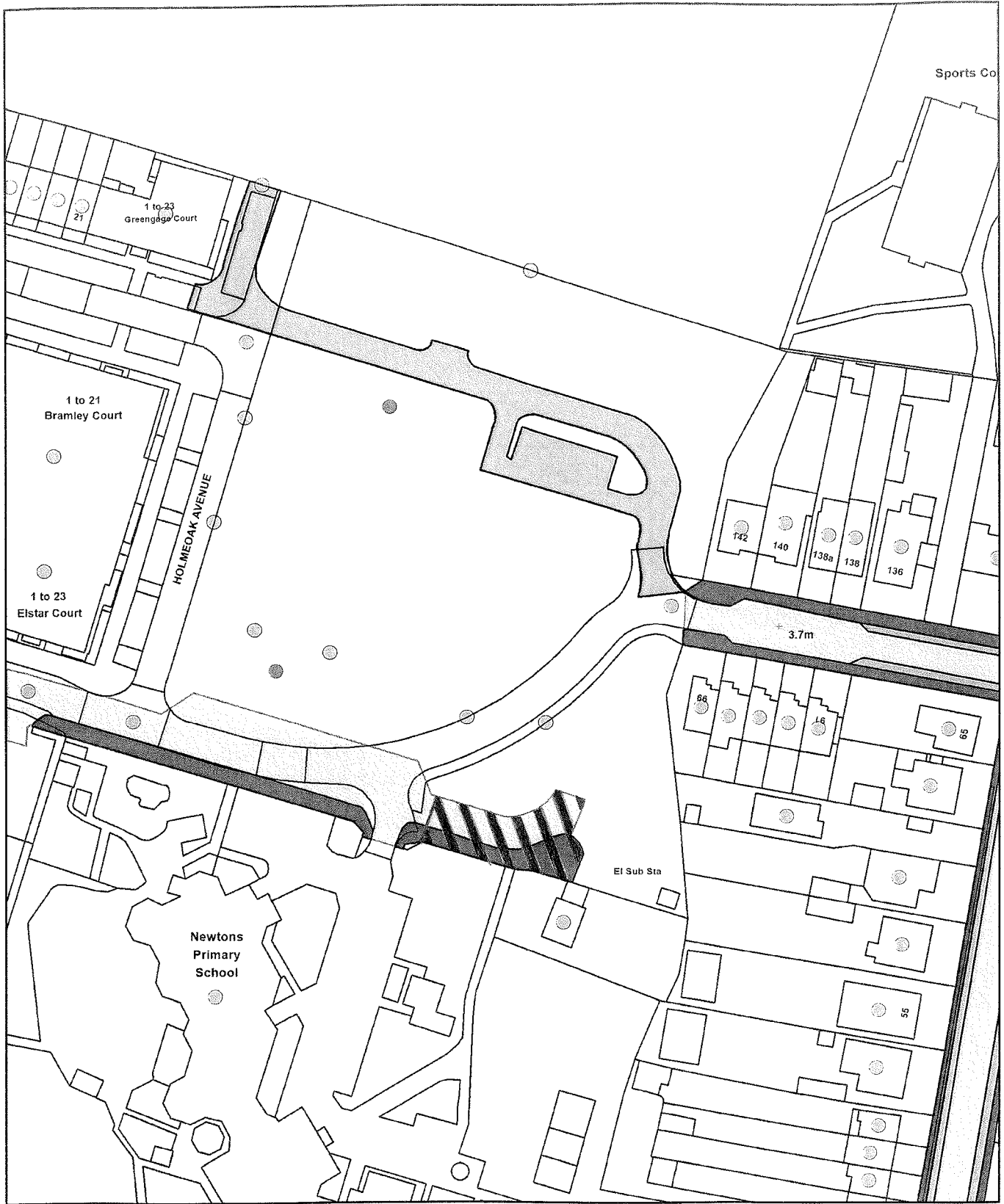
6 Conclusion

It is considered that the proposed stopping up of the area of land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.


Appendix A

Plan reference: Lowen Road Stopping Up Plan


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PLAN - LOWER ROAD STOPPING UP PLAN



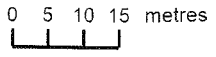

- HIGHWAY TO BE STOPPED UP






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 Havering LONDON BOROUGH	Planning Committee 5 July 2018
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Application Reference:	Stopping Up Order
Location:	Land outside Roma Cottage Dunedin Road, Rainham
Ward:	South Hornchurch
Description:	Stopping up of Highway
Case Officer:	Mark Philpotts
Reason for Report to Committee:	The Head of Planning considers Committee consideration to be necessary.

1 Background

- 1.1 on 13 May 2013 the Council approved planning permission under application reference P1612.09 for the erection of a three bedroom residential dwelling on land to rear of 2 and 3 Blewetts Cottages New Road Rainham. The decision notice was issued on 13 May 2013. In order to facilitate the development, stopping up of the adopted public highway is required as the approved scheme will encroach onto the existing public highway.
- 1.2 A resolution is therefore sought to stop up the adopted public highway shown zebra hatched on the plan reference No. QR024-02-101 at Appendix A ("Plan") to enable the development to be carried out in accordance with the planning permission granted under application reference number P1612.09.
- 1.3 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.

2 Recommendation

That the Committee resolve to authorise the stopping up of the highway land outside Roma Cottage, Dunedin Road, Rainham shown zebra hatched on the

Plan, in accordance with the procedure set out in section 252 of the Town and Country Planning Act 1990, subject to:

- the grant and lawful implementation of planning permission application reference P1612.09;
- payment, by the applicant, of all costs associated with the stopping up;
- any direction by the Mayor of London

on the following basis:

if no objections are received (or any received are withdrawn), or the Mayor of London decides a local inquiry is unnecessary, then the stopping up order will be confirmed by officers;

if objections are received from a local authority, statutory undertaker or gas transporter (and are not withdrawn), or other objections are received (and not withdrawn) and the Mayor of London decides that an inquiry is necessary, the Council shall cause a local inquiry to be held.

3 Proposal and Location details

- 3.1 Section 247(2A) of the Town and Country Planning Act 1990 (“the Act”) provides that the Council of a London borough may by order authorise the stopping up or diversion of any highway within the borough if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the Act.
- 3.2 In *K C Holdings Ltd v Secretary of State for Wales [1990] JPL 353* the Deputy Judge held that “may” implies a discretion to consider the demerits and merits of the particular closure in relation to the particular facts of the case. In *Vasiliou v Secretary of State for Transport [1991] 2 All ER 77*, the Court of Appeal held that when exercising his discretion, the Secretary of State was not only entitled, but required to take into account any directly adverse effect the order would have on all those entitled to the rights which would be extinguished by it, especially as the section contains no provision for compensating those so affected.
- 3.3 The layout of the development has already been considered and approved under application ref P1612.09 following a full statutory public consultation exercise. The approved layout plans would require the stopping up of the area(s) of land that are the subject of this report. The stopping up now proposed would give effect to the development on the land over which the highway lies.
- 3.4 The area of land to which the application to stop up relates lies to the front of Roma Cottage, Dunedin Road measuring approximately 4.2 meters in width

by 10.5 meters in length and sited between OS grid reference points 551,472(E), 182,764(N); 551,471(E), 182,758(N); and 551,461(E), 182,761(N). The land is classified as highway grass verge on the register of highways maintainable at the public expense. Adjacent to the land is a made up pedestrian footway.

3.5 There is no vehicular access over the land so the proposed stopping up will have no effect on vehicular traffic. The proposed stopping up would not materially affect pedestrians as pedestrian use of the adjacent footway will be maintained.

3.6 Officers therefore consider that there would be no disadvantages suffered by the public or by those with properties near or adjoining the existing highway. In contrast, there are advantages of stopping up the highway rights as doing so will enable the development to be carried out.

4 Planning History

4.1 The following planning decisions are relevant to the application:

P1612.09 – erection of a three bedroom residential dwelling - Approved

The stopping up is necessary in order that development pursuant to planning permission can be carried out.

5 Consultation

5.1 The Council's highway officer has no objection to the proposed stopping up order.

5.2 No public or external consultation has been carried out by the Council in respect of the current stopping up application; however, should the Committee approve the stopping up before making the order, the Council would carry out consultation as required by Section 252 of the Act. This would involve consulting statutory undertakers, posting site notices and publishing the proposed orders in a local newspaper and the London Gazette. A 28-day consultation period would allow interested parties to respond.

5.3 Under Section 252(4)(b) of the Act if an objection is received from any local authority, undertaker or gas transporter on whom a notice is required to be served, or from any other person appearing to the council to be affected by the order and that objection is not withdrawn (through negotiation between the objector and the applicant) the council must:

- (i) notify the Mayor; and
- (ii) cause a local inquiry to be held.

5.3 If however, none of the objections received were made by a local authority or undertaker or transporter then, under Section 252(5A) of the Act, the Mayor shall decide whether, in the “special circumstances of the case” the holding of such an inquiry is unnecessary, and if he decides that it is unnecessary he shall so notify the council which may dispense with the inquiry.

5.4 If there are no objections, or all the objections are withdrawn, then the Council may confirm the stopping up order without an inquiry.

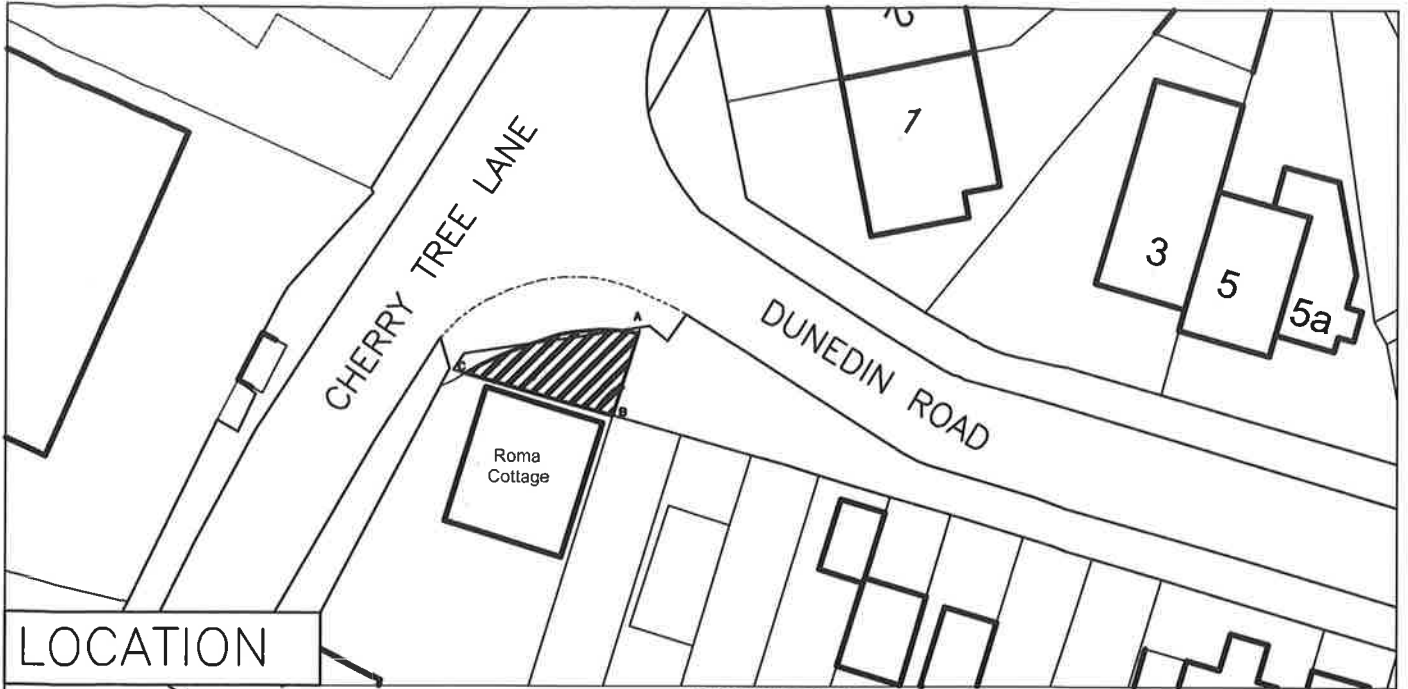
6 Conclusion

It is considered that the proposed stopping up of the area of land is necessary to enable development to proceed in accordance with planning permission and is acceptable in highways terms. It is noted, however, that there remain obligations relating to consultation and a local inquiry may be held, should the stopping up be approved by the Committee.

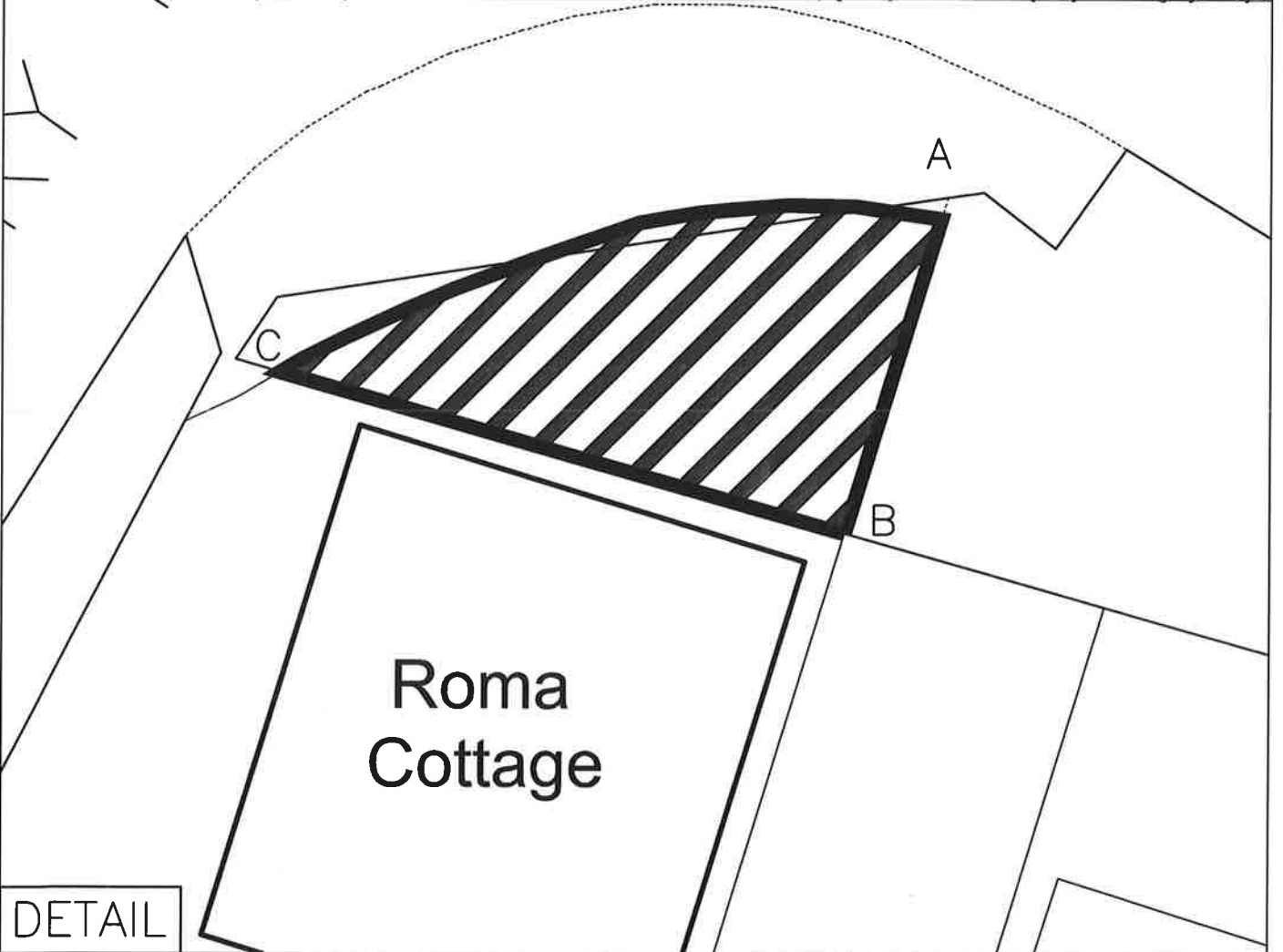
Appendix A

Plan reference No. QR024-02-101

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LOCATION



DETAIL

		PURPOSE		INFORMATION	
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JOB TITLE DUNEDIN ROAD, RAINHAM HIGHWAYS STOPPING UP		DRAWN BY MLP		CHECKED BY MLP	
DRAWING TITLE SITE LOCATION AND PROPOSED STOPPING UP AREA		APPROVED BY MLP			
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