



REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Thursday 17 May 2012	Havering Town Hall, Main Road, Romford
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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 P0295.12 - QUADRANT ARCADE, MARKET PLACE (Pages 1 - 18)

5 P0245.12 - 57/65 LONDON ROAD, ROMFORD (Pages 19 - 28)

6 P0324.12 - 41 WHITE HART LANE, ROMFORD (Pages 29 - 34)

7 P0243.12 - HAROLDWOOD HOSPITAL - REPORT TO FOLLOW IF AVAILABLE

- 8 **P0312.12 - THE EARLES, BROXHILL ROAD** (Pages 35 - 46)

- 9 **P0350.11 - 19/21 EASTERN ROAD** (Pages 47 - 70)

- 10 **P0303.12 - 47 TENNYSON ROAD** (Pages 71 - 78)

- 11 **PLANNING APPLICATIONS - SEE INDEX AND REPORTS** (Pages 79 - 100)
Applications outside statutory period.

- 12 **PLANNING CONTRAVENTION -AVELEY MARSHES, RAINHAM** (Pages 101 - 110)

- 13 **PLANNING CONTRAVENTION -186A MAIN ROAD** (Pages 111 - 116)

- 14 **PLANNING CONTRAVENTION -WATER WASTE CENTRE GOBIONS FARM** (Pages 117 - 124)

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

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REGULATORY SERVICES COMMITTEE

17 May 2012

REPORT

Subject Heading:

**P0295.12 – Upper floors of Quadrant
Arcade, Market Place, Romford**

**Extension to third floor, alteration to
window on side elevations and
conversion of first, second and third
floor from retail and office use to form
a 65 bedroom hotel. (Application
received 12th March 2012)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800**

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	[X]
Excellence in education and learning	[X]
Opportunities for all through economic, social and cultural activity	[]
Value and enhance the life of every individual	[]
High customer satisfaction and a stable council tax	[]

SUMMARY

This application relates to the upper floors of the Quadrant Arcade which fronts onto the Market Place, Romford and is a locally listed building. This application seeks full planning permission for an extension to the third floor of the building and the conversion of the first, second and third floors of the building from retail and office use to form a 65 bedroom hotel. The planning issues are set out in the report below and include issues relating to the principle of development, the impact of the proposed development on the special character and appearance of the Romford Conservation Area, the impact on the character and setting of nearby listed buildings, the impact of the proposal on the character of the street scene and local environment generally, amenity issues, highways/parking issues and designing out crime issues. Staff consider the proposals to be acceptable, subject to a legal agreement to secure a financial contribution towards environmental improvements in the Market Place. It is therefore recommended that planning permission be granted.

RECOMMENDATIONS

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

- A financial contribution of £10,000 to be used towards environmental improvements in the market place.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement irrespective of whether the agreement is completed.

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

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

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

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accord 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 the LDF Development Control Policies Development Plan Document Policy DC61.

3. Materials - Before any of the development hereby permitted is commenced, samples of all the proposed bricks for the roof extension, and the flank parapet to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61 and DC68.

4. Details of new windows - Full details of the new windows to be used in the conversion of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the work. The windows shall be fitted in accordance with the agreed details.

Reason: To safeguard the appearance of the building and the character of the Romford Conservation Area and to ensure that the development accords with the LDF Development Control Policies Development Plan Document Policy DC68.

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

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

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

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

7. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

8. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

9. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the local planning authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:
- a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls
 - d) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
 - f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority; siting and design of temporary buildings;
 - g) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
 - h) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

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

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

10. Sound insulation – 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 and Noise'.

11. New plant or machinery – Before any works commence a scheme for any new plant or machinery to be installed 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 and Noise'.

12. Assessment of noise from adjacent plant – Before any development is commenced a scheme for protecting the proposed rooms from noise from adjacent commercial activities and associated plant shall be submitted to and approved in writing by the Local Planning Authority. The applicant shall include specific consideration of existing air-conditioning and refrigeration units, deliveries and collections from adjacent commercial premises. Any works which form part of the approved scheme shall be completed before any room within the development is occupied.

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

13. Odours and odorous material – Before the use commences suitable equipment for the removal and/or disperse odours and odorous material should be fitted in accordance with a scheme to be approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises

14. Noise and vibration – Before the use 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

15. Brick Cleaning – Before any work commences a method statement for the brick cleaning shall be submitted to and approved in writing by the Local Planning Authority. A sample patch shall be inspected on site and approved in writing prior to work commencing. The bricks shall be cleaned in accordance with the agreed details.

Reason: To safeguard the appearance of the building and the character of the Romford Conservation Area and to ensure that the development accords with the LDF Development Control Policies Development Plan Document Policy DC68.

16. Pointing detail – Before any work commences a sample of all new pointing shall be inspected on site and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To safeguard the appearance of the building and the character of the Romford Conservation Area and to ensure that the development accords with the LDF Development Control Policies Development Plan Document Policy DC68.

17. Neon lighting scheme – Before any work commences details of the proposed neon lighting scheme shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.

Reason: To safeguard the appearance of the building and the character of the Romford Conservation Area and to ensure that the development accords with the LDF Development Control Policies Development Plan Document Policy DC68.

18. Linear projection feature - Full details of any repairs or restoration of the linear projecting feature above the main entrance to the arcade should be submitted prior to the commencement of any works, other than removing the green 'Primark' signage. Thereafter the repairs or restoration shall be carried out in strict accordance with the agreed details.

Reason: To safeguard the appearance of the building and the character of the Romford Conservation Area and to ensure that the development

accords with the LDF Development Control Policies Development Plan Document Policy DC68.

19. New canopy and external door – Full details of the of the proposed new canopy and external door shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the work. The works shall be implemented in accordance with the agreed details.

Reason: To safeguard the appearance of the building and the character of the Romford Conservation Area and to ensure that the development accords with the LDF Development Control Policies Development Plan Document Policy DC68.

INFORMATIVES

1. In aiming to satisfy condition 7 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
2. Reason for Approval:

The proposal is considered to be in accordance with Policies CP4, CP9, CP15, CP17, DC14, DC32, DC33, DC34, DC36, DC40, DC55, DC61, DC63, DC68 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Policies ROM6, ROM7, ROM10, ROM17, ROM20 and ROM21 of the LDF Romford Area Action Plan Development Plan Document. The proposal is also considered to be in accordance with the provisions of Policies 2.15, 4.5, 4.7, 6.1, 6.10, 6.13, 7.3, 7.4, 7.8 and 8.3 of the London Plan.

Planning Obligations

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

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is located within the retail core area of Romford Town Centre on the southern side of the Market Place approximately 20 metres east of the Golden Lion crossroads. The site comprises the first, second and third floors of the Quadrant Chambers which is located above the Quadrant Arcade. The upper floors are presently largely vacant with some small scale office use. Retail uses are currently located at ground floor level with the upper floors being accessed by a staircase from within the rear of no. 20 Market Place. The building of which the application site forms part is of a flat roof design with the frontage being of 'Art Deco' style. The rear elevation of the building faces onto an open area formed by the roof tops of the Quadrant Arcade and adjacent buildings. A fire escape presently leads from the rear elevation of the building across the roof tops and down to ground level.
- 1.2 The Market Place frontage of the building is flanked on both sides and opposite by buildings of similar or lower storey heights. Adjacent buildings predominantly have retail or service uses at ground floor with storage or office uses on the upper floors. The frontage of the building onto the Market Place is located within the Romford Conservation Area. In close proximity to the application site are the listed buildings of Church House, Wykeham Hall and St. Edward's Church. The Quadrant Arcade itself is identified at a local level as being a building of local historical and architectural interest.
- 1.3 Given the location of the site there is no dedicated service yard for vehicular traffic. The ground floor retail units can however be accessed by an alleyway from the Market Place which passes adjacent to the western flank of the building. The site presently has no off street car parking.

2. Description of Proposal

- 2.1 The application seeks planning permission for an extension to the third floor of the building, alteration to window openings and the conversion of first, second and third floor from retail and office use to form a 65 bedroom hotel.
- 2.2 The proposal would see the existing third floor of the building extended forward by 7 metres and a new infill extension provided the entire width of the building some 32 metres. The proposed extension would not increase the overall height of the building. The extension would be finished with matching facing brickwork to the flanks and have a glazed frontage to the Market Place elevation.
- 2.3 To the west facing flank wall of the building it is proposed that a number of new window openings are formed together with the alteration of several existing openings to enable larger windows to be installed. To the east facing elevation of the building eleven new window openings are proposed.

- 2.4 The application proposes the conversion of the first, second and third floors of the building to form a hotel. The upper floors of the Quadrant Arcade fronting onto the Market Place are currently largely vacant. The upper floors were most recently in use for a mixture of retail and office purposes. The proposal would see the provision of 65 no. hotel rooms with en-suite shower rooms over the three floors. Each room would measure a minimum of 15m² and has been designed in line with industry standards. The hotel will have 18 rooms on the first floor, 26 on the second floor and 21 on the third floor. The hotel also incorporates a reception area and café/bar and back of house office and service space at first floor.
- 2.5 Access to the building would be via a new hotel entrance and dedicated staircase leading out onto the front elevation fronting the Market Place. The proposed entrance is sufficiently wide for wheelchair users who can enter into the internal lobby and proceed to the hotel reception via the lift.
- 2.6 No parking spaces are associated with the hotel proposal as a result of its central town centre location.
- 2.7 Alterations are made at ground floor level to form a new enclosed bin store adjacent to the rear fire escape staircase (CORE 3) to be used by the Hotel and emptied along with other rubbish from the Arcade. The bin store will hold 4 no. 1100 litre bins. One of these would be for recyclables and the other 3 for mixed waste. The applicant has indicated that the bins will be in the same location as the existing Arcade bins and hence will be collected by the Council.

3. Relevant History

- 3.1 P1500.08 - New access to first floor. Extension to third floor and conversion of second and third floors to nine flats - Withdrawn

P1139.09 - Third floor roof extension, new external staircase and conversion of second and third floors to form 7 No. 2 bedroom flats and 1 No. 1 bedroom flat - Approved

P1579.09 - Conversion and extension to form five 2 bedroom flats, one 1 bedroom flat and one 3 bedroom flats - Approved

P1184.10 - Extension to third floor, alteration to window openings and conversion of first, second and third floor from retail and office use to form shared residential accommodation comprising 85 no. en-suite bedrooms with shared kitchen facilities - Refused

4. Consultations/Representations

- 4.1 The application was advertised and 230 neighbouring addresses notified by letter. No representations have been received.

- 4.2 The London Fire and Emergency Planning Authority has stated that access for fire fighting vehicles is required to 15% of the perimeter for buildings with a top floor level up to 11m above ground level and to 50% of the perimeter for buildings with a level over 11m above ground level. Each elevation to which access is provided must have a door giving access to the interior of the building. Confirmation should be provided to the Fire Authority that the above can be met.
- 4.3 English Heritage raises no comments and recommends that the application should be determined in accordance with adopted policy and guidance.
- 4.4 The Borough Crime Prevention Design Advisor raises no objection subject to the imposition of planning conditions covering the submission of a Secure by Design application and a management statement.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP4 – Town Centres
CP9 – Reducing the need to travel
CP15 – Environmental Management
CP17 – Design

5.2 LDF Romford Area Action Plan Development Plan Document

ROM6 – Respecting the historic environment
ROM7 – Market Place
ROM10 – Retail core
ROM17 – Greening Romford
ROM20 – Urban design
ROM21 – Public spaces

5.3 LDF Development Control Policies Development Plan Document

DC14 – Hotels
DC32 – The road network
DC33 – Car parking
DC34 – Walking
DC36 – Servicing
DC40 – Waste recycling
DC55 – Noise
DC61 – Urban design
DC63 – Delivering safer places
DC68 – Conservation areas
DC72 – Planning Obligations

5.4 The London Plan

- 2.15 – Town centres
- 4.5 – London’s visitor infrastructure
- 4.7 – Retail and town centre development
- 6.1 – Strategic approach
- 6.10 – Walking
- 6.13 – Parking
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.8 – Heritage assets and archaeology
- 8.3 – Community infrastructure levy

5.5 Government Guidance

National Planning Policy Framework

6. Staff Comments

6.1 The issues arising from this application are: the principle of development, the impact of the proposed development on the special character and appearance of the Romford Conservation Area, the impact on the character and setting of nearby listed buildings, the impact of the proposal on the character of the street scene and local environment generally, amenity issues, highways/parking issues and designing out crime issues.

6.1.1 This application follows a previous planning application (reference P1579.09) for the conversion and extension of the subject building to form five 2 bedroom flats, one 1 bedroom flat and one 3 bedroom flats which was approved in January 2010. This application is identical to the previous approval in that the proposed third floor extension would be the same. This current application differs however in that internally part of the building would be converted to form a hotel rather than individual self contained flats.

6.1.2 A similar more recent application (reference P1184.10) for the extension to third floor, alteration to window openings and conversion of first, second and third floor from retail and office use to form shared residential accommodation comprising 85 no. en-suite bedrooms with shared kitchen facilities was refused planning permission. Concerns related to poor quality of living environment; type of occupation would lead to activity that would be detrimental to the character and appearance of the building and Romford Conservation Area; nature and density of occupation likely to lead to anti-social behaviour; unsatisfactory storage and collection arrangements and a lack of suitable provision for emergency services. This current application differs however in that internally part of the building would be converted to form a hotel rather than shared residential accommodation.

6.2 Principle of Development

6.2.1 The application proposes the conversion of the first, second and third floors of the building to form a 64 bed hotel. For the most part the upper floors of

the building are currently vacant having most recently been in retail use in connection with the ground floor unit. A portion of the first and second floors are currently in office use. The proposal would result in the loss of the retail and office floor space. It should be noted that the loss of the existing commercial floor space has previously been accepted through the approval of an earlier application (reference P1184.10).

- 6.2.2 The application site is located within the retail core area of Romford Town Centre where Policy ROM10 seeks to encourage the provision of retail and service uses at ground floor level. The policy does not specifically refer to the provision or retention of retail floor space on upper floors. The proposal would see the existing ground floor retail unit retained. In view of this Staff are of the view that the loss of the upper floor retail floor space is acceptable and that it would not have a harmful impact on the retailing function of the town centre. Members will also wish to give consideration to the fact that the upper floor retail floor space has been vacant for at least three years and that this proposal would see the whole building brought back into use.
- 6.2.3 The proposal would see the loss of the existing upper floor office accommodation. Policy DC12 seeks to encourage new office development within Romford Town Centre however there are no policies which seek the retention of existing office floor space within this part of the town centre. The Council's strategy in respect of office development is to focus it within the Romford Office Quarter. Staff are of the view that the loss of the existing office accommodation is acceptable.
- 6.2.4 The proposal would see the introduction of a hotel use to the upper floors of the building. Policy DC14 states that Romford is the preferred location for large scale hotel development. The proposal is not only in line with current policy guidelines but will also strengthen the wider role of the Romford town centre and provide a range of employment opportunities.
- 6.2.5 Policy 4.5 of the London Plan supports and encourages development of good quality budget category hotels, especially in outer London.
- 6.2.6 The National Planning Policy Framework (NPPF) recognises town centres as the heart of their communities and encourages Local Authorities to pursue policies to support their viability and vitality. The NPPF also encourages Local Authorities to support development which facilitates the use of sustainable modes of transport. The NPPF goes further to classify hotels as a main town centre use in Annex 2. There is, therefore, general support for the principle of providing hotel development within the Romford Town Centre.
- 6.3 Layout
- 6.3.1 Access to the upper floors of the building would be taken from a dedicated entrance door to the front elevation of the building. Access to each floor of the building would be by means of a staircase and lift. Internally the layout

of each floor would in most cases comprise of a central corridor with individual rooms to either side. A reception, kitchen and Cafe area would be provided on the 1st floor.

- 6.3.2 The Council does not have set room size standards contained within its LDF and as such a judgement needs to be made in this case concerning the size of the proposed hotel rooms. The applicant has however indicated that the smallest room would measure 15m² which is based upon Travelodge space planning guidance. The proposal would also provide 7 wheelchair accessible bedrooms which is in line with Policy 4.5 of the London Plan which requires 10% of hotel rooms to be wheelchair accessible. Staff are of the view that the proposed rooms are of a suitable size and that the relationship between each of the rooms and their stacking is acceptable.
- 6.3.3 Each of the proposed rooms would benefit from natural light either from an external window or from light wells running through the inside of the building. The outlook from the proposed rooms would vary with those rooms to the front of the building having an outlook over the Market Place. Those rooms to the rear of the building would have an outlook over the roof tops of the Quadrant Arcade and adjoining buildings. The rooms to the western side of the building would have an outlook across the alleyway at the side of the building towards the rear of nos. 1 to 15 South Street. Towards the core of the building some rooms would solely have from windows facing into a proposed internal light well.
- 6.3.4 Staff consider the current arrangement in terms of outlook and layout to be acceptable given the proposed hotel use. Also, previous reasons for refusal relating to poor quality of living environment are no longer valid given the proposed hotel use as opposed to the provision of private residential units.
- 6.3.8 There is no need to provide amenity space within a development of the nature proposed. The Council is presently working on several programmes within Romford Town Centre to improve the quality of the public realm. These include the creation of a new public open space within the Market Place and the greening of the town centre. The applicant has agreed to contribute a sum of £10k towards town centre improvements which could be secured via legal agreement in the event that Members are minded to grant planning permission
- 6.4 Community Safety issues
- 6.4.1 Policy DC63 of the LDF requires new development to address safety and security in the design of new development. Following discussions with the Borough Crime Prevention Design Advisor the applicant has submitted a statement to address the community safety issues arising from the proposed development. Staff are of the view that the proposal is acceptable in respect of community safety issues, subject to the imposition of conditions requested by the Borough Crime Prevention Design Advisor.

6.5 Conservation Area implications

- 6.5.1 The subject building is located in the Romford Conservation Area. Policy DC68 advises that planning permission for development within a Conservation Area will only be granted where it preserves or enhances the character or appearance of the Conservation Area and is well designed. Council policy and guidance also seeks to ensure that all works are sympathetic in design and materials to the character of the area and will not detract from the architectural and environmental quality of the Conservation Area. Government policy contained within the NPPF advises that local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.5.2 The application site comprises part of the Quadrant Arcade which opened in September 1935 and is built in 'Art Deco' style. The Quadrant Arcade is not a Listed Building but is identified in the Council's Heritage Strategy for Romford and Hornchurch as a building of local historical and architectural interest. The subject building retains 1930s architectural features and reflects the growing prosperity and expansion of Romford in the inter-war period. The characteristic architectural features of the building are identified in the Romford Conservation Character Appraisal as being an important quality.
- 6.5.3 The aims of the original designation of the Romford Conservation Area were to protect the group of historic buildings at the west end of Market Place around the crossroads. The subject building is considered to form part of this historic group of buildings and its presence currently makes a positive contribution to the Conservation Area. In view of this any extension or alteration of the building needs to be carefully considered.
- 6.5.4 No objections are raised in principle in conservation terms to the partial conversion of the building which would ensure a long term future for the building. The proposed extension of the upper floor would see the fourth floor brought forward by 7 metres and extended across the entire width of the building. The extension would be set back from the front elevation of the building by 5 metres and as such would not adversely affect the principle façade. The extension has been designed with lightweight materials to the front elevation which staff consider would reduce its visual impact and provide a clear distinction between the extension and the original fabric of the building. The applicant's heritage statement demonstrates that the extension's visual impact of the upper floor extension from within the Market Place and wider Conservation Area would be limited. Given the subservient nature of the extension and the chosen materials staff are of the view that it would have an acceptable impact on the building. A glass balustrade would

be applied to the rear face of the parapet however this would not be visible from ground level.

6.5.5 The proposal would see the formation of a number of additional window openings in the east and west facing flank walls of the building. Some of the existing windows would also be replaced. Staff raise no objection to the new/replacement windows subject to their appearance matching as closely as possible the building's original critical windows. The proposed plans indicate that the windows would follow the original style and proportions however a condition is recommended to secure further details.

6.5.6 Staff are of the view that the proposed roof extension and other alterations would have an acceptable impact on the street scene and the character of the original building. Staff are of the view that the proposal would suitably preserve the character and appearance of the Conservation Area subject to conditions in respect of materials. In this respect it is not therefore considered that there is a conflict with the provisions of Policy DC68 or Government guidance contained within the NPPF.

6.6 Listed Building implications

6.6.1 The proposed fourth floor extension would be separated from the adjacent listed buildings of Church House, Wykeham Hall and St. Edward's Church by in excess of 50 metres. It is not considered therefore that the proposed extension would be visually dominant or intrusive in relation to the nearby listed buildings. Staff are of the view that the distance of the proposed extension from the listed buildings, would prevent any adverse effect on their setting.

6.7 Impact on amenity

6.7.1 Adjacent buildings predominantly have retail or service uses at ground floor with storage or office uses on the upper floors. Given that the offices are closed at night it is not considered that they would disturb occupiers of the proposed hotel. Nevertheless a sound proofing condition is recommended, in the event Members are minded to grant planning permission, to ensure that amenity is safeguarded. Similarly, users of the office accommodation would not be materially affected by the proposed hotel use.

6.7.2 The proposed hotel accommodation would be located in a part of the town centre where there are several public houses which have late night opening hours. Given the town centre location of the site a certain degree of activity and associated noise is to be expected in comparison to a predominantly residential area. Staff are of the view that this is something prospective occupiers would take this into account before deciding whether to occupy a hotel room in this location.

6.7.3 Staff are of the view that the proposed roof extension, external canopy and window alterations would not result in an adverse impact on amenity.

6.8 Highway/parking issues

6.8.1 The site lies within the Romford PTAL zone and in accordance with guidance in NPPF, the London Plan and Policy DC2 staff consider it would be acceptable for no parking provision to be made for staff or customers. The site is located in close proximity to the railway station, several main bus stops and public car parks.

6.8.2 Servicing of the proposed residential accommodation would take place from the Market Place on non market days. Given the location of the site this arrangement is considered to be acceptable. Refuse and recycling would be stored, as presently, in the alleyway adjacent to the west facing flank wall of the building. Staff are of the view that suitable refuse collection and storage arrangements could be dealt with via condition.

7. The Mayor's Community Infrastructure Levy

The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3. The applicable fee is based on an internal gross floor area of 222m² and amounts to £4440.

8. Conclusion

8.1 Staff consider that the proposed conversion of the upper floors of the building to hotel use is acceptable in principle. The proposal would create 65 hotel rooms with en-suite bathrooms and is considered acceptable given the presumption in favour of hotel development in the Romford Town Centre. The proposed extensions and alterations to the building are considered to be acceptable and would acceptably preserve the character and appearance of the Romford Conservation Area. The proposal does not raise any amenity or highways issues. The applicant has agreed to a financial contribution of £10k towards environmental improvements in the market place. Subject to the completion of a legal agreement the scheme is considered to be acceptable. The proposal is considered to be in accordance with the aims and objectives of the LDF Development Control Policies Development Plan Document and approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form, plans, a heritage statement and a design and access statement received on 12th March 2012.

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REGULATORY SERVICES COMMITTEE

REPORT

17 May 2012

Subject Heading:

P0245.12 57- 65 London Road
Romford

Report Author and contact details:

Proposed change of use to convert the
first floor area of the shop from storage
to 3, One bedroom flats
(Application submitted 26 February
2012)
Helen Oakerbee (Planning Control
Manager) 01708 432800

Policy context:

Local Development Framework
London Plan
National Planning Policy

Financial summary:

None

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

Clean, safe and green borough	<input 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

The application seeks planning permission for the creation of three one bedroom flats above an existing retail premises. Staff conclude the proposal to be acceptable.

The application is recommended for approval subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

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

- A financial contribution of £18,000 to be used towards infrastructure costs.
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- To pay the Council's reasonable legal costs in association with the preparation of a legal agreement irrespective of whether the legal agreement is completed.

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

1 SC4 Time limit

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

Reason:-

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

2. SC32 Accordance with plans

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.

2. SC40 Soundproofing

The buildings shall be so constructed as to provide sound attenuation of 45 DnT, w + Ctr dB (minimum values) against airborne noise and 62 L'nT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 "Planning & Noise" 1994, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

3. Cycle Storage

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

Reason:-

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

4. Storage of Refuse

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

Reason:-

In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the

development accords with the Development Control Policies Development Plan Document Policy DC61.

5. INFORMATIVE

Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policy CP4, CP9, CP10, CP17, DC4, DC33, DC55 and DC61 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.

Planning Obligations

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

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



REPORT DETAIL

1. Site Description

- 1.1 The site contains a building with a supermarket, and restaurant on the ground floor with an existing one bedroom flat, and vacant area above. The subject area of the application has previously been used as storage area. This area is approximately 170 square metres. An inspection reveals that the area may have been previously used for residential purposes in the past with remnants of a kitchen, bathroom and separate rooms evident.
- 1.2 The site is located on the southern side of London Road to the west of the Sun Public House. To the west of the subject site is a church. Opposite is open parkland, takeaway food outlets and residential buildings. At the rear of the site is the Sun Public house outdoor garden area. The subject building is set off the common boundary by approximately 0.5 metres.
- 1.3 Beyond this are five storey flats. The outdoor area of these flats extends in part to the rear of the subject site.

2. Description of Proposal

- 2.1 The application is to convert the storage area into residential flats. These will be 3 one bedroom flats, accessed from a central corridor. The flats would measure:
 - Flat B 44 sqm
 - Flat C 52 sqm and a balcony
 - Flat D 49 sqm.
- 2.2 Each Flat would be accessed by the existing entrance from London Road. External changes would see four additional windows installed to match the existing building in the front facade. Within the rear elevation, flush windows would be included into the rear roof. Works would be undertaken to install create a recess that would create a balcony. Doors would be provided to allow access to the balcony from flat C. The site has no available parking.

3. Relevant History

- 3.3 The site has no relevant planning history.



4. Consultations/Representations

- 4.1 Forty-one neighbouring occupiers were notified of the proposal. No objections were received
- 4.2 The Council's Street Care Service raises no objection in respect of refuse collection.
- 4.3 The Highways Authority raises no highway or parking issues.
- 4.4 The Borough Crime Prevention Design Advisor advises that the proposals do not raise any significant crime prevention or designing for community safety issues.

5. Relevant Policies

- 5.1 Relevant policies from Local Development Framework Core Strategy and Development Control Policies Development Plan Document are Policies CP4 (Town Centres), CP9 (Reducing the Need to Travel), CP10 (Sustainable Transport), CP17 (Design), DC4 Conversion to Residential and Subdivision of Residential Uses, DC33 (Car Parking), DC35 (Cycling), DC36 (Servicing), DC55 (Noise), DC61 (Urban Design) DC63 (Crime), and DC72 Planning Obligations.
- 5.2 London Plan 2011 Policy 3.4, Optimising Housing Potential. 3.5 Quality and Design of Housing Developments.
- 5.3 NPPF Section 2, "Ensuring the Vitality of Town Centres", Section 6 "Delivering a wide Choice of Homes", and Section 7 "Requiring Good Design".

6. Staff Comments

- 6.1 The key issues for consideration relate to the quality of the flats proposed, and the standard of amenity for future occupiers, impact on the streetscene, impact on amenity and highways and parking.

7. Principle of Development

- 7.1 The upper floor of the building is currently vacant but was most recently used as storage space that is surplus to the needs of the site. The design of the building is such that there is strong likelihood that the upper floor of the subject area (at least in part) was used for residential purposes in the past.



7.2 In respect of the proposed change of use to form residential units the Council has no policies covering the use of upper floors in local centre locations. The policy presumption outlined by Policy CP1 is such that new housing development is normally directed outside of allocated or designated areas. Notwithstanding this the provision of residential accommodation to the upper floors of local shopping parades is considered to be acceptable in principle having regard to Government guidance which seeks to encourage a variety of uses within town and local centres.

8. Density/Site Layout

8.1 Policy DC2 seeks to guide a higher density of development to those parts of the Borough having good access to public transport. In this instance, the application site falls within the 5-6 PTAL zone where a high density of development is anticipated, up to 245 – 435 dwellings per hectare. The proposal would result in a density of 45 units per hectare. The proposed density of development would not exceed the identified range and as such is considered to be acceptable.

8.2 The proposal would see the first floor of the building converted to form three flats. In respect of the conversion element of the scheme consideration must be given to the provisions of Policy DC4 which sets out a number of criteria for proposals involving conversions to form residential accommodation. Policy DC4 requires that;

- residents/visitors are able to park without detriment to highway safety taking into account the availability of on and off street parking with regard to the standards set out in DC33,
- there is no conflict with surrounding uses,
- the proposal should not result in an unacceptable loss of privacy
- enjoyed by the occupants of adjoining properties by reason of overlooking and, should by its layout, provide a suitable degree of privacy and private sitting out/amenity space,
- the living rooms of new units do not abut the bedrooms of adjoining dwellings

8.3 The London Plan 2011 outlines minimum space standards for dwellings of different sizes. The standards are 37 sqm for a single person 1 bed flat and 50 sqm for a 2 person flat, and two of the units proposed would be marginally under the standard for a two person flat.

8.4 Each of the proposed dwellings exceeds the space standards for a 1 person flat.

8.5 The proposed flats are considered to be adequately sized and are self-contained. The flats have a reasonably open aspect and the



attractiveness of these units as living accommodation would be a matter of choice for the prospective purchasers of the flats.

- 8.6 The Council's SPD for Residential Design provides detailed guidance on the provision of amenity space within residential developments. For flatted developments the SPD seeks both communal amenity space and balconies. Each flat would have access to a source of natural light through windows and additional sky light windows. Given the location of the proposed flats, the units are unlikely to be occupied by families and future occupiers would not necessarily expect their own private amenity space.
- 8.7 Consideration must also be given to Government guidance which encourages local authorities to be flexible with standards in order that residential accommodation can be provided in locations of this nature. Staff are of the view that the absence of amenity space is acceptable in this instance, as the application involves the conversion of an existing building, and the site is immediately opposite public open space.
- 8.8 The first floor flats will have access from the existing door onto London Road. This is considered acceptable in layout terms.

9. Design/Impact on Street/Garden Scene

- 9.1 The application will not have a detrimental impact to the appearance of the subject building and broader streetscape.
- 9.2 The only significant external changes are to the rear in relation to the balcony. This faces the garden area of the Sun Public House, and has no significant visual impact on the public realm or the building itself.

10.0 Amenity Considerations

- 10.1 As proposed, the flats would be built within the former storage area above a shop, adjacent to an existing flat. The proposal is similar to others approved by the Council, which makes use of available space for residential uses above commercial premises.
- 10.2 There will be no significant external amenity impacts from the proposal, due to the location of the site and nature of uses nearby. The key consideration is the amenity standards for new occupiers. Although the subject site is close to the Sun Public House it is noted that other residences are also currently located in close proximity, and there is an existing flat on the first floor of the subject building. Similarly future residents will be aware of the presence of the Public House, and cannot therefore expect the same level of amenity as those other parts of the Borough that are set away from such uses.



10.3 A noise insulation condition is recommended to ensure that the residents are protected from excess noise.

11.0 Highway/Parking

11.1 There are no opportunities for on site car parking. This is considered appropriate in the context of the nature of the proposed residences, and their location in relation to the town centre.

11.2 Policy DC33 requires a low parking provision, of less than 1 space per unit, for flats in locations with high PTAL. The application site is located on several bus routes and within walking distance of Romford railway station.

11.3 A condition is attached requiring, appropriate cycle and refuse storage areas to be provided on site.

12.0 Other Issues -

12.1 The proposal is liable for the Mayoral Community Infrastructure Levy.

12.2 This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here equals £3,340 based on 167sq.m of floorspace at £20 per square metre. This payment is secured on discharge of conditions relating to commencement.

12.3 The Council's draft SPD on Planning Contributions requires a payment of £6000, per new dwelling created. This will require a total of £18,000 to be secured by way of a Section 106 agreement.

13.0 Key Issues/Conclusions

13.1 The site is in a location where medium density flats can be accommodated where they have good access to available services and amenities provided by the town Centre and fringe areas.

13.2 The proposed flats are of a suitable size and layout and the standard of development that can be provided is considered appropriate, and meets the guidelines set out in the London Plan, and Council policy.

13.3 The application represents the appropriate refurbishment of an existing underutilised building in a location where residential development is appropriate, and is recommended to Members for approval.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

Human Resources implications and risks:

None.

Equalities implications and risks:

None

BACKGROUND PAPERS

Plans and Documents submitted with the application 26 February 20120

REGULATORY SERVICES COMMITTEE REPORT

17 May 2011

Subject Heading:

**P0324.12 41 White Hart Lane
change of use of the ground floor of
the premises to Tanning Shop (Sui
Generis).
(Application received 8 March 2012)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800**

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	[x]
Valuing and enhancing the lives of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

This matter is brought before committee as the site is Council owned. The application seeks planning permission for the change of use of the premises to Tanning Shop (Sui Generis). Staff are of the view that the proposal is acceptable and it is recommended that permission is granted subject to conditions.

RECOMMENDATIONS

It is recommended that planning permission be granted 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.

3. The premises shall not be used for the purposes hereby permitted other than between the hours of

- Monday to Saturday 8:30 am -10.00 pm
- Sunday and Bank Holidays 11.00 am - 4.00 pm

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.

INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies, DC33, and DC61 of the Local Development Framework Core Strategy and Development Control Development Plan Document together the National Planning Policy Framework, part 1 and 2.

REPORT DETAIL

1.0 Site Description

- 1.1 The application site comprises a vacant former commercial premises located on the western side of White Hart Lane, mid way between Collier Row Road, and Mawney Road. The premises is a Council owned property.
- 1.2 Opposite the site is the Crownfield Junior and Infant School. The site is located within a purpose built terrace building which contains a range of retail and commercial uses with flats above.
- 1.3 The site is not within a designated Minor Local Centre within the Borough.
- 1.4 The ground floor of the premises is currently vacant and was previously used as florist. Planning records indicate that the site had previous approval for use as betting shop. A residential flat is above the premises. There are flats on the upper floor of adjoining properties.
- 1.5 The shopping parade is typical of many others in the Borough and includes an off licence, betting shop, News agency, hairdresser, and take-away premises set amongst other shops.

2.0 Description of Proposal

- 2.1 This full planning application proposes the change of use of the ground floor of the premises to a Tanning Shop (Sui Generis).
- 2.2 The use will be established on the ground floor only. A separate residential tenancy is at first floor level with external access from the rear. The subject premises has a floor area of approximately 51sqm.
- 2.3 It is proposed that the premises will operate between
 - Monday to Saturday 8:30 am - 10.00 pm
 - Sunday and Bank Holidays 11.00 am - 4.00 pm

2.4 Customers will visit the premises after pre booking an appointment. There are to be 2.0 FTE staff employed in the business.

2.5 The premises has no access to regulated off street car parking.

3.0 Relevant History

3.1 There is no relevant planning history for the site.

4.0 Consultation

4.1 The application was publicised by direct notification to nearby properties. No letters of objection were received.

5.0 Relevant Policies

5.1 DC16, DC33 and DC61 of the LDF Development Control Policies Development Plan Document are relevant in the determination of this application. The NPPF is also relevant; 1) Building a Strong Economy and 2) Ensuring the Vitality of Town Centres.

6. Mayoral CIL Implications

6.1 The proposal does not generate a requirement for a CIL payment, as the application is for a change of use for non residential purposes.

7.0 Staff Comments

7.1 The key issues of consideration in the application relates to the suitability of the use for the subject site, impact on amenity, car parking and consistency with relevant policy.

8.0 Principle of Development

8.1 The application site is not within one of Havering's designated District or Minor Local Centres. The site is therefore not subject to numerical criteria which control the percentage of the frontage in retail and non-retail use, nor policies that encourage the retention of retail uses.

8.2 Non retail uses are not prevented from establishing in the Borough's smaller shopping centres. The proposed use is considered appropriate to a minor local shopping area as it complements the retail function of White Hart Lane, has an active frontage, is open during core retail hours and does not significantly harm the character, function and vitality and viability of the area.

8.3 The proposed change of use would therefore be acceptable in principle and would not be inconsistent with relevant policies.

9. Design/Impact on Street/Garden Scene

9.1 There are no impacts on the streetscene as a result of the proposal.

10. Impact on Amenity

10.1 It is not anticipated that there will be any significant noise and disturbance arising from the proposed use, as most people will have a pre-booked appointment, and will arrive at the White Hart Lane entrance. The level of noise is not expected to be significant.

10.2 It is considered that a change of use to a Tanning Salon (Sui Generis) would not result in any additional harm to the amenity of the neighbouring occupiers as the proposed opening hours would be limited to that requested by the applicant. Hours will therefore be conditioned to be between;

- Monday to Saturday 8:30 am -10.00 pm
- Sunday and Bank Holidays 11.00 am - 4.00 pm

10.3 Nor will there be any large, out of hours deliveries collection that could potentially affect the surrounding area.

11.0 Highway/Parking

11.1 Policy DC33 of the Core Strategy and Development Control Policies DPD is supported by Annex 5. Within Annex 5 there are no specific requirements outlined for parking for the use proposed.

11.2 The premises has no access to off-street parking. The amount of traffic that is likely to be generated is considered to similar to other surrounding retail uses and there is unlikely to be a significant change to access to on street car parking, although the standard for a retail shop is most relevant.

11.3 The parking provision is therefore considered sufficient and LBH Highways has no objection to the application.

12.0 Key Issues/Conclusions

12.1 It is considered that the proposal satisfies policy requirements in relation to the establishment of non-retail uses. The proposal is considered to meet the aims and objectives of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

12.2 The proposed use is considered appropriate in the context of surrounding uses, would be acceptable in terms of its impact on residential amenity and parking/highways, subject to a condition restricting the hours of operation.

12.3 The application is recommended to Members for approval, subject to conditions that include limiting the hours of operation.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application forms and plans received 08/03/2012.

REGULATORY SERVICES COMMITTEE

REPORT

17 May 2012

Subject Heading:

**P0312.12: 'The Earles,' Broxhill Road
Havering-Atte-Bower, Romford RM4 1QJ**

Removal of existing carport, alteration to front elevation and conversion of garage. The construction of a two storey rear extension, an external deck area and a detached garage. (Application received 14 March 2012)

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800
helen.oakerbee@havering.gov.uk**

Policy context:

**Local Development Framework
The London Plan 2011
National Planning Policy Framework**

Financial summary:

None

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

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 type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input checked="" type="checkbox"/>

SUMMARY

Planning permission is sought to convert the garage at this detached 2 storey single dwelling house to create additional habitable accommodation, for the removal of the existing car port, the construction of a two storey rear extension, an external deck area and a new detached garage.

The applicant has agreed to execute a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 which will enable the applicant to implement either this permission or an alternative development permitted by the Council on 4th February 2011 under Ref. P1653.10 but not both permissions.

Staff consider the proposal to be acceptable and it is recommended that planning permission is granted.

RECOMMENDATIONS

The application is unacceptable as it stands, but would be acceptable subject to applicant entering into a Unilateral Undertaking to secure the following:

- The owner/s (developer/s) of the application site covenanting not to implement both this Permission and the Planning Permission (planning Ref: P1653.10) dated 4th February 2011.
- As appropriate to bear the Council's reasonable legal costs incurred in considering the form of the Unilateral Undertaking.

That Staff be authorised that upon completion of the Unilateral Undertaking, planning permission be granted subject to the following conditions:

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

1. SC04 Time Limit

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

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended).

2. SC10 Matching Materials

All new external finishes shall be carried out in materials to match those of the existing building to the satisfaction of the local planning authority.

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.

3. SC31 Use as part of main dwelling

The extension hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 'The Earles, Broxhill Road' and not used as a separate unit of residential accommodation at any time.

Reason: The site is within an area where the local planning authority consider that the subdivision of existing properties should not be permitted in the interests of amenity, and to ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. SC32 In Accordance with Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. 10/701/27, 10/701/30, 10/701/31, 10/701/1 and 10/701/29.

Reason: For the avoidance of doubt and in the interests of proper planning.

5. SC62 Hours of Construction

No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity.

6. SC45A Removal of permitted development rights (extensions)

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 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.

7. Non standard condition. Removal of permitted development rights (gates, walls and fences)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, Article 3, Schedule 2, Part 2, Class A, no gates, walls, fences or means of enclosure shall be erected, constructed or altered within the site known as 'The Earles,' Broxhill Road, including the annexe hereby permitted, unless permission under the Town and Country Planning Act 1990 has first been sought and obtained in writing from the local planning authority.

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

8. Non standard condition. No sub-division of garden area.

The garden area of 'The Earles' shall not be sub-divided at any time nor shall there be provided any additional pedestrian or vehicular accesses into the site.

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

INFORMATIVES

1. Reason for Approval:

The development would accord with the aims, objectives and provisions of Policies DC33, DC45, DC61, DC69 of the Havering LDF Core Strategy and Development Control Policies Development Plan Document, Policies 7.1, 7.4, 7.6, and 7.16 of The London Plan 2011 and Section 9 (Green Belts) of the National Planning Policy Framework 2011.

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 dwelling house) is needed.

2. This planning permission is subject to a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 to the effect that only this

permission or that approved under the Council's Planning Permission Ref. P1653.10 dated 4th February 2011 is implemented and not both permissions.

REPORT DETAIL

1. Site Description

- 1.1 The application site lies to the east of Broxhill Road and comprises a detached 2 storey dwelling set centrally within the site. There is a single vehicular access from Broxhill Road. The site is enclosed by boundary walls and gates to the front. The side and rear boundaries are enclosed by fencing and vegetation which screen much of the site from view.
- 1.2 To the south of the site is the Broxhill Centre and to the north are some scattered residential dwellings. Broxhill Road is lined with trees and has a rural character, separate from that of the junction with Noak Hill Road which is characterised by the highway and surrounding buildings. Broxhill Road slopes northwards with the site set lower than the highway.
- 1.3 The site forms part of the designated Metropolitan Green Belt and steps slowly to the east to form the rear garden. Neighbouring properties north on Broxhill Road are positioned higher due to the level change along the street. The site also forms part of the Havering Ridge of Special Character.

2. Description of Proposal

- 2.1 Permission is sought for a garage conversion to create additional habitable accommodation, the removal of an existing car port, the construction of a two storey rear extension, an external deck and a new detached garage.
- 2.2 The two storey rear extension would measure 4 m deep (at ground and first floor), 11.2 m wide and 7.6m high to the ridge. The roof would be 4m below the main ridge line of the existing house. At ground floor the extension would comprise a kitchen and sun room and at first floor two bedrooms with bathrooms.
- 2.3 The external deck area would measure 3.5 m deep and project out around the extension by a further 2.2 m.
- 2.4 The new garage would be located to the southern edge of the property and measure 6.5 m deep, 4 m wide and 3.7 m high with a pitched roof.

3. Relevant History

- 3.1 P1653.10 - Two storey front extension with alterations to front elevation. First floor side extension and single storey rear extension - approved.

P1817.87 - Detached dwelling with garage - approved.

P1919.86 - Demolition of existing house and construction of a new dwelling house - approved.

L/HAV/1071/80 - Temporary siting of residential caravans - approved.

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 9 properties. No representations have been received.

4.2. A site notice has been displayed advertising a development within the Metropolitan Green Belt. No representations have been received.

5. Relevant policies

Policies DC33, DC36, DC45, DC61, DC69 of the Havering LDF Core Strategy Development Control Policies DPD.

Residential Extensions and Alterations SPD.

Policies 7.1, 7.4, 7.6, 7.16 and 8.3 of The London Plan 2011.

Section 9 (Green Belts) of the National Planning Policy Framework 2011.

6. The Mayor's Community Infrastructure Levy

The net increase in gross internal area (GIA) of the resultant dwelling will be 71 square metres and the GIA of the proposed garage is 22.7 square metres. This gives an overall increase in GIA of 93.7 square metres and the proposal is not therefore considered to be liable to the Mayor's Community Infrastructure Levy.

7. Staff Comments

7.1 The determining issues to consider relate to the principle of development particularly the impact of the proposed extension and alterations upon the open character of the Metropolitan Green Belt and the streetscene, neighbouring residential amenity, highway matters and parking. It is because the development would exceed 50% of the volume of the original building that this application is brought to the Committee.

Principle of Development and Green Belt Implications

7.2 The site is situated within the Metropolitan Green Belt where development is restricted in order to limit the sprawl of urban settlements, safeguard the countryside from encroachment and preserve the setting and character of historic towns. Green Belts are characteristically open in character. Section 9 of the National Planning Policy Framework states the extension or

alteration of a building may be acceptable, provided that it does not result in disproportionate additions over and above the size of the original building.

- 7.3 London Plan policy 7.16 requires that the strongest protection is given to London's Green Belt in accordance with national guidance. Inappropriate development should be refused. Development will be supported if it is appropriate and help secure the objective of improving the Green Belt.
- 7.4 LDF Policy DC45 states that extensions to existing dwellings in the Green Belt will only be allowed provided that the cubic capacity of the resultant building is not more than 50% greater than that of the original dwelling. Extensions to buildings should not have an adverse impact upon the character or openness of the Green Belt.
- 7.5 The dwelling as existing is a replacement dwelling, following the grant of planning permission P1817.87. Plans submitted with the 1987 application state that the original dwelling on the site (now demolished) had a volume of 675 cubic metres. This dwelling was a bungalow with accommodation within the roof space. The dwelling was arranged with a central entrance with a room either side each with a single centrally located window. There are no measurements or scales on the plans which enable Staff to accurately measure the dimensions of the now demolished original dwelling. However, given the modest scale of the house on plan, it is considered that the cubic content figure of 675 m³ is inaccurate.
- 7.6 The applicant has provided calculations which state that the existing property has a volume of 1,063.43 cubic metres, representing an increase of 57% over the original stated volume. However, as detailed above, Staff question the accuracy of this, and given the length of time that the dwelling as existing has been on site, consider some flexibility may be given in considering the acceptability of further extensions.
- 7.7 The extension proposed within this application result in an increase of 263.96 m³, to create a total volume of 1,327.39 m³. The proposal represents a 24% increase above the existing dwelling. Despite the absence of accurate original dimensions, it is considered that the proposals would represent a figure in excess of 70% over the original dwelling. The acceptability of this is considered below.
- 7.8 Staff note that planning permission has been granted for extensions to the dwelling under reference P1653.10. However, the applicant has stated that they are unable to construct the first floor extension over the garage due to poor quality foundations. Additional structural support would be overly expensive in this case, and alternative proposals are now sought. The permitted increase over the existing dwelling was 28%. The current proposals are therefore for a similar but slightly reduced volume, in a form which does not extend the width of the dwelling at first floor. The extension is not considered 'disproportionate' to the existing dwelling.

- 7.9 London Plan policy 7.4 'Local Character' requires development to provide a high quality design response to the form, function and structure of an area. Policy 7.7 'requires 'Architecture' to incorporate the highest quality materials and design appropriate to its context.
- 7.10 LDF Policy DC61 states that planning permission will only be granted for development which maintains; enhances and improves the character and appearance of the local area.
- 7.11 The site also lies within the designated Havering Ridge Special Character Area. LDF Policy DC69 states that the Council will seek to preserve the special character of Havering Ridge, including protecting views to and from the area.
- 7.12 The existing property has an extended canopy over a car port which projects to the northern boundary. This gives the impression that the existing dwelling is wider than it actually is. It is proposed to remove this canopy and open up this side of the property that faces the adjacent dwelling. This would allow for open views down the plot, and refocus the bulk of the dwelling centrally to the front gable, rather than the extended canopy.
- 7.13 The dwelling is set centrally within the site and is partially screened from the highway by mature trees which line the boundaries. Broxhill Road rises steeply north with the dwelling in the site set slightly lower than the highway. The rear extension would replace an existing conservatory and bay window and would not be visible as part of the streetscene, nor raise the height of the dwelling nor increase the dwellings width. The depth of the building would increase, although this would not be visible from the public highway.
- 7.14 The extension would be finished with a double hipped roof which is set lower than that of the main ridge line, and would be constructed in matching materials. At first floor the plans are shown with two Juliette windows which overlook the rear garden. Staff raise no objection to the Juliette windows, as these do not project from the elevation.
- 7.15 Beneath the rear extension is a proposed deck area, which stretches across the entire rear elevation. This would not be visible as part of the streetscene or from surrounding view points, given existing boundary screening and relative isolation of the plot. Staff consider that whilst this would increase the built footprint of the property, the remainder of the site would be open in character to which no objection is raised.
- 7.16 The existing balcony to the front elevation is to be removed and replaced with conventional windows, retaining the small gables set at eaves level; this is a relatively minor alteration which is considered acceptable.
- 7.17 The existing garage would be converted to additional living accommodation; this has been previously approved as part of P1653.10 and remains acceptable. However, it is now proposed to construct a detached garage, in place of a car port that would be removed. The new garage would be set to

the southern elevation of the property and would be visible from the highway. This is a simple rectangular structure, finished with a gable fronted roof and is of a conventional appearance to which Staff raise no objection. With regard to openness, the garage is of a lesser width than the car port to be removed and appears as a subordinate structure. Staff therefore consider the garage acceptable.

- 7.18 Dwellings along Broxhill Road are individually designed and well spaced apart, as such; the streetscene is of a mixed character where the enlarged dwelling is considered to acceptably integrate. Furthermore, given the existing screening around the site and the level changes in the locality, it is considered that the proposals would not compromise the special character or views of Havering Ridge.
- 7.19 It is considered the extension would provide a symmetrical appearance and acceptably blend into the existing dwelling, although one which is much larger.
- 7.20 In conclusion, it is considered the extension would not result in adverse harm to the open character of the Green Belt and would be acceptable within the street scene.
- 7.21 Further, the applicant has agreed to enter into a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 agreeing to implement only this permission or the development permitted by the Council on 4th February 2011 under Ref. P1653.10 but not both permissions.

7.3 Impact on Amenity

- 7.3.1 The Earles is a detached dwelling set away from all boundaries. The nearest property 'Keepers Cottage' is situated to the north and is positioned higher due to the level change on Broxhill Road.
- 7.3.2 The proposed two storey rear extension incorporates a single first floor flank window, which serves as a secondary window to a bedroom. This would overlook the garden of the host dwelling and face 'Keepers Cottage' to the north. This is not considered to result in overlooking, or harmful loss of residential amenity given its facing over the garden rather than the neighbouring dwelling. At a distance of 13.3 m to the boundary and secondary nature. Staff raise no objection to this window.
- 7.3.3 The property is not to increase in width or height and the distance between this property and 'Keepers Cottage' would therefore remain the same. In all it is considered that there would be no harm to neighbouring residential amenity. The detached garage is set to the southern boundary, across which is open land, where no loss of amenity is considered to result.
- 7.3.4 The rear garden is not proposed to be altered. The garage conversion is considered appropriate.

7.3.5 The ground floor alterations propose to create a ground floor annex for the elderly relatives of the existing occupants. The annex has two connections into the main dwelling and could be accessed independently from the outside into the annex kitchen. The layout is considered to acceptably work as an annex, and the external access is considered acceptable as it is not unusual for dwellings to have side accesses. However, whilst the layout is integrated into the existing dwelling and contained to a part of the ground floor leaving the main house as the primary accommodation, there is potential that the unit could be converted and is self contained. It is therefore considered appropriate that a condition be attached to any consent restricting the subdivision of this annex to create a self contained unit in future.

7.4 Parking and Highway Issues

7.4.1 The proposals involve the loss of the existing garage. However, a new garage would be provided and the site has a large area of hard standing to the front which would remain where there is space for several vehicles. This arrangement is considered acceptable. Highway access from Broxhill Road is to remain and there are no proposed changes. In all, it is considered that the development would not result in adverse harm to the highway.

8. **Conclusion**

8.1 It is considered that the proposals would acceptably integrate into the existing dwelling and wider Broxhill Road streetscene. The enlarged dwelling would not detract from the special character of views in and out of Havering Ridge. The rear extension would not be visible as part of the streetscene and the detached garage is considered to be of a subordinate form to the main dwelling. The removal of the car port would also create the impression of openness towards the northern edge of the plot which would improve and enhance the open character of the Green Belt.

8.2 The proposal is considered to be acceptable in principle and Staff recommend that planning permission be granted subject to conditions and the completion of a unilateral undertaking.

IMPLICATIONS AND RISKS

Financial implications and risks:

None directly affecting the Council.

Legal implications and risks:

Legal resources will be required in the consideration of the Unilateral Undertaking.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form, drawings Nos. 10/701/27, 10/701/30, 10/701/31, 10/701/1
10/701/29 and Design and Access Statement supporting statement received on 14
March 2012.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

17 May 2012

Subject Heading:

**P0350.11 – 19-21 Eastern Road,
Romford**

**Demolition of existing building and
erection of six storey mixed-use
building comprising Class B1 office
space with associated reception area
and seven residential apartments
(Application received 3rd March 2011)**

Report Author and contact details:

**Helen Oakerbee (Planning Control
Manager) 01708 432800**

Policy context:

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

Financial summary:

None

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

Clean, safe and green borough	[X]
Excellence in education and learning	[]
Opportunities for all through economic, social and cultural activity	[]
Value and enhance the life of every individual	[]
High customer satisfaction and a stable council tax	[]

SUMMARY

The application relates to the proposed construction of a new mixed use building within the Office Quarter of Romford Town Centre. The proposed six storey building would include new office floor space, together with seven residential apartments.

This application was initially considered by the Regulatory Services Committee on 9 June 2011. The application was deferred, at Member's request, for Staff to seek an increase in the Section 106 contributions proposed in connection with the development. Since the application was deferred there have been a number of material changes in national and local planning policies that significantly affect the way in which the cost of infrastructure requirements arising from the development are calculated and the financial liabilities of the development.

The previous report to Members is re-produced below but has been updated to reflect the recent changes in planning policy. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

RECOMMENDATIONS

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

- A financial contribution of £42,000 to be used towards infrastructure costs in accordance with the Planning Obligations Supplementary Planning Document.
- A restriction on residents of the development, save for blue badge holders, applying for parking permits within the local area.
- The provision and implementation of a workplace travel plan for the office floor space in accordance with Transport for London guidelines.
- All contribution sums shall be subject to indexation on the basis of the Retail Price Index or an alternative index acceptable to the Council from the date of the agreement to the date of payment.
- All contribution sums once received shall include any interest accrued to the date of expenditure.
- The Council's legal fees for preparation of the agreement shall be paid prior to completion and the Council's planning obligation monitoring fees shall be paid as required by the agreement.

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

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

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

2. Accordance with plans - 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 the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the buildings shall be submitted to and approved in writing by the Local Planning Authority. 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 in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees

or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

8. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

9. External lighting - Prior to the commencement of the development a scheme for the lighting of external areas of the development shall be submitted to and approved in writing by the local planning authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The approved scheme shall then be implemented in strict accordance with the agreed

details prior to the first occupation of the development and retained thereafter to the satisfaction of the Local Planning Authority.

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

10. Biodiversity – Prior to the commencement of the development a method statement shall be submitted to and approved in writing by the Local Planning Authority outlining details of how the proposed ecological report recommendations and associated habitat enhancement measures will be implemented. The development shall thereafter be carried out in accordance with the agreed details.

Reason: In order to ensure that the proposed development has an acceptable impact on biodiversity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC58 and DC59.

11. Hours of construction - No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

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

12. Wheel washing - Before the development hereby permitted is first commenced, details of wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be permanently retained and used at relevant entrances to the site throughout the course of construction works.

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

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

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;

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

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

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

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

a) A Phase II (Site Investigation) Report 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 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.

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

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

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

Reason:

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

15. Sustainability - No development shall be commenced until a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development will meet the sustainable design and construction of both the London Plan and Local Planning Authority. No occupation of the development shall take place until the developer has provided a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 3' rating. The development shall be carried out in full accordance with the agreed Sustainability Statement. Before the development is occupied the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure that the required minimum rating has been achieved. Also no occupation shall take place until the developer provides a copy of the final Building Research Establishment (BRE) certificate confirming that the development design achieves the minimum BREEAM rating required of "Very Good". The development shall be carried out in full accordance with the agreed Sustainability Statement and a BREEAM Post Construction Assessment shall be carried out on all or a sample of the development to ensure that the required rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

16. Renewable energy - Prior to the commencement of the development hereby approved, details of measures to ensure an energy efficient development, including details of any proposed roof mounted solar panels, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out and completed in accordance with the agreed details to the satisfaction of the Local Planning Authority

prior to the occupation of any part of the development. Thereafter, it shall be permanently retained.

Reason: In the interests of energy efficiency and sustainability in accordance with Policy DC49 of the LDF Development Control Policies Development Plan Document and the London Plan.

17. Sound insulation - Prior to the first occupation of the commercial elements of the development shall be insulated in accordance with a scheme which shall previously have been submitted to and approved in writing 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 and Noise'.

18. Sound attenuation - The residential apartments hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

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

19. Assessment of noise from adjacent plant - Prior to the commencement of the development an assessment shall be undertaken of the noise from plant and equipment on adjacent buildings and a scheme for protecting the proposed residential apartments from such noise shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be implemented in accordance with the agreed details before the first occupation of the residential apartments.

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

20. Railway noise assessment - Prior to the commencement of any development, an assessment shall be undertaken of the impact of:
- a) railways noise (in accordance with Technical memorandum, "Calculation of Railway Noise", 1995); and
 - b) vibration from the use of the railway lines

Upon the site.

Following this, a scheme detailing the measures to protect residents from railway noise and vibration is to be submitted to and approved in writing by the Local Planning Authority and implemented prior to the first occupation of the development.

Reason: To protect residents from transportation noise and vibration in accordance with the recommendations of Planning Policy Guidance Note 24 'Planning and Noise'.

21. River corridor enhancement - No development shall take place until a scheme for the provision and management of compensatory river corridor habitat enhancement has been submitted to and agreed in writing by the local planning authority and implemented as approved. Thereafter the development shall be implemented in accordance with the approved scheme. The scheme shall include:

- details of the planting scheme (native species only within the buffer zone)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

Reason: Development that encroaches on the Black's Brook has a potentially severe impact on its ecological value, and past developments adjacent to the brook have shown this. Government policy in Planning Policy Statement 9 states that where proposed development would cause significant adverse impacts on biodiversity interests, which cannot be prevented or adequately mitigated against, appropriate compensatory measures should be sought.

22. Opening hours of offices - The office floor space hereby approved shall not be used for the purposes hereby permitted other than between the hours of 07:00 and 20:00 on any day 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 the LDF Development Control Policies Development Plan Document Policy DC61.

23. Restriction of use - Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended), the B1 office floor space as indicated on the approved plans shall remain as such unless and until an application to change its use is permitted by the Local Planning Authority.

Reason: To restrict the use of the building to one compatible with the surrounding area and to enable the Local Planning Authority to exercise control over any future use not forming part of this application.

24. Accordance with Flood Risk Assessment - The development permitted by this planning permission shall only be carried out in accordance with the approved Rainham Flood Risk Assessment (FRA) revision B compiled by Tully De'Ath consultants dated 7th January 2011 and the mitigation measures detailed within the FRA.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

INFORMATIVES

1. The applicant is advised that this development will be liable for the Mayor's Community Infrastructure Levy.
2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway 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 the StreetCare Service (Traffic and Engineering section) to commence the submission/licence approval process.
3. In aiming to satisfy condition 8 above, the applicant should seek the advice of the Borough Crime Prevention Design Advisor. He can be contacted through either via the London Borough of Havering Planning Control Service or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ.
4. Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works or structures in, over, under or within 8 metres of the top of the bank of Blacks Brook, designated a 'main river'.
5. Reason for Approval:

The proposal is considered to be in accordance with Policies CP1, CP2, CP4, CP9, CP15, CP17, DC2, DC3, DC7, DC12, DC20, DC21, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC60, DC61, DC63 and DC72 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Policies ROM13, ROM14, ROM15, ROM17, ROM19, ROM20 and ROM21 of the LDF Romford Area Action Plan Development Plan Document. The proposal is also considered to be in accordance with the provisions of Policies 2.7, 2.15, 3.3, 3.4, 3.5, 3.8, 4.1, 4.2, 4.3, 4.7, 5.2, 5.3, 5.7, 5.21, 6.1, 6.3, 6.9, 6.10, 6.13, 7.3, 7.4, 7.6, 7.15 and 8.2 of the London Plan and the National Planning Policy Framework, specifically Sections 1, 2, 4, 6 and 7.

Planning Obligations

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

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

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the north west side of Eastern Road within Romford Town Centre. The site is situated 130 metres to the west of Mercury Gardens which forms part of the town's ring road. The site is presently occupied by two inter-linked former residential properties which are presently in office use. There is an area of hard surfacing to the front and rear of the building both of which are presently used for parking. The site is broadly rectangular in shape with a width of 15 metres by 38 metres in depth. The site has an area of 0.06 hectares. To the rear of the site (north) is an open portion of Blacks Brook a small river channel which is culverted for the majority of its length. There is a change in ground levels across the site with the ground gently sloping away from the site frontage towards the rear (north). The change in level is approximately 0.6 metres.
- 1.2 The immediate area along Eastern Road predominantly comprises a collection of office buildings all of around five stories in height. The majority of the buildings are finished in either red facing brickwork with large areas of glazing or white render with horizontal or vertical strip glazing. The only exceptions to this are the buildings presently on the application site, a building on the adjoining site at 21a Eastern Road and the Romford Old Folks Club. 21a Eastern Road comprises a two storey flat roof brick building which appears to be presently vacant. The Romford Memorial Old Folks Club is a single storey brick building with timber cladding with a shallow pitched roof finished in corrugated panels.

2. Description of Proposal

- 3.1 This application seeks planning permission for the demolition of the existing building on site and the construction of a new six storey building. The proposed building would provide 962 square metres of class B1 office space and seven residential apartments (4 no. two bedroom and 3 no. three bedroom). At ground floor would be an undercroft parking area, a reception for the office accommodation and a separate entrance for the residential apartments. The first and second floors of the building would comprise of office space. The third floor of the building would comprise office space and a single three bedroom residential apartment. The fourth floor would comprise 2 no. three bedroom apartments and 1 no. two bedroom apartments. The fifth floor of the building would comprise 3 no. two bedroom apartments.

3.2 The proposed building would be 14.3 metres in width by a maximum depth of 28.5 metres. The proposed building would be of flat roof design with a maximum height of 18.2 metres. The building would be finished in a white render with grey aluminium windows and black UPVC rainwater goods. To the front façade the central portion of the building would feature full height glazing separated by a natural coloured weatherboarding. At ground floor level the proposed office and apartment entrances would feature full height glazing and grey blue facing brickwork. The top floor of the building would be recessed and feature full height glazing to the front and rear elevations. To the rear elevation the proposed building would have a staggered façade which would enable the provision of external terrace areas to the fourth, fifth and sixth floors. The external terrace areas would feature dark grey powder coated steel railings.

3. Relevant History

3.1 There is no relevant planning history.

4. Consultations/Representations

4.1 The application was advertised and neighbour notification letters sent to 59 adjoining addresses with no letter of representation being received.

4.2 The Environment Agency raises no objection in principle to the proposed development subject to the imposition of a planning condition.

4.3 Thames Water raises no objection with regard to sewerage infrastructure.

5. Relevant Policies

5.1 National Planning Policy Framework

Sections 1 (building a strong, competitive economy), 2 (ensuring the vitality of town centres), 4 (promoting sustainable transport), 6 (delivering a wide choice of high quality homes) and 7 (requiring good design) of the NPPF are of particular relevance.

5.2 Regional Planning Policy

Policies 2.7 (outer London economy), 2.15 (town centres), 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 4.1 (developing London's economy), 4.2 (offices), 4.3 (mixed use developments and offices), 4.7 (retail and town centre developments), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.7 (renewable energy), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture),),

7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan are material considerations.

There is also a range of Supplementary Planning Guidance to the London Plan.

5.3 Local Planning Policy

Policies CP1, CP2, CP4, CP9, CP10, CP15, CP17, DC2, DC3, DC7, DC12, DC20, DC30, DC32, DC33, DC34, DC35, DC36, DC40, DC48, DC49, DC50, DC51, DC52, DC53, DC55, DC58, DC59, DC61, DC62, DC63 and DC72 of the Local Development Framework (LDF) Core Strategy and Development Control Policies Development Plan Document (DPD) are material considerations.

The Romford Area Action Plan SPD is a material consideration, specifically policies ROM13, ROM14, ROM15, ROM17, ROM19, ROM20 and ROM21.

In addition, Residential Design Supplementary Planning Document (SPD), Designing Safer Places SPD, Protecting and Enhancing the Borough's Biodiversity SPD, Protection of Trees During Development SPD, Heritage SPD and Sustainable Design and Construction SPD are material considerations.

6. **Staff Comments**

6.1 The issues arising from this application are the principle of development, the layout and density of the development, design and street scene issues, impact on amenity, parking and highway issues, sustainability and community safety.

6.2 **Background**

6.2.1 This application was previously considered by the Regulatory Services Committee on 9 June 2011. At that time, the application was recommended for approval subject to planning conditions and a Section 106 contribution of £20,000 for cycling and pedestrian improvements and a contribution of £15,000 for local tree planting and landscaping works. The Committee resolved to defer the application to enable Staff to seek an increased Section 106 contribution from the development.

6.2.2 Since the application was deferred there have been a number of changes in national and local planning legislation. The London Plan was revised in July 2011 and on 1 April 2012 the Mayor's Community Infrastructure Levy was introduced. The Council's Planning Obligations Supplementary Planning Document is also out to public consultation and is a material consideration in the determination of this application. The National Planning Policy Framework has also recently come into force.

6.2.3 The previous report to Members has been updated to reflect these policy changes. However, of particular significance are the changes to the financial liabilities of this development following the introduction of the Mayoral CIL and the Council's Planning Obligations SPD. The Mayoral CIL liability has been calculated as £27, 560 (details of this are set out below). The Planning Obligations SPD sets a tariff of £6,000 per residential unit, resulting in a required Section 106 contribution of £42,000 (i.e. 7 units @£6k per unit). The developers have confirmed that they are prepared to accept this requirement. The Section 106 contribution, at £42,000 is higher than the sum of £35,000 originally requested and, in combination with the Mayoral CIL liability, results in a total CIL/S106 requirement of £69,560. Staff consider the proposal to be entirely compliant with policy in respect of the Section 106 contributions offered and that the proposal is now acceptable in this respect.

6.3 The Mayor's Community Infrastructure Levy

6.3.1 The proposed development is liable for the Mayor's Community Infrastructure Levy (CIL). It is also within a part of the Borough which is liable for a Crossrail contribution under the terms of the Mayor's Planning Obligations SPD July 2010.

6.3.2 Under the terms of the Mayor's Planning Obligations SPD, a contribution of £12,600 would have been payable. This is payable on new office floorspace over 500 square metres, at a discounted rate of £24 per square metre (£24 x 525 sq.m.).

6.3.3 The Mayoral CIL requirement is based on the gross internal area (GIA) of the development. The proposal has a GIA of 1,815 square metres. From this, the existing floorspace of 437 sq.m. may be subtracted, giving a net increase in floorspace of 1,378 square metres. The Mayoral CIL liability is therefore £27,560 (based on 1,378 sq.m. @ £20).

6.3.4 The Mayor is able to charge both CIL and the Planning Obligations tariff in tandem but has indicated that, where relevant, the CIL payment will be treated as a credit towards the Planning Obligations payment. In this case, the CIL requirement is greater than that of the Planning Obligations payment, and a liability notice in respect of the CIL requirements will be issued at the appropriate time.

6.4 Principle of Development

6.4.1 The application site is located in part of Romford Town Centre known as the 'Office Quarter' in the Romford Area Action Plan. The Office Quarter is bounded by Western Road to the north, Mercury Gardens to the east, Chandlers Way to the west and the railway line to the south. Whilst the Office Quarter is regarded by the Council as an important office location in east London it is acknowledged that the existing office stock is becoming dated and may not meet the needs of current and future potential occupiers. In order to replenish the existing stock and help meet the forecast need for

new office space, the Council has adopted policy through the Romford Area Action Plan to allow for more intensive forms of development. The Council's aspirations for the Office Quarter are to see the creation of a high quality business district incorporating new public open spaces, cafes and restaurants.

6.4.2 Policy ROM13 of the Romford AAP is seen as the key policy for development proposals in this part of the town centre. Policy ROM13 advises that proposals to increase the office accommodation in the Office Quarter will be encouraged. In order to increase the vitality and viability of the Office Quarter higher densities will be allowed and residential and Class A3 uses encouraged provided that:

- There is no net loss of office space in any redevelopment of existing sites;
- New developments include a significant element of new office space within the scheme; and
- In line with ROM17 and ROM21, new developments incorporate tree planting and green amenity space, and new hard landscaped public spaces

6.4.3 The proposal would result in the demolition of the existing two storey building on the site which provides 437 square metres of class B1 office space. The proposed development would see the construction of a new mixed use building comprising 962 square metres of class B1 office space and seven residential apartments. Staff are of the view that the proposed development would include a significant element of new office space as sought by Policy ROM13. The inclusion of seven residential units is considered to be acceptable in principle and would help to improve the vitality and viability of the Office Quarter.

6.4.4 The Council recognises that there are issues about the quality of the environment in the Office Quarter and the wider town centre. To address these concerns the Council's objectives for the town centre include proposals to increase the quality of public open space and to plant additional trees. One such project is 'Greening the Ring Road', which is one of the Mayor of London's 100 Public Spaces Programme. The application includes a requirement for a Section 106 contribution of £42,000 in accordance with the Council's draft Planning Obligations SPD which can be used for appropriate infrastructure works.

6.4.5 Government planning policy within the NPPF seeks to secure economic growth and the proposal is consistent with this in principle. It also seeks to ensure the vitality of town centres and this proposed mixed use development of offices and residential is considered to accord with this objective. The proposal creates new housing where jobs are created and encourages the provision of a mixture and range of housing. The proposal is also consistent with London Plan objectives to support town centres and to provide additional housing. Staff are therefore of the view that the proposed mixed use development is acceptable in principle having regard to both local and national planning policies.

6.5 Residential:

- 6.5.1 The proposed mixed use development would incorporate seven residential apartments to the upper floors of the building. Within Romford Town Centre Policy DC2 of the LDF anticipates a residential development density of 240-435 units per hectare. Disregarding the non-residential floor space that is proposed as part of the proposal, this represents a residential density of approximately 116 units per hectare. Having regard to the fact that the proposal is for a mixed used redevelopment of the site staff are of the view that the density of development is acceptable. Staff are of the view that the proposal would make efficient use of the site and accord with the objectives of Policy 3.3 of the London Plan to increase housing supply.
- 6.5.2 Policies DC2 and DC6 seek to ensure that residential development proposals provide a good mix of unit sizes in accordance with local housing need surveys. This proposal would provide 4 no. two bedroom and 3 no. three bedroom apartments. As recognised by Policy ROM15 there is a need for larger family units within Romford Town Centre therefore staff consider that the mix of apartment types within the scheme is acceptable. The proposed apartments would be arranged across the third, fourth and fifth floors of the building. The proposed apartments would be arranged around an internal stair and lift well. The size of the apartments would be between 64 and 76 square metres for the two bedroom apartments and between 82 and 95 square metres for the three bedroom apartments. The proposed apartments are considered to be adequately sized and are self-contained. The relationship between each of the proposed apartments and their stacking is considered to be acceptable.
- 6.5.3 The proposed flat to the third floor of the building (labelled plot 1 on the submitted plans) would be sited on the same floor as some of the proposed office space. Whilst it is unusual to have a situation where a residential accommodation is provided immediately adjacent to office space, staff are of the view that the relationship would not be harmful to future occupiers. The operation of the proposed office during the daytime would be unlikely to disturb future occupiers of the proposed flat given the existing background ambient noise levels to be expected in a town centre location. In the later evening and overnight period when a future occupier would expect a reduced level of noise the proposed office accommodation is likely to be closed. Future occupiers would however be aware of this relationship prior to occupying the flat and the attractiveness of the flat as living accommodation would be a matter of choice for the prospective occupiers. Nevertheless a sound proofing condition and a restricting on the opening hours of the offices is recommended to ensure that amenity is safeguarded. Users of the proposed office accommodation would not be materially affected by the residential use.
- 6.5.4 The design of the proposed apartments is such that they would be fully accessible to those with disabilities, with each of the units being built to meet the Lifetime Homes standard. The proposal is considered to accord with Policy DC7 in this respect and would provide residential

accommodation to meet the needs of individuals throughout their lives through changing circumstances.

6.5.5 In respect of amenity space Members will be aware that the Council has adopted a Supplementary Planning Document (SPD) for Residential Design which unlike previous guidance does not prescribe fixed standards for private amenity space. Instead the SPD places emphasis on new developments providing well designed quality spaces that are usable. In the case of flatted schemes the SPD advises that both balconies and communal amenity space will be expected. The proposed development would see the provision of external terrace areas for each flat. The terraces would vary in area between 4 and 14 square metres. Staff are of the view that the proposed terrace areas are acceptable. Given the location of the application site and the mixed use nature of the proposed development no communal amenity space would be provided. Members will be aware that in order to include an element of housing within town centres Government guidance encourages local authorities to take a flexible approach with amenity space standards. Staff consider that the absence of communal amenity space from within the development is acceptable and would not be unacceptably harmful to local character of future occupiers of the development. The absence of amenity space from the development is consistent with other recent planning decisions for flatted development within Romford Town Centre.

6.6 Site Layout and Design

6.6.1 The proposed development would cover the majority of the site area however development which is close to site boundaries is common within a built up urban environment such as Romford Town Centre. The Eastern Road street scene is drawn by a variety of office buildings which are for the most part constructed tight to the site boundaries. The extent of site coverage and the position of the proposed building within the site is not therefore materially out of keeping with surrounding development. The existing building on site sits roughly 5-6 metres from the back edge of the footway which is in contrast to the majority of adjacent and newer developments within the street which maintain a front building line of about 4 metres from the back edge of the footway. The proposed building would therefore be sited closer to the front site boundary than the existing building in order that the building line of adjoining buildings is continued.

6.6.2 Romford Town Centre is characterised by a variety of building forms and heights. Within the Romford Office Quarter the scale of development is currently predominantly four storeys however in order to increase the development potential of sites and enable mixed use development Policy ROM13 advises that buildings of between six and eight storeys will be encouraged. Policy ROM19 relating specifically to tall buildings acknowledges that high buildings may be acceptable in principle within the office quarter. For the purposes of the Local Development Framework tall buildings are defined as buildings of 6 storeys or greater or buildings over 18 metres in height above ground level. All tall buildings should be of

exemplary high quality and inclusive design and must comply with policy guidance as set out in Policy DC66. This Policy advises that tall buildings should preserve or enhance the natural environment, the historic environment, local amenity and the local character of the area. Policy DC66 also seeks to ensure that new development is suited to the site and to the wider context in terms of proportion, composition and relationship to other buildings.

- 6.6.3 The proposed building would be six storeys in height, although the visual impact of this would be mitigated by the recessed nature of the top floor and the use of full height glazing giving the top floor a lightweight appearance. The proposed building would take a contemporary form, particularly evidenced by the chosen palette of external materials and flat roof design. The bulk and massing of the proposed building would be broken down by the use of a range of external materials. The ground floor of the building would be formed of grey blue facing brickwork with full height glazing to provide an active frontage to the street. The façade of the building would be formed of two vertical rendered bays interspersed by large window openings and weatherboarding. The central section of the building's façade would be formed of full height glazing interspersed by weatherboarding. Staff are of the view that the bulk and massing of the building is acceptable and that the proposal would have an acceptable relationship with the street scene and adjoining buildings. The materials chosen for the proposed development are contemporary and durable and would require minimal maintenance. Staff are of the view that the proposed materials would provide a suitably high quality appearance for the development. The proposed materials would give the development an attractive and distinctive character which staff consider would be complimentary to the local area. Further details of materials including samples can be requested via condition.
- 6.6.4 The proposed building has been designed with the majority of window openings facing the street or towards the rear. The reasoning behind this is to prevent the proposed development from prejudicing the redevelopment of adjoining sites in the future. The limited number of window openings in the flank walls of the proposed building would result in these elevations appearing somewhat unrelieved. In street scene terms the flank wall of the building facing west would be screened by the adjoining building at nos. 9-17 Eastern Road. To the east of the site however the adjoining site at 21a Eastern Road is presently occupied by a two storey flat roof building. The height of the adjoining building would result in the majority of the proposed building's east facing elevation being visible from within the street scene. Members are therefore invited to exercise their judgement in respect of the appearance of the flank wall within the street scene. The need to ensure that the proposed building does not prejudice the redevelopment of the adjoining site has to be balanced against the impact of the proposal in design terms. As a matter of judgement staff are of the view that the impact of the flank wall would be acceptable in the street scene.
- 6.6.5 The forecourt area of the proposed development onto Eastern Road would feature two parking spaces, access paths for the building and a central

roadway area providing access to an undercroft parking area. The forecourt would be predominantly block paved with planting beds provided against either flank boundary. Members are invited to exercise their judgement in respect of the visual impact of the proposed forecourt layout in the street scene. Although the proposal would result in a fairly large area of hard surfacing the existing forecourt area is entirely hard surfaced with tarmac. The proposal would therefore provide an opportunity to introduce better quality surfacing materials and some areas of landscaping. Staff are of the view that the proposal is acceptable and would not appear out of character with the street scene.

6.7 Impact on Amenity

- 6.7.1 To the west of the application site is a five storey office building at nos. 9-17 Eastern Road. This building is effectively a T shape and projects towards the rear for almost the entire depth of its plot. Given the configuration of the building on the site there are a number of windows facing towards the application site. The portion of the neighbouring building nearest to Eastern Road and the party boundary with the application site contains only one small window which is understood to serve a stairwell. The rear portion of the neighbouring building is set 9.5 metres from the party boundary with the application site. The proposed building would be set off the boundary by 2.9 metres resulting in a separation distance between the two buildings of 12.4 metres. Although the proposed building may reduce the light received given that the neighbouring building is in office use this is not judged to be harmful.
- 6.7.2 To the east of the application site is a two storey commercial building at 21a Eastern Road which appears to be presently vacant. The building has a number of flank windows facing the application site however these each contain frosted glass and are understood to serve kitchens and toilets. Although the proposed building would be significantly taller and deeper than the adjoining building this is not judged to be harmful given that it is in commercial use.

6.8 Parking and Highway Issues

- 6.8.1 Access into the application site would continue to be taken from Eastern Road via the existing vehicular crossover which runs across the width of the site. Two frontage parking spaces would be provided necessitating the reversing of vehicles out into the highway. This situation is however no different to the current arrangement and as such is judged to be acceptable. The proposed building would have a gated undercroft parking area which would be accessed via a central drive. The configuration of the proposed front forecourt is such that cars would be able to pull off the highway whilst the gates are opening. Staff are of the view that access to the proposed undercroft parking area is acceptable and that sufficient manoeuvring space would be provided to enable cars to turn within the site and leave in a forward gear.

- 6.8.2 Policy DC33 seeks to ensure that new developments provide sufficient off street car parking to prevent overspill onto the public highway. The proposed development does not propose to provide any car parking for the proposed residential units. Within Romford Town Centre Policy DC2 of the LDF anticipates a low of parking provision of less than one space per residential unit. Members will be aware that Government guidance contained in the London Plan encourages Local Planning Authorities to seek a greater intensity of development at places with good public transport accessibility and to reduce parking in these locations to encourage alternatives means of transport. The NPPF also seeks to promote sustainable transport. The application site is considered to be well served by public transport in being located within a short walk of the railway station and bus interchange. In addition the streets adjoining the site are restricted with parking controls with Eastern Road covered on one side by a yellow line restriction Monday to Saturday 08.30 till 18.30 and a double yellow line no stopping restricting on the other. Having regard to Government guidance staff are of the view that the reliance on no off street car parking within the development for the proposed residential units can be accepted. In order to prevent an overspill of vehicles onto the highway it is recommended that future occupiers of the residential apartments be restricted from applying for parking permits through an obligation within the legal agreement.
- 6.8.3 The proposed development would see the provision of ten parking spaces for use by future occupants of the proposed offices. Annex 5 of the LDF advises that for offices 1 parking space should be provided per 100 square metres of floor space. In this case the proposed building would contain 962 square metres of floor space resulting in a requirement for 10 parking spaces. The proposal would see the provision of two frontage parking spaces and eight under croft. Three of the parking spaces would be extra wide to enable disabled access.
- 6.8.4 The proposed development would include an internal secure storage area for bicycles with one space per residential unit and four spaces proposed for the office space. Staff are of the view that the proposed development would make adequate provision for bicycles and that this would in turn encourage cycling. The proposal is considered to comply with Policy DC35 of the LDF and Policy 6.9 of the London Plan in this respect.
- 6.8.5 The likely trip generation from the proposed development would be unlikely to have a significant impact on local traffic conditions. In order to ensure that any traffic impact arising from the development is limited and to encourage alternative means of transport to the site staff recommend that a workplace Travel Plan is secured via legal agreement in accordance with Transport for London guidelines. This would also accord in principle with the requirements of the NPPF.
- 6.8.6 Servicing of the proposed development would take place from the street. At the present time there is a loading bay directly outside the adjoining building at nos. 9-17 Eastern Road which could be utilised for the proposed development. The proposed development would see the provision of a

secure refuse and recycling store on the ground floor adjacent to the undercroft car parking entrance. The proposed store area would be divided into two so that commercial and residential waste is separated. On collection days bins would be wheeled out of the site to a waiting refuse vehicle parked on street. Staff are of the view that the proposal makes adequate provision for the storage of waste in accordance with Policy DC40 and that the proposed servicing arrangements are acceptable.

6.9 Flood Risk and Drainage

6.9.1 Havering's Strategic Flood Risk Assessment (SFRA) identifies that the application site is situated within fluvial flood zone 3 due to its close proximity to Black's Brook. Approximately the rear 75% of the site is designated as being flood zone 3b (functional flood plain) with the remainder of the site being flood zone 3a (high probability). Section 10 of the NPPF requires a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property.

6.9.2 Staff have applied the sequential test process to this application and have concluded that despite the site being within a zone of flood risk, the site is the most suitable within the vicinity for the nature of development proposed. The Environment Agency have been consulted on this application and advise that the sites current flood zone classification is based upon national modelling software rather than detailed modelling of Black's Brook itself. The Environment Agency's national modelling software assumes that a river is in natural channel whereas Black's Brook is a manmade culvert channel. The Environment Agency has advised that in their view, based upon modelling and historic data, the application site is highly unlikely to be at risk of flooding from Black's Brook. Given this the Environment Agency has raised no objection to the proposals subject to the development being constructed in accordance with the mitigation measures outlined in the applicant's Flood Risk Assessment. The submitted Flood Risk Assessment outlines a number of measures to ensure that the proposed building would be safe and would not increase the likelihood of flooding. These measures include the provision of a buffer zone with Black's Brook, raised internal floor levels and the use of flood resistant materials. Staff are of the view that the proposal is acceptable and complies with Policy DC48 of the LDF in respect of flood risk.

6.9.3 Policy DC48 of the LDF requires that Sustainable Urban Drainage Systems (SUDS) are considered as part of development proposals. SUDS aim to limit the outflow of run-off water from new development. The submitted Flood Risk Assessment identifies that the proposed parking areas would be constructed using permeable paving and that soakaways could be used if the ground is found to have a reasonable soakage rate.

6.10 Biodiversity

6.10.1 Policy DC57 of the LDF advises that where a site is located in close proximity to a river, the Council will in appropriate circumstances seek river

restoration. Through consultation with the Environment Agency the proposed building has been carefully designed in such a manner as to minimise impact on the adjacent Black's Brook and to enhance the quality of this watercourse. The rear portion of the application site adjacent to Black's Brook presently comprises an area of hard standing and a single storey outbuilding. The proposed development would see the creation of a 5 metre buffer zone between the southern bank of Black's Brook and the rear of the new building. Within the proposed buffer zone the ground level would be reduced in order that a more naturally shaped bank is provided with the Brook. The proposed buffer zone would be left clear of any obstructions and planted with native wild flower and grassland mix. Staff are of the view that the proposed works to the bank of the watercourse are acceptable and complies with the objectives of LDF Policy DC57.

6.10.2 The proposed building would be taller and nearer to the Brook than the building it replaces and as such could cause additional shading of the watercourse. This in turn has the potential to be harmful to any aquatic plants or animals. In order to minimise any possible shading of Black's Brook the proposed building has been designed with a staggered rear elevation so that as the building becomes taller the upper floors are set back further into the site. Staff are of the view that this arrangement is acceptable.

6.10.4 Artificial lighting can cause disruption to a range of wildlife using and inhabiting the river and its corridor habitat. In order to prevent light spill into the Brook the proposed building has been designed with minimal exterior lighting to the rear and with brise soleils or louvered sun breakers affixed to the rear façade of the building to reduce light spill from windows on the upper floors. Staff are of the view that it would be reasonable to require further details of the proposed external lighting via planning condition.

6.10.5 Policy DC59 of the LDF advises that enhancements to biodiversity will be sought through new development proposals. A portion of the roof area of the proposed building would accommodate a 'brown roof'. The purpose of a brown roof is to introduce many of the characteristics of a typical brownfield site. The proposal would see different substrates provided over the roof area such as gravel, crushed concrete and logs. While no plants would be provided the concept of a brown roof is to allow the roofs to self-colonise. The proposed development would create a new habitat within the town centre for insects and provide a feeding site for birds. A 'green wall' is also proposed on the north facing side of the building. A green wall is a living cladding system which utilises climbing plants, supported on a trellis system attached to a wall. In this case the proposed green wall would support plant species native to Essex and would provide a benefit to wildlife through opportunities such as feeding. The proposed green wall would also assist in reducing surface water run off. Having regard to the quality of the existing site and the biodiversity enhancement measures outlined above staff are of the view that the proposal would result in suitable biodiversity enhancements as advocated by local and national planning policies.

6.11 Sustainability

6.11.1 Council policy advises that planning permission for major developments will only be granted where they are built to a high standard of sustainable construction. Furthermore in line with the London Plan Council policy requires that major development proposals incorporate on-site renewable energy equipment to reduce CO₂ emissions by at least 20%. The proposed mixed use building would adopt a number of sustainable construction techniques which would ensure that it meets the required planning standards for a major development. The proposed building would incorporate features designed to maximise CO₂ savings, as well as delivering cost savings to future residents of the development. A 20% improvement on the predicted CO₂ emissions over Building Regulations would be delivered from on-site generation of renewable energy through the provision of solar panels to the roof of the building. The applicant has indicated a commitment to achieving a BREEAM 'Very Good' rating for the office component and Code for Sustainable Homes 'Level 4' for the residential element which could be secured via planning condition. Having regard to the above staff are of the view that the proposal complies with Policies DC49 and DC50 and the contents of the Supplementary Planning Document for Sustainable Design and Construction.

6.12 Other matters

6.12.1 Policy DC53 requires that development proposals have regard to whether an application site is contaminated and to identify any potential risks to human health, flora or fauna or the water environment. In the event that planning permission is granted a condition is recommended to secure a full investigation of the site.

6.12.2 Policy DC55 advises that planning permission will not be granted if a proposal would result in exposure to noise or vibrations above acceptable levels. The application site is sited on the northern side of Eastern Road and as such is removed from the railway line on the southern side of the street. The proposed development would however be within approximately 40 metres of the railway line. In order to protect the amenity of future residential occupiers the Council's Environmental Health Service recommend that a condition is imposed requiring the submission of an assessment of potential noise and vibration prior to the commencement of the development. This condition would enable any necessary mitigation measures to be built into the detailed design stage of the building.

6.12.3 Policy DC63 requires new development to address safety and security in the design of new development. The proposal is considered acceptable in principle in this respect subject to planning conditions recommended by the Borough Crime Prevention Design Advisor, namely conditions in respect of the Secure by Design award scheme and CCTV. Staff are of the view that the mixed use nature of the proposed development would ensure that during periods when the offices are closed the residential element of the scheme would ensure natural surveillance of both the site and the surrounding area.

7. Conclusion

- 7.1 There is no objection in principle to the redevelopment of the application site with a mixed use building having regard to Policy ROM13. The proposal would provide a contemporary six storey building of flat roof design, finished in white coloured render. The proposal is considered to be acceptable in terms of design, layout and visual impact. Staff are of the view that the proposal would have an acceptable relationship to adjoining properties and would not prejudice the redevelopment of adjoining sites. Staff consider that the proposal is acceptable in respect of flood risk subject to a condition requested by the Environment Agency. The proposal would provide for a range of biodiversity enhancement measures and comply with current policy in respect of sustainability objectives. The proposal would not result in any parking or highways issues. It is concluded that the proposal, in staff's view, complies with local and national planning policy requirements. Staff recommend approval of the application subject to the completion of a legal agreement and the imposition of planning conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed development would provide apartments which meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers. The office element of the proposed development would feature level access and lift access to each floor. The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 3rd March 2011.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

17 May 2012

Subject Heading:

P0303.12 – 45 Tennyson Road, Harold Hill

**Change of use from Class A2 to A1 with opening hours between 6.30am and 8pm on Mondays to Saturday, 7am to 7pm on Sundays and 10am to 6pm on Bank and Public holidays
Application received 30th March 2012)**

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

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 [x]
- Valuing and enhancing the lives of our residents [x]
- Delivering high customer satisfaction and a stable council tax []

SUMMARY

The application proposes a change of use from Class A2 to A1 with opening hours between 6.30am to 8pm every day including Sundays and Bank and Public Holidays at 45 Tennyson Road, Harold Hill. The site is Council owned. The planning issues are set out in the report below and cover the impact on the street scene, residential amenity and highway safety. Staff are of the view that the proposal is acceptable and it is recommended that permission be granted subject to conditions.

RECOMMENDATIONS

It is recommended that planning permission be granted 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.

3. The premises shall not be used for the purposes hereby permitted other than between the hours of 6.30am and 8pm on Mondays to Saturday, 7am to 7pm on Sundays and 10am to 6pm on 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.

7. INFORMATIVES:

Reason for approval:

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

REPORT DETAIL

1. Site Description:

- 1.1 The application site is a vacant unit that forms part of a three storey end of terrace building with residential accommodation above on the north western side of Tennyson Road. The site is located within Tennyson Road Minor Local Centre. It is noted that the applicant's have a lease for the adjoining unit entitled 'MAPS' at 41-43 Tennyson Road, which is used as a convenience store, post office, off licence and newsagents.

2. Description of development:

- 2.1 The application seeks permission for a change of use from Class A2 to A1 with opening hours of 6.30am and 8pm on Mondays to Saturday, 7am to 7pm on Sundays and 10am to 6pm on Bank and Public holidays. The proposed use would be as a convenience store, post office, off licence and newsagents.

3. Relevant History:

P1265.10 – Change of use of ground floor from A2 (financial and professional services) to A5 (hot food takeaway) and extract duct – Approved.

P0449.08 – Change of use from Class A2 to Class A1 (retail) with opening hours from 7.00am to 10.00pm Monday to Saturday and 7.00am to 5.00pm on Sunday (as amended by letter dated 14th April 2008 to delete the consultancy room – Approved with condition (no. 3) limiting opening hours between 8am and 7pm Mon to Sat and 9am to 3pm Sundays. Condition 3 regarding opening hours was disputed on appeal and later dismissed (appeal reference 1800).

P1475.03 – Change of use from Class A1 to A2 (financial and professional services) and single storey rear extension – Approved.

4. Consultations/Representations:

- 4.1 The occupiers of 80 neighbouring properties were notified of this proposal. At the time of drafting this report the neighbour notification period has yet to expire. Members will be verbally updated on the evening of any representations received. A letter of objection was received from Councillor

Trew on the grounds that the original application was granted on the proviso that the hours of trading were appropriate to where the premises were situated.

4.2 The Highways Authority has no objection to the proposals.

5. Staff Comments:

5.1 The main issues in this case are the principle of the change of use, the impact on the streetscene, the impact on residential amenity and any highway and parking issues.

5.1.2 Policies DC16 (Core and fringe frontages in district and local centres), DC33 (Car Parking), DC55 (Noise), DC61 (Urban Design) and DC63 (Delivering safer places) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material. The National Planning Policy Framework is also relevant.

5.2 Principle of Development

5.2.1 Planning permission for retail uses (A1) and other uses appropriate to a shopping area (A2, A3, A4, A5) in the borough's Minor Local Centres will be granted at ground floor level.

5.2.2 Ordinarily, changing the use from A2 to A1 would be classed as permitted development. However in this instance, condition 2 of a previous application, P1475.03, restricted the use to a financial accountants/tax advice office only and no other purpose(s) whatsoever including any other use in Class A2 of the order unless otherwise agreed in writing by the Local Planning Authority. Council Policy states that retail uses are appropriate in Minor Local Centres and Staff consider that the principle of the change of use from A2 to A1 is acceptable. Also, the proposed change of use would bring a vacant A2 unit back into use, which would contribute positively to the vitality of Tennyson Road Minor Local Centre.

5.3 Design/impact on street/Garden scene

5.3.1 The proposal does not include an external changes to the premises, so would not affect the streetscene.

5.4 Impact on amenity

5.4.1 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 of the parade.

5.4.2 When reviewing the merits of this application, consideration was given to a previous planning application, reference P0449.08, which was for a change of

use from Class A2 to A1 with opening hours from 7.00am to 10.00pm Monday to Saturday and 7.00am to 5.00pm on Sunday. Planning permission was granted with a condition stipulating reduced opening hours of 8am to 7pm Monday to Saturdays and 9am to 3pm on Sundays, Bank and Public Holidays. The opening hours condition was disputed on appeal and later dismissed, as the Planning Inspector concluded that extending the opening hours beyond those currently permitted would significantly harm the living conditions of nearby existing residential occupiers. It is noted that the proposed A1 use for P0449.08 was for a pharmacy, whereas this application seeks consent for a convenience store, post office, off licence and newsagents, although this carries limited weight as it is possible to change the use of the unit within Class A1 of the Use Class Order within permitted development.

5.4.3 Following negotiations with the applicant, the opening hours have been reduced from 6.30am to 10pm Monday to Saturday and 7am to 10pm on Sundays, Bank and Public Holidays to 6.30am and 8pm on Mondays to Saturday, 7am to 7pm on Sundays and 10am to 6pm on Bank and Public 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 for the following reasons. The proposed opening hours are the same as the adjoining units entitled 'MAPS' at No.'s 41-43, which is also used as a convenience store, post office, off licence and newsagents. Staff consider that the earlier opening hours of between 6.30am and 7am Monday to Sundays would not result in a significant degree of noise and disturbance to neighbouring properties as it is unlikely that the majority of the shop's custom will be generated at that time of day. Staff consider that the opening hours which may have the most potential for noise and disturbance would be late evening between 8pm and 10pm. Therefore, the closing time has been reduced from 10pm to 8pm Monday to Saturday, 7pm on Sundays and 6pm on Bank and Public Holidays, as confirmed in an email from the applicant dated 8th May 2012. Consideration has been given to the fact that retail uses are acceptable and indeed are common in Minor Local Centres and had there not been a condition restricting the A2 use for application P1475.03, the change of use from A2 to A1 could ordinarily have been undertaken under permitted development.

5.4.4 Taking the above factors into account, it is Staff's view that the proposal would not result in a significant loss of amenity to neighbouring properties 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.

5.5 Highway/parking issues

5.5.1 There are ample parking spaces to the front within the lay-by and also to the rear to enable additional parking and delivery, which is acceptable. The Highways Authority has no objection to the proposals. It is considered that the proposal would not result in any highway or parking issues.

5.6 Conclusion

- 5.6.1 The change of use from A2 to A1 is acceptable in principle, particularly as it would be bringing a vacant A2 unit back into use, which would contribute positively to the vitality of Tennyson Road Minor Local Centre. No external changes to the property are proposed. It is considered that there is sufficient justification to support the opening hours, which 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. Having regard to all material planning considerations, it is recommended that planning permission be approved.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

This application is considered on its own merits and independently from the Council's interest as owner of the site.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application forms and plans received 30/3/2012.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.

4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.

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Page No.	Application No.	Ward	Address
1-8	P0247.12	Pettits	19a Seymer Road, Romford
9-11	P0279.12	Cranham	Hazelwood, 365 Front Lane, Cranham, Upminster
12-19	P0393.12	Mawneys	311-313 Collier Row Lane, Romford

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APPLICATION NO:	P0247.12	
WARD :	Pettits	Date Received: 24th February 2012
ADDRESS:	19a Seymer Road Romford	
PROPOSAL:	Demolition of existing building and construction of 1No. detached two storey building, comprising 3No 1 bedroom flats	
DRAWING NO(S):	Ordnance survey map 5 4 Revision A 3 2 1	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The application site is located on the north western side of Seymer Road. The site is presently occupied by a British Red Cross Hall and a garage to the rear. The surrounding area is predominantly residential in character, comprising of two storey terraced and semi-detached properties. The site is flanked by a two storey end of terrace dwelling to the south west, No. 19, and a two storey end of terrace dwelling, No. 21 to the north east.

DESCRIPTION OF PROPOSAL

The application seeks permission for the demolition of a British Red Cross Hall and garage and the construction of a detached two storey building comprising of 3 no. 1 bedroom self-contained flats.

The proposed two storey building would be arranged with two, one bedroom flats on the ground floor and one, one bedroom flat on the first floor with front and side entrances.

In terms of appearance the proposed two storey building has a hipped roof. In terms of finishing materials, the predominant materials proposed are brickwork, render and concrete roof tiles.

The flatted development would have a depth of 14.6 metres at ground floor and 10.7 metres at first floor by 6.7 metres in width and a height of 8 metres.

There would be three parking spaces to the front and three parking spaces to the rear.

RELEVANT HISTORY

P0732.11 Demolition of existing former British Red Cross training hall and construction of a four bedroom house Refused. Allowed on appeal.

P1006.11 Variation of existing condition ref ES/ROM/199/51 in order to use for place of worship and other activities Refused. Appeal lodged.

P1768.10 Demolition of British Red Cross Hall and garage and erection of 5 x 1 bedroom self

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contained flats Refused.

CONSULTATIONS/REPRESENTATIONS

The occupiers of 30 neighbouring properties were notified of this proposal. Two letters of objection were received with detailed concerns that have been summarised as follows:

- The design and access for Flat C is unacceptable.
- The proposed development exceeds the building line on the surrounding properties.
- The proposal would be out of keeping/character with other dwellings.
- Noise and disruption.
- Would prefer one house on the site.
- Access to the electricity sub-station.
- The height, design and bulk of the building would be intrusive and impact on residential amenity.
- Loss of privacy and overlooking.
- Requested that flank windows are obscure glazed.
- Loss of amenity including visual impact from use of the parking area to the rear.
- Noise from use of security gates.
- Devaluation of neighbouring properties.
- Restrictive covenants.
- Security.
- The application site has higher ground levels than neighbouring properties.
- The proposal would appear visually intrusive.
- Reference is made to appeal decision APP/B5480/A/06/2027775.
- If this scheme was approved, subsequent planning applications may be submitted to increase the number of units.

Environmental Health - Recommend conditions if minded to grant planning permission.

The Highway Authority has no objections to the proposals.

Thames Water Recommends an informative if minded to grant planning permission.

Environment Agency No comment. Due to a change in legislation, a condition to provide a 5 metre wide buffer zone along the watercourse is no longer required for this application.

In response to the above, comments regarding having one house on the site and subsequent planning applications/appeal decisions are not material planning considerations, as each application is assessed on its individual planning merits. Impact on property value, rights of access and restrictive covenants are not material planning considerations. The remaining issues will be addressed in the following sections of the report.

RELEVANT POLICIES

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC27 (Provision of community facilities), DC33 (Car Parking) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

The Design for Living Supplementary Planning Document is also a material consideration.

The London Plan (Spatial Development Strategy for Greater London) is also a further material consideration, as is the National Planning Policy Framework.

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STAFF COMMENTS

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

PRINCIPLE OF DEVELOPMENT

Policy DC27 states that planning permission which involves the redevelopment of a community facility will be granted:

- where it can be demonstrated that there is no longer a need for the facility affected, either in its current use or any alternative use,
- or
- where suitable alternative provision is made.

When considering the merits of this application, weight was attached to a recent appeal decision for planning application P0732.11 for the demolition of existing former British Red Cross training hall and construction of a four bedroom house, which was refused planning permission and later allowed on appeal (reference 2246). The appeal decision (APP/B5480/A/11/2162011) stated that the original restricted community use is redundant and no longer needed and broader alternative community use has been determined by the Council to be inappropriate in this predominately residential area. The Planning Inspector concluded that granting permission for the development would not conflict, in this particular case, with Policy DC27 of the Core Strategy and that the loss of the hall would not harm the Council's general aim to ensure that a suitable range of community facilities are provided to meet existing and forecast demand. Consequently, the alternative proposed redevelopment of the site is appropriate.

DENSITY/SITE LAYOUT

The site is identified as having a relatively low level of Public Transport Accessibility (PTAL) of 1-2, as defined by Policy DC2 on Housing Density. Within this zone and part of the Borough, housing density of between 30-50 dwellings is anticipated. The site identified comprises an area of 0.06 hectares and the proposal would produce a density of 50 dwellings per hectare which falls within the range.

The Council has adopted a Residential Design Supplementary Planning Document, which aims to achieve the delivery of high quality and usable amenity space. The SPD does not prescribe fixed standards for amenity space provision but focuses on the quality and usability of amenity space within a development.

It is noted that one of the reasons for refusal for a previous planning application for five self-contained flats (application P1768.10) was based on the location of the amenity space at the rear of the site. In this instance, the communal amenity space for the flats would be located to the rear of the hardstanding and parking area. There is no objection in principle to the amount of amenity space provided. Staff have considered whether the layout and usability of the space is of a sufficiently high quality because of the location of the amenity area, segregated from the flats by the parking area. Following a telephone conversation with the agent, the site plan was revised to provide a private amenity space to the rear of Flat C that would be screened by a 1.8m high close boarded fence, which Staff consider to be an improvement and would be beneficial for future occupiers. Staff consider that the layout and usability of the amenity space would not constitute sole grounds for refusal should the proposal meet Council policy in all other respects.

Policy DC4 states that where the conversion or subdivision involves the provision of self contained residential accommodation is acceptable provided that each flat has a reasonable

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outlook and aspect, at least one, one bed self-contained flat is provided with a separate sleeping area and the property has safe and secure access from the street. The principle of Policy DC4 would apply to the flats. It is considered that the flats would have a reasonable aspect and outlook.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application would comprise the demolition of the existing British Red Cross hall and garage on the site. While the hall and garage appear to be in a structurally sound condition, they are not of any particular architectural or historic merit and no in principle objection is therefore raised to their demolition, in architectural or historic terms.

Council policy and guidance seeks to ensure that all new developments are satisfactorily located and are of a high standard of design and layout. In this regard, it is important that the appearance of new developments is compatible with the character of the local street scene and the surrounding area. In this case, existing development within Seymer Road consists of two storey terraced and semi-detached houses.

It must be considered whether the resultant bulk, form and scale of the building proposed is compatible with the prevailing scale and character of development within the locality.

It is noted that Seymer Road slopes downhill from north east to south west and as such, the height of neighbouring terraced dwellings is staggered. It is considered that the overall height of the block of flats is acceptable as it would be similar to that of adjacent neighbouring properties at Nos 19 and 21 Seymer Road. It is noted that the block of flats is of a similar design to the four bedroom house, which was granted planning permission on appeal. It is considered that the dwelling has been designed in sympathy with other neighbouring properties in the streetscene, in terms of its form and design.

IMPACT ON AMENITY

Following a site visit, it is noted that the application site has a higher ground level than neighbouring properties, particularly as a large proportion of the site comprises of a raised area of hardstanding, with steps leading down to the remaining garden area. It is noted that there is an existing single storey building on the site, which extends beyond the rear of neighbouring properties.

It is noted that there is a discrepancy on Drawing No. 4, as the single storey rear extension to No. 21 Seymer Road extends across the entire width of the property, although this has not affected the determination of this application.

It is considered that the proposal would not result in a significant loss of amenity to No. 21 Seymer Road, as it has a two storey side and single storey rear extension, which will help to mitigate its impact. In addition, the flatted block would be set in 1 metre from the north eastern boundary of the site.

It is considered that the proposal would not result in a significant loss of amenity to No. 19 Seymer Road, as there would be a separation distance of approximately 3 metres between the flank wall of the dwelling and the south western boundary. Also, No. 19 Seymer Road has a two storey side and first floor rear extension (approved under application P2304.07), which would partly mitigate the impact of the proposal. No. 19 Seymer Road has a first floor flank window, which is obscure glazed and serves an en-suite, which is not a habitable room.

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In comparison with the previously refused application, P1768.10, for five self-contained flats, it is noted that the depth of the ground floor of the proposed flatted development has been reduced from 20.1 metres to 14.6 metres. Also, the depth of the first floor of the flatted development has been reduced from 16.4 metres to 10.7 metres. In addition, the width of the flatted development has been reduced from 8.8 metres to 6.7 metres. Overall, it is considered that the above reductions in scale and bulk have brought the scheme within the realms of acceptability and help to minimise its impact on adjacent occupiers.

It is considered that the ground floor flank windows would not result in any undue overlooking or loss of privacy to adjacent dwellings, as they would be mitigated by a timber paling fence, which could be secured by condition if minded to grant planning permission. A condition will be placed to obscure glaze and fix shut with the exception of top hung fanlights two first floor flank windows serving a stairwell and kitchen adjacent to the south western boundary to avoid any undue overlooking or loss of privacy to No. 19 Seymer Road. It is noted that the first floor flank windows adjacent to the south western boundary would be located towards the middle of the flatted block and as such, any views of neighbouring properties including No. 19 Seymer Road would be at an oblique angle. In addition, it is noted that the first floor flank window of No. 19 Seymer Road is obscure glazed and serves an en-suite, which is not a habitable room. A condition will be placed to ensure that the flat roofed single storey rear extension is not used as a balcony in connection with the first floor flat (Flat B) to protect neighbouring amenity.

Following a site visit, it is noted that the application site has a higher ground level than neighbouring properties, particularly as a large proportion of the site comprises of a raised area of hardstanding, with steps leading down to the remaining garden area. A condition will be placed requesting a topographical survey of the existing and proposed site levels to protect neighbouring amenity.

It is noted that the British Red Cross hall has an area of hardstanding which can accommodate off street parking to the rear of the site. It is acknowledged that residents have mentioned that this rear parking area has not been frequently used by the British Red Cross prior to it being sold. Nevertheless, it is considered that it would be difficult to substantiate a reason for refusal based on the noise and disturbance from the use of the parking area to the rear of the flatted development, particularly given the relatively few number of parking spaces (three).

HIGHWAY/PARKING

Policy DC2 of the LDF indicates that in this part of the Borough parking provision for residential development should be a maximum of 1.5 to 2 spaces per unit. The scheme provides a total of 6 parking spaces at the front and rear of the block, which is equivalent to 2 spaces per unit. It is considered that this level of car parking is sufficient for the development proposed. There would be a storage area for 3 no. wheelie bins for refuse collection at the front of the site and this would be secured by condition. Cycle storage would be secured by condition.

KEY ISSUES/CONCLUSIONS

The principle of development is deemed to be acceptable.

It is considered that the flatted block would appear in keeping with the character and appearance of the streetscene, in terms of its design, siting and size. It is Staff's view that the proposal would not result in a significant loss of amenity to neighbouring dwellings. The proposal would not create any highway or parking issues. Staff consider that the layout and usability of the amenity space would not constitute a sole reason for refusal and given that the proposal meets Council Policy in all other respects, it is recommended that planning permission be approved.

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RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC09 (Materials)
3. SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. SC11 (Landscaping)
6. SC06 (Parking provision)
7. SC58 (Storage of refuse)
8. SC59 (Cycle Storage)
9. SC63 (Construction Methodology)
10. SC62 (Hours of construction)
11. SC48 (Balcony condition)
12. SC34B (Obscure with fanlight openings only)

The proposed two first floor windows serving a stairwell and kitchen for Flat B adjacent to the south western boundary shall be permanently glazed with obscure glass and with the exception of top hung fanlight(s) shall remain permanently fixed shut and thereafter be maintained 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.

13. Non standard condition
Prior to the commencement of the development, all details of boundary screening shall be submitted to and approved in writing by the Local Planning Authority 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 to prevent undue overlooking of adjoining properties.

14. Non standard condition
No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:-

In the interests of security and residential amenity and in order that the development

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accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

15. Non standard condition

The dwelling hereby permitted shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L_znT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

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

16. 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.

17. Non standard condition

Prior to the commencement of the development, a topographical survey of the application site showing the existing and proposed site levels and finished floor levels of the proposed building comprising of 3 no. 1 bedroom flats shall be submitted and approved in writing by the Local Planning Authority.

Reason: To protect neighbouring amenity.

1 INFORMATIVES:

1. Reason for Approval

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP1, CP2, CP17, DC2, DC3, DC27, DC33 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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. Waste comments

There are public sewers crossing or close to your development. In order to protect

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public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or extension to a building or underpinning work would be over the line of, or come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Service on 0845 850 2777 to discuss the options available at this site.

4. Surface Water Drainage

With regard to surface water drainage it is the responsibility of a 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 equalised 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.

Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

5. Water comments

With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company. For your information, the address to write to is: Essex and Suffolk Water Company, Hall Street, Chelmsford, Essex, CM2 0HH. Tel: 01245 491234.

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 is needed.

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APPLICATION NO:	P0279.12	
WARD :	Cranham	Date Received: 5th March 2012
ADDRESS:	Hazelwood, 365 Front Lane Cranham Upminster	
PROPOSAL:	Rear ground floor conservatory extension.	
DRAWING NO(S):	5137-01 5137-02 5137-03 Rev B 5137-04 Rev C	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

CALL-IN

No

RECOMMENDATION

That planning permission should be granted.

SITE DESCRIPTION

The site comprises of a single storey detached chalet bungalow, which is located on the western side of Front Lane. A detached garage is located to the south of the dwelling and sufficient on-site parking is located on a hardstanding to the front of the garage and to the front of the existing dwelling. The surrounding area consist of similar bungalows to the north and south and a Catholic Centre on the other side of Front Lane. The land is situated within the Metropolitan Green Belt.

DESCRIPTION OF PROPOSAL

The proposal is for a single storey rear conservatory. The proposed extension would measure 4m in depth and 4m in width. The conservatory will be finished with a hipped roof 2.25m in height to the eaves and 2.9m in height to the ridge.

CONSULTATIONS/REPRESENTATIONS

The application has been advertised in 'Living' magazine and by way of a site notice as a departure from Green Belt policies. A total of 4 neighbouring occupiers were notified of the proposal. No letters of representation have been received.

STAFF COMMENTS

The issues arising from this application are the impact of the proposal on the Metropolitan Green Belt, the impact on the Havering Ridge Area of Special Character, impact on the streetscene, amenity implications and any highway or parking issues.

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

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against inappropriate development in Green Belt areas. Paragraph 89 of the National Planning Policy Framework states that the extension or alteration of a building may be acceptable in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building.

The original dwelling had a volume of some 261 cubic metres. Planning permission was granted in 1999 to replace the small bungalow with an chalet bungalow with an overall volume of 430 cubic metres and an increase of 75%. The proposed conservatory would add an additional 40 cubic metres.

In this case, the additions would amount to a total increase of 209 cubic metres which is approximately 80% over and above the original bungalow. This is clearly in excess of what would normally be acceptable. Nonetheless, the written justification to the policy makes it clear that regard is to be had to the size of the original property and states that, in the case of small properties, it may be appropriate to permit more substantial extensions. This is, of course, subject to there being no harm to the Green Belt.

Given the small size and footprint of the proposed conservatory Staff, therefore, conclude that, although the proposals would result in a more built-up appearance for the site compared with existing, this would not be excessive and the impact on the Green Belt would be within acceptable tolerances. Staff do recognise that this is a balanced decision and Members may feel that the proposed conservatory in combination with previous additions to the property may result in unacceptable harm to the openness of the Green Belt.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The proposed rear addition is not considered to result in an unacceptable impact on the rear garden environment as it is centrally located to the rear elevation, well set in from the boundaries and small in size.

The proposal would not be visible from Front Lane and would therefore not result in any impact to the streetscene.

IMPACT ON AMENITY

The proposal would not result in any impact to neighbouring amenity as it is a single storey extension which is well set in from the flank boundaries.

HIGHWAY/PARKING

Sufficient space would remain on-site for vehicle parking, in line with policy guidelines. It is considered that the proposal would not create any highway or parking issues.

KEY ISSUES/CONCLUSIONS

The proposal will have a volume that results in development to the property being greater than the 50% normally permitted by Policy DC45 and its acceptability is a matter of judgement. Based upon the size of the original property and on merit, Staff consider the proposal would not harm the openness of the Green Belt, as the proposal is single storey, small in nature and footprint. It is considered that the proposal would not be harmful to the streetscene or the amenity of neighbouring properties. The proposal would not create any highway or parking issues. It is recommended that planning permission be granted.

RECOMMENDATION

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

1. SC4 (Time limit) 3yrs
2. SC10 (Matching materials)
3. SC32 (Accordance with plans)

- 2 The proposed development is considered to be in accordance with the aims, objectives and provisions of the National Planning Policy Framework and Policies DC45 and DC61 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.

REGULATORY SERVICES COMMITTEE

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APPLICATION NO:	P0393.12	
WARD :	Mawneys	Date Received: 13th March 2012
ADDRESS:	311-313 Collier Row Lane Romford	
PROPOSAL:	Variation of condition 18 of P1557.11 to extend trading hours from 08.00-21.00 Mondays to Sundays and Bank Holidays to 08.00-23.00 Mondays to Sundays and Bank Holidays	
DRAWING NO(S):	2482_P41 2482_P42 2482_P44 2482_P45 2482_P46 2482_P41 Hours of operation in Collier Row 2482_P53 2482_P48 2482_P49 2482_P50 2482_P51 2482_P47	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

SITE DESCRIPTION

The former single storey detached vacant building that was previously used as a DIY retail shop has been demolished. The surrounding area is characterised by two storey commercial premises and forms part of the Fringe Area of the Collier Row Minor District Centre.

DESCRIPTION OF PROPOSAL

The application seeks permission for the variation of condition 18 of P1557.11 to extend trading hours from 08:00 to 21:00 Mondays to Sundays and Bank Holidays to 08:00 to 23:00 Mondays to Sundays and Bank Holidays.

RELEVANT HISTORY

118/60 Shop front - Approved

P0448.93 New shopfront - Approved

P0678.09 - Change of use - pre-school to cater for up to 40 children in the morning and 40 in the afternoon - Refused.

P0410.10 Demolition of the existing commercial building and construction of a commercial/retail unit on the ground floor with A1, A2, A3 & A5 use and 3 x 2 bedroom flats to the first and second floors Refused Appeal dismissed.

P0930.10 - Demolition of the existing commercial building and construction of a commercial/retail unit on the ground floor with A1 and A2 use and 3 x 2 bedroom flats to the first and second floors Approved.

P1557.11 - Demolition of the existing commercial building and construction of a commercial unit on the ground floor with A3 use and three, two bedroom flats on the first and second floors

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Approved.

CONSULTATIONS/REPRESENTATIONS

The occupiers of 42 neighbouring properties were notified of this proposal. Three letters of objection were received with detailed comments that have been summarised as follows:

- Parking.
- Noise and disturbance.
- Traffic congestion.
- Rubbish.
- Object to the extended opening hours due to the A3 use of the ground floor unit given the number of restaurants and takeaways in the vicinity, the proximity to Harold Wood Funeral Services and Collier Row Lane is a residential street. The application is unsuitable for the area.
- The proposal would jeopardise numerous similar businesses in the local area.

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

RELEVANT POLICIES

Policies DC61 (Urban Design) and DC63 (Delivering Safer Places) of the LDF Core Strategy and Development Control Policies Development Plan Document as well as the National Planning Policy Framework are considered to be relevant.

STAFF COMMENTS

The previous planning application, P1557.11, for the demolition of the existing commercial building and construction of a commercial unit on the ground floor with A3 use and three, two bedroom flats on the first and second floors was approved with conditions. This application seeks to vary condition 18 of P1557.11 to extend trading hours from 08:00 to 21:00 Mondays to Sundays and Bank Holidays to 08:00 to 23:00 Mondays to Sundays and Bank Holidays. The main issue in this case is the impact of the extended opening hours on residential amenity and any highway and parking issues.

DESIGN/IMPACT ON STREET/GARDEN SCENE

N/A

IMPACT ON AMENITY

The impact on residential properties is of concern when determining a planning application for extended opening hours.

No. 315 Collier Row Lane is occupied by 'Raymond Lee Hair Designers' at ground floor. 'Sure Slim Wellness' clinic is located on the first floor. It is considered that the proposal would not result in a loss of amenity to No. 315 given the commercial use of the property. No. 309 Collier Row Lane comprises of 'Harold Wood Funeral Services' on the ground floor with a separate flat, No. 309A Collier Row Lane at first floor.

The agent has submitted a survey plan of the immediate locality showing restaurants, takeaways and shops that are open late at night either with the benefit of planning permission or established use. The survey plan shows some 14 premises close by to the application site, that are open until at least 23:00 hours. Other premises just off the survey plan area are:
6 Collier Row Road - open until 23:00 hours (reference P1292.11)

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23 Collier Row Road - open until 23:00 hours Mon-Sat (reference P1556.06)
27 Collier Row Road - open until midnight (reference P0492.08)
35 Collier Row Road - open until midnight (reference P1377.09)
58 Collier Row Road - open until midnight (reference P0807.11)
3 Clockhouse Lane - open until 23:00 hours (reference P0096.11)

A letter was submitted from Andrew Caplin Commercial Ltd as the letting agent for 311-313 Collier Row Road, which were appointed agents to dispose of the subject property and/or find tenant(s) after planning permission was granted for shops, A2 offices and flats in August 2010 (reference P0930.10). The site had been vacant for at least two years before their client acquired the site in 2009. This renewed period of pro active marketing has resulted in a severe lack of enquires following that permission. Following the granting of planning permission for an A3 use at ground floor at the end of 2011, the site was re-advertised without success. Enquirers raised concerns that the restaurant (A3 use) had to close by 21:00 hours, whereas all the other restaurants close by had later opening hours. Finding a tenant for the property is not a practical proposition with a closing time of 21:00 hours. The site has now been vacant for over four years. Extending the closing time to 23:00 hours would assist the letting agent to find a tenant thus enabling the development of this vacant site to proceed.

When considering the merits of this application, consideration was given to the fact that the Council's Crime Prevention Design Advisor has no objection to the proposal.

Staff consider that a closing time of 23:00 hours is not uncommon for an A3 (restaurant/cafe) use, particularly as the application property lies within a row of commercial premises which forms part of the Fringe Area of the Collier Row Minor District Centre. Taking into account that the unit has been vacant for four years with difficulty obtaining a tenant and the opening hours of other A3 uses in the vicinity of the site, Staff consider that extending trading hours from 08:00 to 21:00 Mondays to Sundays and Bank Holidays to 08:00 to 23:00 Mondays to Sundays and Bank Holidays would not result in a significant loss of amenity for neighbouring occupiers, although this is a matter of judgement for members.

HIGHWAY/PARKING

The amount of parking provision for the A3 (restaurant/cafe) use was previously deemed to be acceptable under application P1557.11. In light of the town centre location of the site (enabling easy access to services and facilities), the bus stop opposite the site from which a number of bus routes operate, the existence of a pay and display car park to the rear of Tesco, which is opposite the site and the current parking restrictions between 8am - 6.30pm Monday to Saturday on Collier Row Lane together with footway parking in Moorlands Close, Staff consider that the extension of opening hours from 21:00 to 23:00 would not create any highway or parking issues. The Highways Authority has no objection to the proposal.

KEY ISSUES/CONCLUSIONS

Staff consider that a closing time of 23:00 hours is not uncommon for an A3 (restaurant/cafe) use, particularly as the application property lies within a row of commercial premises which forms part of the Fringe Area of the Collier Row Minor District Centre. Taking into account that the unit has been vacant for four years with difficulty obtaining a tenant and the opening hours of other A3 uses in the vicinity of the site, Staff consider that extending trading hours from 08:00 to 21:00 Mondays to Sundays and Bank Holidays to 08:00 to 23:00 Mondays to Sundays and Bank Holidays is acceptable and would not result in a significant harm to residential amenity or create any highway and parking issues, although this is a matter of judgement for members.

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RECOMMENDATION

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

1. SC4 (Time limit) 3yrs

2. SC27A (Hours of use)

The premises shall not be used for the purposes hereby permitted other than between the hours of 08:00 and 23:00 on Mondays to Sundays and Bank Holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

3. SC32 (Accordance with plans)

4. SC46 (Standard flank window condition)

5. SC11 (Landscaping)

6. SC09 (Materials)

7. SC59 (Cycle Storage)

8. SC58 (Storage of refuse)

9. SC06 (Parking provision)

10. SC62 (Hours of construction)

11. Non standard condition 1

Prior to the commencement of the development, all details of boundary screening and screen walling shall be submitted to and agreed in writing by the Local Planning Authority 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 to prevent undue overlooking of adjoining properties.

12. Non standard condition 2

No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:-

In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

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13. Non standard condition 3

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.

14. Non standard condition 4

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

a) A Phase II (Site Investigation) Report 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 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.

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

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

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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.

15. Non standard condition 5

Before the uses commences, the commercial part of 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.

16. Non standard condition 6

The flats shall be so constructed as to provide sound insulation of 43 DnT, w + Ctr dB (minimum values) against airborne noise and 64 LnT, w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

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

17. Non standard condition 7

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.

18. Non standard condition 8

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 approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

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

19. Non standard condition 9

Before the use 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.

20. Non standard condition 10

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 the use hereby permitted shall be restricted to an eat in café or restaurant only and no takeaway facility (even if ancillary to the primary use) shall take place from the premises unless agreed in writing by the Local Planning Authority.

Reason:-

In the interests of highway safety and residential amenity.

21. Non standard condition 11

No delivery service including food and drink shall take place from the premises unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of nearby premises and in the interests of highway safety.

3

INFORMATIVES:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of the Design for Living Supplementary Planning Document and Policies CP1, CP2, CP17, DC2, DC3, DC4, DC16, DC33, DC35, DC36, DC61 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. In aiming to satisfy condition 13, the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. 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).

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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 is needed.

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REGULATORY SERVICES COMMITTEE

17 May 2012

REPORT

Subject Heading:

Planning Contravention - alleged breach of planning control on land known as Aveley Marshes, Rainham

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects & Compliance)
01708 432685
Simon.thelwell@havering.gov.uk

Policy context:

Local Development Framework

Financial summary:

Enforcement action and a defence of the Council's case in any appeal with have financial implications

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

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns alleged breaches of planning control on open land known as Aveley Marshes, Rainham.

This concerns the unauthorised operational development by the construction on the land of a hardsurface, including compact earth and gravel, and an unauthorised material change of use of that land for the purpose of storage and parking of vehicles and plant.

Staff consider that the unauthorised operational development and unauthorised material change of use are materially harmful as the vehicle parking and commercial activity are detrimental to the visual amenities and character of the surrounding area in general and open nature of this part of the Metropolitan Green Belt. Furthermore the unauthorised operational development has a detrimental affect on the wildlife corridor that surrounds the Inner Thames Marshes SSSI. The unauthorised operational development has reduced the flood storage volume available within the functional flood plain leading to an increased risk of flooding.

The unauthorised operational development has occurred within the last 4 years and the unauthorised change of use has occurred within the last 10 years and it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breaches.

RECOMMENDATIONS

That the Committee consider that an Enforcement Notices be issued and served.

1. UNAUTHORISED CHANGE OF USE:

Requiring within 3 months:

- Cease using the land, as shown cross hatched on the attached plan for the unauthorised purpose of storage and parking, including storage of vehicles, containers, portable buildings and plant
- Remove all materials, associated spoils and rubble brought onto the land in connection with the unauthorised use mentioned above
- Stop using the land for any purpose other than as open land.

2. UNAUTHORISED OPERATIONAL DEVELOPMENT

Requiring within 6 months:

- Remove all hardstanding including the compacted earth and gravel and membrane materials from the land as shown cross hatched on the attached plan.

- Remove all building materials, associated spoils and rubble brought onto the land in connection with unauthorised operational development.
- Return the land to open land as it was before the unauthorised development took place.

In the event of non compliance and if deemed expedient that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

- 1.1 The site identified in the plan is an irregular shaped piece of land located in an area known as Aveley Marshes in the south of the borough. The area is located within the Metropolitan Green Belt as designated in Local Development Framework (LDF) policy CP14 of the Core Strategy and Development Control Policies Development Plan Document. The land is also designated a site of Site of Nature Conservation Importance (SINC) and is of Metropolitan Importance
- 1.2 The south eastern and south western boundaries of the identified area form the borough boundary with Thurrock Council and also the boundary between the Greater London Authority and Essex County Council.
- 1.3 In terms of the surrounding land uses, the land immediately to the west and north of the site is open land known as Aveley Marshes and it is also located within the Metropolitan Green Belt. It is noted that Aveley, Wennington and Rainham Marshes form the largest expanse of wetland boarding the upper reaches of the Thames Estuary and the area is some 130m to the east of the Inner Thames Marshes, Site of Special Scientific Interest (SSSI). The land immediately to the south and east of the site is located within a different Local Planning Authority (Thurrock Council). It is used for commercial and industrial uses including storage and distribution. It is not designated as being located within Metropolitan Green Belt in the Thurrock Borough Local Plan (adopted 1997).
- 1.4 The nearest highway to the site is Juliette Way within the Purfleet Industrial Park (which is in the Borough of Thurrock) some 100m to the east of the site. The site is around 100m south east of the A13 trunk road and some 40m north of the Channel Tunnel Rail Link.

2. **The Alleged Planning Contravention**

- 2.1 Following complaints, officers from the Planning Enforcement Service have investigated and visited the site.

- 2.2 They have seen that additional hardsurfacing (operational development) has been laid encroaching into the Metropolitan Green Belt. It also appears that the land levels have been raised and the watercourse has been filled in.
- 2.3 Vehicles including cars, lorries and lorry trailers, containers, portable buildings plant and machinery are stored in the open on additional hardsurfacing (a material change of use of the land.)
- 2.4 These alleged breaches amount to unauthorised operational development on the land which it is alleged have occurred within the last 4 years and the unauthorised material change of use of the land which it is alleged has occurred within the last 10 years. In relation to the unauthorised operational development, it is possible that some small areas of hard surface may have been in place more than 4 years. However in the event of any appeal against the issuing of enforcement notices, the Council would rely on planning case law; including *Murfit v Secretary of state for the Environment and East Cambridgeshire DC* (1980) 40 P&CR 254 to argue that the construction of hard surfaces were an integral part of the making of the unauthorised change of use, and can thus be enforced against.
- 2.5 The Council's Planning Enforcement Service, together with the Environment Agency, have been unsuccessful in trying to resolve the various beaches on site. Due to the seriousness and harm caused by the unauthorised operational development and the unauthorised material change of use, this Service is unwilling to allow the situation to become further protracted.

3. **Relevant Planning History**

- 3.1 None.

4. **Enforcement Background**

- 4.1 The Service, in this investigation, has made contact with the land owners who appear reluctant to remedy the breaches.
- 4.2 On 14 January 2011 Enforcement Notices were served on similar matters and were later withdrawn. This was following Legal Advice at the Public Enquiry, on 9 November 2011, whereby issues were raised by the Appellant that all parties having an interest in the land were not served with a copy of the Enforcement Notices. The Council at that time were not in a position to fully defend this.
- 4.3 The Environment Agency are also investigating alleged breaches in relation to the diversion of a watercourse and the impact on the Channel Tunnel Rail Link.

5. **Material Considerations of the Use and Development**

- 5.1 The issue is whether it is expedient for this Council to serve Planning Enforcement Notices having regard to the nature and impact of the unauthorised operational development and unauthorised material change of use.
- 5.2 The site is within the area identified in the LDF Core Strategy and Development Control Development Plan Document and LDF Proposal Map as Metropolitan Green Belt. The relevant planning policies are CP14, CP15, CP16, DC45, DC48, DC58 & DC61 as well as the Supplementary Planning Document; Protecting and Enhancing the Borough's Biodiversity. Other material considerations are Chapter 9 of the National Planning Policy Framework and Policy 7.16 of the London Plan.
- 5.3 The site is an area of Metropolitan Importance for Nature Conservation (SINC) and Aveley, Wennington and Rainham Marshes are the largest expanse of wetland boarding the upper reaches of the Thames Estuary. It is considered that there are no economic or social benefits outweighing the nature conservation importance of the site
- 5.4 Chapter 9 of the National Planning Policy Framework, Policy DC45 and Policy 7.16 of the London Plan make it clear that there is a general presumption against inappropriate development and material change of use which is harmful to the Green Belt except in very special circumstances. No special circumstances have been demonstrated to the Council that there should be a departure from long established Green Belt Policy.
- 5.5 Policy DC48 (flood risk) states that operational development will not be permitted where it would undermine or breach flood defences. The work carried out has reduced flood storage volume available and increased the risk of flooding in the area.

6. **Justification for Intended Action**

- 6.1 The unauthorised operational development and unauthorised material change of use are detrimental to the visual amenities and character of the surrounding area in general and harmful to the essential open nature of this part of the Metropolitan Green Belt. The NPPF Policy DC45 and Policy 7.16 of the London Plan make it clear that there is a general presumption against inappropriate development and material change of use which is harmful to the Green Belt except in very special circumstances. There are no very special circumstances for expanding the site further into the Green Belt and the unauthorised operational development and unauthorised material change of use are contrary to established Green Belt policies.
- 6.2 As set out elsewhere in this report, the site falls within an area of metropolitan importance for Nature Conservation. Aveley Marshes forms part of the largest expanse of wetland boarding the upper reaches of the Thames Estuary. Policy DC58 states that planning permission for operational development and material change of use that adversely affect

any Sites of Special Scientific, and all sites of Metropolitan Local Importance for Nature Conservation, as identified in Protecting the Borough's Biodiversity SPD, will not be granted unless the economic or social benefits of the proposal clearly outweighs the nature conservation importance of the site; and then only, if adequate mitigation can be provided and no alternative site is available.

- 6.3 It is considered that the expansion of the site into an area identified as being of Metropolitan Importance for Nature Conservation, has harmful impact to birds, wildlife and plants. Unmitigated operational development affecting the ditch network in this particular area could have implications for water voles and their habitat which are both fully protected under the Wildlife and Countryside Act 1981 (as amended). There are no economic or social benefits outweighing the nature conservation importance of the site.
- 6.4 The unauthorised operational development also includes changes to the watercourse that are located in an area identified as an area liable to flooding. The Environment Agency expressed particular concern as their survey shows that the ground level has been raised by 1.5 to 2.5 metres. The Environment Agency consider that the ground raising carried out has reduced the flood storage volume available within this area of functional flood plain (Flood Zone 3b) and it may be obstructing flood flow pathways and increasing flood risk in the area. The development is therefore contrary to policy DC48 of the LDF Development Control Policies Development Plan Document.
- 6.5 It is contrary to Policies CP15, CP16, DC45, DC48 and DC58 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the provisions of Chapter 9 of the National Planning Policy Framework and Policy 7.16 of the London Plan.
- 6.6 If a planning application were to be submitted for both the operational development and material change of use, Staff consider that they would be recommended for refusal. In view of Staff, planning conditions could not mitigate or overcome the material harm caused by the alleged breaches of planning control.
- 6.7 The Enforcement Notices served on 14 January 2011 were appealed and were subject of a Public Inquiry which was held on 9 November 2011.
- 6.8 Following representations by the appellant at the commencement of that Inquiry the Council agreed to withdraw the notices.
- 6.9 On 28 November 2011 formal withdrawal notices were served on the appellant.
- 6.10 It should be noted that the Council's withdrawal of notices does not affect the power of the Local Authority to issue a further Enforcement Notice or notices (Section 173 A(4) of the Town and Country Planning Act 1990).

6.11 Authority is therefore sought for the re-issue of the notices.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

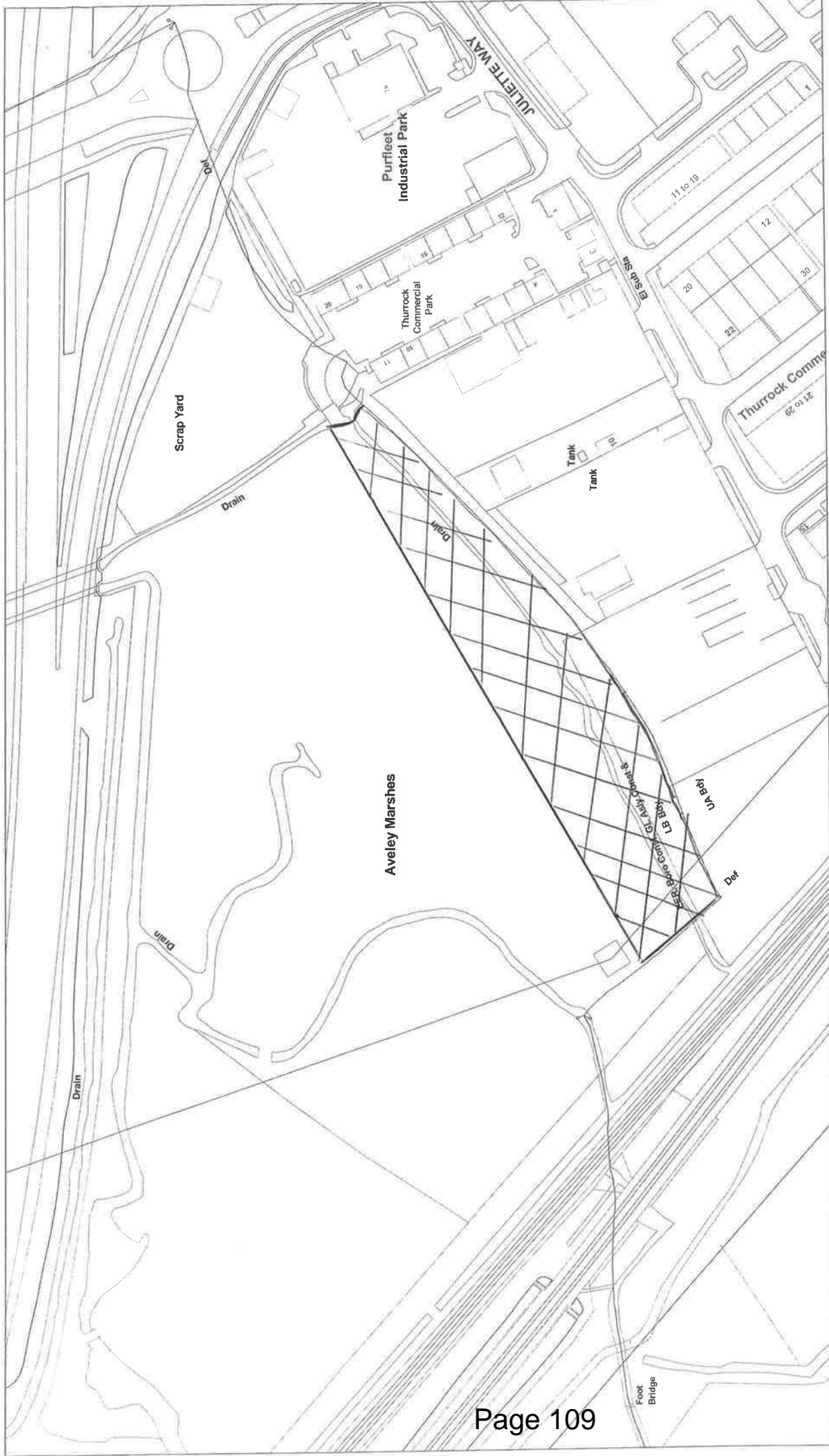
Equalities implications and risks:

No implications identified.

BACKGROUND PAPERS

Plan showing an area of land at Aveley Marshes cross hatched on which the alleged breach of planning control is taking place.

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aveley marshes

London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343



Map Reference: TQ5480SE
 Date: 25/04/2012

Scale @ A4
 1:2202

Scale
 0 15 30 45 60 75 m



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REGULATORY SERVICES COMMITTEE

REPORT

17 May 2012

Subject Heading:

Planning Contravention
186A Main Road
Gidea Park

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects and
Compliance)
01708 432685
simon.thelwell@havering.gov.uk
Local Development Framework

Policy context:

Financial summary:

Enforcement action and a defence of the
Council's case in any appeal will have
financial implications.

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
- Value and enhance the life of our residents
- Delivering high customer satisfaction and a stable council tax

SUMMARY

This property is a first floor flat and part of a terrace of flats above shops at the junction of Main Road and Balgores Lane, this is within the Gidea Park Conservation Area. In March 2011 the Planning Enforcement Service received information that a new white PVC window had been installed in the front elevation

Regulatory Services Committee.

of this property without prior permission from the Local Planning Authority (LPA). Letters were written to the occupier of the property requesting information and the submission of a retrospective planning application seeking the retention of the unauthorised window, no replies have been received. In January 2012 a Planning Contravention Notice was sent to the occupier requesting answers to a number of questions regarding ownership of the property, the notice was never returned. Due to this lack of response the LPA undertook searches to establish the identity of the registered owner of the property. The registered owner was identified and contacted by letter. The owner telephoned the Planning Enforcement office and stated that he would not apply for planning permission but would paint the window instead in order to "tone it down". Given that this property is within the Conservation Area and as the owner has failed to assist the LPA with this investigation it is requested that authority be given to issue and serve Enforcement Notices to seek to remedy the breach.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 6 months:

- Remove the unauthorised PVC window
- Install a replacement window which is identical to the window removed prior to the installation of the PVC window

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. Site Description

186A Main Road is a first floor residential flat above a retail shop and is within the Gidea Park Conservation Area. The property is on a major road into Romford and sits in a prominent location adjacent to the traffic lights at the junction with Balgores Lane.

The property to be enforced against is shown outlined bold black on the attached plan.

2. The Alleged Planning Contravention

Regulatory Services Committee,

It is alleged that, without planning permission, a PVC window was installed at first floor level in the front elevation overlooking Main Road. The property is within the Conservation Area.

3. **Relevant Planning History**

None

4. **Enforcement background**

None

5. **Material Considerations of the Use or Development**

Policies DC61 and DC68 of the LDF apply. Policy DC61 deals with urban design and seeks to ensure that all development is compatible with its surrounding environment. Policy DC68 deals with Conservation areas and seeks to preserve and enhance their appearance.

6. **Justification for Intended Action**

The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the nature and impact of the unauthorised development. This is in terms of its effect upon the special character and appearance of the Gidea Park Conservation Area.

It is felt that, should a planning application be submitted permission may not be granted as the window is white and constructed of PVC. This design does not conform to that which would normally be allowed within the Conservation Area.

It is therefore recommended that an enforcement notice be served.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

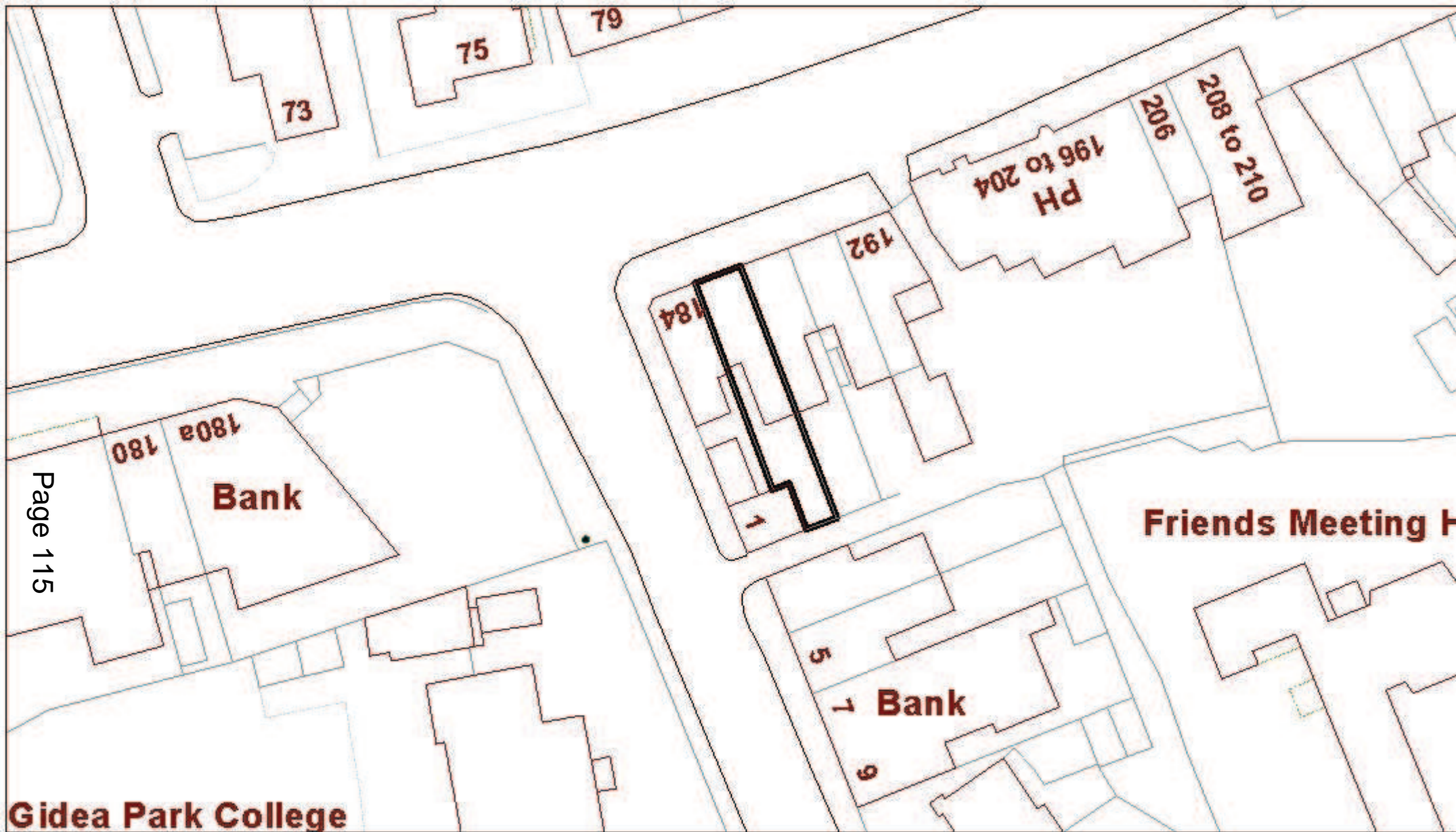
Equalities implications and risks:

No implications identified.

BACKGROUND PAPERS

There is a **statutory** obligation to list papers relied on in the preparation of the report, **unless:**

- 2 *It is an exempt report*
- 3 *Papers relied upon are already in the public domain as “published papers”. This can include: books, magazines and newspapers; Government publications; Council publications (including previous reports and minutes of meetings)*
- 4 *Site Plan*



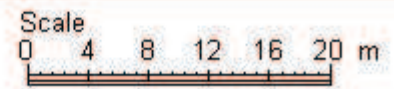
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186a Main Road Gidea Park Romford



Map Reference: TQ5289NE
Date: 30/03/2012

Scale @ A4
1:500




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 Romford, RM1 3BD
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REGULATORY SERVICES COMMITTEE

REPORT

17 May 2012

Subject Heading:

Planning Contravention
Waste Recycling Centre
Gobions Farm, Collier Row

Report Author and contact details:

Simon Thelwell
Planning Control Manager (Projects and
Compliance)
01708 432685
simon.thelwell@havering.gov.uk
Local Development Framework

Policy context:

Financial summary:

Enforcement action and a defence of the
Council's case in any appeal will have
financial implications.

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

- | | |
|------------------------------------------------------------------------------------|-------------------------------------|
| Ensuring a clean, safe and green borough | <input type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity in thriving towns
and villages | <input type="checkbox"/> |
| Value and enhance the life of our residents | <input checked="" type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This report relates to an unauthorised change of use of part of Gobions Farm for the purposes of a waste recycling centre. The change of use does not benefit from planning permission and the site is within the Green Belt. The use for the purposes as a recycling centre is regarded as an unacceptable use and is considered as harmful to the amenity of the locality and to the Green Belt.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months:

1. Cease the unauthorised use, of the land as a recycling yard
2. Remove all installations and machinery brought onto the land in connection with the unauthorised use
3. Restore the land to the condition prior to the commencement of the unauthorised use

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

Gobions Farm is a farm that is mainly agricultural but has a number of industrial uses within the main farm building complex; most uses have been ongoing for a number of years. The farm is within the Metropolitan Green Belt. The land is owned by the Crown and managed by a land agent who rents the farm to a tenant who then sub-leases a number of the buildings.

The land to be enforced against is shown outlined bold black on the attached plan.

The authorised use of the farm is for the purposes of agriculture but the various uses of the building do not benefit from planning permission. However, these uses have been ongoing for a period of in excess of 10 years and are therefore immune from enforcement action. The area of the farm yard that is being used for this unlawful purpose was previously occupied by a removal company and therefore had an accepted B8 use for storage and distribution.

2. **The Alleged Planning Contravention**

On 5th October 2011 the Planning Enforcement service received a complaint stating that a recycling yard had commenced operation at this location. Having checked the history of the site it was found that there had not been any historical use for this purpose. Given that this use does not fall within any accepted use class it must be regarded as a ' Sui Generis' use and as

Regulatory Services Committee.

such requires planning permission. The activity consists mainly of the recycling of wood, glass and plastic which takes place in the open. When the correct weather conditions exist it gives rise to airborne particles drifting over and into nearby residential dwellings and therefore physically impacting upon their amenity.

The first contact was made with the agent acting on behalf of the 'Crown' who own the land, despite numerous exchanges of e-mails progress was slow. Direct contact has now been made with the company that are operating the recycling facility and also their chosen planning agent. They have indicated that a planning application will be forthcoming but given that this has become protracted it is deemed expedient that enforcement action be commenced.

3. Relevant Planning History

P0399.03 – Sales of conservatories – Approved
E0013.08 – Certificate of Lawfulness for B8 storage – No decision given
E0014.08 – Certificate of Lawfulness for B2 industry – No decision given
D0141.10 – Certificate of Lawfulness for B8 storage – Withdrawn
P0824.10 – Car wash – Granted

4. Enforcement background

December 2002 and January 2003 – Goods vehicles operating from the site – It appears that this use may have ceased.

January 2003 – Sales of conservatories – A planning application was approved.

April 2005 – Storage use by a removal company – The use was deemed immune from action.

September 2008 – Development without planning permission – Structure was removed.

November 2009 – Car wash operating – Planning application approved

October 2011 – Recycling yard operating – Ongoing

5. Material Considerations of the Use or Development

The site is located within the Green Belt. National Planning Policy Framework states that when considering planning applications that substantial weight is given to any harm to the Green Belt, including any impact on openness. The NPPF states further that the re-use of buildings, provided of permanent and substantial construction, is not inappropriate.

Policy DC45 of the Local Development Framework states that development in the Green Belt will only be granted for certain specified uses and that any proposed use should not have a greater impact on the openness of the Green Belt. Policy DC45 states that planning permission for the redevelopment of authorised commercial/industrial sites will be granted

Regulatory Services Committee.

provided there is a substantial decrease in the amount of building on the site and improvements to the local Green Belt environment.

Policy DC55 states that planning permission will not be granted if it will result in exposure to noise above acceptable levels.

Policy DC61 states that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes.

6. Justification for Intended Action

The issue is whether it is expedient for this Council to serve a planning Enforcement Notice having regard to the impact of this unauthorised use on the open character and appearance of the Green Belt and the amenity of the locality.

In staff's view the recent use undertaken has a harmful physical impact upon the openness of the Green Belt as all activities relating to this unauthorised use are undertaken in the open which gives rise to airborne pollution and noise both of which impact upon the amenity of nearby residential properties.

Although the site was previously used for storage purposes, there has been no decrease in the impact of the development on the openness of the Green Belt.

Green Belt policy and guidance confirm that planning permission should only be granted if such identified harm is clearly outweighed by very special circumstances. No such very special circumstances have been put forward or are considered to exist. The continued use is contrary to NPPF and policy DC45 of the LDF.

The use is considered to result in an adverse impact on nearby residential amenity. The waste recycling activity includes grinding of material resulting in noise and airborne particles drifting into nearby properties. Continued use is considered to be contrary to Policies DC55 and DC61 of the LDF.

In Staff's opinion the current unauthorised operational development cannot be overcome by the submission of a planning application and accordingly, in order to remedy these breaches it is requested that authority is given to serve an Enforcement Notice.

IMPLICATIONS AND RISKS

Financial implications and risks:

Regulatory Services Committee.

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

No implications identified.

BACKGROUND PAPERS

Case Notes, Photographs and Site Plan

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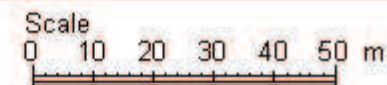


**Gobions Farm, Collier Row Road, Romford.
RM5 2BH**



Map Reference: TQ4990NW
Date: 18/04/2012

Scale @ A4
1:1250



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