



REGULATORY SERVICES COMMITTEE AGENDA

| | | |
|----------------|-------------------------------------|---------------------------------------------------|
| 7.30 pm | Thursday 2 February 2012 | Havering Town Hall, Main Road, Romford |
|----------------|-------------------------------------|---------------------------------------------------|

Members 11: Quorum 4

COUNCILLORS:

**Conservative Group
(7)**

**Residents' Group
(2)**

**Labour Group
(1)**

**Independent
Residents'
Group
(1)**

Barry Oddy (Chairman)
Barry Tebbutt (Vice-Chair)
Sandra Binion
Jeffrey Brace
Robby Misir
Frederick Osborne
Garry Pain

Linda Hawthorn
Ron Ower

Paul McGeary

Mark Logan

**For information about the meeting please contact:
Richard Cursons (01708 432430)
E-mail: richard.cursons@havering.gov.uk**

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.

The Chairman will announce the following:

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.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 12)

To approve as a correct record the minutes of the meeting of the Committee held on 15 December 2011 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS (Pages 13 - 44)

Applications within statutory period

6 P1850.11 - DAGNAM PARK (Pages 45 - 54)

7 **P0368.09 - PELL COURT 165-171 HORNCHURCH ROAD** (Pages 55 - 64)

8 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 65 - 78)

Applications outside statutory period

**Ian Buckmaster
Committee Administration and
Member Support Manager**

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
15 December 2011 (7.30 - 10.30 pm)**

Present:

COUNCILLORS: 11

Conservative Group Barry Oddy (in the Chair) Barry Tebbutt (Vice-Chair), Jeffrey Brace, Frederick Osborne, Garry Pain, Steven Kelly and Frederick Thompson

Residents' Group Linda Hawthorn and Ron Ower

Labour Group Paul McGeary

Independent Residents Group +*Michael Deon Burton

Apologies were received for the absence of Councillors Sandra Binion, Robby Misir and Mark Logan.

+Substitute members: Councillor Steven Kelly (for Sandra Binion) Councillor Frederick Thompson (for Robby Misir) and Councillor Michael Deon Burton (for Mark Logan)

Councillors Linda Trew, Denis O'Flynn and Jeffrey Tucker were also present for parts of the meeting.

* Due to unforeseen personal circumstances Councillor Deon Burton left part way through the meeting prior to presentation of the report relating to Albany School.

23 members of the public and a representative of the Press 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.

204 **DECLARATION OF INTERESTS**

Councillor Ron Ower declared a personal and prejudicial interest in item P1557.11. Councillor Ower advised that he was a close friend of the applicant. Councillor Ower left the room during the discussion of the report and took no part in the voting.

205 **MINUTES**

The minutes of the meetings held on 13 October, 27 October and 3 November 2011 were agreed as a correct record and signed by the Chairman.

206 **P1637.11 - GARAGE COURT TO REAR OF 16 SHEFFIELD DRIVE, HAROLD HILL - DEMOLITION OF 31 GARAGES AND ERECTION OF 4 DWELLINGS WITH ASSOCIATED PARKING**

The report before members related to a Council owned garage court. The application proposed the demolition of the existing 31 garages and the erection of four 2 storey dwellings with associated parking and garden areas.

Members noted that 29 letters of support and no letters of objection had been received.

In accordance with the public participation arrangements, the Committee was addressed by an objector with no response from the applicant.

The Chairman exercised his discretion to enable a member of the public to speak in support of the proposal.

With its agreement, Councillor Denis O'Flynn addressed the Committee. Councillor O'Flynn commented that the report was very comprehensive but the proposed scheme, if approved, would deny residents security to their properties and would also deny parking facilities to residents who had previously been licensees to be able to park in the garages. Councillor O'Flynn asked that the Committee reject the scheme for the above reasons.

During the debate, members discussed the number of garages currently let on the site, possible boundary treatments, security of building materials stored on the site and refuse arrangements.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and subject to the precise wording of the planning condition dealing with boundary treatment being delegated to the Head of Development and Building Control to ensure that applicant submits existing and proposed boundary details at an early stage of the development and also to provide for negotiation by developer with adjoining residents over detailed treatment including possible retention of parts of existing walls at rear of garage block.

The vote for the resolution to grant planning permission was passed by 10 votes to 1. Councillor McGeary voted against the resolution to grant planning permission.

207 **P1557.11 - 311-313 COLLIER ROW LANE, COLLIER ROW, ROMFORD - DEMOLITION OF EXISTING COMMERCIAL BUILDING AND CONSTRUCTION OF A COMMERCIAL UNIT ON THE GROUND FLOOR WITH A3 USE AND THREE 2 BEDROOM FLATS ON THE FIRST AND SECOND FLOORS**

The application sought permission for the demolition of the existing commercial building and construction of a part two and a half, part three storey building with a commercial unit on the ground floor to be used for A3 purposes in the form of one larger or two smaller units and three 2 bedroom flats on the first and second floors. Flat 1 was located on the first and second floors, Flat 2 on the first floor and Flat 3 on the second floor with a side entrance.

The Committee noted that two petitions, containing twenty nine signatures, and four letters of objection had been received.

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

With its agreement, Councillor Linda Trew addressed the Committee. Councillor Trew commented that the change in hours applied for would have little difference on the impact the proposed properties would have on the area due to increased traffic and a lack of off street parking Councillor Trew suggested that the number of existing A3/A5 (Restaurant/hot food takeaway) establishments in Collier Row town centre was sufficient to cope with demand.

During the debate, members discussed the length of time the property had been empty and parking provision in the Collier Row area.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. It was also **noted** that the Committee requested that any subsequent application for extension of the A3 opening hours be brought to Committee rather than delegated to the Head of Development and Building Control.

The vote for the resolution to grant planning permission was passed by 8 votes to 1 with 1 abstention. Councillor Frederick Thompson voted against the resolution to grant planning permission. Councillor Deon Burton abstained from voting.

As stated at the beginning of the minutes Councillor Ron Ower declared a personal interest in the application. Councillor Ower advised that he was a close friend of the applicant. Councillor Ower left the room during the discussion of the report and took no part in the voting.

208 **P1583.11 - 29 LESSINGTON AVENUE, ROMFORD - ERECTION OF RAILINGS TO SITE FRONTAGE, SURFACING FRONT DRIVEWAY AND PROVISION OF WINDOW SECURITY**

The proposal related to an application for the erection of railings to site frontage, surfacing of a front driveway and the provision of window security to a detached bungalow.

With its agreement, Councillor Jeffrey Tucker addressed the Committee. Councillor Tucker commented that the bungalow was in a mixed use area and similar to other places of worship situated elsewhere in the borough. Councillor Tucker explained that the property had been the target of several incidents of vandalism. Councillor Tucker asked that the Committee grant planning permission.

Members discussed whether the provision of the railings would be out of character with the surrounding residential street scene.

Discussions also took place regarding the removal of the hard standing and the nature of the Crime Shield security mesh that was to be mounted in front of or behind the existing windows.

Members expressed concern that the visual impact of the proposed security measures would result in the property looking out of character in the street scene to the detriment of neighbouring amenity in a residential area.

The report recommended that planning permission be granted but following a motion it was **RESOLVED** that consideration be **DEFERRED** to allow officers to discuss with the applicant the concerns raised by the Committee.

At this point in the meeting, Councillor Deon Burton had to leave the meeting due to unforeseen personal circumstances.

209 **P1327.11 - THE ALBANY SCHOOL - CREATION OF AN ALL WEATHER SPORTS PITCH ON PART OF EXISTING SCHOOL FIELD**

The application before members sought permission to create a Multi Use Game Area (MUGA) on part of the existing school field.

The application was brought to the committee because the site was within Council ownership. The application had previously been deferred at staff's request due to a late objection being received from Sport England.

The Committee noted that 29 letters of representation had been received and a letter supporting those representations had been received from Councillor Peter Gardner, a Ward Councillor for that area.

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

With its agreement, Councillor Jeffrey Tucker addressed the Committee. Councillor Tucker reinforced the principal objections from residents which were the excessive hours of operation of the floodlights and that light pollution from the floodlights would have a detrimental effect on nearby residential amenity.

During the debate members discussed issues concerning parking provision, the impact of light pollution from the floodlights on nearby residential areas and possible noise nuisance from users.

Members also commented that there was insufficient information concerning the facilities' hours of operation.

The report recommended that planning permission be granted but following a motion, it was **RESOLVED** that consideration be **DEFERRED** to allow officers to contact the applicant and obtain further information on the following:

- Current and proposed term and non-term timetable of school and non-school use of playing fields, tennis courts and MUGA.
- Whether any hours limitations or lighting existed on the tennis courts.
- Whether potential noise disturbance could be mitigated by acoustic treatment along north end of the MUGA closest to residential properties.
- Clarification of parking need associated with existing and proposed uses, current patterns of vehicle use and scope for providing additional parking.
- Potential for reducing floodlighting hours to an earlier finish time.

210 **P1521.11 - LAND REAR OF 189 FARINGDON AVENUE, HAROLD HILL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF TWO 4 BEDROOM DETACHED DWELLINGS WITH ASSOCIATED PARKING AND GARDEN AREAS**

The application related to a Council owned garage court. It proposed the demolition of 18 garages and the erection of two 2 storey dwellings with associated parking and garden areas.

The Committee noted that 23 letters of representation had been received.

With its agreement, Councillor Pat Murray addressed the Committee. Councillor Murray commented that the proposed site had insufficient access and egress arrangements to the detriment of highway safety.

Members noted that the majority of garages on the site were currently not in use. Concern was raised at possible overlooking from the proposed development.

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

The vote for the resolution was 9 votes to 0 with 1 abstention. Councillor McGeary abstained from voting.

211 **P1525.11 - BEAM REACH BUSINESS PARK CONSUL AVENUE, RAINHAM - ERECTION OF VEHICLE MAINTENANCE UNIT (VMU) COMPRISING 1875 SQM (GEA).**

The report before members proposed an application for the erection of a Vehicle Maintenance Unit (VMU) in association with a regional distribution centre currently being developed on the western side of Marsh Way, Rainham.

The Committee noted that the results of consultations from the Greater London Authority (GLA) and the Environment Agency had yet to be received.

It was **RESOLVED** to delegate to the Head of Development and Building Control to grant planning permission subject to there being no objections from the GLA and no additional Environmental Agency conditions. In the event that the GLA objected to the proposals then the application would be brought back to the Committee for consideration.

212 **P1606.11 - COUNCIL DEPOT CHERRY TREE LANE, RAINHAM - DEMOLITION OF COUNCIL DEPOT AND ERECTION OF THREE TERRACED DWELLINGS**

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

213 **P1608.11 - GARAGE COURT AT REAR OF NO. 33 - 48 PROSPECT PLACE, ROMFORD - DEMOLITION OF EXISTING 16 GARAGES AND THE ERECTION OF 2 HOUSES WITH ASSOCIATED PARKING**

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

- 214 **P1559.11 - LAND REAR OF 51-63 KINGSBRIDGE ROAD, HAROLD HILL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF ONE 3 BEDROOM DETACHED DWELLING AND TWO 4 BEDROOM SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING AND GARDEN AREAS**

The Committee considered the report, noting that two letters of representation had been received and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 215 **P1560.11 - LAND REAR OF 16/18 HALESWORTH CLOSE, ROMFORD - DEMOLITION OF EXISTING GARAGES AND ERECTION OF TWO 4 BEDROOM SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING AND GARDEN AREAS**

The Committee considered the report, noting that four letters of representation had been received and following Councillors being satisfied with conditions in particular in respect to the lighting scheme, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 216 **P1643.11 - GARAGE COURT TO REAR OF 13 ASHBOURNE ROAD, HAROLD HILL - DEMOLITION OF EXISTING 11 GARAGES AND ERECTION OF TWO 2 STOREY 4 BEDROOM SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING AND GARDEN AREAS**

The Committee considered the report, and following Councillors' questions on back to back distances and glazing, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

- 217 **P1635.11 - GARAGE COURT TO REAR OF 12 ASHBOURNE ROAD, HAROLD HILL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF TWO 3 BEDROOM SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING AND GARDEN AREAS**

The report before members related to a Council owned garage court. The application proposed the demolition of the existing 13 garages and the erection of two 2 storey semi-detached dwellings with associated parking and garden areas.

The committee noted that two letters of representation and a petition had been received. The Committee considered the report and questions were raised on the glazing of ground floor windows on the side of the building facing Ashbourne Road.

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report and to include an additional condition to obscure glaze the ground floor flank windows facing Ashbourne Road.

The vote for the resolution was passed by 9 votes to 0 with 1 abstention. Councillor McGeary abstained from voting.

218 **P1636.11 - GARAGE COURT TO REAR OF 4 SEDGEFIELD CRESCENT, ROMFORD - DEMOLITION OF EXISTING GARAGES AND ERECTION OF 1 DETACHED DWELLING WITH ASSOCIATED PARKING AND GARDEN AREAS**

The Committee considered the report, noting that there had been a late response from the London Fire Brigade (LFB) and four letters of representation had been received and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

219 **A0061.11 - 192 HILLDENE AVENUE, ROMFORD - 1 INTERNALLY ILLUMINATED FASCIA SIGN, 1 INTERNALLY ILLUMINATED PROJECTING SIGN AND ATM SURROUND**

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

220 **P1623.11 - GRASS VERGE ADJACENT TO 32 PETTLEY GARDENS, ROMFORD - ONE FOUR BEDROOM DETACHED HOUSE**

The Committee considered the report, noting that a letter of representation had been received and without debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

The vote for the resolution was passed by 9 votes to 0 with 1 abstention. Councillor Hawthorn abstained from voting.

221 **P1582.11: 44-52 MARKET PLACE, 1-14 SWAN WALK & UNIT 103 LIBERTY SQUARE, ROMFORD - EXTENSION OF TIME APPLICATION: PARTIAL DEMOLITION OF THE LIBERTY SHOPPING CENTRE AND CONSTRUCTION OF NEW RETAIL FLOORSPACE, DEMOLITION OF BRIDGE TO EXISTING SERVICE ROAD AND ASSOCIATED WORKS TO ALTER SERVICING AREA**

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

A financial contribution of £50,000 to cover the cost of identifying a replacement location for coach parking and the provision of the replacement facilities.

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

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

Upon completion of the Section 106 agreement that authority be delegated to the Head of Service to grant planning permission subject to the conditions as set out in the report and to include the following amendments the precise wording of which was delegated by the Committee to the Head of Development and Planning:

- Conditions 13, 14 and 15: Amend so that prior to occupation/before use commences specifically relates to occupation of individual units.
- Condition 16: Amend to cover requirement upon owner/applicant to place an obligation within the occupier's lease to maintain a trading display in the first floor windows of the development. Also amend so that trigger point is "before unit is first occupied".
- Condition 2: Amend to read "the development hereby permitted shall be carried out in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority".

222 P1292.11 - 6 COLLIER ROW ROAD COLLIER ROW, ROMFORD - CHANGE OF USE OF EXISTING RETAIL SHOP (A1 CLASS USE) INTO TAKE-AWAY RESTAURANT (A3/A5 CLASS USE) AND EXTRACTION FLUE SYSTEM TO REAR

The report before members detailed an application for a change of use from retail (A1) to a takeaway/restaurant (A3/A5 use) and extraction flue to the rear.

The Committee noted that the application had been called in by Councillor Ron Ower due to concerns regarding the impact of noise and parking on local residents.

Members noted that seven letters of representation had been received.

During the debate members made reference to the Council's Planning Policy DC16 which dealt with Core and Fringe Frontages in District and Local Centres.

Members also queried with officers the number of non-retail premises in the town centre.

Officers confirmed although the change of use would be contrary to Policy DC16, it is considered that on balance the A3/A5 use would be acceptable, particularly as it would be bringing a vacant A1 retail unit back into use, which would contribute positively to the vitality of Collier Row town centre

A motion to refuse the granting of planning permission was lost by 6 votes to 3 with 1 abstention. Councillors Osborne, Hathorn and Ower voted for the motion to refuse planning permission. Councillors Oddy, Brace, Kelly, Pain, Tebbutt and McGeary voted against the motion. Councillor Thompson abstained from voting

It was **RESOLVED** that planning permission be granted subject to the conditions as set out in the report. The vote for the resolution was passed by 7 votes to 3. Councillors Oddy, Brace, Kelly, Osborne, Pain, Tebbutt and McGeary voted for the resolution to grant planning permission. Councillors Thompson, Hawthorn and Ower voted against the resolution to grant planning permission.

223 **APPLICATION FOR THE STOPPING UP OF HIGHWAY LAND SOUTH OF THE A124 HORNCHURCH ROAD AT RM11 1DL AND PART OF TORRANCE CLOSE AT RM 11 1JT**

The Committee considered the report, and without debate, **RESOLVED** that subject to the developer paying the Council's reasonable charges in respect of the making of, advertising of, any inquiry costs associated with and the confirmation of the Stopping Up Order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

- 2.1 The Council make a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway hatched and edged in black on the plan as the land was required to enable development for which the Council had granted planning permission granted under planning reference P0827.11 to be carried out.
- 2.2 In the event that no relevant objections were made to the proposal or that any relevant objections that were made are withdrawn then the Order be confirmed without further reference to the Committee.

- 2.3 In the event that relevant objections were made by other than by a Statutory Undertaker or Transport Undertaker and not withdrawn, that the application be referred to the Mayor for London to determine whether or not the Council could proceed to confirm the order.
- 2.4 In the event that relevant objections were raised by a Statutory Undertaker or Transport Undertaker and were not withdrawn the matter could be referred to the Secretary of State for their determination unless the application was withdrawn.

224 **DRAFT NATIONAL PLANNING POLICY FRAMEWORK**

It was reported that on 26 October 2011, Cabinet considered a report on the draft National Planning Policy Framework (NPPF). The Framework was seen by Government as providing the opportunity for people and communities to be involved in planning. It was a key part of the Government's wider 'Localism' agenda.

Cabinet had agreed three recommendations in the report:

1. To welcome the overall approach in the draft NPPF.
2. Agreed that comments in the Cabinet report be submitted to Government as this Council's response to the draft NPPF.
3. Recommend to the Regulatory Services Committee that the draft NPPF can be afforded weight, in particular when schemes did not accord with the Havering Local Development Framework or the Local Plan is silent or otherwise indeterminate provided development would not have unacceptable adverse social or environmental impacts.

The report before members recommended that Recommendation 3 of the Cabinet report be agreed.

Following a brief discussion it was **RESOLVED** to agree recommendation 3 of the Cabinet report.

225 **SUSPENSION OF STANDING ORDERS**

During the discussion of the reports the Committee **RESOLVED** to suspend Committee Procedure Rule 8 in order to complete the consideration of the remaining business of the agenda.

Chairman



Regulatory Services Committee

2 February 2012

Item 5

INSIDE STATUTORY PERIOD

| Page No. | Application No. | Ward | Address |
|-----------------|------------------------|-----------------|---------------------------------------------------------------------------|
| 1-7 | P1746.11 | Squirrels Heath | 62 Collier Row Road, Romford |
| 8-13 | P1855.11 | St Andrews | 25-55 Jonathans House Chaplaincy Gardens, Allenby Road, Hornchurch |
| 14-25 | P1870.11 | Emerson Park | 44 Herbert Road, Emerson Park, Hornchurch |
| 26-30 | P1905.11 | Upminster | Springfield Park Corner Farm, Hacton Lane/Park Farm Road, Upminster |

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REGULATORY SERVICES COMMITTEE

2nd February 2012

WITHIN STATUTORY PERIOD

| | | |
|-------------------------|--------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| APPLICATION NO: | P1746.11 | |
| WARD : | Mawneys | Date Received: 20th December 2011 |
| ADDRESS: | 62 Collier Row Road Romford | |
| PROPOSAL: | Change of Use from Class A1 (retail) to Class A5 (takeaway) including erection of external flue | |
| DRAWING NO(S): | Ordnance Survey map scale 1:1000 Site plan 58CRLCP11606093 PL-5130_02 62CRLCP110410114 | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

SITE DESCRIPTION

Three storey end of terrace with a vacant retail shop at ground floor and residential above. Surroundings: Commercial row of shops with dwellings above. The site is located within the retail core of Collier Row Minor District Centre.

DESCRIPTION OF PROPOSAL

The application is for a change of use from retail (A1) to a takeaway (A5 use) and an extraction flue to the rear. It is proposed to use the premises for a Charcoal Grill.

Opening hours are proposed to be 09:00 to 23:00 every day including Sundays and Bank Holidays.

The application is accompanied by indicative floor plans which indicate the provision of a waiting area, service bar, kitchen, staff area and W.C.

In order to provide suitable extraction to the kitchen area an extraction duct is proposed on the flank wall of the building. The duct would have dimensions of 0.35 metres in depth by 0.35 metres in width by 6.7 metres in height.

RELEVANT HISTORY

No relevant planning history.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 40 local addresses. At the time of drafting this report the neighbour notification period had yet to expire. Members will be verbally updated on the evening of any representations received. Three letters of objection were received (two of which were from the same address) with detailed comments that have been summarised as follows:

- Lack of parking and highway safety.
- Late night deliveries.
- Smell.
- Rubbish including dumping of waste.
- Noise.

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- There are too many takeaway/restaurants in the immediate area.
- There should be a balance between shops and food related premises.
- Anti-social behaviour issues.

Crime Prevention Design Advisor There are no material objections concerning any crime or community safety issues that may be raised by this application.

The Council's Environmental Health Department raise no objection subject to the provision of conditions.

Highways Authority - No objection.

RELEVANT POLICIES

Policies DC16, DC23, DC33, DC55, DC61 and DC63 of the LDF Development Control Policies DPD

STAFF COMMENTS

The issues arising from this application are the principle of the development, including the impact of the proposed change of use on the retail vitality and viability of the Minor District Centre, impact on residential amenities and highways/parking.

PRINCIPLE OF DEVELOPMENT

The application site is located within the retail core of Collier Row Minor District Centre. Policy DC16 states that service uses (Classes A2, A3, A4, A5) will be permitted within the retail core only where the following criteria are met:

- The use provides a service appropriate to a shopping area;
- The proposal will not result in a group of three or more adjoining A2-A5 uses;
- Not more than 33% of the length of the relevant frontage will be in non-retail use following implementation of the proposal.

All shop fronts in retail core and fringe areas must be active and maintain the impression of a visual and functional continuity to aid in enhancing the vitality of the town centre.

This policy is intended to maintain the viability and vitality of the town centre by protecting the predominantly retail use so that the range and choice of goods sold are maintained. At the same time, it recognises that uses such as banks, building societies and restaurants provide a complementary service for the shopping public, and it is therefore appropriate to make some provision for them in the centre. The retail core of the town centre has been defined in such a way as to single out the most concentrated areas of shopping for protection. In these areas the policy seeks to restrict the number of non-retail uses and also to prevent their grouping as this would interrupt the continuity of individual shopping frontages thus undermining their contribution to the centre as a whole.

The proposed takeaway would provide services appropriate to this Minor District Centre of Collier Row Road and therefore would contribute to the vibrancy and vitality of the locality.

The proposed use would not result in a group of three or more adjoining A2-A5 uses or other non-retail uses. In determining the relevant frontage for the purposes of the above, it is considered that the frontage runs between Nos 50 and 62 Collier Row Road. The frontage

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begins at Percy Ingle bakers (No. 50 Collier Row Road) and ends at the application site at No. 62 Collier Row Road. This frontage has a total length of 38 metres.

There are 6 units within this parade. The three non-retail uses comprise No. 52 Santander Bank, No. 54-56 - The Colley Rowe Inn PH and No. 58 Domino's takeaway pizza. These three non-retail uses with a frontage measuring 22.85 metres, represents 60% of the total length of the parade in non-retail use. The proposed change of use at No. 62 Collier Row Road (with a frontage of 5.2 metres) would result in 73.5% of the total length of the parade in non-retail use, exceeding the 33% given in policy.

It is noted that this is a short parade of shops, which only comprises of six units. In addition, the Colley Rowe Inn occupies a double frontage comprising of 54-56 Collier Row Road. Taking into account the factors outlined above, Staff are aware that the percentage of non-retail units are likely to be significantly higher than other neighbouring parades of shops in Collier Row Minor District Centre. Consideration has been given as to whether the percentage of non-retail units should take into account the adjoining parade of shops comprising No. s 26 48 Collier Row Road, although this would be inconsistent with Policy DC16, which states that the frontage will be measured in metres along continuous built development between significant breaks such as a road or footpath.

A letter was submitted from a letting agent for 62 Collier Row Road, which detailed that a significant period of pro-active marketing was implemented since December 2009. The landlord undertook an extensive refurbishment programme to attract a tenant. In November 2010, the property was let to A1 retail tenant, Black Wolf Marketing Ltd, who traded as locksmiths. This A1 business could not sustain successful trade in this location and had to close a few months later. Prior to the locksmiths taking occupation the property was empty from December 2009. The subject property was immediately placed back on the open market. A sales board was erected and the property was extensively advertised on all the usual property websites and in house marketing activities including many mailing exercises.

The property has been empty since June 2011 and very little active enquiries have been generated for Class A1 retail use, although serious enquiries have been generated by Class A5 uses. There are a number of vacant units in Collier Row Minor District Centre, which could satisfy A1 retail operators.

The proposed use would however be likely to attract both dedicated customers and those on more general shopping trips. Staff are of the view that the proposal has the potential to make a contribution to pedestrian flows. It is proposed that the premises be open seven days a week during normal shopping hours.

Although the change of use would be contrary to Policy DC16, it is considered that on balance, the A5 use would be acceptable, particularly as it would be bringing a vacant A1 retail unit back into use, which would contribute positively to the vitality of Collier Row Minor District Centre. For the above reasons, the change of use is a matter of judgement for members.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC61 states that planning permission will only be granted where proposals would not result in unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments.

The extraction flue would be visible from Collier Row Road and Carter Drive, although it is

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considered that it would not be materially harmful to the streetscene, as it would be located on the western flank of the building and would be set back approximately 7.1 metres from the front facade of the building. In addition, the width and depth of the extraction flue are relatively modest in size. Details of the colour and external finish of the extraction flue will be secured by condition if minded to grant planning permission. Overall, it is considered that the extraction flue would be within the realms of acceptability.

IMPACT ON AMENITY

With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours and noise and disturbance, particularly in view of the fact that there are residential properties located on the upper floors the parade.

The application site is located in an area which is characterised by commercial premises where a certain level of activity and associated noise is to be expected. Staff are of the view that a use such as that proposed is more suitably located within a town centre location than within a predominantly residential setting and that the amenities of residents living within the town centre are not normally expected to be as high as for residents living in purely residential locations. As there is no parking outside the premises, it is expected that patrons would park nearby and/or arrive on foot.

The application property lies within a row of commercial premises which forms part of retail core of Collier Row Minor District Centre. From the site visit it was observed that Collier Row Road is a heavily trafficked road with high ambient noise levels. Given the nature of this road, there is no reason to believe that these observations are unusual. It is reasonable to assume, given the location of the application site that the ambient noise level would remain reasonably high in the evening, Sundays and Bank/Public Holidays.

It is Staff's view that the proposal would not result in significant noise and disturbance from pedestrian movements over and above existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries and refuse storage.

In this instance, opening hours are proposed to be 09:00 to 23:00 every day including Sundays and Bank Holidays.

It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located on a relatively busy main road with arguably higher ambient noise levels throughout the week. Consideration has been given to a closing time of 23:00 on Sundays and Bank Holidays, although this time is comparable with other premises in the vicinity of the site, including Domino's pizza takeaway at No. 58 Collier Row Road (planning application P0807.11).

Although the extract duct would be visible in the streetscene and rear garden environment, it is considered that it would not result in an adverse visual impact, as it would be located on the flank wall of the two storey building. It is considered that the extract ducting would not result in a significant loss of amenity to neighbouring properties, as conditions from Environmental Health will be placed including one in respect of odours.

HIGHWAY/PARKING

The application site has no off-street car parking facilities. There is disc parking only Monday to Saturday between 8am - 6.30pm adjacent to the site in Carter Drive. The site is accessible by a

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variety of transport modes including public transport, walking, cycling and the car. For these reasons it is considered that the proposal would pose no adverse effect on the function of the highway. The Highways Authority has no objection to the proposal. It is considered that the proposal would not result in any highway or parking issues. Servicing would take place from the rear of the unit.

KEY ISSUES/CONCLUSIONS

Although the change of use would be contrary to Policy DC16, it is considered that on balance, the A5 use would be acceptable, particularly as it would be bringing a vacant A1 retail unit back into use, which would contribute positively to the vitality of Collier Row Minor District Centre. It is considered that the opening hours are deemed to be acceptable. It is considered that the proposal would not be detrimental to neighbouring amenity. There are no parking issues as a result of the proposal and it is not considered the proposal would give rise to any other highway issues. Approval is recommended.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

2. SC32 (Accordance with plans)

3. SC27 (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 09:00 and 23:00 every day including Sundays, Bank and Public Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

4. SC58 (Storage of refuse)

5. SC62 (Hours of deliveries)

6. Non standard condition

Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

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7. Non standard condition

Before the use commences, the building shall be insulated in accordance with a scheme which shall previously have been approved by the Local Planning Authority in order to secure a reduction in the level of noise emanating from the building.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

8. Non standard condition

Before any works commence a scheme for any new plant or machinery shall be submitted to the local planning authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 Planning & Noise 1994.

9. Non standard condition

Before the uses commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

10. Non standard condition

Before the use commences, details of the colour and external finish of the extraction flue hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The colour and external finish of the extraction flue shall be maintained in accordance with the submitted details.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

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- 1 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC16, DC23, DC33, DC55, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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| APPLICATION NO: | P1855.11 | |
| WARD : | St Andrew's | Date Received: 13th December 2011 |
| ADDRESS: | 25-55 Jonathans House Chaplaincy Gardens Allenby Road Hornchurch | |
| PROPOSAL: | Construction of 2 x 1 bedroom flats within the undercroft area to flat 25-55 including Jonathan House Revised Plans Received 23.01.2012 | |
| DRAWING NO(S): | Location Plan 392:KAH:05 KAH:392:01-A 392:KAH:02-A | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

CALL-IN

Councillor Mylod has called in the application on the grounds of restricted car parking and overdevelopment.

SITE DESCRIPTION

The site is located to the northern edge of the High Street and comprises a three storey flatted block set back from the highway by a landscaped green. The building is finished with facing brickwork and contrasting cladding between symmetrically placed windows.

To the rear of the building is a line of garages and hard standing used as informal car parking for the flats, an under croft within the building provides an additional 4 car parking spaces. The site has vehicular access from Allenby Drive to the north. Beyond are further residential dwellings, in a range of architectural styles.

DESCRIPTION OF PROPOSAL

Permission is sought for the construction of 2 No. 1 bedroom flats within the existing under croft of the building, currently used to provide 4 parking spaces.

Each flat is arranged with a open plan living room and kitchen, separate bedroom and bathroom. The flats would be accessed by an internal corridor.

RELEVANT HISTORY

P1331.05 - Proposed fourth storey residential extension forming 17 additional units - refused.

P0136.06 - Addition of a fourth storey to the residential units - 14 additional units - refused, appeal dismissed.

P1894.08 - Replacement doors and glazing to upper levels of the three storey common entrance stairways to the flats, including glazed canopies over the entrance doors and postal boxes approved.

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CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 22 properties. 9 representations had been received at the time of writing this report, stating the following objections:

- overdevelopment
- no amenity space
- parking is insufficient
- loss of views

A site notice was also displayed advertising a development within the St. Andrews Conservation Area.

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC20 (Access to recreation and Leisure Including Open Space), DC33 (Car Parking), DC36 (Servicing), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC68 (Conservation Areas) of the LDF Core Strategy and Development Control Policies Development Plan Document, the Supplementary Planning Document for Residential Design and government guidance contained in Planning Policy Statement 3 (Housing) and PPS 5 (Heritage) are considered relevant to the determination of this application.

London Plan 3.3, 3.5 and 3.8.

STAFF COMMENTS

Policy 3.3 of the London Plan indicates that Havering should have a minimum 10 year target of an additional 9700 new homes (or 970 per year) to be built on sites which are not designated for other purposes. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for housing development in principle subject to the detailed design of proposals. PPS3 encourages high quality residential development with access to a good range of facilities. The site is currently vacant and the re-use of previously developed land is also encouraged.

Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 37 square metres for a 1 person flat and 50 square metres for a 1 bed, 2 person flat. Flat 'A' has a floor space of 49.3 square metres and Flat 'B' a floor space of 48.8 square metres, Staff consider that this would be acceptable.

Representations received have stated that additional accommodation within the site is unacceptable. Previous application P0136.06 was refused and later dismissed on appeal for the construction of an additional 14 flats within an extended 4th floor. However, this application is for the conversion of an existing undercroft, where no increase in height of building footprint is proposed. This is materially different to previous applications for residential provision on site and Staff consider it acceptable in principle.

CONSERVATION AREA

The site lies within the St. Andrews Conservation Area. This is focused upon the Grade 1 listed St. Andrews Church and grounds which lie to the south of the site. The application site forms part of an existing building which lies to the rear of the Conservation Area. The proposed dwellings are set within the existing building footprint and are not considered to materially alter

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the character of appearance of the Conservation Area.

DENSITY/SITE LAYOUT

Policy DC2 states that development in this location should have a density between 50-80 dwellings per hectare. The existing development has a density of 78 units per hectare, with the proposed development increasing the density to 81 units per hectare. This is just above the stated ranges, however, density levels are only one measure of acceptability. In this particular context Staff consider that this density would be acceptable for the location and would make efficient use of the site.

The adopted Residential Design Supplementary Planning Document (SPD) does not provide prescribed levels of amenity space, but instead expects balconies and communal spaces to be provided for flatted schemes. The existing block does not provide any private amenity space; instead all flats have access to a shared communal area to the front of the building. Staff consider that the communal provision is acceptable and prospective buyers would be aware of this arrangement.

DESIGN/IMPACT ON STREET/GARDEN SCENE

National policy guidance set out in PPS1 and PPS3 recognises the need for high quality design in residential development. In particular, PPS1 states that good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. As a consequence Council policy and guidance seeks to ensure that new residential development responds to the distinctive local building forms and patterns of development and respects the scale, massing and height of the surrounding physical context.

The site forms part of an established group of flatted blocks which line the northern edge of the High Street. These are set well back from the highway and are well landscaped to the front. The rear of these blocks are characterised by car parking and garaging, a soft landscape strip provides a buffer to the ground floor flats. It is proposed to enclose an existing undercroft to the rear of the building to provide two additional flats. These would be finished in a mixture of facing brickwork and rendered panel beneath the windows. This would be of a similar appearance to the main building and, provided that matching materials are used, raises no objection from Staff. The works would not increase the building footprint and would be of little impact in the streetscene.

IMPACT ON AMENITY

Policy DC4 states that where there is a provision of residential units, permission will only be given where each unit has a reasonable outlook and aspect, safe and secure access from the street and separate sleeping area.

Both proposed flats provide self contained sleeping accommodation which is acceptable and would be accessed from an internal corridor which is acceptable. With regard to outlook the flats would look onto the rear garages and hard standing, this is a view shared amongst existing ground floor flats located to the rear of the building. Staff consider that the outlook would be acceptable and future occupiers aware of the limited views prior to occupancy.

The existing undercroft provides an additional entrance into the communal corridor which serves the development, there is another entrance located to the flank elevation. This existing undercroft door would become the main front entrance into Flat B. An additional door would be

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inserted to serve the entrance to Flat A. These entrances are considered acceptable and would be secure within the building.

Within the representations received, objection was raised with regard to the loss of views. This however, is not material planning consideration for which a refusal could be substantiated in this case.

HIGHWAY/PARKING

Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 3-4 and therefore requires 1.5-1 parking spaces per unit for a development of this type nature. The development does not provide allocated parking for the flats. It is instead proposed to allocate additional parking within the existing site. Within the representations received, objections have raised concern over the level of car parking and inadequate access.

Plans were originally proposed to provide 3 additional spaces in front of the existing ground floor units in place of an existing soft landscape buffer. These spaces could have resulted in a loss of residential amenity through car headlights shining directly into habitable rooms. Accordingly, the applicant has removed these spaces and the soft landscape buffer is to remain as existing. With the removal of these 3 spaces, there would be a total of 56 spaces for 57 flats. This level of parking is considered acceptable where the London Plan (adopted July 2011) recommends lower levels of parking for residential developments over the current adopted 2008 LDF, where table 6.2 for Policy 6.13 (parking) states 1-2 bedroom units should provide less than 1 parking space per unit, as a maximum. The parking spaces are not allocated to flats within the development, and occupiers would need to park where there is an available space. This is an existing situation where the addition of 2 no. 1 bed flats is not considered to significantly alter the demand for car parking.

It is proposed to utilise the existing access from Allenby Drive. This access is sufficient and raises no objection from Staff or the Highways Authority.

OTHER ISSUES

Secured by Design:

The Metropolitan Police CPDA has indicated that if planning permission is granted, suitable conditions would need to be attached in order to ensure that this development meets the Secure by Design standard. Concern was originally raised due to the lack of defensible space and as such revised plans have been submitted which provide a 1.1m high railing around the external edge of the site; this is therefore considered to address the Crime Prevention Design Advisors concerns.

Refuse and recycling:

A refuse and recycling point has been provided to the rear of the site. This would allow for convenient access for collection to which Staff raise no objection.

Fire Brigade:

Representations from the London Fire Brigade have requested the installation of a private fire hydrant within the site in order to address a lack of existing hydrant coverage.

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KEY ISSUES/CONCLUSIONS

In conclusion, Staff consider that the provision of two self contained residential units acceptable. They would be contained within the existing footprint of the building and be constructed in matching materials.

In all other respects the proposal is considered to comply with the objectives of the Local Development Framework and as such the application is recommended for approval subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

2. SC32 (Accordance with plans)

3. SC10 (Matching materials)

6. SC59 (Cycle Storage)

4. Non standard condition

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63 'Delivering Safer Places' of the LBH LDF.

5. Non standard condition

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

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

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

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

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

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

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

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination.

- 2** The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC33, DC36, DC61, DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

- 3** 1. In aiming to satisfy condition 4 The applicant should seek the advice of the Police Crime Prevention Design Advisor. He can be contacted through the London Borough of Havering Development and Building control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ. It is the policy of the Local Planning Authority to consult with the Borough CPDA in discharging of community safety condition(s)

2. The applicant is informed that the London Fire Brigade require the installation of a private fire hydrant. This is to be numbered P112106 and conform to BS 750:1984.

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| APPLICATION NO: | P1870.11 | |
| WARD : | Emerson Park | Date Received: 15th December 2011 |
| ADDRESS: | 44 Herbert Road Emerson Park Hornchurch | |
| PROPOSAL: | Demolition of existing bungalow, construction of 6 detached dwellings with associated vehicle access and landscaping revised plans received 11/1/2012 | |
| DRAWING NO(S): | 010726/Pln/103 010726/Pln/104 010726/Pln/101 010726/Pln/105 010726/Pln/106 010726/Pln/107 010726/Pln/102 010726/Pln/108 010726/Pln/109 010726/Pln/110 010726/Pln/111 010726/Pln/112 010726/Pln/113 010726/Pln/114 010726/Pln/116 010726/Pln/117 010726/Pln/118 010726/Pln/119 010726/Pln/120 010726/Pln/121 010726/Pln/122 010726/Pln/123 010726/Pln/126 010726/Pln/127 010726/Pln/124 010726/Pln/125 | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

CALL-IN

The application has been called in by Councillor Rochford and Councillor Kelly.

SITE DESCRIPTION

The site lies to the southern side of Herbert Road and currently comprises a vacant detached chalet bungalow, in need of repair.

The existing dwelling is located to the front of the site with vehicular access from Herbert Road

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via a unmade track to the western edge.

The rest of the site is heavily vegetated with large trees, centrally is a set of derelict garages which have been overgrown with vegetation and are no longer serviceable.

Surrounding the site are detached dwellings in a range of architectural styles.

DESCRIPTION OF PROPOSAL

Permission is sought for the demolition of the existing bungalow and erection of 6 No. detached dwellings.

Plot 1 and 2 are accessed via Herbert Road via private driveways. Both dwellings have double integral garages with 2 parking spaces provided to the front on a driveway with turning area. At ground floor there is a kitchen/ family room, living room, dining room and study. At first floor there are 4 bedrooms, 3 bathrooms and laundry room. Within the roof space there is a further bedroom, bathroom and tv room. Plot 1 measures 13.5m wide, a maximum of 14.9m deep (including the single storey rear projection) and 10.44m high to a pitched roof. Plot 2 measures 14.2m wide, maximum of 13.64m deep and 10.2m high.

Plot 3 measures 13.56m wide, 14.45m deep as a maximum and 10.2m high. Plot 4 measures 14.4m wide, 13.8m deep as a maximum and 9.98m high. Both plots are set centrally within the site to the south of Plot 1; these provide double integral garages with three parking spaces within private driveways. Both plots have 5 bedrooms, 3 bathrooms.

Plot 5 is located to the rear of the site and measures 12m wide, 13m deep and 9.5m high. This plot is provided with a detached double garage measuring 5.9m deep, 6.3m wide and 4.8m high with a fully pitched roof. This is a 5 bedroom, 3 bathroom dwelling.

Plot 6 is also located to the rear of the site and measures 14.3m wide, 13m deep and 9.7m high. This dwelling has an integral double garage. A first floor terrace, serving the master bedroom is located over the single storey rear projection. This is a 5 bedroom, 3 bathroom dwelling.

An access road, utilising the existing vehicle crossover serves Plot 3-6 and extends down the site adjacent to the western boundary measuring a minimum of 4.5m wide.

RELEVANT HISTORY

None

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 34 properties. 5 letters of representation were received at the time of writing the report, including one from the Emerson Park and Ardleigh Green Residents Association, stating the following objection:

- Detrimental to the streetscene
- Plot 1 and 2 would appear cramped and contrary to the Emerson Park SPD
- Loss of protected trees
- Density levels are too high for the locality
- Overlooking and unacceptable loss of amenity
- High vehicular movement would result in excessive noise levels to the detriment of residential amenity.

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RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC20 (Access to recreation and Leisure Including Open Space), DC33 (Car Parking), DC36 (Servicing), DC61 (Urban Design) and DC63 (Delivering Safer Places) DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document, the Supplementary Planning Document for Residential Design and Emerson Park and government guidance contained in Planning Policy Statement 3 (Housing) are considered relevant to the determination of this application.

London Plan Policies 3.3, 3.5, 3.8.

STAFF COMMENTS

Policy 3.3 of the London Plan indicates that Havering should have a minimum 10 year target of an additional 9700 new homes (or 970 per year) to be built on sites which are not designated for other purposes. The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and local Centres and is therefore suitable for housing development in principle subject to the detailed design of proposals. PPS3 encourages high quality residential development with access to a good range of facilities. The site is currently comprised a vacant detached dwelling in need of repair, and the re-use of previously developed land is also encouraged.

Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor does not quote space standards for 5-6 bed detached dwellings. The properties proposed have an internal floor space in excess of 350 square metres which Staff consider is acceptable.

The site is located within sector 6 of the Emerson Park Policy Area. The adopted Supplementary Planning Document states that within sector 6, infill development will be permitted provided it does not give a cramped appearance to the streetscene and its massing and architectural style is in keeping with surrounding properties. However, redevelopment of backland generally result in higher densities and reduced rear garden depths, which is stated as being harmful to the special character of sector 6. The following guidance is therefore provided:

- Redevelopment to create plot sizes equivalent to immediately surrounding properties.
- Redevelopment would not materially increase the existing density of the immediately surrounding area.
- Be of detached, single family, large and architecturally varied dwellings.
- Provide a minimum plot width of 23m.

DENSITY/SITE LAYOUT

Policy DC2 provides acceptable density levels across the borough; however, within the Emerson Park Policy Area the density matrix does not apply. This is to retain the existing special character of large units in generous landscaped plots and to ensure that an adequate stock of this type of housing is maintained.

The adopted Residential Design Supplementary Planning Document (SPD) does not provide prescribed levels of amenity space, but instead encourages single, enclosed garden areas which benefit from both acceptable levels of sun light and shade.

Plot 1 and 2 have a south facing garden and measure 218 sqm and 265 sqm respectively. Plot 3

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and 4 have private gardens facing east and measure 326 sqm and 303 sqm respectively. Plot 5 and 6 have south facing gardens which measure 236 sqm and 340 sqm respectively. All proposed garden areas are located in single enclosed blocks to the rear and side of dwellings.

In terms of plot width, the SPD states that a minimum frontage of 23m is required. Plot 1 and 2 would have the most direct impact in streetscene terms; these have a plot width of 18m and 20m respectively. This falls short of the SPD requirement, however, reviewing immediately surrounding plot frontage width; these vary from between 14m to 38m. This significant difference in frontage width results in a varied streetscene. Staff consider that the frontages to plot 1 and 2 would be acceptable for this particular locality, especially where they make provision for soft landscaping and retain the large protected trees. Staff consider that the layout of the dwellings is acceptable and would appear as a planned development, similar to Fairlawns Close and The Lombards.

DESIGN/IMPACT ON STREET/GARDEN SCENE

National policy guidance set out in PPS1 and PPS3 recognises the need for high quality design in residential development. In particular, PPS1 states that good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. As a consequence Council policy and guidance seeks to ensure that new residential development responds to the distinctive local building forms and patterns of development and respects the scale, massing and height of the surrounding physical context.

Plot 1 is accessed via an independent access from Herbert Road. It is shown as being a brick built dwelling and is arranged with a two storey front gable projection with portico entrance and double integral garage. The main roof is fully hipped. Each flank elevation has a brick built chimney. Towards the rear there is a single storey rear projection serving the family room/kitchen and two flat roof dormers in the roof space. These are set centrally, well below the roof line and raise no objection from Staff.

Plot 2, is similarly finished in brick and has two equal sized front facing gables with centrally positioned portico entrance with double integral garage. Within the fully hipped roof there is a centrally set front dormer. Two chimneys flank the dwelling. To the rear there is a similar single storey rear projection with three centrally set dormers in the roof space. Plots 1 and 2 would be partially screened from Herbert Road by the existing large trees which are to be retained. This will add instant maturity to the development. The present frontage is overgrown has not been maintained for some time with large shrubs and other planting which appear messy in a locality of well kept frontages. The existing large protected tree adjacent to the existing vehicle crossover would also be retained; this would continue to provide a mature buffer between this frontage and the adjacent No. 42 Herbert Road.

Plot 3 is a variation in design from Plot 1 but with a different treatment to the garage doors, windows and entrance, which incorporates tiled canopy and differing treatment to the front gable. The facing brick and tiled roof are also indicated to be a different colour in order to increase variation.

Plot 4 has two front gables; the larger provides a two storey projection which links to a tiled canopy to cover the entrance and integral garage. This two storey gable projection has a ground floor bay window. A first floor oriel window over the garage is finished with a smaller gable; these are separated by a hipped roof with centrally located front dormer window similar to plot 2. The gables differ in treatment to the other plots with applied timber detailing and the introduction or

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oriel windows.

Plot 5 differs in that it does not include an integral garage. Instead the dwelling is arranged with two projecting gables with ground floor bay windows. These are linked by a tiled canopy over a recessed entrance. Between the gables at roof level is a centrally set dormer window. To the rear there is an L shaped single storey projection, this serves the sitting room and family room. This dwelling is indicated to be constructed from facing brick at ground floor with render above. A detached garage is provided for this dwelling, set forward of the front elevation but back to the edge of the site. It is indicated to be of a facing brick construction with fully hipped tile roof over. The design raises no objection from staff.

Plot 6 is arranged with a flat, symmetrical elevation with projecting gabled entrance finished in brick. There is a variation in the design of windows to the other plots with two gable features within the roof space with finials. The main roof is finished with gable ends and a single flank chimney to the western elevation. A two storey projection is located to the east comprising a double garage at ground floor with two dormer windows set over at eaves level within the roof space. These are set at the same level as the first floor windows in the main dwelling and serve bedroom 2. To the rear is a part single, part two storey rear projection. The single storey element is flat roofed and partly forms a roof terrace for bedroom 1. The two storey element which serves bedroom 1 has a fully hipped roof. A dormer is also provided to the rear elevation within the roof space, set well below the ridge line and gable end. This raises no objection from Staff.

With regard to materials, the applicant has indicated that there would be a pallet of facing brick work in differing colours, painted render, tiled roofs in a range of colours. Gable treatments include finial detailing, applied timber and stone caps. Some front elevations include brick and stone header detail to windows. This creates variety within the development. Varying roof treatments with steep pitches and detailed gables further add to the variety between dwellings here which complies with the Emerson Park SPD which states that dwellings in this sector must be detached, single family, large and architecturally varied dwellings. Staff consider that the dwelling would reflect the varied character of Herbert Road in particular.

Plot 1 is set 13m and plot 2; 14m back from the edge of the highway and provide an area for parking and soft landscaping. This large set back would allow for generous planting and the retention of the existing protected trees to the highway edge. Staff consider they would not appear cramped in the streetscene.

With regard to the back of the site, these would not form part of the Herbert Road streetscene and have been designed to be similar in character to The Lombards, directly to the east. Areas of soft landscaping and their set back from the access road would mean that they have a limited impact from surrounding public view points.

Staff consider that the dwellings are of an individual appearance and would reflect the surrounding character of this part of Emerson Park. The access road is shown in two finishes, similar to that of the Lombards to the east. Details of this surfacing material can be attached via condition.

The Emerson Park SPD states that development within 'sector 6' is required to be inset from the boundaries at ground floor by at least 1m, and 2m at first floor. In many instances, Staff expect these distances to be increased. The development incorporates Each dwelling is set at least 2m in from the boundary. This is exceeded in many instances, for example, Plot 1 is set 4.2m from the eastern boundary, Plot 5 is set 4.4m from the eastern boundary, Plot 6 is set 7.3m from the

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western boundary.

IMPACT ON AMENITY

Plots 1 and 2 have a north/ south orientation with windows overlooking Herbert Road to the front and respective gardens to the rear. The rear elevation of Plot 1 is set 16.4m north from the flank elevation of Plot 3. The rear south west corner of plot 2 is set 15.6m from the flank elevation of Plot 3. This distance is considered acceptable, where current guidance does not prescribe back to back distances. This relationship is not considered to result in a loss of amenity to Plot 3, given the indicated mature boundary screening which is to be secured by condition.

Plot 3 and 4 are inset 2m from their shared boundary. They share a similar rear boundary line and are considered to be acceptable. Plot 4 is located 16.7m from the front elevation of Plot 5 and 19.5m from Plot 6 and is separated by the access road, areas and areas of soft landscaping.

With regard to adjacent existing properties, Plot 5 is located 17m west of No. 3 The Lombards. Concern has been raised from this resident as to the boundary screening. At present the mature Leylandii hedging thins out towards the rear of the site, and supplementary planting would be required, this would be in addition to a 2m fence to secure the boundary of Plot 5. This is to be secured via condition. Furthermore, given the front to flank relationship this is not considered to be harmful, where the front windows of the adjacent property are angled away from Plot 5.

Plot 6 is located over 7m from the eastern boundary shared with No. 7 Fairlawns Close. There would be a separation distance of 36m to the rear elevation of this property. This is considered an acceptable distance. It is proposed to utilise part of the single storey rear projection of this dwelling 6 as a roof terrace which serves bedroom 1. This would face onto the rear garden and boundary shared with properties in Channing Close. Staff do not consider that this terrace would result in overlooking. Furthermore, unlike a flatted scheme where balconies are incorporated into living rooms, a balcony to a bedroom is unlikely to result from the same usage.

Properties in Channing Close to the south are located approximately approximately 20m from Plot 5. At present this rear boundary has little screening with a few trees. These are of landscape value and will be retained. It is also proposed to add supplementary planting to this boundary. This distance is considered acceptable.

Objections received state that the visibility of these dwellings is harmful to amenity. However, in a residential suburb, it is not unusual to see neighbouring dwellings as part of a general view and this is not considered reasonable grounds to warrant a refusal, as there would be no harmful overlooking or loss of privacy. A 2m fence would be installed on this boundary, to provide a secure enclosure for the plots with replacement landscaping. This would screen the view of the dwellings from The Lombards. Landscaping to this boundary can be secured by way of a landscaping condition. It is also considered that the provision of a high quality fence would not be harmful to outlook, as this is a typical residential boundary enclosure. Once landscaping has matured, this would soften the appearance of the fence.

In all, Staff consider that the proposals are of an acceptable layout and spacing between dwellings to result in a satisfactory relationship.

In terms of additional noise and disturbance, it is not considered that the addition of 6 family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area. With regard to

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construction noise, an hours of construction condition is attached and a construction methodology required to be submitted by condition.

Staff consider the proposal to be acceptable in its current form. Given the spacious planned soft landscaped areas and gardens, large extensions or future additions to the properties could result in a harmful appearance. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

It is considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

HIGHWAY/PARKING

Each dwelling provides secure garaging for 2 vehicles with a further 2-3 vehicles within an off street driveway. This level of parking is acceptable given the size of each dwelling.

The access road measures 4.5m in width and would utilise the existing vehicle crossover from Herbert Road. This access is considered acceptable and there are already the formations of an access drive down the site into the existing derelict garages within the rear garden.

The width of the access road is sufficient to accommodate refuse and emergency vehicles which normally require a width of 3.7m.

OTHER ISSUES

Biodiversity and Ecology:

The site is heavily vegetated with large trees and areas of grass. These are covered by a group Tree Preservation Order. Objections received refer to the loss of these trees and natural habitat. An ecology report has been submitted with the application. The ecology officer is satisfied that the development would not be harmful to wildlife and has requested specific conditions.

It is proposed to fell the majority of the trees within the site. A site visit was undertaken with the Council's Tree Officer and a review of the trees carried out. Their removal has been considered acceptable as many are in poor condition, planted too close together or are an inappropriate species for the locality. From a human safety perspective some of the much larger trees which are in poor condition are liable to collapse in the centre of the site, and their removal is encouraged. Their removal and replacement planting is considered to be a chance to improve the sites landscape value.

With regard to the proposed retained trees, conditions are attached which require a scheme to be submitted for their protection. These include the provision of bat boxes to the larger trees that are to be retained and the restriction on the clearance of trees/ vegetation, outside of the bird nesting season. The enhancement of the eastern and western boundaries is also recommended and this is to be secured by way of a landscape plan.

Secured by Design:

The Metropolitan Police CPDA has indicated that if planning permission is granted, suitable

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conditions would need to be attached, these have been attached accordingly.

Refuse and recycling:

With regard to refuse the dwellings would have a sack collection as per the rest of the borough. The access drive is wide enough for a refuse vehicle to enter and turn around, although representations from StreetCare have stated that bags may need to be dropped off at the entrance on collection day. Conditions are attached which require details of refuse storage.

Fire Brigade:

Representations from the London Fire Brigade have requested the installation of a private fire hydrant within the site in order to address a lack of existing hydrant coverage.

KEY ISSUES/CONCLUSIONS

In conclusion, Staff consider that the demolition of the existing dwelling to be acceptable. The proposed replacement 6 detached dwellings would be of an individual appearance which would acceptably integrate into the Herbert Road streetscene. The formation of an access road lined with dwellings down the site is similar in form to the adjacent developments The Fairlawns and The Lombards.

Staff consider that the spacing between dwellings and surrounding boundary screening sufficient not to result in a loss of residential amenity to neighbouring occupiers. There are additionally no highway implications which arise from the development. It is therefore recommended that planning permission is granted, subject to conditions.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC32 (Accordance with plans)
4. SC08 (Garage - restriction of use)
5. SC11 (Landscaping)
6. SC13 (Screen fencing) ENTER DETAILS

Before any of the buildings hereby permitted is first occupied, screen fencing of a type to be submitted to and approved in writing by the Local Planning Authority, 2 metres (6ft. 7ins.) high shall be erected along each residential boundary and shall be permanently retained and maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

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

7. SC46 (Standard flank window condition)

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8. SC58 (Storage of refuse)
9. SC59 (Cycle Storage)
10. SC62 (Hours of construction)
11. SC63 (Construction Methodology)
13. SC12 (Preserved trees)
16. SC48 (Balcony condition)
17. SC45A (Removal of permitted development rights) ENTER DETAIL

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent revisions Article 3, Schedule 2, Part 1, Classes A, B, C, D or E no extensions, roof extensions or roof alterations shall take place and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwelling shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

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

18. SC57 (Wheel washing)

3. Non standard condition

Before any of the development hereby permitted is commenced, samples of all materials for plots 1-6 to be used in the external construction of the building(s) shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

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

12. Non standard condition

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how 'Secured by Design' accreditation might be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA

Reason:

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 'Design' and DC63

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'Delivering Safer Places' of the LBH LDF.

- 14.** Non standard condition
The necessary agreement, notice or licence to enable the proposed alterations to the Public Highway shall be entered into prior to the commencement of the development.
- Reason:
- To ensure the interests of the travelling public and are maintained and comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.
- 15.** Non standard condition
The proposed alterations to the Public Highway shall be submitted for approval prior to the commencement of the development.
- Reason:-
- In the interest of ensuring good design and ensuring public safety and to comply with policies of the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.
- 19.** Non standard condition
Prior to first occupation of the units, the access road shall be completed in full.
- Reason:-
- in the interests of amenity.
- 20.** Non standard condition
Any work to clear scrub or trees should be undertaken outside the bird breeding season, from March to August inclusive.
- Reason:-
- In the interests of biodiversity.
- 21.** Non standard condition
Prior to the commencement of works, details of 3 No. bat boxes shall be submitted to, and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.
- Reason:-
- In the interests of biodiversity.
- 4** The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC2, DC33, DC36, DC55, DC61, DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the

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Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

- 5
1. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
 2. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
 3. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
 4. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
 5. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).
 6. The developer is advised that is construction materials are proposed to be kept on the highway during construction works then they will need to apply for a licence from the Council.
 7. Any new vehicular access may require commercial standard construction depths to ensure that the footpath is able to endure demolition and construction traffic. Any statutory undertakers equipment requiring diversion due to this construction shall be diverted at the developers cost.
 8. If the existing vehicular access is damaged during the construction or demolition processes, the applicant will be required to make good these damages. If it is foreseen that such damages will occur the applicant may wish to engage the Council Highways officers prior to the commencement of works.

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9. The applicant is advised that the London Fire Bridage require the installation of a private fire hydrant to be numbered P615 and conform to British Standard 750:1984.

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| | | |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| APPLICATION NO: | P1905.11 | |
| WARD : | Upminster | Date Received: 22nd December 2011 |
| ADDRESS: | Springfield Park Corner Farm Hacton Lane/Park Farm Road Upminster | |
| PROPOSAL: | The installation of a 22m slim line pole with 6 no. antennas encased within a GRP shroud, 1 no. 300m dish, 4 no. radio equipment housing, chain link fencing and ancillary development | |
| DRAWING NO(S): | 101 A 200 A 300 A 400 A 500 B | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

CALL-IN

The application has been called in Councillor Ower on the grounds of visual intrusion and Green Belt location.

SITE DESCRIPTION

The application site is located 380m to the South of Hacton Drive, accessed via Hacton Lane, which lies 423m east, and is wholly located within the designated Metropolitan Green Belt, with the exact location being through Springfield towards the dense woodland which borders Gaynes Parkway. Gaynes Parkway travels from North-East to South-West and separates dense urban localities of Hornchurch and farm land. The woodland trees in Gaynes Parkway are mature and between 5m and 20m in height.

DESCRIPTION OF PROPOSAL

Permission is sought for the provision of a 22m high telecommunications column with 6 no. antennas encased within a shroud.

It is also proposed to install an ancillary dish, radio equipment housing within a chain linked fence measuring 6.2m wide by 4.7m deep.

This is located to the corner of Springfield Park adjacent to a heavy line of trees. Access into the site for servicing would be from Hacton Lane.

The applicant has submitted an ICNIRP compliance certificate.

RELEVANT HISTORY

P1180.07 - Installation of new 22.5 metre column supporting 6 no. antennas with 4 no. outdoor equipment cabinets and associated ancillary development - Refused

P0404.08 - Installation of a new 'dead tree' style column to 20m supporting integral 3no. Multi-

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band antennas with 3 no. outdoor equipment cabinets and associated ancillary development - approved, but not implemented. This permission has now lapsed.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 27 properties, one representation was received, stating the following objections:

- There is already a mobile phone pole in the area.

A site notice was displayed advertising a telecommunications proposal, and a development within the Green Belt.

RELEVANT POLICIES

PPG8 (Telecommunications), PPG2 (Green Belts) and Policies DC32, DC34, DC45, DC61, DC64, DC69 of the LDF Core Strategy and Development Control Policies DPD are considered relevant.

STAFF COMMENTS

The issues in this case are the visual impact of the proposal, its effect on the character of the area and the appearance of the Green Belt as well as the Ingrebourne Valley and the aspect for any nearby residential properties.

Guidance contained within PPG8 sets out that whilst local planning authorities are encouraged to respond positively to telecommunications development proposals, they should take account of the advice on the protection of urban and rural areas in other planning policy guidance notes.

Government advice is that local planning authorities should seek to approve such proposals in support of national interests unless they are sufficiently and demonstrably harmful as to override that interest. Consideration must be as to whether the impact from this proposed telecommunications installation is sufficiently serious to override the presumption in its favour under PPG8.

Staff note that planning permission has already been given for a 20m high dead tree installation, but that permission has been refused for a 22.5m installation and that a judgement will need to be made in order to assess the acceptability of this revised scheme.

PRINCIPLE OF DEVELOPMENT

Policy DC45 indicates that within the Metropolitan Green Belt particular care will be taken to ensure that the proposed use does not have a greater impact on the openness of the Green Belt. Development considered to be appropriate within the Green Belt is defined by PPG2. Development falling outside of these categories is deemed to be inappropriate and as such, inappropriate development will only be permitted in very special circumstances. Very special circumstances to justify inappropriate development can only exist where the harm by reason of the inappropriateness, together with any other harm, such as visual impact, is clearly outweighed by other considerations. The proposed installation is inappropriate development. Very special circumstances are therefore needed. These are considered below.

GREEN BELT IMPLICATIONS

The character of this area is open and has a rural appearance associated with its Green Belt

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and Ingrebourne Valley location. Although the proposed installation would be surrounding view points and the highway the impact would be minimised by some planting and tightly knit mature trees immediately adjacent to the application site.

This proposed installation is positioned closer to this group of trees than previously approved which lines the southern boundary of the field and is located at a greater distance from residential properties in Hacton Drive, now measuring 380m. This would reduce the distance of the installation to Hacton Drive/ Park Farm Road from 450m, to around 423m; however, given its tighter positioning to the tree screening, there would be more substantial screening.

With regard to mitigating against the increase in height from 20m to 22m, the pole has been design to be as slim as possible. Taking account of the vegetation around the proposed site, Staff are of the opinion that the installation would not detract from the openness of the Green Belt. Staff do acknowledge that there would be some visual impact associated with the proposed development, however the potential harm to the Green Belt should be weight against the very special circumstances associated with this development.

The associated equipment at ground level are located in close proximity to the trees, away from the open views of the Green Belt. The perimeter of the enclosure for the equipment remains the same as previously approved and is enclosed by a chain link fence. Staff consider, that provided it is painted green, it would not appear visually intrusive.

IMPACT ON AMENITY

The proposed location of the mast does not lie adjacent or encroach upon any residential property. Given its rural location away from residential development, Staff consider that there would be no adverse impact upon amenity.

In respect of health issues a Certificate has been submitted with the application which confirms that the proposal complies with ICNIRP guidelines. Although health considerations and public concern can, in principle, be material planning considerations, PPG8 makes it clear that it is the Government's view that the planning system is not the place for determining health safeguards. It states that "in the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them".

In this case, an ICNIRP Certificate has been submitted. It is not therefore considered that there are any justifiable grounds to refuse the proposals on health grounds.

HIGHWAY/PARKING

The proposed installation does not obstruct or encroach upon the public highway or parking. No objections are raised in this instance on Highway grounds.

OTHER ISSUES

Paragraph 17 of PPG8 states that telecommunications development is likely to be inappropriate development in the Green Belt. Inappropriate development may proceed only if very special circumstances which outweigh the degree of harm to the Green Belt. The lack of suitable alternative sites which would meet the needs of the network coverage or capacity might be considered very special circumstances.

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In support of the application, the applicant has stated that the need for the proposed mast was due to the loss of the current O2 service at St. George's hospital. The proposed replacement service would integrate Vodafone coverage to become a dual user installation.

The proposal submitted represents a 2m increase in height over the previous 20m approval. The previous 'dead tree' design had an increased column width over that proposed and compared to the natural background vegetation would be more visually dominant than the taller slimmer column. When regarding visual intrusion and dominance, width is equally a factor as height, and the slimmer column is considered to integrate with the background vegetation more successfully than a larger column. The encased antennas within the shroud are also slim line in appearance and are considered to reduce the visual width and clutter over the 22.5m high refused installation proposals.

Staff note that a shared installation, in this case O2 and Vodafone also reduces the long term need for additional installations by single operators, in the built up urban areas. Mast sharing is also strongly encouraged within paragraph 66 of PPG8. The applicant has additionally shown that alternative sites have been explored and discounted, reasons for this range from the proximity to residential property, playground and other public facilities, unwilling land owners and the sites that are too far from the required area. Staff consider that on balance, it would be more appropriate to utilise a rural location for a telecoms development, less visible from surrounding view points than add to a defined residential street for example.

With regard to the visibility of the pole, if it is to be painted grey or a suitable dark colour this would mitigate against its visibility against the sky and surrounding backdrop. The colour of the column is recommended to be attached via condition.

There have been several proposals in the area for O2 and Vodafone installations in and around the St. Georges hospital site and Suttons Lane, both of which are in the Green Belt. These have been refused due to the increase in street clutter and visual intrusion in the Green Belt. This application proposes a more rural site which would seek to overcome previous concerns with regard to street and skyline clutter.

Whilst an increase in height may seem to increase visual intrusion and not be materially different from a previously refused 22.5m high installation, It is worth noting that the higher the installation, the greater the area it can serve, thus reducing the need for additional future telecoms proposals in the area. Reducing future demand for additional installations is also achieved through mast sharing which the applicant has sought to achieve.

The increase in height remains a judgement, where different weight can be attached to the question of visual amenity, depending on opinion about the character of the locality, and resultant impact. It is fully acknowledged that the scheme will have some form of a visual impact although this should be placed in the context of the very special circumstance associated with this development. Government advice is that Councils should seek to approve such proposals in support of the National interests unless they are sufficiently and demonstrably harmful as to override that interest.

The issue for Members therefore, is whether the impact of this mast is sufficiently serious to override the presumption in its favour under PPG8. Although it is for Members to give appropriate weight in reaching their decision, staff are of the view, given Government advice, that the appearance and impact of the mast are within acceptable limits and recommends approval accordingly. Should Members take a contrary view, areas in which case for refusal can be based should be restricted to siting and appearance only.

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KEY ISSUES/CONCLUSIONS

The proposed telecommunications installation is not considered to detract from the openness of the Green Belt as well as the Ingrebourne Valley. Very special circumstances have been promoted in this instance that would justify an exception from policy with regard to the potential visual impact in the Green Belt. The increase in height over the previously approved 20m high columns remains a judgement for Members however.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC32 (Accordance with plans)
3. Non standard condition
Prior to the commencement of development, details of the colour for the column and perimeter fencing shall be provided and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-

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

- 6 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45, DC61, DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

- 7 The applicant is informed that the Council would not look favourably upon additional O2 and Vodafone installations within this cell area, given the circumstances and cell coverage promoted by this application.
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REGULATORY SERVICES COMMITTEE REPORT

2 February, 2012

| | |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Subject Heading: | P1850.11 – Dagnam Park, Romford Change of Use from agricultural land to public open space to facilitate the expansion of Dagnam Park. |
| Report Author and contact details: | Simon Thelwell (Planning Control Manager) 01708 432685 |
| Policy context: | Local Development Framework London Plan National Planning Guidance |
| Financial summary: | None |

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

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|----------------------------------------------------------------------|-------------------------------------|
| Clean, safe and green borough | <input checked="" type="checkbox"/> |
| Excellence in education and learning | <input type="checkbox"/> |
| Opportunities for all through economic, social and cultural activity | <input checked="" type="checkbox"/> |
| Value and enhance the life of every individual | <input checked="" type="checkbox"/> |
| High customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This planning application proposes the material change of use of approximately 82 hectares of land from mainly agriculture to public open space. The application would involve a range of environmental and nature conservation works. The proposed operations are either not development or would constitute permitted development under Part 12 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended.) This planning application therefore

focuses exclusively on the proposed change of use. Officers are recommending that the application be approved.

RECOMMENDATIONS

That the proposal be granted planning permission subject to the following conditions.

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

Reason:-

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

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

INFORMATIVES

1. Reason for Approval:

The proposal is considered acceptable having had regard to the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations, and the relevant criteria of Policies CP13, DC22, DC32, DC42, DC45 and DC61 of the LDF Core Strategy and Development Control Policies DPD, and all other material considerations.

2. The Highway Authority requires the Planning Authority to advise the applicant that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by

the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

3. Should this application be granted planning permission, the developer, their representatives and contractors are advised that this does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. The applicant should be aware that if in the future they wish to carry out any development, such as the installation of paths, benches, bins or other structures within 8 metres of the top of bank of the Carters Brook or the Weald Brook (main rivers) they may require the prior written consent of the Environment Agency (Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981). This is irrespective of any planning permission granted or permitted rights.
5. The Council as principal Council pursuant to Section 122 of the Local Government Act 1972 may pursuant to that section appropriate the land subject to this planning application for open space purposes.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises 82 hectares of mainly open agricultural land located immediately to the north of Dagnam Park in the Gooshays ward and is within the ownership of the Council. The site's southern boundary abuts Dagnam Park; the western boundary lies adjacent to residential properties located along or near to Tees Drive and Priory Road; the northern boundary lies adjacent to properties along Noak Hill Road and the public highway itself; whilst the eastern and north eastern boundaries mainly adjoin agricultural land immediately to the south of the M25.
- 1.2 The site is allocated in the LDF as Green Belt and forms part of the Havering Ridge Area of Special Character. The site also contains areas designated as Countryside Conservation Areas and a Borough level Site of Nature Conservation Importance. The bulk of the site is classified as Grade 3b agricultural land, with approximately 5% being classified as Grade 3a.

2. Description of Proposal

- 2.1 This planning application proposes the material change of use of approximately 82 hectares of land from mainly agricultural use to public open space. The application would involve a range of environmental and

nature conservation works, such as the planting of trees, removal of rubbish, the installation of signage and information boards, the establishment of trails and footpaths, the creation of habitats and installation of bins and bird boxes, amongst other improvements. The proposed operations are either not development or constitute permitted development under Part 12 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended.) This planning application therefore focuses exclusively on the proposed change of use.

- 2.2 Additional car parking for 20 vehicles, with capacity to increase the number of spaces to 30, would be provided on an area of existing hardstanding to the north of Settle Road, within the existing Dagnam Park, and would constitute permitted development.

3. Relevant History

There are no previous planning decisions of particular relevance to this application.

4. Consultations/Representations

4.1 Statutory Consultees

Environment Agency - No objections.

Natural England - No objections.

4.2 Non statutory Consultees

Highway Authority - No objections.

Thames Water - No objections.

Essex and Suffolk Water - No objections.

- 4.3 Notification letters were sent to 79 neighbouring properties; site notices were placed within the vicinity of the site; and advertisements have been placed in the local press. One representation has been received from a neighbouring occupier stating that the proposal is likely to diminish their amenity owing to the use of the park by motorbikes near to their property.

5. Relevant Policies

- 5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC18 (Protection of Public Open Space, Recreation, Sports and Leisure)

DC20 (Access to Recreation and Leisure Including Open Space)

DC22 (Countryside Recreation)

DC33 (Car Parking)

DC45 (Appropriate Development in the Green Belt)
DC47 (Agriculture)
DC48 (Flood Risk)
DC58 (Biodiversity and Geodiversity)
DC61 (Urban Design)
DC69 (Other Areas of Special Townscape or Landscape Character)

5.2 Relevant national planning guidance:

PPG2 (Green Belts)
PPS25 (Flood Risk)

6. Staff Comments

6.1 This proposal is put before Planning Committee as the application proposes development on Council owned land.

6.2 The main issues in relation to this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

7. Assessment

7.1 Principle of development

7.1.1 The proposed development would take place within the Green Belt. Policy DC45 of the LDF states that planning permission for development in the Green Belt will only be granted if it is for given purposes, which include outdoor recreation.

7.1.2 In terms of the guidance contained in PPG2, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

a) It must be determined whether or not the development is inappropriate development in the Green Belt. PPG2 and the Local Plan set out the categories of appropriate development.

b) If the development is considered not to be inappropriate, the application should be determined on its own merits.

c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.1.3 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (PPG2, paragraph 3.2).

- 7.1.4 In terms of Green Belt policy, this application proposes the material change of use of land. Paragraph 3.12 of PPG2 states that material changes in the use of land will constitute inappropriate development in the Green Belt unless they will maintain openness and not conflict with the purposes of including land in the Green Belt. The purposes of including land in the Green Belt are detailed in paragraph 1.5 of PPG2.
- 7.1.5 Based on the information submitted as part of this application, it is considered that the nature of the proposed development is such that there would not be a significant adverse impact on the openness of the Green Belt, or any conflict with the purposes of including land in the Green Belt. It is therefore considered that the proposed development would not constitute inappropriate development in the Green Belt.
- 7.1.6 Policies DC18, DC20, and DC22 of the LDF state that access and improvements to public open spaces and countryside will be encouraged. Policy DC47 states that planning permission will be granted, under certain circumstances, for proposals involving the loss of high quality agricultural land (Grades 1, 2 & 3a), and this matter is discussed in greater detail later on in this report.
- 7.1.7 The proposal is considered to be acceptable in principle.

7.2 Visual Impact

- 7.2.1 The site is located within the Havering Ridge Area of Special Townscape or Landscape Character
- 7.2.2 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC69 states that the Council will seek to preserve the special character of Havering Ridge including protecting views to and from the area.
- 7.2.3 The proposed development would not result in significant, permanent physical changes to the site. The site will largely remain in its current condition, apart from various environmental, conservation and public access improvements, which either do not constitute development or would be permitted development. The proposed change of use would not result in any significant changes to the character of the site.
- 7.2.4 Given the nature of the proposal, it is considered that it would not have any significant adverse impacts on the character of the area and that it would therefore not be contrary to Policies DC61 and DC69 of the LDF.

7.3 Amenity

- 7.3.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

- 7.3.2 The proposed extension to Dagnam Park would be located in close proximity to numerous residential properties, particularly at its western and northern extents where the site adjoins neighbouring properties. An objection from a neighbouring occupier has stated that the use of the current park by motorcyclists is likely to spread to the extended area and significantly harm their amenity.
- 7.3.3 In terms of any physical changes that would take place at the site, these are of a minor nature and, in any case, fall outside the control of the Local Planning Authority. It is considered that the proposed physical changes would not result in any significant adverse impacts on the amenity of neighbouring occupiers. In terms of the proposed change of use, a possible consequence of this might be that human activity, such as recreation activities, might be brought in closer proximity to residential properties adjoining the site. Increased noise, for example, might diminish the amenity of neighbouring occupiers. However, the application does not propose the creation of areas that would encourage noisy activities, such as sports. The proposed extension would result in the creation of trails and footpaths, some of which would potentially be located around 50m from neighbouring dwellings in the future. The proposal does not include provision for motorcyclists, an activity that is prohibited in the current park and discouraged through the use of measures employed at the entrances to the site. It is considered that the potential illegal use of the site by motorcyclists in the future is not a material planning consideration.
- 7.3.4 Given the nature of the proposal, it is considered that there would not be any significant adverse impacts on the amenity of neighbouring occupiers, and the proposal would not be contrary to Policy DC61 of the LDF.

7.4 Access Considerations

- 7.4.1 Policy DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development.
- 7.4.2 The application proposes additional car parking for 20 vehicles, with capacity to increase the number of spaces to 30, to be provided on an area of existing hardstanding to the north of Settle Road, within the existing Dagnam Park. The Highway Authority was consulted about this application but raised no objections, but recommended informatives that can be used should planning permission be granted. It is therefore considered that the proposal would not result in any significant adverse impacts in terms of access arrangements.

7.5 Other Considerations

- 7.5.1 Policy DC47 states that planning permission will not be granted for proposals that would result in the loss of high quality agricultural land (Grades 1, 2 & 3a) unless it can be shown that there is an overriding sustainability benefit or that the development is unavoidable and no lesser quality land is available.

- 7.5.2 An Agricultural Land Classification Survey has been submitted with the application, which concludes that the vast majority of the agricultural land within the site is classified as Grade 3b. A small area, amounting to less than 5% of the site area, is classified as Grade 3a. It is considered that, on balance, the sustainability benefits of the proposal, which would result in a variety of environmental and nature conservation improvements, in addition to having public health benefits, outweigh the loss of a small area of Grade 3a agricultural land. Moreover, the application does not propose that the land in question be permanently built over in any way that would prevent it being reinstated for agricultural purposes in the future. It is considered that the proposal would not be contrary to Policy DC47.
- 7.5.3 An area at the western end of the site is designated as a Borough level Site of Importance for Nature Conservation (SINC). Policy DC58 of the LDF states that the biodiversity and geodiversity of SINCs will be protected and enhanced. Natural England were consulted about the proposal but raised no objections. The proposed development would not result in significant, permanent physical changes to the site. The site will largely remain in its current condition, apart from various environmental, conservation and public access improvements, which would either not be development or be permitted development. It is therefore considered that the proposal would not be contrary to Policy DC58 of the LDF.
- 7.5.4 The Environment Agency were consulted about the proposal but raised no objections. An informative has been suggested, which can be included with any planning permission granted.

8. Conclusion

- 8.1 Officers consider the proposed development to be acceptable, having had regard to Policies DC18, DC20, DC22, DC33, DC45, DC47, DC48, DC58, DC61, and DC69 of the LDF, the guidance contained in the SPD, and all other material considerations.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered solely on its planning merits irrespective of the Council's ownership of the land. The applicant has served the requisite notice as part of the planning application process on an agricultural tenant.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
Supporting documentation and plans

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

2 February 2012

Subject Heading:

Pell court, 165 – 171 Hornchurch Road.

Variation under Section 106A of a Unilateral Undertaking under Section 106 dated 10th June 2009 following the grant of planning permission under reference P0368.09 for 23 sheltered residential apartments and Highways Contribution.

Report Author and contact details:

**Helen Oakerbee, 01708 432800
helen.oakerbee@havering.gov.uk**

Policy context:

Local Development Framework

Financial summary:

None

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

- Ensuring a clean, safe and green borough []
- Championing education and learning for all []
- Providing economic, social and cultural activity in thriving towns and villages []
- Valuing and enhancing the lives of our residents [x]
- Delivering high customer satisfaction and a stable council tax []

SUMMARY

The report concerns a proposed variation of a Section 106 Unilateral Undertaking which was completed following the grant of full planning permission under application reference P0368.09 for the erection of 23 sheltered housing apartments. The Section 106 Unilateral Undertaking amongst other things restricts the occupancy of units to persons of sixty (60) years of age or older and the spouse and cohabiting partner of such person irrespective of age. The Unilateral Undertaking also provides for a Highways Contribution of £25,000 for the provision of a Zebra crossing in Hornchurch Road, Romford within 50 metres of the proposed Development. The proposed variations seek, amongst other matters, to allow a prospective purchaser who suffers from a number of medical conditions and nearing the required age (58) to be given the opportunity to purchase one of the units (Plot 22). In light of the specific circumstances pertaining Staff consider that the original unilateral undertaking can be amended through the Deed of Variation.

Further subject to the completion of a Section 278 agreement under the Highways Act 1980 and the completion of works pursuant to that Section 278 Agreement to renew the footway in the area hatched on the attached plan (Drawing Reference: HRBR/01/02 Revision A) that the balance of the Highways Contribution following deduction of the highways supervision fees for the footway works and the investigation into the potential siting of the said Zebra Crossing be repaid following the issue of a Final Certificate in respect of the footway works indicating that they have been completed to the satisfaction of the Head of Streetcare. Following investigation into the siting of the Zebra crossing it was decided that the crossing was not appropriate and there was significant opposition locally to its siting. In respect of the Highway Contribution members should note that in the event that that sum is not spent within 2 years of the date of payment for its intended purposes of the investigation and construction of the Zebra crossing that any unspent balance would be repayable. The developers have agreed to carry out the footway works and following the Head of Streetcare issuing a Final Certificate that the footway works have been completed to the satisfaction of the highway authority the balance of the Highway Contribution would be repaid following deduction of the supervision fees in respect of the footways works and the sums spent on the design and consultation into the siting of the Zebra Crossing. Staff consider that the original unilateral undertaking can be amended through the Deed of Variation in this respect.

RECOMMENDATIONS

That Staff be authorised to enter into a Section 106 Legal Agreement under the Section 106 and 106A of the Town and Country Planning Act 1990 (as amended) (the 1990 Act), with the agreement of all parties to the original unilateral undertaking or their successors in title to secure the following Deed of Variation

pursuant to Section 106A of the 1990 Act relating to clauses 3.3, 4 and 5 of the unilateral undertaking dated 10th June 2009 (the original unilateral undertaking):

- The lease tenancy agreement licenses or other occupancy agreement relating to the dwelling unit known as Plot 22, shown hatched in red on the Second Floor Plan, clause 3.3 shall be amended to enable the prospective occupant to reside here.
- That clauses 4 and 5 of the unilateral undertaking dated 10th June 2009 shall be deleted.
- That the Applicant (Great Homes Limited) shall enter into a Section 278 agreement under the Highways Act 1980 with the Council as Highways Authority to secure the footway works to the extent shown hatched on Drawing Reference HRBR/01/02 Revision A, attached.
- Following satisfactory completion of the said footway works by the Head of Streetcare issuing a Final Certificate in respect of those works the Council shall repay the balance of the Highways Contribution (the sum of £20,500) having first deducted the supervision fees for the footway works and the costs incurred by the Council in respect of their investigation works into the siting of the Zebra Crossing.
- Save for the obligations set out in the above bullet points, the variation of clause 3.3 and the deletion of clauses 4 and 5 of the unilateral undertaking dated 10th June 2009 and any consequential variations or deletions all recitals, terms, covenants and obligations in the original unilateral undertaking will remain unchanged.

REPORT DETAIL

1. Site Description

- 1.1 The site is located on the corner of the junction between Hornchurch Road and Babington Road, Hornchurch. Permission was granted in 2009 (Planning Ref: P0368.09) for the erection of 23 sheltered apartments. Construction works are nearly completed. Access to the site remains from Hornchurch Road.
- 1.2 The general surroundings are predominantly suburban in character and consist of a mix of residential and commercial properties. The site is located in an area of predominantly two storey development. Opposite the site, however, is a parade of shops arranged in a terrace extending to two and a half storeys with residential accommodation above.

- 1.3 The site does not form part of any designated policy area as identified within the Local Development Framework Proposals Map.

2. Description of Proposal

- 2.1 The prospective purchaser of plot 22 has requested permission to vary the terms of the unilateral undertaking dated 10th June 2009, which was completed on the grant of full planning permission under reference P0368.09.
- 2.2 The unilateral undertaking restricts the occupancy of the units by persons of sixty years of age or older and the spouse or cohabiting partner of such person irrespective of age.
- 2.3 The proposed variation relating to clause 3.3 of the original unilateral undertaking would allow the prospective purchaser, Mrs Bernice Church to occupy a unit within the sheltered scheme, having access to a much needed community support system, 24 hours emergency call system and other facilities which will help her overcome issues in relation to hypercholesterolemia (high cholesterol level) and anxiety/ stress due to the loss of her husband. Mrs Church does not satisfy the qualifying occupancy criteria set out above.
- 2.4 The highway Contribution is required to be spent on the consultation and design and subsequent construction of a Zebra Crossing within 50 metres of the development. Officers undertook extensive consultation and a number of design locations were presented in consultation which resulted in a high level of opposition to the installation of a Zebra crossing. The original unilateral undertaking as drafted requires the repayment of the unexpended balance of the Highways Contribution within 2 years of payment plus accrued interest. The Council would be required to repay the unspent balance of the Highways Contribution by October 2012. The Applicant Great Homes Limited have agreed to carry out footway improvement works adjacent to the site and hatched on the attached plan. Following the satisfactory completion of those works and the issue of the Final Certificate by the head of Streetcare the balance of the Highways Contribution £20,500 would be repaid.

3. Relevant History

- 3.1 P1218.07 Erection of 27 sheltered residential apartments - Withdrawn.
- 3.2 P2458.07 Erection of 26 sheltered residential apartments - Refused and appeal dismissed.
- 3.3 P0368.09 - Erection of 23 sheltered residential apartments – Approved.

4. Staff Comments

- 4.1 It is understood that Mrs Church was born on 23rd June 1953, making her 59 on her next birthday and therefore close to the required age restriction (60 years). It is indicated that Mrs Church is a single lady currently living alone. Mrs Church has a number of health problems, in terms of other available care, she has a son who has his own health problems. It is therefore considered that the accommodation at Pell Court is most suitable. Mrs Church is concerned about her continued long term health issues and combined with her lack of other available care, she now wishes to move to Pell Court to take advantage of the 24 hour care-line call system, the lift, community support system and safety features which is achieved by living in a sheltered scheme and which she does not presently have at her current home.
- 4.2 Members are invited to consider whether the personal circumstances outlined in this case are sufficiently robust to accept the Deed of Variation proposed. In granting planning permission originally, a clause was inserted into the unilateral undertaking to restrict occupation of the apartments to those 60 years and above, together with the spouse or cohabiting partner of such a person irrespective of age. As identified above, whilst Mrs Church does not meet the requirements of this clause, Staff are of the opinion that exceptional circumstances exist in this instance.
- 4.3 Whilst the proposed variation would vary this clause to provide accommodation for this particular housing group, on balance, its acceptance in this instance would not, in Staff's view, be unduly prejudicial. The remaining units within the development would still be subject to the original clause and the principal use of the block for sheltered housing accommodation would continue. Furthermore, the variation would enable Mrs Church to be cared for in her own home. This approach is very much supported by the 'personalisation' agenda within Adult Social Services which seeks to tailor care provision to the needs of the individual.
- 4.4 This request is the second variation to the age restriction clause received by the Council. The first, received in May 2011 allowed a Mrs Gane to reside in Plot 18 at age 57 years. This variation refers to Plot 22. As this is the second request for variations, information has been submitted which show that of the 23 completed units, 10 are sold, 4 are currently awaiting exchange, 8 are reserved and 1 remains unsold. All buyers within the development meet the age restriction, with the exception of Plot 18 and now Plot 22. Staff consider that a variation to the age restriction on a second plot would be acceptable given the needs of Mrs Church.
- 4.5 As the development is now largely sold or reserved from occupiers which meet the age criteria. Should any further requests be submitted, each request would be considered on its own merits and the approval of this request would not establish a precedent.

- 4.6 A number of consultation exercises were undertaken and various locations proposed with 50 metres of the development. Designs were worked up and following consultation exercises there was little support for and a great deal of opposition to the siting of a Zebra crossing adjacent to the development.
- 4.7 The planning obligation which requires repayment of the Highways Contribution within 2 years of payment were part of a unilateral undertaking offered by the developers and the unspent balance of the Highways Contribution would have to be repaid with accrued interest by October 2012. There is substantial opposition to the siting of a Zebra crossing locally.
- 4.8 The Applicant (Great Homes Limited) have agreed to undertake footway improvements to and area of footway hatched on the attached plan. Following satisfactory completion of those works it is proposed that the unspent balance of the Highways Contribution be repaid, following deduction of the supervision fee for the footway works and the design and consultation costs for the Zebra crossing being deducted, the sum of £20,500.

5. Conclusion:

- 5.1 Taking into account the personal circumstances outlined and the benefits arising to Mrs Church, Staff consider that an exception to the occupancy criteria can be permitted. Members are invited to consider however whether the circumstances in this instance are sufficiently unique to allow an exception.
- 5.2 Taking into account the local opposition to a Zebra crossing in the location, the requirement in the unilateral undertaking to repay the Highways Contribution plus accrued interest by October 2012 and the willingness of the Applicant to undertake the improvement works to the footway at their cost Staff consider that the original unilateral undertaking can be amended through the Deed of Variation in this respect.

IMPLICATIONS AND RISKS

Financial implications and risks:

The unspent balance of the Highways Contribution would be repayable in any event after October 2012 and the footway works to be undertaken are at the Applicant's cost..

Legal implications and risks:

A variation of the existing Section 106 Legal Agreement.

Human Resources implications and risks:

None.

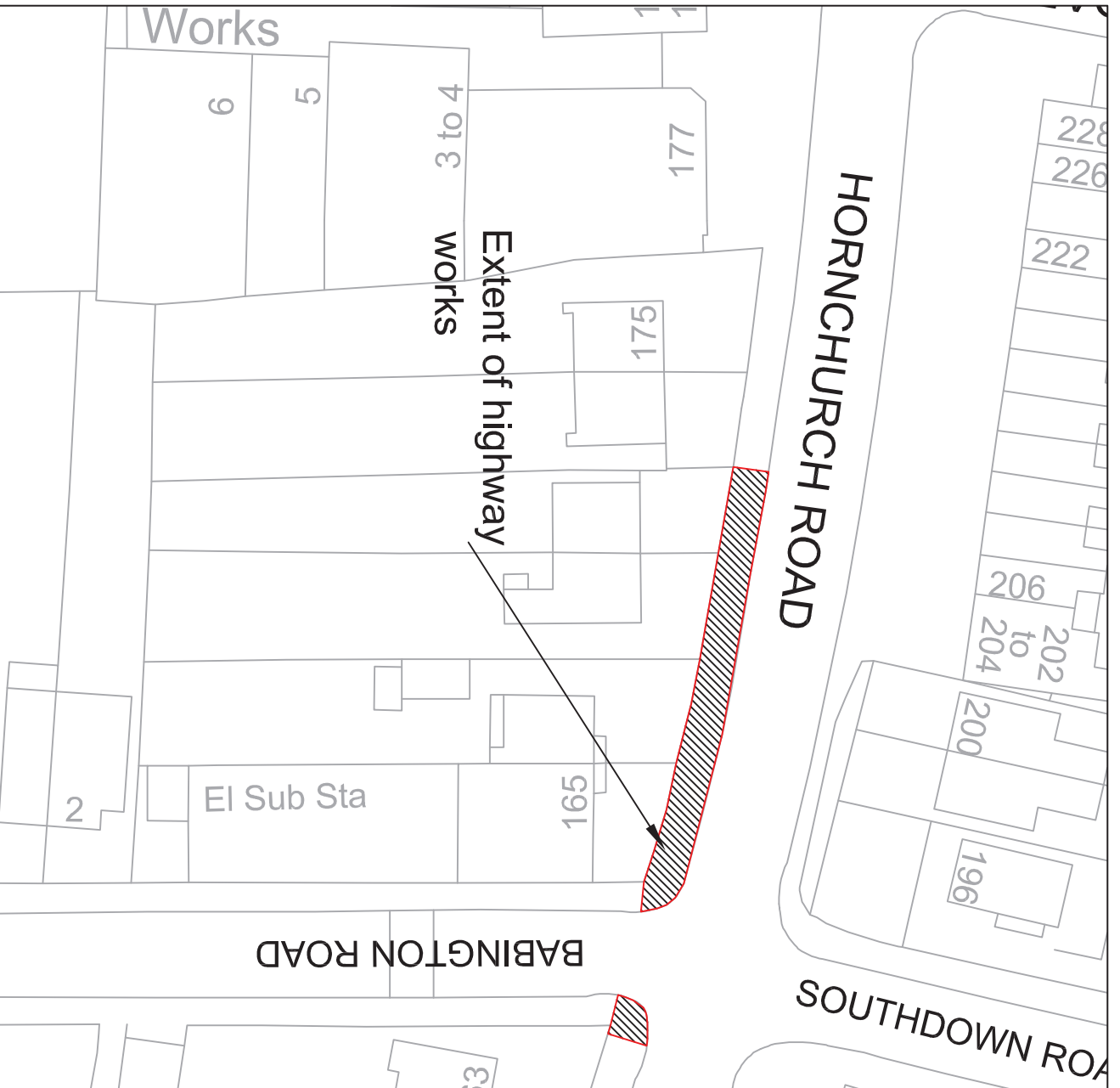
Equalities implications and risks:

By allowing flexibility on the existing Legal Agreement, the Council is committed to provide equal and fair opportunities to its residents.

BACKGROUND PAPERS

Request for variation of Legal Agreement received on 22nd November 2011.

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HORNCHURCH ROAD

SOUTHDOWN ROAD

BABINGTON ROAD

Extent of highway works

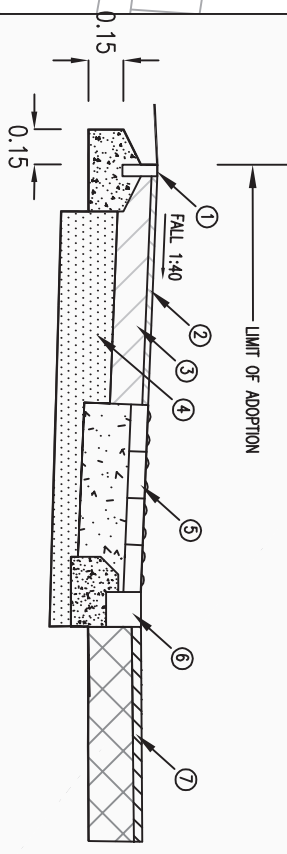
Haivering
ARCHITECTS LONDON BOROUGH
STREETCARE CULTURE & COMMUNITY
TRAFFIC & ENGINEERING

10th FLOOR MERCURY HOUSE
MERCURY GARDENS, ROCHFORD, RM1 3DW
TELEPHONE No: 01708 434343 FAX No: 01708 433721
E-MAIL: streetcare@haivering.gov.uk

| | |
|---------------|-------------------------------------|
| JOB TITLE | 165 - 171 Hornchurch Road |
| DRAWING TITLE | 278 Plan Extent of Highway Works |

| | | | | | |
|--------------------|--------------------------|------------|------------|-------------|-------|
| DRAWN BY | DJ | CHECKED BY | DB | APPROVED BY | DB |
| SCALE (AT A4 SIZE) | NTS | DATE | 19/08/11 | DRAFT | ISSUE |
| ACAD REF: | Sheet Size: A4 (297x210) | DRAWING No | HRBR/01/02 | REVISION | A |

| | |
|----------|-------------|
| PURPOSE | Information |
| REVISION | AMENDMENT |



- Notes
- Developer to plane 30mm of existing footway surface and replace as shown below
 - Works to be supervised by LBH
- | | | |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| ① 50mm x 150mm PC SQUARE EDGING WITH ST2 CONCRETE BED AND HAUNCH | ③ EXISTING FOOTWAY BASE | ⑥ 150x150mm PC SQUARE FLUSH CHANNEL BLOCK, WITH ST2 CONCRETE BED AND HAUNCH LAID IN SAME OPERATION OR INVERTED HB2 KERB LAID FLUSH |
| ② FOOTWAY SURFACING | ④ EXISTING FOOTWAY SUB-BASE MATERIAL | ⑦ EXISTING CARRAGEWAY SURFACE |
| ⑤ 30mm MEDIUM GRADE WEARING COURSE (SURFACE COURSE) MACADAM 6mm NOMINAL SIZE (CL. 7.6 OF BS. 4987-1) | ⑤ TACTILE PAVING PROVISION BUFF COLOURED TACTILE PAVING SLABS 400x400x75mm LAID DIRECT 200mm OF WET LEAN CONCRETE ST2. (200mm OF TYPE 1 AND GEOTEXTILE ALSO REQUIRED). | |

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Regulatory Services Committee

2 February 2012

Item 8

OUTSIDE STATUTORY PERIOD

| Page No. | Application No. | Ward | Address |
|-----------------|------------------------|---------------|---------------------------------------------------------|
| 1-7 | P1607.11 | Elm Park | Carnforth Hall, Carnforth Gardens, Elm Park, Hornchurch |
| 8-11 | P1763.11 | Havering Park | Rydal Mount, North Road, Havering-atte-Bower, Romford |

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REGULATORY SERVICES COMMITTEE

2nd February 2012

OUTSIDE STATUTORY PERIOD

| | | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| APPLICATION NO: | P1607.11 | |
| WARD : | Elm Park | Date Received: 26th October 2011 |
| ADDRESS: | Carnforth Hall Carnforth Gardens Elm Park Hornchurch | |
| PROPOSAL: | New part pitched roof, dormer, two storey front extension and conversion of church hall to 5No. luxury apartments Revised Description 18.01.2012 | |
| DRAWING NO(S): | Existing Site, Floorplans, and Elevations Design and Access Statement | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

SITE DESCRIPTION

The application site comprises a detached, former church hall and its curtilage. The building dates back to around the 1930s and has a pitched roof, with accommodation in the roof space. A flat roofed, single storey extension protrudes from the main building's eastern elevation. The site is located within the Carnforth Gardens area of Hornchurch, which is a residential area comprising a variety of house types. The Elm Park railway station is located within 500m of the site.

The site's eastern, southern, and western boundaries abut neighbouring residential properties located along Carnforth Gardens and Langdale Gardens. The site's northern boundary lies adjacent to the public highway.

The site is unallocated in the LDF.

DESCRIPTION OF PROPOSAL

This planning application seeks planning permission for the conversion of the host building into five dwellings; three located on the ground floor, and two on the first floor. A change of use would occur from use class D1 to use class C3.

The proposal would involve the insertion of numerous new openings, doors and windows; the insertion of dormer roof extensions and roof lights; the addition of a pitched roof to the existing flat roofed extension; two balconies relating to the northern and eastern elevations; and a small ground floor extension to the northern elevation. The proposal would also involve the creation of six parking spaces in the area between the northern elevation and the public highway and amenity space to the rear of the three ground floor units. Cycle and bin storage would be provided off the eastern elevation.

The proposal would have a site density of approximately 75 dwellings per hectare.

RELEVANT HISTORY

There are no previous planning decisions of particular relevance to this application.

REGULATORY SERVICES COMMITTEE

2nd February 2012

OUTSIDE STATUTORY PERIOD

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 21 neighbouring properties. No representations have been received from neighbouring occupiers.

Comments have been received from the following consultees:

Crime Prevention Design Advisor - No objections; condition and informative recommended.

Highways - No objections.

Environmental Health - no objections raised; conditions recommended relating to the control of noise, contaminated land, and limitations relating to construction times.

RELEVANT POLICIES

The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

CP1 - Housing Supply

DC2 - Housing Mix and Density

DC3 - Housing Design and Layout

DC27 - Provision of Community Facilities

DC33 - Car Parking

DC61 - Urban Design

DC63 - Delivering Safer Places

Residential Design SPD ("the SPD")

The following national planning guidance is also of relevance:

PPS1 - Delivering Sustainable Development

PPS3 - Housing

STAFF COMMENTS

The main issues in this application are considered to be the principle of development, the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers, access considerations, and other considerations.

PRINCIPLE OF DEVELOPMENT

Policy CP1 of the LDF states that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. Policy DC27 of the LDF states that proposals involving the redevelopment of community facilities will only be approved where it can be demonstrated that there is no longer a need for the facility, in its current or alternative use, or where suitable alternative provision is made. The applicant has provided some evidence that Carnforth Hall was marketed for 12 months with an estate agent, but that it was not possible to let the property. It is stated that there are numerous alternative facilities in the area. On balance, it is considered that sufficient evidence has been submitted to demonstrate that there is no longer a need for the facility affected.

The proposal is considered to be acceptable in principle, in accordance with Policies CP1 and DC27.

DESIGN/IMPACT ON STREET/GARDEN SCENE

Policy DC2 of the LDF stipulates the appropriate residential densities in given areas of the

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borough. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. The SPD contains guidance in relation to the design of residential development.

The site is located in a residential area that can be defined as "suburban", and which is characterised by a variety of house types. The proposed density of approximately 75 dwellings per hectare, whilst higher than the 30-50dph that would usually be considered appropriate in a suburban area, is considered to be appropriate in this case given that the site is located within 500m of a railway station and numerous bus routes. Higher residential densities can be supported in areas with good public transport connections, and in terms of the visual impact, the proposed dwellings will largely be located within an existing building, so there would not appear to be an over development of the local area.

It is considered that, should planning permission be granted, conditions be imposed requiring the submission of details relating to the proposed use of building materials and landscaping works, for the approval of the local planning authority, to ensure that the development would have an acceptable visual impact.

The proposed dwellings would be contained within an existing building. The proposal would involve various extensions to Carnforth Hall, but these are considered to be proportionate in scale to the host building.

Given the nature of the proposal, including its siting, scale, density, and design, and given that the proposal would bring a disused building back into use, it is considered that the proposal would not have any significant adverse impacts on the character of the area and that it would therefore not be contrary to Policies DC3 and DC61 of the LDF and the guidance contained in the SPD, subject to the imposition of the afore mentioned condition.

IMPACT ON AMENITY

Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity. The SPD provides guidance in relation to the provision of adequate levels of amenity for the future occupiers of new dwellings.

The Council's Environmental Health officers were consulted about the proposal and raised no objections subject to the imposition of conditions requiring sound insulation, limitations to the hours of construction, and in relation to contaminated land. These conditions can be imposed should planning permission be granted.

The proposed amenity spaces, comprising gardens in excess of 43sqm for the ground floor units, and balconies for the first floor units, are considered to be sufficient to provide adequate amenity spaces for the enjoyment of future occupiers. A condition is recommended requiring the submission of details relating to the proposed use of boundary treatment between the proposed dwellings and between the site and existing neighbouring properties to ensure an adequate amount of privacy can be achieved. A condition can also be imposed requiring the submission of a landscaping scheme, to ensure any such works would have an acceptable impact on local amenity.

The application building is located in excess of 21m from dwellings located to the north, on the opposite side of Carnforth Gardens; approximately 1.5m from the neighbouring dwellings to the west; approximately 3.5m from the dwellings located to the east; and at least 9m from dwellings to the south, located along Langdale Gardens. With the exception of rooflights, no openings

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would be located within 21m of neighbouring properties with one exception. The proposed balcony to the eastern elevation would be located approximately 12.5m from the curtilage of the nearest neighbouring property to the east. However, it is considered that the use of balconies to the northern and eastern elevations would not result in any significant degree, or perception of, overlooking providing an opaque material is employed in the proposed balustrades, and a condition can be imposed to this effect.

It is considered that the proposed extensions to the host building would not have a detrimental impact on the outlook of neighbouring occupiers, or result in any significant loss of light. The insertion of new openings to the ground floor would not result in any significant overlooking in relation to neighbouring properties given the presence of the existing boundary treatment. To the first floor, the proposal would mainly employ roof lights.

Given the layout, scale and design of the proposal, and the location of neighbouring properties, it is considered that the proposal would not result in any significant adverse impacts on the amenity of neighbouring occupiers. As the proposed apartments would not benefit from permitted development rights, consent would be required in future should additional openings and extensions be desired by occupiers. It is considered that the proposal would be in accordance with Policy DC61 of the LDF, and the guidance contained in the SPD, subject to the imposition of the afore mentioned conditions.

HIGHWAY/PARKING

DC33 of the LDF stipulates the vehicle parking requirements associated with different types of development. The proposal would include the provision of one car parking space per dwelling plus a visitor parking space, which is in accordance with the guidance contained in the LDF.

The details submitted in relation to parking and access have been considered by the Council's Highways Officer with no objections being raised. It is therefore considered that acceptable access arrangements can be achieved.

OTHER ISSUES

Havering's Crime Prevention Design Advisor has recommended a condition requiring the submission of details relating to the way in which "Secured by Design" standards will be achieved, accompanied by an informative. In the interests of designing out crime, this condition and informative can be imposed should planning permission be granted.

KEY ISSUES/CONCLUSIONS

The proposed development is considered to be acceptable having had regard to Policies CP1, DC2, DC3, DC27, DC33, DC61, and DC63 of the LDF, the guidance contained in the SPD, and all other material considerations.

RECOMMENDATION

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

1. S SC32 (Accordance with plans)
2. SC4 (Time limit) 3yrs
3. M SC09 (Materials)

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7. M SC13 (Screen fencing)

No development shall take place until details of the proposed boundary treatment between the site and the surrounding properties, including along the access route, and between the proposed residential properties, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the proposed dwellings being occupied.

Reason:-

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

8. M SC62 (Hours of construction)

4. Non standard condition

Prior to the commencement of development hereby approved, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken prior to the residential units being occupied.

Reason:-

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

5. Non standard condition

Prior to the commencement of the development the developer shall submit for the written approval of the Local Planning Authority and carry out as required the following:

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

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

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

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

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i) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the Local Planning Authority; and

ii) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, Land Contamination and the Planning Process .

Reason:-

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

6. Non standard condition

Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

9. Non standard condition

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

Reason:-

To protect the amenity of future occupiers in accordance with the Development Control Policies Development Plan Document Policy DC61.

1 INFORMATIVE:

Community Safety - Informative:

In aiming to satisfy condition 5 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

Reason for Approval:

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Having considered the principle of development, the visual impact, the impact on amenity, highways and other considerations, the proposed development is considered to be acceptable, having had regard to the Development Plan and all other material considerations. The proposal is considered to be in accordance with the aims, objectives and provisions of the Residential Design SPD and Policies CP1, DC2, DC3, DC27, DC33, DC61, and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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| | | |
|-------------------------|--------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| APPLICATION NO: | P1763.11 | |
| WARD : | Havering Park | Date Received: 24th November 2011 |
| ADDRESS: | Rydal Mount North Road Havering Atte Bower | |
| PROPOSAL: | single storey conservatory to side elevation | |
| DRAWING NO(S): | Ordnance Survey map 3 of 4 Proposed floor plan Existing and proposed side and rear elevations 1 of 4 | |
| RECOMMENDATION : | It is recommended that planning permission be GRANTED subject to conditions given at the end of the report. | |

SITE DESCRIPTION

Two storey detached house in North Road, Havering-atte-Bower. The site is within the Metropolitan Green Belt and the Havering-atte-Bower Conservation Area. The rear garden slopes downhill.

DESCRIPTION OF PROPOSAL

The proposal is for a single storey conservatory to the side elevation of the dwelling.

The conservatory would have a depth of 3.5 metres, a width of 2.7 metres and a height of 2.65 metres. The conservatory would abut the north eastern flank wall of the orangery and would be set back 8.5 metres from the recessed front façade of the dwelling.

RELEVANT HISTORY

- P0964.05 New build dwelling in replacement of former bungalow Approved.
- P1336.07 Proposed replacement of existing bungalow with new two storey house Approved.
- P0369.11 Proposed orangery to rear elevation and decking Approved.
- P0006.12 Retention of decking area to be determined.

CONSULTATIONS/REPRESENTATIONS

The proposal was advertised by way of a site notice and in the local press as development which could affect the character or appearance of Havering-atte-Bower Conservation Area and is contrary to the Metropolitan Green Belt Policies of the Core Strategy and Development Control Policies Development Plan Documents. Neighbouring occupiers were consulted and no letters of representation have been received.

RELEVANT POLICIES

The Residential Extensions and Alterations Supplementary Planning Document is relevant. Relevant policies from the LDF Development Control Policies Development Plan Document are DC45 Green Belt, DC61 Urban Design and DC68 Conservation Areas. Consideration should also be given to the provisions of PPG2 (Green Belts) and Havering-atte-Bower Conservation Area Character Appraisal and Management Proposals.

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STAFF COMMENTS

For the purposes of this application, the Planning Officer's calculations have been used to determine this application.

GREEN BELT IMPLICATIONS

The application site falls within the Metropolitan Green Belt however, this does not preclude extensions to residential properties in principle. National and local policies refer to a presumption against inappropriate development in Green Belt areas. Paragraph 3.4 of PPG2 states that "limited extension, alteration or replacement of existing dwellings" is not inappropriate providing the advice in Paragraph 3.6 is heeded. Paragraph 3.6 states that extensions should "not result in disproportionate additions over and above the size of the original building."

The previous dwelling had a volume of approximately 396 cubic metres and the replacement dwelling increased this to 590 cubic metres, representing an increase in cubic capacity of approximately 49%.

The orangery (approved under application P0369.11) resulted in an increase in cubic capacity of the existing dwelling by approximately 29% (or a volume of 118 cubic metres). Therefore, the combined volume of the replacement dwelling and the orangery was 78%.

The proposed conservatory would result in an increase in cubic capacity of the existing dwelling by approximately 5.8% (or a volume of 23 cubic metres). Therefore, the combined volume of the replacement dwelling, the orangery and the conservatory represents an increase in cubic capacity of approximately 83.8%.

Policy DC45 states that extensions, alterations and replacement of existing dwellings will be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. Having carefully considered the merits of this planning application, the proposed development is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within PPG2.

CONSERVATION AREA

The application site is located within the Havering-atte-Bower Conservation Area. The statutory duty applied to planning authorities in the exercise of their planning functions in conservation areas is set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". This aim is reflected in Policy DC68 of the LDF Development Control Policies Development Plan Document.

Policy DC68 states that the character of Conservation Areas will be preserved or enhanced. Planning permission for development within a Conservation Area will only be granted where:

- it does not involve the demolition of a building that makes a positive contribution to the character or appearance of the area
- it preserves or enhances the character of the Conservation Area and is well designed
- it does not involve the loss of trees which contribute towards the character of the Conservation Area

It is considered that the proposal would not be harmful to the character and appearance of the Havering-atte-Bower Conservation Area, as the conservatory is single storey, is relatively

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modest in size and is generally low in height at 2.65 metres. In addition, the conservatory features an obscure glazed door, window and roof and would be set back 8.5 metres from the recessed front façade of the dwelling, which reduces its prominence in the Havering-atte-Bower Conservation Area. Furthermore, it is considered that the proposal has been designed in sympathy with the existing dwelling.

DESIGN/IMPACT ON STREET/GARDEN SCENE

During a telephone conversation, the applicant advised that the timber paling fence and gate adjacent to the north eastern boundary will be removed. It is considered that the conservatory would not be materially harmful to the streetscene, as it is relatively modest in size and height, it is single storey and would be set back 8.5 metres from the recessed front façade of the dwelling. In addition, it is considered that the conservatory would not be disproportionate to the existing building and would appear subservient to Rydal Mount. The conservatory features an obscure glazed door, window and roof, which minimises its visual impact in the streetscene.

IMPACT ON AMENITY

It is considered that the neighbouring property Wakefield would not be adversely affected by the proposal, as it has a staggered building line whereby the front of this dwelling is in general alignment with the rear building line of Rydal Mount. The flank windows of the conservatory would be obscure glazed by condition.

It is considered that the neighbouring property Stanley House would not be adversely affected by the proposal, as it would not be located adjacent to this flank boundary and it would not project beyond the existing orangery.

It is considered that the proposal would not create any additional overlooking over and above existing conditions.

HIGHWAY/PARKING

It is considered that the proposal would not create any highway or parking issues. There is space for three to four cars on hard standing to the front.

KEY ISSUES/CONCLUSIONS

Having carefully considered the merits of this planning application, the proposed development is considered to be acceptable and would not adversely affect the open nature and character of the Green Belt. Overall, it is Staff's view that the proposed development would not be disproportionate to the existing building and therefore, would be in accordance with the national guidance for Green Belts as contained within PPG2.

It is considered that the proposal would not result in a loss of amenity to adjacent occupiers and would not create any highway or parking issues. Accordingly it is recommended that planning permission be approved.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)

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3. SC32 (Accordance with plans)

4. SC34 (Obscure glazing)

The proposed flank windows to the conservatory hereby permitted shall be permanently glazed with obscure glass to the satisfaction of the Local Planning Authority.

Reason:-

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

2 The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45, DC61 and DC68 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: Following a change in government legislation a fee is now required when submitting details pursuant to the discharge of conditions, in order to comply with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, which came into force from 06.04.2008. A fee of £85 per request (or £25 where the related permission was for extending or altering a dwellinghouse) is needed.

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