



Havering

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

REGULATORY SERVICES COMMITTEE AGENDA

7.30 pm	Tuesday 4 October 2011	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 MINUTES (Pages 1 - 4)

To approve as a correct record the minutes of the meeting of the Committee held on 8 September 2011 and to authorise the Chairman to sign them.

5 PLANNING APPLICATIONS - SEE INDEX AND REPORTS - APPLICATIONS WITHIN STATUTORY LIMITS (Pages 5 - 28)

6 P1067.11 - WILL PERRIN COURT, GUYSFIELD DRIVE, RAINHAM (Pages 29 - 46)

- 7 **P1293.11 - GARAGE COURT TO THE REAR OF 23 KEATS AVENUE, ROMFORD**
(Pages 47 - 62)

- 8 **P1280.11 - GARAGE COURT OFF WORDSWORTH CLOSE, ROMFORD** (Pages 63 -
78)

- 9 **P1281.11 - GARAGE COURT TO THE REAR OF 15 SMART CLOSE, ROMFORD**
(Pages 79 - 94)

- 10 **P1282.11 - GARAGE COURT TO THE REAR OF 51 KEATS AVENUE,, ROMFORD**
(Pages 95 - 108)

- 11 **P1294.11 - GARAGE COURT ADJACENT TO 102 HARROW CRESCENT,
ROMFORD** (Pages 109 - 122)

- 12 **M0010.11 - JUNCTION OF FARINGDON AVENUE & DEWSBURY ROAD, HAROLD
HILL** (Pages 123 - 130)

- 13 **P0538.11 - LAND TO THE NORTH OF RAINHAM STATION BOUNDED BY FERRY
LANE AND WENNINGTON ROAD** (Pages 131 - 174)

- 14 **P1351.11 - DAME TIPPING SCHOOL, NORTH ROAD, HAVERING-ATTE-BOWER**
(Pages 175 - 182)

- 15 **STOPPING UP OF HIGHWAY AT LAND ADJACENT TO 49-59 TURPIN AVENUE,
ROMFORD** (Pages 183 - 188)

- 16 **LAND BETWEEN VIKING WAY AND UPMINSTER ROAD SOUTH, RAINHAM
(P1070.11)** (Pages 189 - 194)

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

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**MINUTES OF A MEETING OF THE
REGULATORY SERVICES COMMITTEE
Havering Town Hall, Main Road, Romford
8 September 2011 (7.30 - 7.45 pm)**

Present:

COUNCILLORS: 9

Conservative Group Barry Tebbutt (in the Chair), Jeffrey Brace, Robby Misir, Frederick Osborne, Garry Pain, Steven Kelly and Billy Taylor

Residents' Group Linda van den Hende

Labour Group Paul McGeary

**Independent Residents
Group**

Apologies were received for the absence of Councillors Sandra Binion, Barry Oddy, Mark Logan and Ron Ower.

+ Substitute members: Councillor Steven Kelly (for Sandra Binion) and Councillor Billy Taylor (for Barry Oddy).

1 member of the public and a representative of the Press were present.

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

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

83 P1111.11 - FOREST VIEW NURSERY, ST MARY'S LANE, UPMINSTER

It was **RESOLVED** that consideration be deferred at the request of staff to enable consideration of Environment Agency issues.

84 PLANNING OBLIGATIONS/LEGAL AGREEMENTS

The report updated the Committee on the position of legal agreements and planning obligations. This related to approval of various types of application for planning permission decided by the Committee that could be subject to prior completion or a planning obligation. This was obtained pursuant to Section 106 of the Town and Country Planning Acts.

The report also updated the position on legal agreements and planning obligations agreed by this Committee during the period 2000-2011.

The Committee **NOTED** the report and the information contained therein.

Councillor Kelly enquired as to whether the £25,000 unallocated contribution from Tesco within planning reference P1768.00 could be spent anywhere in Harold Wood or only in specified areas.

The Committee's Legal Representative undertook to investigate and report back to Councillor Kelly on the matter

85 **PLANNING AND ENFORCEMENT APPEALS RECEIVED, PUBLIC INQUIRIES/HEARINGS AND SUMMARY OF APPEAL DECISIONS**

The report accompanied a schedule of appeals and a schedule of appeal decisions, received between 4 June 2011 and 19 August 2011

The report detailed that 29 new appeals had been received since the last meeting of the Monitoring Committee in March 2011.

The Committee **NOTED** the report and the results of the appeal decisions received.

86 **SCHEDULE OF ENFORCEMENT NOTICES**

The Committee considered and noted the schedules detailing information regarding enforcement notices updated since the meeting held in June 2011.

Schedule A showed notices currently with the Secretary of State for the Environment (the Planning Inspectorate being the executive agency) awaiting appeal determination.

Schedule B showed current notices outstanding, awaiting service, compliance, etc. with up-dated information from staff on particular notices.

The Committee **NOTED** the information in the report.

87 **PROSECUTIONS UPDATE**

The report updated the Committee on the progress and/or outcome of recent prosecutions undertaken on behalf of the Planning Service.

The Committee **NOTED** the report.

88 **P0768.11 - RAPHAEL PARK**

The Committee considered the report and following a brief debate, **RESOLVED** that planning permission be granted subject to the conditions as set out in the report.

Members asked that the new kiosk be situated in an area that was in open view to the public and that it should not be surrounded by landscaping due to previous instances of vandalism.

89 **EXCLUSION OF THE PUBLIC**

The Committee decided on the motion of the Chairman that the public should be excluded from the remainder of the meeting on the ground that it was likely that, in view of the nature of the business to be transacted, if members of the public were present there would be disclosure to them of exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972 and it was not in the public interest to publish the information.

90 **CHIEF EXECUTIVE'S REPORT CONTAINING EXEMPT INFORMATION**

Attached to the report was a schedule listing, by Ward, all the complaints received by the Planning Control Service over alleged planning contraventions for the period from 4 June 2011 and 19 August 2011.

The Committee **NOTED** the report and **AGREED** the actions being taken.

Chairman

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Regulatory Services Committee

4 October 2011

WITHIN STATUTORY PERIOD

Page No.	Application No.	Ward	Address
1-14	P1232.11	Upminster	1 St Mary's Lane, Upminster
15-21	P1246.11	Rainham & Wennington	The Thatched House, Upminster Road South, Rainham

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WITHIN STATUTORY PERIOD

APPLICATION NO:	P1232.11	
WARD :	Upminster	Date Received: 11th August 2011
ADDRESS:	1 ST MARYS LANE UPMINSTER	
PROPOSAL:	Revision of approved planning permission (P0040.11) for development of 2-storey building incorporating 8 x no. flats. Associated hard and soft landscaping, parking and widening of vehicular access. revised plans received 15/9	
DRAWING NO(S):	Drawing No. 1 - Floor plans & elevations Landscaping Actual scale 1:1250 Proposed site plan - Drawing 2 (Revised Sept 2011) Site Plan - Drawing No. 2	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

That planning permission is granted for the reasons given in the report.

BACKGROUND

The application was reported to the Regulatory Services Committee on 24th February 2011 with a recommendation for approval. Members agreed with the Officer recommendation and granted permission.

This application is a resubmission of the previous approval as construction works have not been carried out in complete accordance with the approved drawings. The applicant confirmed that during construction of the approved development, an old "gasometer" dating back to the early 1900s and its surrounding ring beam was encountered. As a result of this, the footing had to be altered in order to create a solid foundation.

The above means that the pinch point of the building is 800mm closer to the eastern boundary than what was approved in P0040.11 as the foundation siting meant the footprint of the building has been slightly altered.

Overall the application is similar to the earlier approval (P0040.11) however, due to the building being closer to the eastern boundary, the main differences are:

- 1) It was noted that a previous drawing indicating distances to the neighbouring properties and was incorrectly dimensioned. Instead of 27m to the rear of No. 3 Hill Rise, based on the current drawings, the building would be 24.1m from the rear wall of this neighbour.
- 2) The pinch point to the eastern boundary is now 4.5m instead of 5.3m (800mm difference) as granted for P0040.11.
- 3) It was noted that the previous report incorrectly stated 4 No. 2-bed flats and 2 No. 1-bed flats (totalling 6 flats which was incorrect). The application is similar to the previous in this respect and officers corrected the report to state 6 No. 2-bed flats and 2 No. 1-bed flats.

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4) The previously approved landscape scheme did not clearly indicate the boundaries of the site and Staff calculated the amenity area to be 383sq.m. The current landscape drawings are calculated to provide 283sq.m of amenity space.

5) Since permission was granted, the applicant established that his boundary extends further towards the west compared to the drawings submitted on the original application.

In light of the above, the merits of the application have been revisited. The report has been adjusted accordingly.

SITE DESCRIPTION

The application site is located towards the northern side of St Mary's Lane, Upminster. The site is bound towards the east by the rear gardens of single storey bungalows along Hill Rise, 2-storey dwellings along St Mary's Lane, The Ingrebourne River and Windmill Pub towards the west and a railway embankment with the District Line towards the north.

The surrounding area is characterised mainly by residential dwellings towards the east and south whilst the area west of the application site has a mixture of commercial and residential developments. One of Upminster's Minor Local Centres is located approximately 270m west of the site.

The application site is triangular in shape and includes No. 1 St Mary's Lane and the pedestrian access towards the north of Nos. 1 - 7 St Mary's Lane. The entire application site measures approximately 1400sq metres with the triangular section designated for the proposed development measuring approximately 1070sq metres.

The site is within a Flood Zone 2 and 3 and the area immediately surrounding the Ingrebourne River is classified as a Site for Importance to Nature Conservation (SINC).

No. 1 St Mary's Lane is a 2-storey semi-detached dwelling whilst the triangular site has been covered in shingle with 4 outbuildings and according to the applicant, been used as a storage for a clothing business and an office. It should however be noted that the lawful use of the site has not been established, however 2002 aerial photographs show the site being densely vegetated.

DESCRIPTION OF PROPOSAL

This Council is in receipt of an application seeking permission for the construction of a 2-storey building to accommodate 8 x No. flats with associated parking and landscaping.

The proposed building would have a width of 13.5m (east-west measurement) with a depth of 12.5m which increases to 17m towards the western boundary. The building would be 2-storey in height measuring 8.7m to the top of the ridge, 5.4m to the eaves. The building would incorporate development in the roof space and would introduce 6 x No. 2-bedroom flats and 2 x No. 1-bedroom flats. All flats would be self contained with separate bedroom/s, bathroom and open plan kitchen / living area.

The building would be set in from the northern boundary by approximately 3.2m, 4m from the existing western boundary fence and 10m from the centre of the river. It would be 4.5m at its pinch point from the eastern boundary and 31m from the edge of St Mary's Lane.

Entrance to the site would be off St Mary's Lane via the existing vehicular cross over and access to the site. The proposal would involve increasing the width of the access to the site (to 9.6m) however, no changes are proposed to the vehicular cross over. The proposal would make

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provision for 8 No. parking spaces on the site with 2 spaces towards the eastern boundary and the remaining 6 spaces towards the western boundary. A refuse storage / bin collection area would be provided behind the access gate, south of the proposed parking spaces.

The site will be provided with soft landscaping around the building, providing a communal garden area measuring approximately 283sq metres.

Windows would be arranged towards the southern, western and northern elevations. No windows are proposed towards the eastern elevation. The development would include small pitched roof dormers to serve development in the loft space. Materials to be used would be a mix of face brickwork at ground floor level, smooth render at 1st floor level with Mock Tudor beams to the eastern elevation. Windows and doors would be UPVC in a golden oak finish.

Following discussions with the Council's Tree Officer and the Environment Agency, the applicant has agreed to accept any suggestions and conditions to improve the already degraded biodiversity and geodiversity value of the site. A landscaping scheme has been included as part of the application.

RELEVANT HISTORY

P0040.11 - Development of 2-storey building incorporating 8 x no. flats. Associated hard and soft landscaping, parking and widening of vehicular access - Approved, under construction

CONSULTATIONS/REPRESENTATIONS

Notification letters were sent to 27 neighbouring properties. 3 Letters of representation were received, raising objections in respect of the following:

- Building closer to bungalows on eastern side
- Out of character
- Development will alter outlook of bungalows
- Invasion of privacy
- Parking spaces
- Previous conditions were not adhered to
- Overshadowing
- Development too large
- Development cannot be screened by vegetation
- Cramped form of backland development
- Overbearing and visually intrusive
- Prejudices the environment of neighbouring occupiers
- Discrepancies between current application and previous approval
- Concerns with regards to proposed landscaping scheme
- Harm caused by headlights of vehicles parking on site
- The communal amenity area would be insufficient
- No demand for flats in the area
- Increased risk of flooding
- Security issues

The planning matters raised above will be discussed in the remainder of the report.

With regards to discrepancies between the previous approval and what has actually been constructed on the site, these matters form part of the current planning application. All conditions that have not been dealt with as part of the previous approved application (Ref:

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P0040.11) will be imposed on this application, should Members be minded to grant permission.

RELEVANT POLICIES

LDF policies:

CP1 (Housing Supply)
CP2 (Sustainable Communities)
CP9 (Need to Travel)
CP16 (Biodiversity and Geodiversity)
CP17 (Design)

DC2 (Housing Mix and Density)
DC3 (Housing Design and Layout)
DC33 (Car parking)
DC36 (Servicing)
DC48 (Flood Risk)
DC58 (Biodiversity and Geodiversity)
DC59 (Biodiversity in New Developments)
DC61 (Urban Design)
DC62 (Access)
DC63 (Delivering Safer Places)

Residential Design Supplementary Planning Document

London Plan (2011):

3.8 (Housing Choice)

Other:

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)

STAFF COMMENTS

The main issues to be considered in this case are the principle of development, site layout and amenity space, impact on local character and streetscene, residential amenity, highways/parking issues, the impact of the development on biodiversity and geodiversity on the site and flood risk issues.

PRINCIPLE OF DEVELOPMENT

The principle of the residential development for 8 flats and associated parking and amenity was established when permission was previously granted (Planning Ref: P0040.11) by Members at committee on 24th February 2011.

The proposal is further in accordance with Policy 3.8 of the London Plan (2011) which states that DPD policies should ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.

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DENSITY/SITE LAYOUT

The communal amenity area was considered acceptable when permission was granted for P0040.11 and this situation remains largely similar to the previous application, albeit that the area available is 100sq.m less. Staff are of the opinion that this aspect of the proposal is compliant with the aims and objectives of the Council's Residential Design SPD.

An appropriate landscaping management scheme will be required by means of a planning condition to secure effective and affordable landscape management and maintenance on the site.

The residential density range for this site is 50 - 80 units per hectare where terrace dwellings and residential flats are characteristic of the locality. The development of 8 flats on the site would therefore result in a density of 74 units per hectare.

DESIGN/IMPACT ON STREET/GARDEN SCENE

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

The proposal would not involve any changes to the external appearance. Apart from being sited 800mm closer to the eastern boundary, all aspects of the design would remain the same compared to the previously approved scheme. In light of the fact that Members considered the overall scale, bulk and design acceptable when permission was granted in application P0040.11, Staff are of the opinion that the proposal has remained unchanged in this respect and would therefore be acceptable in terms of its impact on the character and appearance of the street scene.

IMPACT ON AMENITY

Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

Windows within the southern elevation would be directed towards Nos. 1 to 3 St Mary's Lane. The windows in the southern elevation would be 21m from the rear of the building at No. 1 St Mary's Lane at its closest point and 28m from the rear of No. 1 Hill Rise. The proposed building would not have a back-to-back relationship with any of the neighbouring dwellings and the relationship between the proposed south facing windows and neighbouring buildings would be at oblique angles. Members may be of the opinion that the proposal would have the potential to overlook the amenity areas of Nos. 1 to 3 St Mary's Lane and No. 1 Hill Rise. It is however not considered that the proposal would present a situation which would result in any greater overlooking compared to that which currently exists from Nos. 1 to 3 St Mary's Lane towards No. 1 Hill Rise. Members are however invited to apply their judgement to this aspect of the proposal.

The applicant further proposes to retain the existing shrubs towards the site's eastern boundary.

It was also noted upon site inspection that the rear gardens of bungalows along Hill Rise have outbuildings towards their western boundaries. The existing boundary treatment in conjunction with outbuildings would further mitigate any potential for overlooking towards neighbouring properties.

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With regards to the visual impact of the development within this rear garden environment, the proposed building would be separated by bungalows along Hill Rise by 24m at its pinch point and 19m from dwellings along St Mary's Lane. The proposal has further been designed to be similar in height compared to a 2-storey dwelling with a maximum height of 8.7m. The boundary treatment and outbuildings within the rear gardens of neighbouring dwellings would serve as a degree of screening. Following approval of application P0040.11, construction works on the site has commenced and the building is up to eaves level. Staff have since revisited the site and given the separation distance, the 2-storey height of the proposal and the existing vegetation to the eastern boundary, it is considered that the development would have an acceptable appearance without appearing visually intrusive or dominant as seen from the rear gardens of neighbouring properties. The building has also been designed to step away from neighbouring dwellings and due to its layout would be viewed at oblique angles, minimising any visual bulk. In Staff's opinion, in light of the minor changes and compared to the previous approval, it would be difficult to justify refusal of the application.

All other aspects in terms of the proposal's impact on neighbouring amenity were considered acceptable when permission was granted for application P0040.11. Due to the minor changes involved in this application, Staff are still of the opinion that the development would not result in any harmful levels of overshadowing, overlooking or noise and disturbance.

The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

HIGHWAY/PARKING

Highway and parking issues were considered acceptable when permission was granted for application P0040.11. The parking and access arrangements remain unchanged and is therefore still considered acceptable and compliant with Policy DC33 of the LDF.

OTHER ISSUES

Ecology / Biodiversity:

The application site is located at the interface of two Sites of Importance for Nature Conservation (SINC) - HvBII42D Havering District Line & M108 Ingrebourne Valley.

According to Policy DC58, biodiversity and geodiversity will be protected and enhanced throughout the borough by protecting and enhancing Sites of Special Scientific Interest and all sites of Metropolitan, Borough or Local Importance for Nature Conservation.

The site is also adjacent the River Ingrebourne and Policy DC57 of the LDF states that where developments are located within close proximity to rivers, the Council will seek river restoration, in particular improvements to the River Ingrebourne, amongst others, including restoration of banks and in-channel habitat enhancement.

Following a site inspection, comments from the Council's Wildspace Project Officer revealed that the site is currently of low ecological value. The majority of the site has been filled with shingle and cleared of any natural vegetation (Aerial photographs shows that this has been the condition of the site since 2007 or before). The boundary along the River Ingrebourne is currently severely degraded in terms of its nature conservation value and is heavily shaded by a row of semi-mature leylandii trees. Along the Eastern boundary of the site is a mature hedge of laurel of very limited nature conservation value.

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Since this site has been degraded in the past there would evidently be no detrimental impact to the SINC through development of the site, however the underlying theme of the DC policies is the protection and enhancement of biodiversity. This development should therefore use the opportunity to address this by incorporating enhancements for the benefit of the river corridor and biodiversity. In granting permission previously, conditions were attached to secure enhancements.

The applicant has indicated that any recommendation by the Council or Environment Agency to provide an opportunity to enhance the biodiversity value of the site, would be taken onboard in order to comply with the aims of Policies DC57 and DC58. Following the approval of the earlier application, it was confirmed by the Environment Agency that information has been received from the applicants that they are also the riparian owners of the River Ingrebourne. The following was also agreed:

- Removal all of the conifer trees along the river bank;
 - river enhancement works including the re-grading of the bank alongside the site;
 - the provision of a buffer zone planted with native species and demarked by a native hedge;
- and
- that the parking areas alongside the river will be of a gravelled surface.

In light of the above, Staff are of the opinion that this part of the river corridor adjacent the application site and its biodiversity value can be enhanced as a result of the proposal. Appropriate conditions will be attached, should Members be minded to grant permission for the application. With the above mentioned conditions in place, the proposal is considered to comply with the aims and objectives of Policies DC57 and DC58 of the LDF Development Control Policies Development Plan Document.

FLOOD RISK

The development is located within a Flood Zone 2 and 3 and Policy DC48 of the LDF would apply in this regard. According to Policy DC48, Development must be located, designed and laid out to ensure that the risk of death or injury to the public and damage from flooding is minimised whilst not increasing the risk of flooding elsewhere and ensuring that residual risks are safely managed. Sustainable Drainage Systems (SUDS) can be applied to all new development and those in flood risk areas to control the quantity of surface water drainage. Such systems can include permeable pavements, filter drains and strips, swale, temporary basins, ponds, wetlands, and green/brown roofs. The guidance further stipulate that planning obligations to secure flood attenuation measures may be required to make the development acceptable.

The applicant has submitted a Flood Risk Assessment (FRA) and comments from the Environment Agency reveals that the river bank re-grading may result in an increase in flood storage area and are therefore satisfied that details of flood storage can be dealt with by means of a condition.

The conditions recommended by the EA relates to the development being carried out in accordance with the details submitted in the FRA indicating no loss of fluvial storage volume and a minimum finished floor level 300mm above the 1:100+cc fluvial flood level. It is also recommended that SUDS be incorporated into the final drainage design.

Staff are of the opinion that compliance with appropriate conditions as requested by the EA would not result in an increased risk of flooding elsewhere as a result of the proposed development. It is therefore considered that the development is acceptable in this respect and would comply with the aims and objectives of PPG25 and DC48 of the LDF Development

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Control Policies Development Plan Document.

SECURED BY DESIGN

Subject to compliance with the conditions as agreed as part of condition discharge (Ref: Q0097.11), no issues are raised in this respect.

KEY ISSUES/CONCLUSIONS

The proposal overall remains largely similar to the previous approved application (Planning Ref: P0040.11) apart from the building being sited 800mm closer to the eastern boundary. In light of the previous approval, the proposal remains acceptable in principle. There are no changes to the design and appearance of the building and is therefore acceptable in street scene terms.

The only neighbours to be affected by the amendments proposed by this application are those to the east along Hill Rise. Staff are of the opinion that the resiting 800mm closer to the site's eastern boundary would not result in any additional harm to the amenities of these neighbours to a degree which would justify refusal of the application. The development is considered to remain acceptable with regards to its impact on the amenities of neighbouring occupiers.

Highway / Parking issues remain unchanged and is therefore acceptable.

The biodiversity and geodiversity value of the site has been degraded significantly over the years and with appropriate conditions, the development presents an opportunity to enhance biodiversity in particular along the River Ingrebourne which would be an overall improvement in accordance with Policies DC57 and DC58 of the LDF. The Environment Agency is satisfied with the details supplied in the FRA and with appropriate conditions, the development would not result in an increase of flood risk elsewhere, compliant to PPG25 and DC48.

Overall, the proposed development is considered to be acceptable and therefore compliant with the aims and objectives of Policy DC61 of the LDF Development Control Policies Development Plan Document.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. SC05A (Number of parking spaces)
Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 8 car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To ensure that adequate car parking provision is made off street in the interests of highway safety.

3. M SC09 (Materials)

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4. M SC11 (Landscaping)
5. S SC32 (Accordance with plans)
6. SC46 (Standard flank window condition)
7. S SC58 (Storage of refuse)
8. M SC59 (Cycle Storage)
9. SC61 (Railway noise assessment)
10. Non standard condition
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 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 Development Control Policies Development Plan Document Policy DC61.

11. Non standard condition
The development hereby approved shall be constructed in exact accordance with the Construction Method Statement which was agreed under condition discharge request application reference Q0097.11 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

13. Non standard condition
The development hereby approved shall be constructed in exact accordance with the Secured by Design details which was agreed under condition discharge request

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application reference Q0097.11 unless otherwise agreed in writing by the Local Planning Authority.

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

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 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 and Noise" 1994.

15. Non standard condition

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

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

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

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

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.

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

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

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

Reason:

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

16. Non standard condition

Notwithstanding the details shown on the drawings hereby approved, prior to the commencement of development a scheme for the provision and management of a buffer zone and riverbank regrading alongside the river Ingrebourne shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- * plans showing the extent and layout of the buffer zone
- * plan showing the removal of the conifer trees along the river bank and any replacement planting
- * details of the planting scheme (native species)
- * details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- * details of the bank regrading to produce a gentler gradient and including the creation of lowered shelves supporting marginal vegetation of native species
- * details of the gravelled parking area
- * details of any fencing hardstanding etc.

Reason:

Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

The Environment Agency should be contacted for advice to develop this scheme.

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17. Non standard condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for 1 St Mary's Lane Upminster, dated December 2010, reference KL/KTP/ml/100278/FD01, compiled by Lanmore Consulting and the following mitigation measures detailed within the FRA:

* There will be no loss of fluvial storage volume under the proposed development (section 6.2.2 page 8).

* Minimum finished floor level for the proposed development will be set at 11.56mAOD, 300mm above the 1:100+cc fluvial flood level (section 7.1.2 page 9).

* SUDS should be incorporated into the final drainage design (section 7.2.1 page 9).

Reason:

To reduce the risk and impact of flooding to the proposed development and future users.

18. Non standard condition

The development hereby permitted shall not be commenced until such time as a flood storage scheme, providing level for level and volume for volume compensation for any development within the 1:100+20% Flood Zone of the River Ingrebourne has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

19. Non standard condition

For the development or each phase of the development a landscape management plan, including long term design objectives, management responsibilities, maintenance schedules for all landscape areas, other than privately owned domestic gardens, and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the first residential occupation of the development or any phase thereof, as appropriate. The landscape management plan approved shall be carried out to the approved timescale and adhered to thereafter.

Reason:

To protect/conservate the natural features and character of the area, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

1 INFORMATIVE:

1. Reason for approval:

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The proposed development is considered to be in accordance with the aims, objectives and provisions of the Draft Residential Extensions and Alterations SPD and Policies DC33, DC48, DC57, DC58 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

2. Under the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for certain works (such as infiltration tests or trial pits) or structures within 8m of the top of the bank of the River Ingrebourne, designated a "main river". This is irrespective of any planning permission granted.

For a flood storage compensation scheme to be acceptable the Environment Agency would expect to see the following:

* That compensation volumes must apply at all levels between the lowest point on the site and the design flood level. This is calculated by comparing volumes taken up by the development, and volumes offered by the compensatory storage for a number of horizontal slices from the lowest point on the site up to the design flood level.

* For the proposed development the slice thickness should be 0.1 metres.

* Compensatory storage must then be provided equal to or exceeding the development volume for each of those slices.

The developer should prepare suitably detailed plans and calculations to show how this is to be achieved for all the layers between the upper and lower levels over which the compensation works will apply, confirming slice thickness, location of the works and should be presented on suitably scaled drawings which include individual layer / slice results in table format.

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

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

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

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

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Services will be required. They can be contacted on 0845 850 2777.

7. There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

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

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APPLICATION NO:	P1246.11	
WARD :	Rainham & Wennington	Date Received: 16th August 2011
ADDRESS:	The Thatched House Upminster Road South Rainham	
PROPOSAL:	Demolition of existing office/shop/dwelling and erection of 3No. terraced houses re-application No P0131.11	
DRAWING NO(S):	RA225/10/1A RA225/10/2A RA225/10/3	
RECOMMENDATION :	It is recommended that planning permission be GRANTED subject to conditions given at the end of the report.	

RECOMMENDATION

That planning permission is granted.

SITE DESCRIPTION

The application site is located on the northern side of Upminster Road South. The site is presently occupied by a single/two storey building with an attached garage, which comprises of a shop/office at the ground floor and a one bedroom flat at first floor. There are single storey extensions to the building and an outbuilding that are sited on the eastern boundary of the site. There is an alleyway adjacent to the western boundary of the site. The site has a frontage onto Upminster Road South of between 2 and 7 metres and has an overall depth of approximately 30 metres. 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 (No. 181) to the west and a two storey end of terrace property (No. 183) to the east.

DESCRIPTION OF PROPOSAL

The application seeks permission for the demolition of an existing office/shop/dwelling and the erection of 3 No. terraced houses.

In terms of appearance the proposed building has a pitched roof. In terms of finishing materials, the predominant materials proposed are part brick, part rendered blockwork and roof tiles.

The proposed building would measure 16 metres in width and have a maximum depth of 9.1 metres. The building would be 8.1 metres in height. The flank walls of the building are sited 0.1 metres and 0.7 metres from the western and eastern boundaries respectively.

There would be two car parking spaces to the front of each dwelling.

RELEVANT HISTORY

P0131.11 - Demolition of existing office/shop/dwelling and the erection of 3 no. terraced houses - Withdrawn.

P1617.06 - Two bed dwelling rear of The Thatched House - Refused.

P1071.02 - Improvement to main entrance for access by disabled persons - Approved.

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P0217.96 - Single storey side extension and alterations - Approved.

CONSULTATIONS/REPRESENTATIONS

The occupiers of 27 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.

The Highway Authority has no objections to the proposals. The Highway Authority requires a standard of between 2 – 1.5 parking spaces per unit for a development of this type in Rainham.

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

Crime Prevention Design Advisor - The information provided in the Design and Access Statement that accompanies the application fails to mention or demonstrate how crime prevention measures have been considered in the design of the proposed development and how it reflects the seven attributes Safer Places as required by DC63. In addition, there were no details of proposed landscaping, parking provision or cycle storage. Recommends a condition and an informative if minded to grant planning permission.

RELEVANT POLICIES

Design for Living Supplementary Planning Document

Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC3 (Housing Design and Layout), DC33 (Car Parking), DC61 (Urban Design) and DC63 (Crime) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.13 (safety, security and resilience to emergency) and 7.4 (local character) of the London Plan are relevant.

National policy guidance set out in Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Statement 3 – Housing are also relevant.

STAFF COMMENTS

This proposal follows a previous planning application, P0131.11, for the demolition of an existing office/shop/dwelling and the erection of 3 No. terraced houses, which was withdrawn.

The current application differs from the previous scheme in the following key areas:

- The dwellings have hipped roofs instead of gabled roofs.
- The flank walls of the building are sited 0.1 metres and 0.7 metres from the western and eastern boundaries respectively. Previously, the flank walls of the building were sited on the western and eastern boundaries.

The main issues in this case are considered to be the principle of development, density and site layout, the impact upon the character and appearance of the street scene, impact upon neighbouring occupiers and highway/parking issues.

PRINCIPLE OF DEVELOPMENT

The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas,

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Romford Town Centre and District and local Centres and is therefore suitable for residential development according to DC61 of the DPD. Residential development in the form of new dwellings would therefore not be unacceptable in land use terms. Therefore, there are no concerns regarding the loss of a retail unit.

DENSITY/SITE LAYOUT

The Density Matrix in Policy DC2 seeks to guide higher density of development to those parts of the Borough having good access to public transport. In this instance the application site is considered to be located within an area of predominantly terraced and semi-detached housing, with the density requirement being 30-50 units per hectare. The proposal achieves a density of some 60 units per hectare on this 0.05 hectare site, which is outside of the range identified, although this is one element of the assessment.

The Council's Design for Living SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

The proposal would provide approximately 82 square metres of amenity space for each new dwelling. Staff are of the opinion that the amenity space would be private, screened from general public view and access, and in a conveniently usable form. As a result, it is considered that the proposed amenity area for the new dwellings complies with the requirements of the Design for Living SPD and is acceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The application would comprise the demolition of the existing building on the site. While the building appears to be in a structurally sound condition, it is not of any particular architectural or historic merit and no in principle objection is therefore raised to its demolition.

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 local character is drawn largely from two-storey terraced and semi-detached dwellings.

PPS1 and PPS3 recognise the need for high quality design in residential development. In particular, PPS1 states that good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. It can help to secure continued public acceptance of necessary new development. As a consequence Local Planning Authorities are advised to reject designs which are considered to be poor or unacceptable.

It is considered that the building would appear in character with neighbouring properties, as the streetscene is varied and there are terraced properties in the locality with hipped and gabled roofs. It is considered that the design of the proposal would integrate well with neighbouring properties, including the two storey front projections with gabled roofs. The height of the building is considered to be acceptable, as it is similar to both neighbouring properties at No.'s 181 and 183 Upminster Road South. The proposal would be in general alignment with the front building

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line of neighbouring properties.

It is considered that the proposal would not appear cramped in the streetscene, as the flank walls of the building are sited 0.1 metres and 0.7 metres from the western and eastern boundaries respectively. In addition, there is an alleyway adjacent to the western boundary of the site, which provides an additional separation distance of approximately 1.5 metres. It is Staff's view that replacing the gabled roofs of the dwellings with hipped roofs minimises their bulk and mass.

IMPACT ON AMENITY

The merits of this application have been carefully considered, particularly with regard to the impact of the new dwelling on the amenity of the occupiers, particularly No.'s 181 and 183 Upminster Road South.

It is considered that the proposal would result in some loss of amenity to No. 181 Upminster Road South in terms of loss of light, although this is deemed to be within acceptable limits. There would be a separation distance of approximately 2.3 metres between the flank wall of the proposal and the flank wall of this neighbouring property. No. 181 Upminster Road South has an obscure glazed ground floor flank window, which serves a bathroom and is not a habitable room. No. 181 Upminster Road South has a first floor flank window, which serves a landing and is not a habitable room. No. 181 Upminster Road South has a single storey rear extension, which would help to mitigate the impact of the proposal within the rear garden environment.

It is considered that the proposal would result in some loss of amenity to No. 183 Upminster Road South in terms of loss of light, although this is deemed to be within acceptable limits. No. 183 Upminster Road South has a first floor flank window, which serves a landing and is not a habitable room. There would be a separation distance of approximately 0.7 metres between the flank wall of the proposal and the eastern boundary of the site. No. 183 Upminster Road South has an existing single storey side extension located on its western boundary, which comprises of a garage, store room and utility room and does not have any flank windows. It is noted planning permission was granted for a two storey side extension at No. 183 Upminster Road South (application P1583.10) and the plans do not feature any flank windows.

It is considered that replacing the gabled roofs of the dwellings with hipped roofs minimises their bulk and mass and in turn, helps to reduce the impact of the proposal on neighbouring properties.

If minded to grant planning permission, it is proposed to remove permitted development rights for extensions and roof additions/alterations to protect the amenity of neighbouring occupiers, as the new dwelling would project approximately 1.3 metres and 0.7 metres beyond the two storey rear facade of Nos 181 and 183 Upminster Road South and following negotiations with the agent, the gabled roofs of the dwellings were replaced with hipped roofs.

It is considered that the proposal would not create any additional overlooking or loss of privacy Nos 181 and 183 Upminster Road South, over and above existing conditions. The dwellings do not feature any flank windows.

HIGHWAY/PARKING

According to Policy DC2, the site lies within an area with a Public Transport Accessibility Zone Rating of 1-2, which recommends the provision of 2-1.5 spaces per unit in this location. The development would provide six off-street parking spaces resulting in two spaces per dwelling.

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The Highway Authority has noted that the vehicular crossover will need to be extended so that vehicles can enter and exit the parking spaces without damaging the un-reinforced footway, which will be secured by condition. Refuse storage will be secured by condition.

KEY ISSUES/CONCLUSIONS

The proposed residential use of the site is acceptable in principle. It is considered that the proposal would integrate well with the streetscene and would not materially harmful to residential amenity. It is considered that the proposal would not create any highway or parking issues. Having regard to all material planning considerations, it is recommended that planning permission be approved.

RECOMMENDATION

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

1. S SC4 (Time limit) 3yrs
2. M SC09 (Materials)
3. S SC32 (Accordance with plans)
4. SC46 (Standard flank window condition)
5. M SC11 (Landscaping)
6. S SC06 (Parking provision)
7. M SC62 (Hours of construction)
8. S SC58 (Storage of refuse)
9. S SC14 (Sight lines)

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

Reason:-

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

10. M SC59 (Cycle Storage)
11. M SC45A Removal of permitted development rights
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment) Order 2008, Article 3, Schedule 2, Part 1, Class A and B, no enlargements, improvements or other alteration shall take place to the dwellings unless permission under the provisions of the Town and Country Planning Act 1990

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12. M SC63 (Construction Methodology)
13. Non standard condition
Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.
- Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.
14. Non standard condition
The building(s) shall be so constructed as to provide sound insulation of 45 DnT, w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.
- Reason: To prevent noise nuisance to adjoining properties in accordance with the recommendations of Planning Policy Guidance Note 24 ¿Planning & Noise¿ 1994.
15. Non standard condition
Prior to the commencement of the development, all details of boundary screening and screen walling including details of the change in ground levels on the site 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.
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 are maintained and to comply with policies in the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.
17. Non standard condition
The dwellings shall not be occupied until a means of vehicular/pedestrian/cycle access has been constructed in accordance with the approved plans.

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Reason: To ensure the interests of the travelling public are maintained and to comply with policies in the Core Strategy and Development Control Policies, namely CP10, CP17 and DC61.

2 **INFORMATIVE:**

Reason for approval:

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

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

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

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

5. In aiming to satisfy condition 12, the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA 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.

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

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COMMITTEE**

REPORT

04 October 2011

Subject Heading:	<p>P1067.11 – Will Perrin Court, Guysfield Drive, Rainham</p> <p>Conversion of Will Perrin Court from sheltered housing into a hostel.</p> <p>(Application received 13th July 2011)</p>
Report Author and contact details:	<p>Helen Oakerbee, 01708 432800, helen.oakerbee@haverling.gov.uk</p>
Policy context:	<p>Local Development Framework, London Plan, Planning Policy Statements/Guidance Notes</p>
Financial summary:	<p>None</p>

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

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

SUMMARY

This application relates to Will Perrin Court which is currently a vacant building, formerly used for Sheltered Housing. The site is located directly east of the Health & Welfare Clinic on South End Road, to the rear of properties along South End Road, Guysfield Drive and Guysfield Close, Rainham.

The proposal is for the conversion of the existing vacant building into a Hostel for homeless people.

Staff consider the relevant issues to particularly include the principle of the development, the effect of the development upon the character of the street scene, the impact upon the amenities of existing adjoining residential occupiers, amenity space and car parking provision for the existing and proposed occupiers and highways considerations.

Although Members will wish to make a balanced judgement on the issues arising from this application, on balance, Staff recommend that planning permission be granted.

RECOMMENDATIONS

That planning permission be granted subject to the planning 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) 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 Development Control Policies Development Plan Document

3) In 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 Policy DC61 of the Development Control Policies Development Plan Document.

4) Refuse storage: 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.

5) 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.

6) 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.

7) Details of CCTV: No development shall take place until such time as precise details of CCTV cameras, including details to control the extent of their area of vision, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the development hereby approved and maintained in accordance with the agreed details.

Reason:

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

8) Management Scheme: Prior to commencement of the development hereby permitted, the applicant shall submit in writing a management scheme setting out details of the overall site and resident management. The approved details shall be implemented in full prior to the occupation of the development hereby approved and maintained in accordance with the agreed details.

Reason:

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

9) Parking: Before the building(s) hereby permitted is first occupied, provision shall be made within the site for 15 car parking spaces (in accordance with Drawing Nr: 2-61023/206 Revision A) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

10) Boundary treatment: Prior to the commencement of the development hereby approved, details of all boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall be erected in accordance with the agreed details prior to the commencement of the approved use to the satisfaction of the Local Planning Authority and maintained permanently thereafter.

Reason:

In the interests of site security and visual amenity.

11) External lighting: Prior to the commencement of the development hereby approved, details of all external lighting within the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved lighting shall be

installed in accordance with the agreed details prior to the commencement of the approved use to the satisfaction of the Local Planning Authority.

Reason:

In the interests of amenity.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policy DC61 of the LDF Development Control Policies Development Plan Document.

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

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

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

5. In aiming to satisfy Condition 6 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site relates to a Council owned property formerly used for Sheltered Accommodation which is currently vacant. The site is located directly east of the Health & Welfare Clinic on South End Road, to the rear of properties along South End Road, Guysfield Drive and Guysfield Close, Rainham.
- 1.2 The site measures 0.45ha. Will Perrin Court is a 2-storey flat roofed building, measuring approximately 5.5m in height with a floor area of 2150sq metres. Currently there are 36 sheltered units. The main entrance to the site is from Guysfield Drive, towards the south with a secondary access towards the rear, from Guysfield Close. The site has preserved trees (TPO Nr. 3-08).
- 1.3 The character of the area is mainly residential with 2-storey terraced and semi-detached dwellings surrounding the site (towards the north, east, south and west). Other than residential, there is a health centre next to the site.

2. Description of Proposal

- 2.1 The Council is in receipt of a planning application seeking permission to convert the existing vacant Will Perrin Court which was formerly used for Sheltered Housing for the elderly, into a Hostel for homeless people. The proposal will provide temporary supported accommodation for single people or families requiring accommodation in an emergency whilst permanent solutions are being sought.
- 2.2 Externally the proposal would involve minor changes. To the front, the existing entrance doors will be replaced with aluminium doors to improve security of the building. The industrial screen to the side of the building will be replaced with a new perforated metal screen which will be colour coded. There will be a number of minor alterations to the eastern elevation, mainly replacing windows and doors to be matching aluminium.
- 2.3 The proposal would involve general internal refurbishment works in order that all units have their own shower room, creating 2 fully accessible units and conversion of the existing warden's flat into additional studios. Overall there will be an increase in the number of units from 39 to 46, consisting of 12 x 1-bed flats, 32 x studio flats, 2 x wheelchair accessible flats, a staff room and training room area. The footprint of the building will remain as existing.

2.4 The existing car park to the front of the site will be enlarged to allow additional parking and also provide accessible spaces and an additional service / van parking space.

2.5 Revised drawings have been received with the following changes:

- 1) Addition of gates to the rear car parking area which will also have some fencing attached
- 2) Additional notes about raising the height of the fencing to 2.0m, the majority of the rear of the site already has fencing this high.
- 3) Changed the pram stores to be general stores
- 4) Added secure Bike parking
- 5) Added a children's play area in the courtyard
- 6) Provide fencing around the courtyard area
- 7) Added notes for the door types and windows types.
- 8) Provided an additional door to access the two rear most flats from the corridor to provide a more straight forward route.

3. Planning History

3.1 There is no history relevant to this application.

4. Consultations/Representations

4.1 The application has been advertised on site and in the local press as a major development given the floor space being 2150sq metres. Neighbour notification letters have also been sent to 270 local addresses. At the time of drafting this report, 136 letters of representation have been received, raising objections in respect of the following:

- The development would not be a positive contribution to the area or community
- Additional pressure on local services (i.e. doctors, schools, social services)
- Concerns over management and staffing of hostel
- Unsuitable development in residential area
- Safety of children, elderly people and local residents will be compromised
- Antisocial behaviour
- Increase in traffic / parking problems / congestion
- Additional noise and disturbance
- Devalue property values
- Drug and alcohol abuse in the area
- The close proximity of the proposal to local schools
- The close proximity of the proposal to the off-licenses
- The 24/7 use of the building and activities associated with CCTV usage
- Parking will dominate and lack of landscaping
- Harmful to character and appearance
- Additional noise / disturbance and odours
- Overlooking and loss of privacy

- Light disturbance
- Influx of people into the local area
- Bin storage area will be unsightly and additional pollution
- Increase in crime rates
- No play area for children would result in children playing on street

Amongst the objection letters were a letter from the Residents Committee with an attached petition signed by 1000 people with an additional 215 signature received (total 1215). It was noted that the covering letter state 1472 people signed the petition however, Staff counted 1000 on the original plus 215 signatures and addresses.

A letter of objection was received from Councillor Michael Deon Burton, raising objections in respect of:

- increase in traffic
- additional noise
- the use is inappropriate in this location
- antisocial behaviour
- disturbance

Councillor Burton also sent in 222 pro-forma letters.

All issues raised in additional petition and pro-forma covering letters have been covered above.

4.2 The Borough Crime Prevention Design Advisor raised concerns in respect of the application. These concerns will be discussed in more detail in the section on “community safety issues”.

5. Relevant Policies

5.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply
 CP2 – Sustainable Communities
 CP17 - Design

5.2 LDF Development Control Policies Development Plan Document

DC2 – Housing mix and density
 DC3 – Housing design and layout
 DC4 – Conversions to residential and subdivision of residential uses
 DC5 - Specialist accommodation
 DC21 – Major developments and open space
 DC32 – The road network
 DC33 – Car parking
 DC34 – Walking
 DC35 – Cycling
 DC36 – Servicing

DC40 – Waste recycling
DC51 – Water supply, drainage and quality
DC55 – Noise
DC61 – Urban design
DC63 – Delivering safer places
DC72 – Planning Obligations

5.3 The London Plan (2011)

3.1 (Equal life chances for all)
3.3 (Increasing Housing Supply)
3.4 (Optimising Housing Potential)
3.8 (Housing Choice)
3.9 (Mixed and Balanced Communities)
3.16 (Protection and Enhancement of Social Infrastructure)
6.7 (Better Streets and Surface Transport)
6.9 (Cycling)
6.10 (Walking)
6.13 (Parking)
7.1 (Building London's Neighbourhoods and Communities)
7.3 (Designing out Crime)
7.4 (Local Character)
7.21 (Trees and Woodlands)

5.4 Government Guidance

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 3 – Housing
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Guidance Note 13 – Transport
Planning Policy Guidance Note 24 – Planning and Noise

6. **Staff Comments**

6.1 The main issues in this case are considered to be the principle of the development, the effect of the development upon the character of the street scene, the impact upon the amenities of existing adjoining residential occupiers, amenity space and car parking provision for the existing and proposed occupiers and highways considerations.

6.2 **Principle of Development**

6.2.1 Policy CP1 states that where sites which are suitable for housing become available outside the Green Belt, the employment areas, the commercial areas, Romford town centre and the district and local centres, the Council will not normally permit their use for other purposes. The location of the site complies with these criteria. Although a change of use is proposed in this instance, the residential use of the building would be maintained (the change of use relates to the number and nature of occupation of the units). The proposal is therefore acceptable in land use terms.

6.2.2 Policy DC4 states that planning permission will only be granted for the conversion/demolition/subdivision of residential uses to residential communal uses (including bedsits, house in multiple occupation and nursing homes) provided that:

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

6.2.3 With regards to the criteria set out in Policy DC4, Will Perrin Court is detached and well separated from neighbouring dwellings. The impact of the development in terms of the nature of the use and potential levels of noise and disturbance to nearby residential properties will be assessed elsewhere in this report.

6.2.4 Policy DC5 requires applications for social service residential projects to satisfy the following criteria:

- The proposal is located within a residential area unless its scale and nature is of such that it would be inappropriate in a residential setting
- The site has reasonable pedestrian and cyclist access to shops and services
- The site is well served by public transport
- Where the conversion of an existing residential property is involved, Policy DC4 is satisfied
- The proposal should comply with Policy DC61 by being a high standard urban design, does not result in overshadowing, loss of sunlight, unreasonable noise and disturbance, overlooking or loss of privacy.
- Residents / visitors are able to park without detriment to highway safety, having regard to Policy DC33 and DC35.

6.2.5 Policy DC5 recognises that hostels and bedsits can provide valuable temporary housing for those who may not have access to permanent housing in the borough, particularly the non-priority homeless, students and low-paid workers.

6.2.6 Assessed against Policy DC5, the proposal is located within an established residential area and indeed, has been used as residential accommodation in the form of Sheltered Accommodation. No external works are proposed and Staff are of the opinion that the proposal is not inappropriate within this existing residential setting.

6.2.7 Turning to the other criteria set out in Policy DC5, although the site has a low PTAL rating (PTAL 1 – 2), Will Perrin Court is within walking distance

from local shops and services (approximately 180m) and Southend Road is served by bus services to Hornchurch and Cherry Tree crossing. No extensions are proposed to the building which can have an impact on neighbouring amenity however, the impact of the development on the street scene and local character and its impact on neighbouring amenity will be assessed in detail elsewhere in the report. Similarly with parking, although Staff consider the level of parking provision to be acceptable, it will be assessed in more detail elsewhere in the report.

6.2.8 Staff are of the opinion that the proposal satisfy the in principle criteria of Policies CP1, DC4 and DC5 of the LDF with detailed consideration on specific matters of the Policies considered later in the report.

6.2.9 The need for accommodation is considered to be a material consideration in this case. The Council has recently reviewed all its hostel accommodation. The February 2011 Cabinet Report highlights the Council's statutory duty to provide temporary accommodation to homeless people in the borough. The needs of homeless people are set out in Havering's Supporting People Strategy.

6.2.10 The Cabinet Report proposed that the Council's hostel accommodation is provided on two sites rather than the current four dispersed sites. The first site being Will Perrin Court which has been vacant for some time and changing the use of this building would enable closure of three current hostels.

6.2.11 According to a statement provided by the applicant, the term "hostel" can sometimes have negative connotations and Members may find it more appropriate to think of the refurbished Will Perrin Court as providing temporary accommodation for families with children and single people requiring accommodation in an emergency. The applicant confirmed that the primary users of temporary hostel accommodation within the borough are families with, or expecting, children who have been excluded by parents, other family members or friends because they can no longer continue to accommodate them. It is therefore extremely rare for the Council to house people from out of the Borough in temporary hostel accommodation.

6.2.12 For the avoidance of doubt, the Council's hostels provide *temporary* accommodation, they are not used for longer term accommodation. The current average stay is 12 weeks.

6.3 Layout and amenity space provision

6.3.1 Policies DC4 and DC5 advises that planning permission will only be granted for proposals involving conversions to residential provided the certain criteria are satisfied. These criteria state that proposals should provide adequate parking, not result in a conflict with adjoining uses, not result in an unacceptable loss of privacy, provide adequate amenity space and ensure that the living rooms of new units do not abut the bedrooms of adjoining dwellings. Policy DC4 advises that proposals for residential communal uses

will only be granted where the use would be within a detached property and well separated from neighbouring dwellings whilst Policy DC5 requires such development to be located within a residential area unless its scale and nature is of such that it would be inappropriate in a residential setting. Both policies also advise that proposals for communal uses must not give rise to significantly greater levels of noise and disturbance. The provisions of Policy DC4 and DC5 will be considered throughout this report.

- 6.3.2 Having regard to the previous use of the building as Sheltered Accommodation and the fact that the proposal is for reuse of an existing building for residential use within a predominantly residential area with no external alterations, Staff are of the view that the proposed use of the building would not adversely conflict with adjoining uses. The building is detached and a sufficient distance from neighbouring dwellings and would in the context of Policy DC4 have no lounge / living rooms abutting bedrooms of existing neighbouring properties.
- 6.3.3 This proposal would see the internal conversion of the existing building to provide 12 x 1-bed flats, 32 x studio flats and 2 x wheelchair accessible flats. Policy DC4 states that studio flats will not be permitted. Policy DC4 is however not aimed at specialist accommodation and in this instance, it is important for Members to note that the proposal, although providing studio flats, is not for residential accommodation in the usual sense of housing long-term occupiers. The proposal is a temporary solution for homeless people awaiting to be housed elsewhere and average stay at any of the Council's hostels is currently 12 weeks. A clear distinction can therefore be made and the proposal for a number of studio flats would be acceptable under these special circumstances.
- 6.3.4 Amenity space provides many benefits in terms of opportunities for recreation and leisure and enhancing quality of life through improved health. Members will be aware that the Council has adopted a Supplementary Planning Document for Residential Design. This document does not specifically refer to the need to provide amenity space within a development of the nature proposed. Notwithstanding, the site is within an established residential area and has a number of mature trees and grassed areas in particular towards the west and east of the building. Revised drawings have been submitted to indicate a secure children's play area within the court yard towards the rear. This and the soft landscaped areas within the site, would provide some form of amenity for its occupiers. Again, in light of the nature of the type of accommodation provided and given that it is for a temporary period only, Staff are of the opinion that the level of amenity space on the site is adequate in this instance.

6.4 Impact on character and street scene

- 6.4.1 Given that the proposal primarily comprises a change of use of an existing building, rather than the erection of a new building, the effect of the proposal upon the character of the street scene is negligible. To the front, the existing entrance doors will be replaced with aluminium doors to improve

security of the building. The industrial screen to the side of the building will be replaced with a new perforated metal screen. There will be no extensions to the building and the majority of changes will be to extend the existing car park. Staff are therefore of the opinion that the proposal relate satisfactorily to the existing street scene character in terms of siting and design. Policies DC5 and DC61 is therefore considered to be satisfied.

6.5 Community Safety issues

6.5.1 Hostel accommodation can raise concerns relating to “fear of crime” with the public especially, although not exclusively, those living close to proposed developments. However, given appropriate management, the occupants of these properties should not cause significantly greater impacts than other similar users or indeed residents of private homes. Providing accommodation for homeless people can often provide a wider benefit which weighs against local anxiety / fear of crime amongst local residents. Notwithstanding, the increased intensity of the use can result in concerns related to noise and overlooking however, these concerns are unassociated with the background of the occupants.

6.5.2 Amongst others, the main issues raised in objections were in respect of:

- Management and staffing of hostel
- Safety
- Antisocial behaviour
- Drug and alcohol abuse in the area
- Increase in crime rates

6.5.3 The Council’s Crime Prevention and Design Advisor raised the following main concerns:

- the location is in an area which already suffers a disproportionate amount of crime. The proposal may raise the potential for crime and fear of crime
- future occupiers may be vulnerable to crime, unless the building provides conditions that discourage crime and the fear of crime
- staffing and the type of people who would be given temporary accommodation cannot be guaranteed.
- the lack of parking spaces may result in on-street parking, leaving vehicles vulnerable to crime
- concerns were raised in respect of the building itself from a design point of view

6.5.4 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. The applicant responded to the above concerns by stating the following:

- Although the area suffers from high crime rates already, the proposal would bring a vacant building back into use. The proposal will ensure that the building will be staffed and introduce activity, potentially reducing anti-social behaviour and crime
- Strict residence rules are in place and participating in any form of anti-social behaviour will result in eviction
- Local residents will be able to contact staff, should any problems arise
- Staff will be present 24 hours a day, 7 days a week
- There will be constant CCTV surveillance
- Havering's statistics show that homeless people are not drug and / or alcohol addicts, nor people who are vulnerable because they have been in prison.
- The 15 parking spaces does not include the area to the rear of the site which can provide a further 6 spaces to be used by Will Perrin employees

6.5.5 In addition, revised drawings have been received addressing the concerns raised by the Council's Crime Prevention and Design Advisor. These include changes to the fencing and gates, storage areas and secure cycle parking, a children's play area, secure windows and doors and changes to access routes.

6.5.6 In making this application, the applicant has given a clear statement of intent which indicates that the rooms are to be let to those who are homeless mainly to households with children, pregnant woman with no other children, people with physical disabilities, mental illnesses, 16 / 17 year olds, people who are of old age or people who are vulnerable due to health or domestic violence.

6.5.7 In light of the above information provided by the applicant in respect of the type of people for which temporary accommodation is provided by the Council and, the Council's management schemes at current homeless hostels of a similar nature, Staff are of the opinion that the proposal would not give rise to an increase in levels of crime or anti-social behaviour which will compromise safety of surrounding residents. With an appropriate management scheme in place, activities, comings and goings at the site can be monitored and this can be required by means of an appropriate planning condition. Members are invited to apply their judgement to this aspect of the proposal.

6.6 Impact on Amenity

6.6.1 Policy DC61 states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

6.6.2 The use would provide 46 units, most of which are either 1-bedroom or studio flats. At present, Will Perrin Court has 41 units. The proposal would therefore arguably see a rise in the number of people present on the site at any one time however, Staff are of the opinion that this would not be

significantly more compared to its previous use as Sheltered Accommodation.

- 6.6.3 Whilst Staff give notice to the concerns raised in representations relating to antisocial behaviour, Members attention is again drawn to fact that the use is mostly for single parents and families in need of temporary accommodation until they can be housed elsewhere permanently.
- 6.6.4 In addition, Members may be aware that the Council currently provides this service to four well managed hostels currently located in residential areas. According to the information provided by the applicant, these hostels do not disrupt other residents due to effective management plans which are in place. The management of Will Perrin Court, similar to other existing hostels, will include:
- 24/7 staff on site (overnight staff and not simply sleep-in cover)
 - Full CCTV coverage
 - Controlled entry to prevent overnight stays by those not resident at the scheme
- 6.6.5 Residents are required to abide by strict management rules as part of their licence agreement. All residents are required to sign and abide by a copy of the licence agreement. The licence agreement states that:
- residents must not do or allow to be done anything on the premises which may be a nuisance, annoyance or danger to others
 - Residents may not bring, keep or consume any alcohol or drugs on the premises
- 6.6.6 Given that Will Perrin Court will be used as temporary hostel accommodation, the usual legal provisions that require the issue of notice and a court order before eviction can be carried out, does not apply. Evictions can therefore be carried out immediately if necessary.
- 6.6.7 In light of the above, Members will note that the Council already has strict and effective management procedures in place and applies strict policies relating to the occupancy of temporary hostel accommodation. Staff are therefore of the opinion that any issues relating to potential antisocial behaviour raised in representations would not be harmful to the amenities of local residents.
- 6.6.8 With regards to the impact of the proposal upon the amenities of existing adjoining residential occupiers, again, given that the proposal comprises a change of use rather than major new building works, Staff consider that the impacts arising from the physical elements of the scheme would be minimal.
- 6.6.9 Staff are of the opinion that noise levels may increase due to an increase in the intensity of the proposed use. The building is however detached and removed from neighbouring dwellings and would therefore not result in direct noise translation between buildings. Any potential noise would be due

to an increase in the number of people on the site. Staff are however of the opinion that the number of people on the site would not significantly increase compared to the existing use of the site. General noise and activities associated with the proposed residential use is not considered to be unreasonable and is similar to what can be expected if the use were to remain Sheltered Accommodation.

6.6.10 Insofar as the wider impact along Guysfield Drive and Guysfield Close are concerned, given the nature of the client group proposed to occupy the building and the likely lower level of associated car ownership, it is unlikely that the additional traffic movements generated by the proposal would cause an unacceptable level of additional noise and disturbance upon the adjoining roads.

6.9 Parking and Highway Issues

6.9.1 The site will be accessed from the existing access via Guysfield Drive and Guysfield Close. The existing car park will be extended to provide a total of 12 parking spaces, an additional space for services / a van and 2 additional disabled bays. The parking area would consist of a mixture of tarmac, block paving and paving slabs.

6.9.2 The site is located within a low ranked Public Transport Accessibility Level Zone (PTAL 1-2), as defined in DC2 of the LDF. Annex 5 of the LDF requires provision for hostel type accommodation at a rate of 1 space per 2 resident spaces. On the basis of the number of 'bed spaces' proposed (44), 22 No. car parking spaces are required to serve the development. In this instance, a total of 15 No. spaces are proposed (which includes the service / van space and 2 No. disabled spaces). Annex 5 further states that the level of parking provision required will depend on the type of hostel proposed owing to the wide variation in parking demand generated by different types of hostels.

6.9.3 The Highways Authority objects against the lack of parking space provision as the 46 units would require 23 units based on the Council's parking matrix in Annex 5 of the LDF. The applicant did however indicated that in addition to the 15 spaces for residents, a further 6 would be provided to the rear of the premises for use by Will Perrin Court staff.

6.9.4 PPS 3 places an emphasis upon a reduced need for car parking spaces and encourages local planning authorities to be flexible in allowing housing developments with limited or no off-street car parking in areas with good public transport accessibility and where effective on-street parking control is present or can be secured. The site has a low PTAL rating of 1 – 2 however, Southend Road is served by a bus route leading towards Hornchurch and Cherry Tree crossing. The site is within 180m of local shops and services. Although there are no parking controls in place along Guysfield Drive, there are no known traffic / parking problems. In Staff's opinion, given the likelihood of low car ownership levels by future occupants, it would be unreasonable to refuse permission due to a lack of 9 parking

spaces. Members are however invited to apply their judgement to this aspect of the proposal.

7. Conclusions

- 7.1 The proposal is considered to comply with the aims and objectives of Policies CP1, DC4 and DC5 of the LDF by providing valuable temporary accommodation for those who may not have direct access to permanent housing in the borough. The proposal is close to local shops and services and a bus route which serves Southend Road, is within walking distance. The proposal is therefore considered to be acceptable in principle.
- 7.2 The development would introduce minor changes to the external appearance with no extensions or changes to the general appearance of the building. The proposal would therefore be acceptable in street scene terms with no harmful impact on the character of the local area. The proposal provides sufficient amenity space on the site and revised drawings indicate a children's play area. The proposal is therefore compliant with Policy DC61 of the LDF.
- 7.3 Staff acknowledge that the proposal would increase the intensity of the use on the site by providing 46 units (instead of the existing 36 units). It is however not considered that the increase in number of people would be significant enough to result in harmful levels of noise, activities or disturbance which would be detrimental to the amenities of local residents. Should Members be minded to grant permission, it is recommended that a management plan is required by condition. The aims and objectives of Policy DC61 are therefore satisfied.
- 7.4 Careful consideration is given to anti-social behaviour, crime and fear of crime issues. Staff are of the opinion that the proposal would bring a vacant unit back into use, introducing activity to the site. Assessing the type of people usually taken in by the Council's other, similar hostels for homeless people, Staff are not of the opinion that homeless people should automatically be associated with issues relating to crime and anti-social behaviour. With an appropriate management scheme in place, it is considered that the proposal would not give rise to any community safety issues which would leave local residents vulnerable. Members are invited to apply their judgement to this aspect of the proposal.
- 7.5 The proposal would not provide the number of parking spaces required in accordance with Annex 5 of the LDF as 9 parking spaces will be provided (15 spaces required). In light of potential low car ownership and proximity to local shops, services and the Southend Road bus service, Staff are of the opinion that the level of car parking spaces is acceptable in this instance. There are no known parking problems along Guysfield Drive and it is not considered that that proposal would give rise to highway or parking issues that would conflict with local amenity.

7.6 On balance, Staff consider the proposal to be acceptable and recommend that planning permission is granted, subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal Implications and Risks

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

Human Resources Implications and Risks

None.

Equalities implications and risks:

The provision of hostel service by the Council is meeting the needs of the some of the most vulnerable members of the community. The approach recommended in this report will ensure that the level and quality of provision is maintained and improved. This includes appropriate provision for residents with disabilities at Will Perrin Court.

BACKGROUND PAPERS

Application forms, plans and supporting statements received on 13th July 2011.



**REGULATORY
SERVICES
COMMITTEE**

REPORT

04 October 2011

Subject Heading:

**P1293.11 – Garage court to the rear of
23 Keats Avenue, Romford**

**Demolition of existing 11 garages and
the erection of 1 dwelling with
associated parking**

(Application received 17th August 2011)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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 type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application relates to a Council owned garage court. The application proposes the demolition of the existing 11 garages and the erection of 1 No. dwelling with associated parking.

The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. 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) 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: The materials used in the construction of the development hereby permitted shall be Hanson Clumber Red Brick for walls and Marley Eternit Modern Interlocking Tile (Smooth Grey) for roof tiles in accordance with the details supplied on Drawing No. 8430-009-1001 (received 17th August 2011), unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason:

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

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 Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

7) Obscure glazed window: The proposed windows on 1st floor level to the eastern elevation serving the bathroom shall be permanently glazed with obscure

glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

8) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. cycle storage spaces to each plot in accordance with the approved plans (Drawing Nr. 8430-009-1000, received 17th August 2011) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

9) 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 Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

Reason:

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

11) Highways Licence Agreement: 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.

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

Reason:

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

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

Reason:

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

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

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

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

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

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

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

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

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

Reason:

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

15) 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

16) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings 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

17) Domestic Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to the dwelling. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33 and DC61 of the LDF Development Control Policies Development Plan Document.

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

3. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004.

Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.

4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
6. There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
7. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court to the western side of Keats Avenue and to the rear of Nos. 17 - 23 Keats Avenue. The site is covered in hardstanding and comprise 11 garages. The site area measures 598sq.m. Site levels are generally level although there is a slight rise from east to west. Access to the site is from Keats Avenue.
- 1.2 The surrounding area has no characteristic built style with a mixture of 2-storey dwellings with mansard roofs and pitched roofs with gable ends.

Directly west of the site is Risebridge Golf Club which is also Green Belt land.

2. Description of Proposal

- 2.1 The application seeks permission to demolish the existing 11 x No. garages on the site and erect 1 No. detached dwelling.
- 2.2 The proposed dwelling would be towards the western side of the application site with its front towards the north and rear towards the south. The dwelling would measure 6.5m in width and 10.3m in depth. It would be 2-storeys in height measuring 5m to the eaves and 8.2m to the top of its ridge. The dwelling would be set away from its northern boundary by 6.5m, it would be 11.5m from the southern boundary and 8m from the eastern boundary.
- 2.3 On ground floor level would be a w.c., kitchen / dining room and a living room. On first floor level would be 4 bedrooms and a bathroom. Windows and doors would generally be arranged to the front (north) and rear (south) with flank wall windows to the eastern elevation.
- 2.4 The proposal would retain the existing access to the site measuring approximately 3.8m in width.
- 2.5 There would be a bin collection point 12m from the site entrance and 31m from the front of the proposed dwelling. The bin collection area indicates space for 2 bins.
- 2.6 Towards the front of the dwelling would be parking space for 2 cars with associated soft landscaping.
- 2.7 Amenity space would mainly be towards the rear with some amenity towards the sides. The amenity area would measure 151sq.m.
- 2.8 Towards the rear of the dwelling would be an area for refuse storage and a shed which can be used for cycle storage.

3. Relevant History

- 3.1 No relevant history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 17 neighbouring properties with 1 letter of representation received with a petition signed by 47 residents. The letter raised objections in respect of the following:
 - Limitation of space and congested living area
 - Insufficient emergency vehicle access
 - Too close to neighbouring properties

- Overlooking / loss of privacy
- Intrusive and anti-social
- Inconvenience because of construction works
- Possible damage to neighbouring land during construction
- Overspill of parked vehicles onto adjoining roads
- Traffic safety issues

4.2 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 further representations received.

5. Relevant Policies

5.1 Policies CP17 (design), DC3 (Housing Design and Layout), DC33 (Car parking), DC61 (Urban Design), DC63 (Crime) and the Residential Design Supplementary Planning Document of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD) and the Residential Design SPD is also relevant.

5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)

5.3 PPS1 (Delivering Sustainable Development) and PPS3 (Housing), PPS4 (Planning for Sustainable Economic Growth) and PPG13 (Transport).

6. Staff Comments

6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking

account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 113sq.m for a 4-bed 6-person dwelling. The proposal has an internal floor space of 450sq.m which is acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 Amenity space would mainly be provided towards rear of the dwelling, wrapping around to the sides. The amenity space in this instance would measure approximately 151sq metres.

6.3.3 Amenity provision in the locality are generally towards the rear and of a similar size compared to the proposal. It was noted that Nos. 1 and 3 Dyers Way have amenity areas in a similar location and of similar size to the proposal. It is considered that the proposed amenity area would be consistent with those in the immediate vicinity. Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a private and usable garden area. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 17 units per hectare. This density would be below the recommended density range for this area and given the limitations of the site is considered acceptable.

6.3.5 In terms of the general site layout, the proposed detached dwelling would have sufficient spacing towards the front and with generous amenity areas towards the rear, are not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the

surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

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

6.4.2 The proposal would be to the rear of properties along Keats Avenue and would therefore not form part of the Keats Avenue street scene. Notwithstanding, the proposals would form part of the rear garden environment and should have an acceptable design and appearance which is not harmful to the character of the area. The proposal would be of a similar height compared to the dwellings in the vicinity and would also have a pitched roof with gable ends.

6.4.3 The development would replace the existing garages and harstanding with dwellings which is similar in character and design of those along Dyers Way and further south along Keats Avenue. The development would further introduce soft and hard landscaping. The proposal is considered to be an improvement of the current situation on the site and would not detract from the surrounding environment.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of a new detached dwelling in this location would have an acceptable impact with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposals would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposal is for a detached dwelling which would be approximately 11.5m from the southern boundary, 4m from the eastern boundary and 3.5m from the northern boundary. Staff are of the opinion that the separation

distances from neighbouring boundaries are sufficient and given its moderate 2-storey height, the proposal would not appear visually intrusive or bulky as seen from neighbouring properties.

- 6.5.3 Similarly, due to the separation distances, there would be no potential for overshadowing to any neighbouring properties.
- 6.5.4 The new dwelling would have windows to the south serving bedrooms on 1st floor level. These windows would however be 11.5m from the nearest neighbouring boundary which is the side garden boundary of No. 15 Keats Avenue. Any views from these windows to No. 15 would be at oblique angles and there would be no direct overlooking to this neighbour. This neighbour further has a garage to its northern boundary which would screen any potential for overlooking. The proposal is not considered to result in any overlooking or invasion of privacy towards the rear.
- 6.5.5 Towards the east would be a flank wall window on 1st floor level. This window would serve a bathroom and can therefore be conditioned to be fixed shut and obscure glazed. There would be no potential for overlooking to the dwellings east of the proposal.
- 6.5.6 Towards the north, the proposal would introduce 2 new windows serving bedrooms on 1st floor level. The separation distance between these windows and the rear of those properties likely to be affected (Nos. 1 and 3 Dyers Way) is approximately 24.5m. Staff are of the view that this separation distance is sufficient and no direct overlooking would occur to the windows or habitable rooms of these neighbouring dwellings. Staff acknowledge that the proposal may result in a degree of overlooking to the rear gardens of No. 1 and 3 Dyers Way however, Members are invited to apply their judgement in particular weighing up the potential harm against the benefits of providing new family accommodation.
- 6.5.7 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that one new 4-bedroom dwelling would not give rise to a significant rise in the level of vehicular activity over and above that which is currently experienced as a result of the garages.
- 6.5.8 In terms of general noise and disturbance, it is not considered that the addition of one new family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.9 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed 2-storey developments in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

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

6.6 Highways / Parking Issues

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 2 x No. parking spaces to the northern side of the dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 According to information provided by the applicant, of the 11 garages, 7 are in use and the remaining 3 void. No alternative sites are proposed for displacements. Upon site inspection it was noted that the surrounding streets are not overly congested. Whilst no provision is made for displacement garages elsewhere, Staff are of the opinion that any remaining displacements can be accommodated on the surrounding streets without resulting in harm to the existing parking situation or neighbouring amenity. Staff consider the benefits of new family housing to outweigh the provision of 7 of the garages which is still in use elsewhere. Members are invited to apply their judgement in this respect.

6.6.3 The development provides storage for 2 x no. cycle spaces which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 Other Issues

6.7.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal provides a bin collection point along the access road which is approximately 31m from the dwelling's front door. The maximum allowed distance under schedule 1, Part H of the Building Regulations 2000 is 30m. Staff are of the opinion that the proposed refuse collection point is marginally further than the recommended 30m and that it would be unreasonable to refuse planning permission for this reason alone. Future occupiers will be aware of the refuse collection arrangements prior to occupation and this aspect would therefore be a

matter of choice. Members are invited to apply their judgement to this aspect of the proposal.

- 6.7.2 Concerns are raised by the Highways Authority regarding Fire Brigade access to the site. Staff are of the opinion that it would be unreasonable to refuse the application as the installation of domestic sprinklers can satisfy the Brigade's requirements. In lieu of adequate access, the applicant proposes the installation of a sprinkler system and its installation can be secured by means of a planning condition.

7. Conclusion

- 7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity however, Members are invited to apply their judgement in respect of potential overlooking to the rear gardens of Nos. 1 and 3 Dyers Way. Amenity space provision is considered sufficient. Whilst no provision is made for displacement garages elsewhere, Staff consider the benefits of new family housing to outweigh the provision of 7 of the garages which is still in use elsewhere. The vehicles currently parked in these garages can comfortably be accommodated on the adjoining roads. Members are invited to apply their judgement in this respect. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 17th August 2011.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

04 October 2011

Subject Heading:

**P1280.11 – Garage court off
Wordsworth Close, Romford**

**Erection of 1 new dwelling with
associated car parking**

(Application received 17th August 2011)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

This application relates to a Council owned garage court. The application proposes the erection of 1 x No. dwelling with associated parking.

The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. 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) 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: The materials used in the construction of the development hereby permitted shall be Hanson Clumber Red Brick for walls and Marley Eternit Modern Interlocking Tile (Smooth Grey) for roof tiles in accordance with the details supplied on Drawing No. 8430-003-1001 (received 17th August 2011), unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason:

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

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 Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

7) Obscure glazed window: The proposed window on 1st floor level to the northern elevation serving the bathroom shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

8) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. cycle storage spaces in accordance with the

approved plans (Drawing Nr. 8430-003-1000, received 17th August 2011) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

9) 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 Development Control Policies Development Plan Document Policy DC61.

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

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

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

Reason:

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

11) Highways Licence Agreement: 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.

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

Reason:

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

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

Reason:

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

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

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

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

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

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

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

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

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

Reason:

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

15) 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

16) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no

extensions, roof extensions, roof alterations or outbuildings 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

17) Domestic Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to the dwelling. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33 and DC61 of the LDF Development Control Policies Development Plan Document.

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

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

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

5. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the

applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

6. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court which is located off Wordsworth Close and is located to the rear of Nos 1 – 4 Wordsworth Close and the rear of Nos. 24 – 26 Shenstone Gardens and south of properties along Masefield Crescent. The site is currently vacant as all garages have previously been demolished. Access to the site is from Masefield Crescent which gives access to Wordsworth Close. The site has an overall area of approximately 645sq.m.
- 1.2 The surrounding area is mainly characterised by 2-storey semi-detached and terraced dwellings. There is no characteristic built form and dwellings are constructed from a mix of bricks and render.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 1 No. detached dwelling with associated parking and amenity.
- 2.2 The dwelling would measure 6.5m in width and 10.3m in depth. It would be 2-storeys in height measuring 5m to the eaves and 8.2m to the top of its ridge. The dwelling would be set away from its northern boundary by 2.7m, it would be 7.6m from the southern boundary and 7.6m from the eastern boundary.
- 2.3 On ground floor level would be a w.c., kitchen / dining room and a living room. On first floor level would be 4 bedrooms and a bathroom. Windows and doors would generally be arranged to the front (west) and rear (east) with flank wall windows to the northern elevation.

- 2.4 The proposal would retain the existing access to the site measuring approximately 2.7m in width. There would also be a pedestrian walkway to the southern side of the access road which will be an additional 1.3m in width, resulting in a total width of the access of 4m.
- 2.5 There would be a bin collection point 21m from the site entrance and 29m from the front of the proposed dwelling. The bin collection area indicates space for 2 bins.
- 2.6 Towards the front of the dwelling would be parking space for 2 cars with associated soft landscaping.
- 2.7 The dwelling would have an east-west orientation with garden spaces towards the rear (east) and wrapping around to the sides, measuring 230sq.m.
- 2.8 Towards the rear of the dwelling would be an area for refuse storage and a shed which can be used for cycle storage.

3. Relevant History

- 3.1 No relevant history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 24 neighbouring properties with no letters of representation received. 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 further representations received.

5. Relevant Policies

- 5.1 Policies CP17 (design), DC3 (Housing Design and Layout), DC33 (Car parking), DC61 (Urban Design), DC63 (Crime) and the Residential Design Supplementary Planning Document of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD) and the Residential Design SPD is also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)
- 5.3 PPS1 (Delivering Sustainable Development) and PPS3 (Housing), PPS4 (Planning for Sustainable Economic Growth) and PPG13 (Transport).

6. Staff Comments

6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.

6.2 Principle of Development

6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.

6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 113sq.m for a 4-bed 6-person dwelling. The proposal has an internal floor space of 452sq.m which is acceptable.

6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.

6.3.2 Amenity space would mainly be provided towards rear (east) of the dwelling, wrapping around to the sides. The amenity space in this instance would measure approximately 230sq metres. The site currently has screen fencing around its boundaries however, appropriate fencing can be required by means of a planning condition.

- 6.3.3 Amenity provision in the locality is generally towards the rear and of a similar size compared to the proposal. It is considered that the proposed amenity area would be consistent with those in the immediate vicinity. Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a private and usable garden area. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.
- 6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 15 units per hectare. This density would be below the recommended density range for this area but in this instance is considered acceptable given the site constraints.
- 6.3.5 In terms of the general site layout, the proposed detached dwelling would have sufficient spacing towards the front and with generous amenity areas towards the rear, are not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.
- 6.4 Impact on Local Character and Street Scene
- 6.4.1 Policy DC61 of the LDF Development Plan Document seeks to ensure that new developments are satisfactorily located and are of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and should not prejudice the environment of the occupiers and adjacent properties. Policy DC61 of the DPD states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.4.2 The proposal would not form part of the Masefield Crescent, Wordsworth Close or Shenstone Gardens street scene. The development is proposed towards the rear of garden areas of the surrounding properties and would therefore only be visible within the rear garden environment.
- 6.4.3 There is no characteristic built form in the immediate surrounding area and houses are generally 2-storey semi-detached and terrace dwellings built from a mix of bricks and render. Many of the surrounding properties have been changed over time with various extensions and a mix of styles of windows, porches and dormers.
- 6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of the proposed detached dwelling in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwelling and neighbouring properties, Staff

are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The nearest neighbouring properties towards the north would be approximately 22.5m away. The proposal would be 2.7m south of the rear boundary of these neighbouring properties with its roof hipped away from the northern boundary. Given this separation distance, spacing between boundaries and the roof design, Staff are of the opinion that the proposal would have an acceptable relationship with the neighbours towards the north without appearing visually intrusive or dominant. The proposal would introduce flank windows to the northern elevation. The ground floor flank window would not result in any overlooking as 2m screen fencing can be secured by means of a planning condition. On 1st floor level, the window would serve a bathroom and can therefore be conditioned to be fixed shut and obscure glazed.

6.5.3 Due to the orientation and location of the proposed dwelling in relation to the neighbouring dwellings at Nos. 24 and 26 Shenstone Gardens, the proposal would be along the side boundary fence of the rear gardens of these 2 properties. Whilst development close to the rear gardens would not normally be acceptable, in this instance the proposal has been located to be set away from the boundary of No. 24 by 7.6m and from No. 26 by 6.6m Staff are therefore of the opinion that this separation distance is sufficient and the proposal would not result in overshadowing or appear as an intrusive feature as seen from the rear gardens of these neighbouring properties. The relationship between the neighbouring dwellings and the proposal is considered acceptable in this instance.

6.5.4 Staff acknowledge that the proposal would introduce windows on first floor level facing the rear garden of No. 24 Shenstone Gardens. There is however no back-to-back relationship and therefore little potential for invasion of privacy. The separation distance of 7.6m between the rear wall of the proposed dwelling and the western boundary of No. 24 Shenstone Gardens would further minimize any potential for overlooking. Staff are further of the opinion that with an appropriate landscaping scheme, any potential for overlooking towards the rear garden of this neighbour can be prevented.

6.5.5 The proposal would not have a direct back-to-back relationship with the neighbours towards the south-west (Nos 4 and 5 Wordsworth Close). The proposal would have windows facing west however, these would be at

oblique angles in relation to the neighbours at Wordsworth Close and would therefore not result in an invasion of privacy or any direct overlooking.

- 6.5.6 The development has a sufficient separation distance from all neighbouring properties to prevent any overshadowing to occur.
- 6.5.7 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 1 x 4-bed dwelling would not give rise to a significant rise in the level of vehicular activity over and above that which was previously experienced as a result of the garages that was on the site before. The proposal would introduce landscaping between the proposed parking area and the western boundary of the site which would mitigate any potential noise or light pollution to dwellings along Wordsworth Close.
- 6.5.8 In terms of general noise and disturbance, it is not considered that the addition of 1 x No. family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.9 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed 2-storey development in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.10 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 2 x No. parking spaces to the western side of the dwellings. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The site is currently vacant and there is therefore no need to displace garage tenants to another garage site.
- 6.6.3 The Highways Authority recommends that the footway and access road is made shared due to its width of 2.7m.

6.6.4 The development provides storage for 2 x no. cycle spaces to the dwelling which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.

6.6.5 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 Other Issues

6.7.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal provides a bin collection point along the access road which is within an acceptable distance from the highway in order for refuse collection to take place and also within an acceptable distance from the front of the proposed dwelling.

6.7.2 Concerns are raised by the Highways Authority regarding Fire Brigade access to the site. Staff are of the opinion that it would be unreasonable to refuse the application as the installation of domestic sprinklers can satisfy the Brigade's requirements. In lieu of adequate access, the applicant proposes the installation of a sprinkler system and its installation can be secured by means of a planning condition.

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 17th August 2011.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

04 October 2011

Subject Heading:

**P1281.11 – Garage court to the rear of
15 Smart Close, Romford**

**Demolition of existing 19 garages and
the erection of 2 dwellings with
associated parking**

(Application received 17th August 2011)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

This application relates to a Council owned garage court. The application proposes the demolition of the existing 19 garages and the erection of 2 x No. dwellings with associated parking.

The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. 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) 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 4 x No. off-street car parking spaces for use by Plot 1 and Plot 2 and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: The materials used in the construction of the development hereby permitted shall be Hanson Becton Yellow Brick for walls and Marley Eternit Modern Interlocking Tile (Smooth Grey) for roof tiles in accordance with the details supplied on Drawing No. 8430-006-1001 (received 17th August 2011), unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason:

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

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 Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

7) Obscure glazed window: The proposed windows on 1st floor level to the northern and southern elevation serving the bathroom of each dwelling shall be

permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

8) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made on Plot 1 and Plot 2 for 2 x No. cycle storage spaces to each plot in accordance with the approved plans (Drawing Nr. 8430-006-1000, received 17th August 2011) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

9) 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 Development Control Policies Development Plan Document Policy DC61.

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

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

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

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

Reason:

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

11) Highways Licence Agreement: 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.

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

Reason:

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

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

Reason:

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

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

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

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

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

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

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

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

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

Reason:

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

15) 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

16) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings 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

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33 and DC61 of the LDF Development Control Policies Development Plan Document.

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

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

4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
6. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court at the end of Smart Close, towards the rear of dwellings along Harrow Crescent to the north. Ground levels on the site is generally level although there is a slight rise in levels to the north. The site has an overall area of approximately 629sq metres. The site is currently occupied by 19 garages with the majority of the site covered in hardstanding. Access to the site is from Smart Close.
- 1.2 The character of the surrounding area is mainly drawn from 2-storey residential dwellings and bungalows. Dwellings along Smart Close are semi-detached similar and mostly similar in style and character. Properties along Harrow Crescent are mostly bungalows constructed from a mix of render and brick.

2. Description of Proposal

- 2.1 The application seeks permission to demolish the existing 19 x No. garages on the site and erect 2 x No. semi-detached houses.
- 2.2 The proposal would be for 2 x No. semi-detached, 2-storey dwellings which will replace the existing garages and hardstanding. The dwellings would be situated at an angle with its rear facing north-west and front facing south-

east. Each dwelling would have a width of 6.35m resulting in an overall width of 12.5m. Each dwelling would have a depth of 10.3m with a height of 8.5m to the top of the ridge and 5m to the eaves. The development would be 4.25m from its northern boundary at its pinch point and 1.2m from its southern boundary.

- 2.3 The proposal would have a pitched roof with gable ends. Windows and doors would generally be arranged to the front and rear, although some flank wall windows are proposed.
- 2.4 On ground floor level, each dwelling would have a living room, a w.c. and a kitchen / dining room. On first floor level would be 4 bedrooms with a bathroom.
- 2.5 The proposal would retain the existing access to the site which is at the end of Smart Close providing direct access to off-street parking. There would be 4 parking spaces in total, 2 per dwelling.
- 2.6 Amenity space would be towards the rear and side of each dwelling, measuring 132sq.m for Plot 1 and 136sq.m for Plot 2 .
- 2.7 Towards the rear of each dwelling would be an area for refuse storage and 2 x cycle storage spaces for each dwelling.

3. Relevant History

- 3.1 No relevant history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 26 neighbouring properties with 4 letters of representation received, raising objections in respect of the following:
 - Parking issues
 - Access for emergency and service vehicles inadequate
 - Traffic congestion
 - Invasion of privacy
 - Out of character with street scene
- 4.2 A petition signed by 36 people, objecting to:
 - overlooking
 - insufficient parking
 - narrow road
 - only place children can play
- 4.3 It was also mentioned in objections that the plot has been subject to subsidence over the years and that there are gas pipes across the land. These are however not planning related matters.

- 4.4 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 further representations received.

5. Relevant Policies

- 5.1 Policies CP17 (design), DC3 (Housing Design and Layout), DC33 (Car parking), DC61 (Urban Design), DC63 (Crime) and the Residential Design Supplementary Planning Document of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD) and the Residential Design SPD is also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)
- 5.3 PPS1 (Delivering Sustainable Development) and PPS3 (Housing), PPS4 (Planning for Sustainable Economic Growth) and PPG13 (Transport).

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 Principle of Development
- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 113sq.m for a 4-bed 6-person dwelling. The proposal has an internal floor space of 454sq.m which is acceptable.
- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The

proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.

6.3 Site Layout / Amenity Space

- 6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.2 Amenity space to Plot 1 would mainly be towards rear (north-west) of the dwelling, wrapping around towards the south and measuring approximately 132sq metres. The amenity area would be screened by means of a 1.8m close boarded timber fence, avoiding any potential to overlook the amenity areas from a public point of view. Similarly, Plot 2 would have its amenity space towards the north-west, wrapping around towards the north of the dwelling, measuring 136sq metres and screened by a 1.8m close boarded timber fence.
- 6.3.3 Amenity provision in the locality are generally arranged towards the rear of dwellings. Staff do not consider the fact that the proposed amenity space is irregularly shaped to detract from the surrounding area or to be insufficient. Staff are of the opinion that the garden areas would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity areas of the new dwellings would comply with the requirements of the Residential Design SPD and is acceptable in this instance.
- 6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 32 units per hectare. This density would be at the bottom end of the recommended density range for this area and is therefore considered acceptable.
- 6.3.5 In terms of the general site layout, the proposed semi-detached dwellings would be 4.25m from its northern boundary at its pinch point. The dwellings would not face Smart Close but would be positioned at an angle. Staff are however of the opinion that the proposed layout would represent an acceptable appearance in the street scene and although the proposal's pinch point to the southern boundary is only 1.2m, this would be the corner of the dwelling with the remainder of the dwelling being angled away from the site boundary. The development would leave sufficient spacing between the site boundaries and neighbouring dwellings and would not appear

cramped or as an overdevelopment of the site. Amenity space can be provided at the rear with parking towards the front in a convenient location. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

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

6.4.2 The proposal would form part of the Smart Close street scene being at the end of the close. The dwellings has been designed in a similar character and style compared to the existing dwellings on Smart Close, being mainly of a yellow brick, grey roof tiles and a fairly simple, square design. The proposal would be of a similar height compared to the dwellings in the vicinity and would also have a pitched roof with gable ends.

6.4.3 The development would therefore replace the existing garages and harstanding with dwellings which is similar in character and design of those along Smart Close. The development would further introduce soft and hard landscaping. The proposal is considered to be an improvement of the current situation on the site and would not detract from the surrounding environment.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of two new 2-storey semi-detached dwellings in this location would have an acceptable impact with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposals would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposal is for a pair of 2-storey semi-detached dwellings. The proposal would be to the north of dwellings along Smart Close with the nearest neighbour being No. 15 Smart Close. The dwelling on Plot 1 would be 9m from this neighbour at its pinch point. Being to the north of this

neighbour, there would be no potential for overshadowing. The proposal is further considered to be a sufficient distance away from this neighbour and would not appear visually intrusive or bulky. There would be a flank window in the southern elevation however, this window will serve a bathroom on 1st floor level and can be conditioned to be fixed shut and obscure glazed. No potential for overlooking would occur.

- 6.5.3 Dwellings on the eastern side of Smart Close are too far away from the proposal to be affected in any way.
- 6.5.4 The dwellings to be most affected are those towards the north, along Harrow Crescent. The proposal would have windows in the front elevation, facing south-east. These windows would however have an outlook towards the bottom end of No. 75 Harrow Crescent's garden, approximately 9.7m away. The development is therefore not considered to result in any invasion of privacy to No. 75 or result in harmful levels of overlooking towards its rear garden.
- 6.5.5 The proposal would present a 2-storey development with its pinch point approximately 4.25 from the northern boundary and 16m from the neighbour at No. 81 Harrow Crescent. Notwithstanding this relationship, the proposal would be positioned on the site at an oblique angle with only its north-west corner close to neighbouring dwellings to the north. The remainder of the building would then be angled away from those dwellings to a maximum distance of 19.6m. Given this orientation in relation to the neighbouring dwellings to the north, Staff are of the opinion that this relationship is acceptable and that no harm would occur in terms of visual bulk or mass.
- 6.5.6 Site levels rise slightly from south to north which will help to reduce any potential overshadowing or visual impact.
- 6.5.7 Windows will be introduced to the north-western elevation on 1st floor level, serving bedrooms. Due to the orientation of the proposals, the rear facing windows would not directly face any of the properties along Harrow Crescent and would be at oblique angles. As such, it is not considered that any direct overlooking would occur and that the amenity of these neighbours will be protected.
- 6.5.8 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that 2 x new family dwellings would not give rise to a significant rise in the level of vehicular activity over and above that which is currently experienced as a result of the garages.
- 6.5.9 In terms of general noise and disturbance, it is not considered that the addition of 2 x No. family dwellings would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.

6.5.10 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed 2-storey developments in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.

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

6.6 Highways / Parking Issues

6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 4 x No. parking spaces to the eastern side of the dwellings, providing 2 spaces per dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.

6.6.2 According to information provided by the applicant, of the 19 garages, 5 are in use and the remaining 14 void. No alternative sites are proposed for displacements. Upon site inspection it was noted that the surrounding streets are not overly congested. Whilst no provision is made for displacement garages elsewhere, Staff are of the opinion that any remaining displacements can be accommodated on the surrounding streets without resulting in harm to the existing parking situation or neighbouring amenity. Staff consider the benefits of new family housing to outweigh the provision of 5 of the garages which is still in use elsewhere. Members are invited to apply their judgement in this respect.

6.6.3 The development provides storage for 2 x no. cycle spaces to each dwelling which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.

6.6.4 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 Other Issues

6.7.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposals would have a similar arrangement as those existing dwellings along Smart Close with direct access to the new dwellings available from Smart Close.

6.7.2 No concerns are raised in terms of fire brigade access.

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. Amenity space provision is considered sufficient. Whilst no provision is made for displacement garages elsewhere, Staff consider the benefits of new family housing to outweigh the provision of 5 of the garages which is still in use elsewhere. The vehicles currently parked in these garages can comfortably be accommodated on the adjoining roads. Members are invited to apply their judgement in this respect. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 17th August 2011.

10

REPORT

REGULATORY SERVICES COMMITTEE

04 October 2011

Subject Heading:

**P1282.11 – Garage court to the rear of
51 Keats Avenue, Romford**

**Erection of 1 dwelling with associated
parking**

(Application received 17th August 2011)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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

This application relates to a Council owned garage court. The application proposes the erection of 1 x No. dwelling with associated parking.

The planning issues are set out in the report below and cover the principle of the development, impact on street scene, residential amenity and highways/parking. 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) 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces within the site and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: The materials used in the construction of the development hereby permitted shall be Hanson Clumber Red Brick for walls and Marley Eternit Modern Interlocking Tile (Smooth Grey) for roof tiles in accordance with the details supplied on Drawing No. 8430-025-1001 (received 17th August 2011), unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason:

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

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 Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

7) Obscure glazed window: The proposed window on 1st floor level to the southern elevation serving the bathroom shall be permanently glazed with obscure glass and with the exception of top hung fanlights shall remain permanently fixed shut and thereafter be maintained to the satisfaction of the Local Planning Authority, in order that the development accords with Policy DC61 of the LDF.

Reason:

In the interests of privacy.

8) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. cycle storage spaces in accordance with the approved plans (Drawing Nr. 8430-025-1000, received 17th August 2011) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

9) 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 Development Control Policies Development Plan Document Policy DC61.

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

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

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

Reason:

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

11) Highways Licence Agreement: 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.

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

Reason:

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

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

Reason:

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

14) 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

15) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings 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

16) Domestic Sprinklers: Prior to the first occupation of the development hereby permitted, provision shall be made for the installation of a domestic sprinkler system to the dwelling. Thereafter this provision shall be retained permanently unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In lieu of adequate access for a Fire Brigade pump appliance and in the interest of amenity and safety for future occupiers.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33 and DC61 of the LDF Development Control Policies Development Plan Document.

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

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

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

5. There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
6. In aiming to satisfy Condition 12 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court to the western side of Keats Avenue and to the rear of properties along Keats Avenue. The site is currently vacant and measure approximately 524sq.m. Site levels are generally level although there is a slight rise from east to west. Access to the site is from Keats Avenue.
- 1.2 The surrounding area is characterised mainly by 2-storey residential dwellings with a few bungalows. There is no characteristic built form in the local area although many houses have been designed with mansard roofs using a mix of brick and render. There is no development to the west of the application site.

2. Description of Proposal

- 2.1 The application seeks permission for the erection of 1 No. detached dwelling with associated parking and amenity.
- 2.2 The dwelling would measure 6.5m in width and 10.3m in depth. It would be 2-storeys in height measuring 5m to the eaves and 8.2m to the top of its ridge. The dwelling would be set away from its eastern boundary by 6m, it would be 5.5m from the southern boundary and 5m from the northern boundary.
- 2.3 On ground floor level would be a w.c., kitchen / dining room and a living room. On first floor level would be 4 bedrooms and a bathroom. Windows and doors would generally be arranged to the front (east) and rear (west) with flank wall windows to the southern elevation.

- 2.4 The proposal would retain the existing access to the site measuring approximately 2.7m in width. There would also be a pedestrian walkway to the southern side of the access road which will be an additional 1.3m in width, resulting in a total width of the access of 4m.
- 2.5 There would be a bin collection point approximately 10m from the site entrance and 30m from the front of the proposed dwelling. The bin collection area indicates space for 2 bins.
- 2.6 Towards the front of the dwelling would be parking space for 2 cars.
- 2.7 The dwelling would have an east-west orientation with garden space towards the side (south) and rear (west), measuring 158sq.m.
- 2.8 Towards the rear of the dwelling would be an area for refuse storage and a shed which can be used for cycle storage.

3. Relevant History

- 3.1 No relevant history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 11 neighbouring properties with no letters of representations received. 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 further representations received.

5. Relevant Policies

- 5.1 Policies CP17 (design), DC3 (Housing Design and Layout), DC33 (Car parking), DC61 (Urban Design), DC63 (Crime) and the Residential Design Supplementary Planning Document of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD) and the Residential Design SPD is also relevant.
- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)
- 5.3 PPS1 (Delivering Sustainable Development) and PPS3 (Housing), PPS4 (Planning for Sustainable Economic Growth) and PPG13 (Transport).

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 Principle of Development
- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 113sq.m for a 4-bed 6-person dwelling. The proposal has an internal floor space of 113sq.m which is acceptable.
- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.3 Site Layout / Amenity Space
- 6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.2 Amenity space would be to the side (south) and rear (west) of the proposed dwelling. The amenity area would be screened by means of a 1.8m close boarded timber fence providing 158sq.m of usable garden area.
- 6.3.3 Amenity provision in the locality are generally of a similar shape and size. The proposal would provide amenity space of a size that is consistent with others in the vicinity. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of

fencing, would be screened from general public views and access, providing private and usable garden areas. As a result, it is considered that the proposed amenity area of the new dwelling would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 19 units per hectare. This density would be below the recommended density range for this area but due to the limitations of the site, is considered acceptable.

6.3.5 In terms of the general site layout, the proposal would have adequate separation distance from the site boundaries and other neighbouring properties. The proposal is considered to sit comfortable on the application without resulting in a cramped form of development. Amenity space are provided in a convenient and usable location with parking towards the front, benefiting from sufficient surveillance. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

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

6.4.2 The proposal would be to the rear of properties along Keats Avenue and would therefore not form part of the Keats Avenue street scene.

6.4.3 Many of the surrounding buildings are 2-storey dwellings with mansard roofs. The proposed development would not be of a similar design however, Members should note that the proposed dwelling would not be viewed in the context of any of the surrounding properties. The proposal is considered to be an improvement of the current situation on the site and would not detract from the surrounding environment.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of a new detached dwelling in this location would have an acceptable impact with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed dwellings and neighbouring properties, Staff are of the opinion that the proposals would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

- 6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 6.5.2 The proposal would be approximately 5m from its northern boundary which is also the boundary of No. 51A Keats Avenue. Given this separation distance and the roof being hipped away from this neighbour, it is not considered that any potential for harmful levels of overshadowing or intrusiveness would occur. There would be no flank wall windows to the northern elevation and therefore no potential for overlooking.
- 6.5.3 The dwelling would similarly be set away from its southern boundary by 5.5m. This is also the northern boundary of the garden of No. 47 Keats Avenue. Given the separation distance from this boundary and the roof sloping away, it is not considered that the dwelling would appear intrusive or visually dominant as seen from the garden of this neighbour. There would be one flank wall window to the southern elevation, serving a bathroom on 1st floor level. This window can however be conditioned to be fixed shut and obscure glazed to prevent any potential for overlooking.
- 6.5.4 The neighbours most likely to be affected by the development are those to the east, due to windows in the proposed eastern elevation. The proposal would introduce 2 bedroom windows on 1st floor level to this elevation. The proposal would however have a front-to-back relationship with No. 49 and 51 Keats Avenue of 21.5m. Staff acknowledge that a degree of inter-looking would occur between the neighbouring properties and the proposal however, this would be restricted to the garden areas as the separation distance between windows are considered sufficient to overcome overlooking or an invasion of privacy. The proposal's set back from the rear boundary of No. 49 and 51 would minimize potential for overlooking of the rear gardens of these neighbours. It was noted on site inspection that there is a large garage in the rear garden of No. 51 which would further mitigate any potential for direct overlooking. Members are however invited to apply their judgement to this aspect of the proposal.
- 6.5.5 Other properties along Keats Avenue, i.e. No. 47 and 51A are considered to be unaffected by the east facing windows. Any potential for overlooking would be at oblique angles and given the separation distances and the fact that there would be no direct overlooking, this relationship is not considered to be harmful to the amenities of those neighbours. There are no neighbours to the west to be affected by the proposal.
- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that one 4-bedroom dwelling would not give rise to a significant increase in the level of vehicular activity over and above those which were previously experienced as a result of the garages that was previously on the site.

- 6.5.7 In terms of general noise and disturbance, it is not considered that the addition of a single family dwelling would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.8 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed 2-storey developments in relation to the resultant limited plot space, any additions, extensions or alterations to the dwelling may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.9 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 2 x No. parking spaces to the eastern side of the dwelling. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 The site is currently vacant and there is therefore no need to displace garage tenants to another garage site.
- 6.6.3 The Highways Authority recommends that the footway and access road is made shared due to its width of 2.7m.
- 6.6.4 The development provides storage for 2 x no. cycle spaces to each dwelling which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.
- 6.6.5 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 Other Issues

- 6.7.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal provides a bin collection point along the access road which is within an acceptable distance from the highway in order for refuse collection to take place and also within an acceptable distance from the front of the proposed dwelling.
- 6.7.2 Concerns are raised by the Highways Authority regarding Fire Brigade access to the site. Staff are of the opinion that it would be unreasonable to refuse the application as the installation of domestic sprinklers can satisfy the Brigade's requirements. In lieu of adequate access, the applicant proposes the installation of a sprinkler system and its installation can be secured by means of a planning condition.

7. Conclusion

- 7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity however, Members are invited to apply their judgement in respect of potential overlooking to Nos. 49 and 51 Keats Avenue. Amenity space provision is considered sufficient. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 17th August 2011.

**REGULATORY
SERVICES
COMMITTEE**

REPORT

04 October 2011

Subject Heading:

**P1294.11 – Garage court adjacent 102
Harrow Crescent, Romford**

**Demolition of existing 7 garages and
the erection of 1 bungalow with
associated parking**

(Application received 17th August 2011)

Report Author and contact details:

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

Policy context:

Local Development Framework

Financial summary:

None

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

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 type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application relates to a Council owned garage court. The application proposes the demolition of the existing 7 garages and the erection of 1 No. bungalow with associated parking and amenity.

The planning issues are set out in the report below and cover the principle of the development, impact on streetscene, residential amenity and highways/parking. 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) 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 Development Control Policies Development Plan Document Policy DC61.

3) Parking standards: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. off-street car parking spaces and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that adequate car parking provision is made off street in the interests of highway safety.

4) Materials: The materials used in the construction of the development hereby permitted shall be Hanson Clumber Red Brick for walls and Marley Eternit Modern Interlocking Tile (Smooth Grey) for roof tiles in accordance with the details supplied on Drawing No. 8430-008-1001 (received 17th August 2011), unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason:

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

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 Development Control Policies Development Plan Document Policy DC61

6) Standard flank wall condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:

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

7) Cycle storage: Before the building(s) hereby permitted is first occupied, provision shall be made for 2 x No. cycle storage spaces in accordance with the

approved plans (Drawing Nr. 8430-008-1000, received 17th August 2011) and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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 Development Control Policies Development Plan Document Policy DC61.

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

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

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

Reason:

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

10) Highways Licence Agreement: 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.

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

Reason:

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

12) Noise insulation: The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise to the satisfaction of the Local Planning Authority.

Reason:

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

13) 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

14) Permitted Development rights: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2)

(England) Order 2008 Article 3, Schedule 2, Part 1, Classes A, B, C, D and E, no extensions, roof extensions, roof alterations or outbuildings 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

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies DC33 and DC61 of the LDF Development Control Policies Development Plan Document.

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic and Engineering on 01708 433750 to commence the Submission / Licence Approval process.
3. The developer, their representatives and contractors are advised that planning permission does not discharge the requirements under the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. Formal notifications and approval will be needed for any highway works (including temporary works) required during the construction of the development.
4. The applicant is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.
5. With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

6. In aiming to satisfy Condition 11 the applicant should seek the advice of the Police Crime Prevention Design Advisor. The services of the local Police CPDA is available free of charge through Havering Development and Building Control or Romford Police Station, 19 Main Road, Romford, Essex, RM1 3BJ." It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

REPORT DETAIL

1. Site Description

- 1.1 The application site is a garage court to the northern side of Harrow Crescent and to the rear of No. 102 Harrow Crescent to the south and Nos. 41 and 43 Coleridge Road to the north. The site is covered in hardstanding and comprise 7 garages. The site area measures 551sq.m. Site levels are generally level. Access to the site is from Harrow Crescent.
- 1.2 The surrounding area has no characteristic built style with properties to the east of the site bungalows and properties towards the west 2-storey dwellings. The surrounding houses are mainly designed with mansard roofs whilst bungalows are constructed from a mix of materials, including render, buff and red brick with brown roof tiles.

2. Description of Proposal

- 2.1 The application seeks permission to demolish the existing 7 x No. garages on the site and erect 1 No. detached bungalow.
- 2.2 The proposed bungalow would measure 11.6m in width with a maximum depth of 12.8m, reducing to 9.2m. The bungalow would have a pitched roof with hipped ends at a height of 5.4m to the top of the ridge and 2.2m to the eaves. The bungalow would be set away from its southern boundary by 4m, it would be 2.9m from the eastern boundary and 7.5m from the western boundary.
- 2.3 The bungalow would have a w.c., kitchen / dining area, living room, 4 bedrooms and a bathroom. It would have a north-south orientation with indows and doors generally be arranged to the front (south) and rear (north). There would be flank wall windows in both side elevations.
- 2.4 The proposal would retain the existing access to the site measuring approximately 3.6m in width. There would be the addition of a verge to the side of the access road which is an additional 2.5m in width.
- 2.5 There would be a bin collection point 6.5m from the site entrance and 26m from the front of the proposed bungalow. The bin collection area indicates space for 2 bins.

- 2.6 Towards the front of the bungalow would be parking space for 2 cars with associated soft landscaping.
- 2.7 Amenity space would mainly be towards the west and south of the bungalow. The amenity area would measure 149sq.m.
- 2.8 Towards the rear of the bungalow would be an area for refuse storage and a shed which can be used for cycle storage.

3. Relevant History

- 3.1 No relevant history.

4. Consultations/Representations

- 4.1 Notification letters were sent to 18 neighbouring properties with one letter of representation received, raising objections in respect of the following:

- Overlooking / invasion of privacy

- 4.2 The neighbour also raised concerns with regards to whether the access to the rear of No. 101 Harrow Crescent will be retained.

- 4.3 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 further representations received.

5. Relevant Policies

- 5.1 Policies CP17 (design), DC3 (Housing Design and Layout), DC33 (Car parking), DC61 (Urban Design), DC63 (Crime) and the Residential Design Supplementary Planning Document of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and the Residential Extensions and Alterations Supplementary Planning Document (SPD) and the Residential Design SPD is also relevant.

- 5.2 Policies 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.8 (Housing Choice), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Building London's Neighbourhoods and Communities), 7.2 (Inclusive Design), 7.3 (Designing out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture) of the London Plan (2011)

- 5.3 PPS1 (Delivering Sustainable Development) and PPS3 (Housing), PPS4 (Planning for Sustainable Economic Growth) and PPG13 (Transport).

6. Staff Comments

- 6.1 This proposal is put before the Committee owing to the application site comprising land owned by the Council. The main issues to be considered by Members in this case are the principle of development, the site layout and amenity space, design/street scene issues, amenity implications, and parking and highways issues.
- 6.2 Principle of Development
- 6.2.1 The site lies outside the Metropolitan Green Belt, Employment Areas, Commercial Areas, Romford Town Centre and District and Local Centres. The principle of residential development is considered acceptable in land use terms and the provision of additional housing is consistent with PPS3 as the application site is within an established urban area.
- 6.2.2 Policy 3.8 of the London Plan states that DPD policies should offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. Policy 3.5 states that Local Development Frameworks should incorporate minimum space standards. The Mayor has set these at 113sq.m for a 4-bed 6-person dwelling. The proposal has an internal floor space of 105sq.m. Although this is marginally below the required 113sq.m, the proposal is for a single storey bungalow and Staff consider its internal floor space acceptable in this instance.
- 6.2.3 Policy CP1 indicates that outside town centres and the Green Belt, priority will be made on all non-specifically designated land for housing. The proposal is for redevelopment of a derelict site within an existing residential area. The proposal is therefore acceptable in principle and in accordance with Policy CP1 and policy 3.3 of the London Plan which seeks to increase London's housing supply.
- 6.3 Site Layout / Amenity Space
- 6.3.1 The Council's Residential Design SPD in respect of amenity space recommends that every home should have access to suitable private and/or communal amenity space in the form of private gardens, communal gardens, courtyards, patios, balconies or roof terraces. In designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to amenity space that is not overlooked from the public realm and this space should provide adequate space for day to day uses.
- 6.3.2 Amenity space would mainly be provided towards the rear and side of the bungalow. The amenity space in this instance would measure approximately 149sq metres.
- 6.3.3 Amenity provision in the locality are generally towards the rear and of a similar size compared to the proposal, although generally more narrow and longer gardens. Notwithstanding, the proposed amenity space would be

consistent with those in the vicinity in terms of its size. Staff are of the opinion that the garden area would be large enough to be practical for day to day use and with the provision of fencing, would be screened from general public views and access, providing a private and usable garden area.

6.3.4 Staff acknowledge the close relationship of No. 102 Harrow Crescent to the application site and its rear windows facing north. This would potentially give rise to some form of overlooking to the proposed amenity area. Staff are however of the opinion that prospective occupiers will be aware of the situation before choosing to live in this location. In addition, appropriate landscaping can reduce any potential for overlooking. As a result, it is considered that the proposed amenity area of the new bungalow would comply with the requirements of the Residential Design SPD and is acceptable in this instance.

6.3.4 The residential density range for this site is 30 - 50 units per hectare. The proposal would result in a density of approximately 18 units per hectare. This density would be below the recommended density range for this area and given the limitations of the site, is considered acceptable.

6.3.5 In terms of the general site layout, the proposed detached bungalow would have sufficient spacing towards the front and with generous amenity areas towards the rear, are not considered to appear as an overdevelopment of the site. The proposal would be towards the rear gardens of the surrounding properties and with sufficient spacing between buildings, is not considered to appear as a cramped form of development. The layout of the site is therefore considered acceptable.

6.4 Impact on Local Character and Street Scene

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

6.4.2 The proposal would be to the rear of properties along Harrow Crescent and would therefore not form part of the Harrow Crescent street scene. Notwithstanding, the proposals would form part of the rear garden environment and should have an acceptable design and appearance which is not harmful to the character of the area. The proposal would be of a similar height compared to the bungalows towards the east and would also have a pitched roof with hipped ends.

6.4.3 The development would replace the existing garages and harstanding with a bungalow which is similar in character and design of those along Harrow

Crescent. The development would further introduce soft and hard landscaping. The proposal is considered to be an improvement of the current situation on the site and would not detract from the surrounding environment.

6.4.4 In terms of its design and visual appearance, Staff are of the opinion that the development of a new detached bungalow in this location would have an acceptable appearance with no harmful impact to the character and appearance of the surrounding area. In light of sufficient separation distances between the proposed building and neighbouring properties, Staff are of the opinion that the proposal would not appear as a cramped form of development and overall would have an acceptable design and appearance, therefore compliant with the aims and objectives of Policy DC61 of the Local Development Framework.

6.5 Impact on Amenity

6.5.1 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties or have an unreasonably adverse effect on sunlight and daylight to adjoining properties.

6.5.2 The proposal is for a single storey bungalow with a pitched roof and hipped ends. It is considered that the separation distance between the proposal and those neighbouring dwellings to the south, west and east is sufficient in order for the proposal to not appear visually intrusive or bulky as seen from these neighbouring properties. The development is towards the north of dwellings along Harrow Crescent and would therefore not result in any overshadowing.

6.5.3 The bungalow would be approximately 1.2m south of the boundaries of neighbouring properties towards the north. Notwithstanding, the proposal is for a single storey development with a roof that would hip away from these properties, reducing any potential impact. The development of a single storey bungalow is therefore considered acceptable in this location with no harm in terms of visual dominance or overshadowing.

6.5.4 Windows would be on ground floor level only with no development in the roof space. The applicant proposes the installation of a 1.8m close boarded fence to the boundaries of the site and this can be secured by means of a planning condition. No potential for overlooking would therefore occur.

6.5.5 As mentioned previously in this report, the dwellings at No. 102 and 104 Harrow Crescent are 2-storey dwellings with potential to overlook the proposed bungalow and its amenity area. Staff are however of the opinion that future occupiers will be aware of the circumstances before deciding to occupy a property in this location. Any potential for overlooking and invasion of privacy can be reduced by means of screen fencing and appropriate landscaping. Members should also note that although there may be a perception of overlooking from No. 104 Harrow Crescent, any

outlook from this neighbour would be at oblique angles and Staff are therefore of the opinion that no direct overlooking will occur. Members are invited to apply their judgement to this aspect of the proposal.

- 6.5.6 In terms of vehicular activity and the proposed parking arrangement, Staff are of the opinion that one new 4-bedroom bungalow would not give rise to a significant rise in the level of vehicular activity over and above that which is currently experienced as a result of the garages.
- 6.5.7 In terms of general noise and disturbance, it is not considered that the addition of one new bungalow would give rise to any undue levels of noise and disturbance to the surrounding neighbouring properties within what is a predominantly residential area.
- 6.5.8 It should however be noted that although Staff consider the proposal to be acceptable in its current form, given the size of the proposed bungalow in relation to the resultant limited plot space, any additions, extensions or alterations to the bungalow may result in harm to the character of the surrounding area and neighbouring amenity. In light of this, Staff are of the opinion that all Permitted Development Rights for the proposed development should be removed in order to safeguard the appearance of the street scene and amenities of neighbouring occupiers.
- 6.5.9 It is therefore considered that the layout, siting and design of the proposed development would be acceptable with no material harmful impact on the amenities of neighbouring properties. The development is therefore considered to comply with the aims and objectives of Policies CP17 and DC61 of the LDF Development Control Policies DPD in respect of its impact on neighbouring amenity.

6.6 Highways / Parking Issues

- 6.6.1 Policy DC33 in respect of car parking refers to the density matrix in Policy DC2. The site has a PTAL rating of 1-2 and therefore requires 2 - 1.5 parking spaces per unit for a development of this type in Romford. The development would provide a total of 2 x No. parking spaces to the northern side of the bungalow. In terms of the number of spaces proposed, the provision of off-street parking spaces would comply with the requirements of Policy DC33 and no issues are raised in this respect.
- 6.6.2 According to information provided by the applicant, of the 7 garages, none are in use.
- 6.6.4 The development provides storage for 2 x no. cycle spaces which would comply with the Council's standards as set out in Annex 6 which requires a provision of 2 spaces per dwelling with 3 or more bedrooms.
- 6.6.5 In light of the above, the proposal is considered to satisfy the requirements of Policy DC2 and DC33 and would not result in any highway or parking issues.

6.7 Other Issues

6.7.1 With regards to refuse collection, similar to other dwellings in the Borough, future occupiers would be required to leave refuse bags close to the highway on collection days. The proposal provides a bin collection point along the access road which is approximately 26m from the dwelling's front door. The maximum allowed distance under schedule 1, Part H of the Building Regulations 2000 is 30m. The proposed refuse collection point is therefore within the recommended 30m walking distance and therefore acceptable.

6.7.2 No concerns are raised in respect of fire brigade access.

7. Conclusion

7.1 Overall, Staff are of the opinion that the proposal would not detract from the character of the surrounding area or neighbouring properties. It is considered that the proposal presents an acceptable degree of spacing between buildings and is not considered to appear as unacceptably dominant or visually intrusive as seen from neighbour's rear gardens. It is considered that the proposal would not have any material harmful impact on neighbouring amenity. There is however potential for overlooking to the amenity area of the proposed development and Members are invited to apply their judgement to this aspect of the proposal. Overall, Staff consider the development to comply with Policy DC61 and the provisions of the LDF Development Plan Document. Approval is recommended accordingly.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report concerns only material planning issues. Any land transaction between the applicant and the Council is dealt with independently.

Legal implications and risks:

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

Human Resources implications and risks:

None.

Equalities implications and risks:

The proposed dwellings would be constructed to meet the Lifetime Homes Standard which means that they would be easily adaptable in the future to meet the changing needs of occupiers.

BACKGROUND PAPERS

Application forms and plans received on 17th August 2011.

12

REGULATORY SERVICES COMMITTEE

REPORT

4 October 2011

Subject Heading:

M0010.11 – Junction of Faringdon Avenue & Dewsbury Road, Harold Hill

Installation of telecommunications pole with associated antennas, 1 no. ground based equipment cabinet, 1 no. electrical meter cabinet and ancillary development (Application received 18th August 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995

Financial summary:

None

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

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

SUMMARY

This matter is brought before committee as the application has been called in by Councillor Eagling. The application seeks prior approval for the installation of a telecommunications pole with associated antennas, 1 no. ground based equipment cabinet, 1 no. electrical meter cabinet and ancillary development.

This is not a full planning application but is a request, under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, for a determination by the Local Planning Authority as to whether prior approval is required for the siting and appearance of the development. Staff conclude the proposal to be acceptable.

RECOMMENDATIONS

It is considered that the prior approval of the Local Planning Authority is not required for the siting and appearance of the development under Part 24 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises of a 12 metre wide grass verge with a footway border located on the north side of the junction of Faringdon Avenue and Dewsbury Road, Harold Hill. The surrounding area comprises of residential properties.

2. Description of Proposal

- 2.1 The application seeks prior approval for the installation of a telecommunications pole with associated antennas, 1 no. ground based equipment cabinet, 1 no. electrical meter cabinet and ancillary development.
- 2.2 The proposed equipment cabinet would be located in between two footway borders on the junction of Faringdon Avenue and Dewsbury Road. The proposed twin user imitation telegraph column would be 11 metres high with GRP wood effect cladding. The proposed equipment cabinet would be 1.9 metres in length by 0.8 metres in width by 1.6 metres in height coloured green. The meter pillar would be 0.4 metres in length, by 0.2 metres in width by 0.9 metres in height.
- 2.3 The applicant stated that the Telefonica Group has formed a strategic partnership with the Vodafone Group to share mobile assets in the UK. The key focus will be on the joint build of new sites and the consolidation of existing 2G and 3G sites. The application site will enable O2 and Vodafone to share a new street furniture site. The proposed 11 metre shared street furniture column will accommodate the necessary shared tri-sector antennas for each operator (within a flush, protective shroud, so the antennas themselves are not visible). The height of the column is required to ensure a

suitable signal over the surrounding buildings and other structures, vegetation and topography. This is the minimum height at which this shared installation can operate effectively.

3. Relevant History

- 3.1 Although there is no history for the application site, the applicant has made reference to a planning application, M0010.10, for a mast on highway land on the eastern side of Dulverton Road between No.'s 28 and 30, Romford, which was refused. The description of the proposal was the installation of a twin user 12.5m high imitation telegraph pole with stacked antennas located within a flush glass reinforced plastic shroud at the top, with 1 no. ground based equipment cabinet and ancillary development thereto. No. 28 Dulverton Road is approximately 230 metres to the west of the application site as the crow flies.

4. Consultations/Representations

- 4.1 The application has been advertised in a local newspaper and by way of a site notice. Notification letters were sent to 112 neighbouring properties. One letter of objection was received with concerns regarding the siting of the mast. 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. It is noted that the newspaper notice expires on 7th October, but the decision by committee is required before due to time constraints on such applications.

5. Relevant Policies

- 5.1 Policies DC32 (Road Network), DC34 (Walking), DC61 (Urban Design), DC64 (Telecommunications) of the Local Development Framework Development Control Policies Development Plan Document and PPG8 (Telecommunications) is also a material consideration.

6. Staff Comments

- 6.1 This matter is brought before committee as the application has been called in by Councillor Eagling. This is not a planning application but is an application for determination by the Council under Part 24 of the GPDO as to whether prior approval for the siting and appearance of the proposed installation is required. Under Part 24, the Council has eight weeks to issue a decision as to whether the siting and appearance is acceptable or not. In this case, a decision must be issued before 11th October 2011. In line with the precautionary approach advocated by the Stewart Report, the applicant has submitted an ICNIRP compliance certificate. The principal issues for consideration are therefore the siting and appearance of the proposed structure.

7. Design/impact on street scene

- 7.1 Central Government guidance contained within PPG8 sets out that whilst local planning authorities are encouraged to respond positively to telecommunications development proposals, they should take account of the advice on the protection of urban and rural areas in other planning policy guidance notes.
- 7.2 Advice within PPG8 for prior approval procedures includes a list of factors relevant to the determination of such applications. In assessing the appearance of telecommunications equipment local planning authorities may consider materials, colour, design, shape and dimensions. Factors influencing siting include;
- Height in relation to surrounding land;
 - Screening effect of topography or vegetation;
 - Effect on skyline;
 - Relationship with designated areas;
 - Relationship with existing structures / buildings;
 - Relationship with residential properties.
- 7.3 Government advice is that local planning authorities should seek to approve such proposals in support of national interests unless they are sufficiently and demonstrably harmful as to override that interest. Consideration must be as to whether the impact from this proposed telecommunications installation is sufficiently serious to override the presumption in its favour under PPG8.
- 7.4 In addition to the above, the provisions of Policies DC61 and DC64 must be considered. Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Policy DC64 relating specifically to telecommunications development states that planning permission will only be granted where, inter alia, it does not have an unacceptable effect on the character and appearance of the surrounding area, the proposal is sufficiently screened, it has no undue effect on the skyline and the height of the proposal is acceptable in relation to the existing topography.
- 7.5 Prior to selecting the site, an investigation was undertaken within and beyond the cell search area to explore existing masts or other suitably tall structures or buildings that may be appropriate for the accommodation of the apparatus. There are no existing sites within the required coverage area. The nearest existing sites to Faringdon Avenue are not suitable for meeting the coverage requirements for the target residential area in south Harold Hill, hence the need for a new site.
- 7.6 The applicants have advised that they have carried out a search of the surrounding area to identify the most suitable location for a proposed installation. Alternative locations were investigated but chosen not to be suitable.
- 7.7 The applicant referred to a prior approval application, M0010.10, for the installation of a twin user 12.5m high imitation telegraph pole with stacked

antennas located within a flush glass reinforced plastic shroud at the top, with 1 no. ground based equipment cabinet and ancillary development on highway land on the eastern side of Dulverton Road between No.'s 28 and 30, Romford. This application was refused, as it was considered that the proposed telecommunications mast would, by reason of its height and prominent location, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area. This current prior approval application seeks to address the previous reason for refusal, so the proposal does not appear prominent in the streetscene. The imitation telegraph pole design seeks to replicate a familiar item of street furniture and following application M0010.10, its height has been reduced from 12.5 metres to 11 metres.

- 7.8 Views of the mast would be from Faringdon Avenue, Dewsbury Road and Kingsbridge Close. Faringdon Avenue has evenly spaced trees up to 12 metres in height located primarily in the middle of grass verges. Faringdon Avenue also has a number of 10 metre high lighting columns, which are located to the front of this adopted highway. It is considered that the trees aligning Faringdon Avenue would help to mitigate the visual impact of the proposal, when viewed from approaches along Faringdon Avenue. It is considered that the imitation telegraph pole design would integrate satisfactorily with other street furniture in the vicinity of the site. The height of the mast is considered to be within the realms of acceptability, as it has been reduced from 12.5 metres and would be sited adjacent to a 10 metre high lighting column. It is considered that the equipment cabinets and ancillary development would not be harmful to the streetscene, as their scale and bulk are relatively modest.

8. Impact on amenity

- 8.1 It is considered that the installation would not have a detrimental impact on the visual amenity of the street scene at this point, or be harmful to the visual amenity of occupiers of neighbouring properties. There would be a separation distance of approximately 27 metres between the mast and the nearest residential properties at No.'s 193 Faringdon Avenue and 1 Dewsbury Road. It is noted that the mast does not directly face any residential properties on Faringdon Avenue or Dewsbury Road. The mast, equipment cabinets and ancillary development would be set back from the edge of Faringdon Avenue and Dewsbury Road to ensure that pedestrian and vehicle movement would not be impeded.

9. Highway/parking issues

- 9.1 Given the openness of the junction between Faringdon Avenue and Dewsbury Road and the existing visibility splays, it is not considered that the installation would be unacceptably detrimental to the free and safe flow of both pedestrian and vehicular traffic at this point. There are no parking issues arising as a result of this proposal.

10. Other issues

- 10.1 In respect of health issues, in line with the precautionary approach laid out by the "Stewart Report", a Certificate has been submitted with the application which confirms that the proposal complies with ICNIRP guidelines. Although health considerations and public concern can, in principle, be material planning considerations, PPG8 makes it clear that it is the Government's view that the planning system is not the place for determining health safeguards. It states that "in the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them". In this case, an ICNIRP Certificate has been submitted. It is not therefore considered that there are any justifiable grounds to refuse the proposals on health grounds.

11. Conclusion

- 11.1 The proposed mast, equipment cabinets and ancillary development are considered to be acceptable in terms of siting, design and appearance. It is considered that the proposal would not be detrimental to visual amenity and is therefore considered to be consistent with the aims and objectives of Policies DC61 and DC64. There are no amenity implications over and above the visual amenity matters discussed above. There are no highways or parking implications as a result of this proposal.
- 11.2 Having regard to the above it is considered that the prior approval of the Local Planning Authority is not required for the siting and appearance of the development under Part 24 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995.

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:

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

BACKGROUND PAPERS

Application form and plans received on 18th August 2011.

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**REGULATORY
SERVICES
COMMITTEE**

REPORT

04 October 2011

Subject Heading:

P0538.11 – Land to the north of Rainham Station bounded by Ferry Lane and Wennington Road

Removal of planning condition number 5 (affordable housing) of planning permission reference U0018.09 (Application received 1st April 2011)

Report Author and contact details:

Helen Oakerbee (Planning Control Manager) 01708 432800

Policy context:

**Local Development Framework
The 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 checked="" type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This application relates to the removal of planning condition 5 attached to planning permission reference U0018.09. This planning permission relates to the

construction of a mixed use building with public open space on land to the north of Rainham Station. The proposed building is to include a new public library, retail shop, café and residential flats to the upper floors. Planning condition 5 requires that affordable housing units are provided within the development. This report provides an explanation as to why planning condition 5 was imposed and the reasoning behind why the applicant wishes to remove the condition. Staff are of the view that the removal of planning condition 5 and the construction of the development without any affordable housing provision is acceptable having regard to the wider community benefits arising from the development and a financial viability report submitted by the applicant.

RECOMMENDATIONS

It is recommended that planning permission be granted under Section 73 of the Town and Country Planning Act 1990 (as amended) under planning reference P0538.11 with condition 5 of planning permission granted under planning permission reference U0018.09 (annexed) being deleted and this application granted subject to the following conditions;

1. **Time Limit** - The development to which this permission relates shall be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable time period and in accordance with Section 91 of the Town and Country Planning Act 1990.

2. **Accordance with Plans** - The development shall be completed in accordance with the approved plan numbers:

MLA/249/P/001 Site Layout as Proposed
MLA/249/P/100 Ground Floor
MLA/249/P/101 First Floor
MLA/249/P/102 Second Floor
MLA/249/P/103 Third and Fourth Floor
MLA/249/P/105 Roof Plan
MLA/249/P/200 Building Sections AA BB
MLA/249/P/201 Building Sections CC DD
MLA/249/P/300 Elevation 1
MLA/249/P/301 Elevation 2
MLA/249/P/302 Elevation 3 & 5
MLA/249/P/303 Elevation 4
MLA/249/P/304 Elevation 6
RL 01.01 Public Realm Proposals
RL 01.02 Public Realm Proposed Sections
PL 02.02 Public Realm Proposed Sections

Reason: To ensure that the proposal is carried out in accordance with the plans hereby approved.

3. **Details of materials** - Prior to the commencement of the development hereby permitted, full details of external materials shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include a sample panel that is cross referenced to detailed elevation drawings.

Reason: To ensure the materials used in the construction of the development are of a high standard and are appropriate for the Rainham Village Conservation Area, in accordance with policies SSA15, DC61 and DC68 of the London Borough of Havering Local Development Framework 2008.

4. **Details of landscaping** - Within three months of the commencement of the development hereby permitted, full details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure a high standard of public space, in accordance with SSA15, DC21, DC59, DC60 and DC68 of the London Borough of Havering Local Development Framework 2008.

5. **Details of playgroup facilities** - Within three months of the commencement of the development hereby permitted, full details of the playgroup facility hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that the facilities provide adequate and safe facilities for the age groups intended for the space. The details shall be implemented in full thereafter.

Reason: In order to ensure that an adequate playgroup facility is delivered, in accordance with policies CP8, DC26 and DC27 of the London Borough of Havering Local Development Framework 2008.

6. **Refuse storage** - Prior to the commencement of the development hereby permitted, full details of the refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure that refuse storage facilities meet minimum standards in terms of amount and accessibility, in accordance with policy DC40 of the London Borough of Havering Local Development Framework 2008.

7. **Cycle storage** - Prior to the commencement of the development hereby permitted, full details of the cycle storage provision shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure that adequate provision of cycle storage is delivered on site, in accordance with policy DC35 of the London Borough of Havering Local Development Framework 2008.

8. **External lighting scheme** - Within six months of the commencement of the development hereby permitted, full details of the external lighting scheme, including lux level contours, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: In order that the external lighting environment is maintained at an adequate level, in accordance with policy DC56 of the London Borough of Havering Local Development Framework 2008.

9. **Use Classes** - Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended), the A1, A3 and D1 uses as indicated on the approved plans shall remain as such units unless and until an application to change the use of the units is permitted by the Local Planning Authority.

Reason: To ensure that the uses as approved are retained on site, in accordance with policies DC15, DC26, DC27 and DC30 of the London Borough of Havering Local Development Framework 2008.

10. **Extraction and ventilation system** - Prior to the commencement of the development hereby permitted, full details of the extraction and ventilation system that is to be contained within the building as described in the approved plans to the A1 and A3 units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that odours and odorous material will be removed and dispersed above the eaves height of the residential units hereby approved and that the transmission of noise and vibration does will not adversely impact upon the occupiers of the residential units. The approved details shall be implemented in full thereafter.

Reason: In order to protect the amenity of future residential occupiers and in accordance with policies DC23 and DC55 of the London Borough of Havering Local Development Framework 2008.

11. **Hours of trading** - The A1 and A3 units hereby approved shall not be used other than between the following hours:

- a) Monday to Saturday: 0600 – 2200
- b) Sunday: 0800 – 1800

Reason: In the interests of residential amenity and in accordance policy DC55 of the London Borough of Havering Local Development Framework 2008.

12. **Residents parking permits** - No future resident of the development shall be eligible for permits for their own vehicle/s for any existing, revised or new

permit controlled parking scheme, or Controlled Parking Zone, in the vicinity of the development.

Reason: To ensure that shortfalls in off-street parking facilities are not made up for by on street parking to the detriment of sustainable forms of travel alternatives such as walking and cycling, in accordance with policies DC3, DC32, DC33, DC34, DC35 and DC61 of the London Borough of Havering Local Development Framework.

13. **Workplace Travel Plan** - Prior to the first occupation of the Library/Learning Centre hereby permitted, a Workplace Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to promote sustainable forms of transport over private vehicle usage in accordance with policies DC34 and DC35 of the London Borough of Havering Local Development Framework 2008.

14. **Residential Travel Plan** - Prior to the first occupation of the residential units hereby permitted, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to promote sustainable forms of transport over private vehicle usage in accordance with policies DC34 and DC 35 of the London Borough of Havering Local Development Framework 2008.

15. **Delivery and Servicing Plan** - Prior to the first occupation of the development hereby permitted, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site can be adequately serviced in the interests of the highway network and surrounding occupier, in accordance with London Plan policy 6.11 and the London Borough of Havering LDF policy DC36.

16. **Construction Method Statement** - No development works shall take place, including any works of site remediation, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials, including delivery times
- c) storage of plant and materials used in constructing the development
- d) wheel washing facilities
- e) measures to control the emission of dust and dirt during construction
- f) a scheme for recycling/disposing of waste resulting from construction works
- g) construction hours of work
- h) measures to protect the TPO tree during construction.

Reason: To ensure that the construction of the development does not cause undue disturbance to neighbouring occupiers or harm to the natural

environment in accordance with DC32 of the London Borough of Havering Local Development Framework 2008.

17. **Programme for archaeological work** - No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development and in order that the proposal complies with policies DC68 and DC70 of the London Borough of Havering Local Development Framework 2008.

18. **Contamination** - Prior to the commencement of the development hereby permitted, the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase III (Risk Management Strategy) Report to address the identified significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A – Remediation Statement which will be fully implemented before the development hereby approved is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situation where, during site works, 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 in accordance with the agreed remediation scheme referred to in Part A

b) 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 assessment, and remediation proposals if necessary, shall be submitted to the LPA; and

c) If during development works site contaminants are found in areas previously assessed as not posing a significant risk, then further assessment of the significance of potential pollutant linkages shall be

completed and if required remediation shall be carried out in line with the agreed contamination proposals.

Reason: To protect these engaged in construction and occupation of the development from potential contamination, in accordance with policy DC53 of the London Borough of Havering Local Development Framework.

19. **Sustainability Statement** - The developer shall submit the following information relating to the agreed Sustainability Statement (25 November 2009):

a) Prior to the commencement of the residential units hereby permitted, a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 4' rating shall be submitted to the Local Planning Authority.

b) Prior to the first occupation of the residential units hereby permitted, the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure the minimum rating has been achieved.

c) Prior to the first occupation of the non-residential uses hereby permitted, the final Building Research Establishment (BRE) certificate confirming that the development has achieved the minimum BREEAM rating of 'Excellent'.

The development shall be carried out in accordance with the agreed Sustainability Statement (25 November 2009) and a BREEAM Post Construction Assessment shall be carried out on 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 London Borough of Havering Local Development Framework and policy 5.7 of the London Plan.

20. **Renewable energy system** - The renewable energy system described in the agreed Sustainability Statement (25th November 2009) and shown on the approved plans shall be installed in accordance with the agreed details and operation to the satisfaction of the Local Planning Authority prior to the occupation of the development and shall be maintained in perpetuity thereafter.

Reason: In the interests of energy efficiency and sustainability in accordance with DC50 of the London Borough of Havering Local Development Framework and policy 5.7 of the London Plan.

21. **Secure by Design** - Within six months of the commencement of the development hereby permitted, a full and detailed account of how the principles and practices of the Secured by Design Award scheme are to be incorporated into the development, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in strict accordance with the approved detailed account and thereafter permanently maintained.

Reason: In the interest of residential amenity and creating safer, sustainable communities in accordance with policies CP17 and DC63 of the Local Borough of Havering Local Development Framework 2008 and policy 7.3 of the London Plan.

22. **Flood Risk Assessment** - The development permitted by this planning permission shall only be carried out in accordance with the approved Rainham Interchange and Rainham Library & Learning Centre Flood Risk Assessment (FRA) compiled by Alan Baxter and Associates dated June 2009 and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set at a minimum of 3.83mAOD (section 1.5 page 2);
- Surface water drainage from the buildings and roads will be directed to a pond or to soakaway (section 7.2 and 7.3 on page 5).

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.

23. **No ground infiltration** - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent contamination to the secondary aquifer that lies under the site.

INFORMATIVES

1. The developer is hereby notified that the grant of planning approval does not constitute approval for changes to the public highway. The Highway Authority will only give approval once suitable details of the changes to the public highway have been submitted, considered and agreed.
2. In aiming to satisfy condition 21, the applicant should seek the advice of the Havering Police Borough Crime Prevention Advisor through the London Borough of Havering Development and Building Control Services.
3. Reason for Approval:

The construction of the proposed development is judged to be of significant importance to the creation of a number of community benefits including the provision of a new public library and public open space. The proposed development is also considered to be essential to the successful delivery of the Rainham Transport Interchange and integral to Council's Rainham Compass regeneration programme. As demonstrated by the applicant's confidential viability report the construction of the proposed development

would not be financially viable with the inclusion of affordable housing units even with grant from the Homes and Communities Agency. The wider community benefits which would arise from the construction of the proposed development together with the information provided in the viability report are considered to justify exception in this case to the strict application of Policy DC6 of the LDF Development Control Policies Development Plan Document and the provision of no affordable housing units within the proposed development.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a crescent shaped parcel of land approximately 0.19 hectares owned by the London Thames Gateway Development Corporation (LTGDC). The central part of the site lies immediately to the north of Rainham Station and comprises a shallow embankment area and shrub land. The eastern part of the site abuts the western footway of Ferry Lane. To the north the site abuts Broadway and part of the former Station Approach Road, a private 'no through' road owned by Network Rail. Ground levels fall across the site gently towards the north western corner with the former Station Approach Road being set about 1.8 metres below the ground level of Ferry Lane.
- 1.2 The site sits on the southern edge of Rainham Village, immediately north of the railway station. The sites nearest neighbours are a five storey block of flats and Royal Mail sorting office to the eastern side of Ferry Lane, the Listed garden wall along the north side of Wennington Road (which forms part of Rainham Hall and its garden) and the Phoenix Public House to the west of the former Station Approach Road. The site and surrounding area are within the Rainham Conservation Area, which contains a number of important Listed and locally listed buildings. In addition to forming part of the Rainham Conservation Area, the site and adjoining land to the north, east and west is designated as being part of the Rainham Minor District Centre.

2. Background Information

- 2.1 Members will be aware that planning permission was granted by the Council in October 2009 for the formation of a new roadway linking the former Station Approach Road with Ferry Lane. The new roadway which has now been constructed will form a new transport interchange with Rainham Station to enable bus services to be relocated from their current terminus in the heart of the Village. In July 2010 planning permission was granted by the LTDGC for the construction of a new mixed use part two storey, part five storey building with public open space on the land adjacent to the transport interchange. The proposed building will contain a new public library and children's day nursery to replace the existing facilities on Broadway together with a café, retail shop and 16 residential flats.

3. Description of Proposal

3.1 This application seeks full planning permission under Section 73 of the Town and Country Planning Act 1990 for removal of planning condition 5 of planning permission reference U0018.09. The description of development for this planning permission was, "The construction of a part two and part five storey building comprising a public library, lifelong learning centre and community facilities including space for a children's playgroup, a W.C facility for bus drivers, retail shop, cafe and 16 residential flats, together with a new public open space, landscaping and cycle parking". Planning application U0018.09 was approved by the LTGDC in July 2010. A copy of the LTDGC committee report is attached as an appendix to this report for information.

3.2 Planning condition 5 states the following;

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- a. affordable housing provision to be made which shall be intermediate tenure;*
- b. the timing of the construction of the affordable housing;*
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider;*
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- e. the arrangements for individual tenants or occupiers stair casing the share of equity held in a unit to 100%;*
- f. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

Reason: In order to provide an acceptable amount of affordable housing on site, in accordance with policy DC6 the London Borough of Havering Local Development Framework 2008 and policy 3A.9, 3A.10 and 3A.11 of the London Plan 2008.

3.3 Since planning permission for the scheme was granted the LTDGC has sought to secure a registered social landlord partner to deliver the affordable housing element of the development. To date no suitable registered social landlord partner has been found willing to bring forward a viable offer. Given this the applicant has advised that condition 5, which places a requirement to provide affordable housing, is prejudicial to the delivery of the overall scheme and the wider benefits it would deliver. The applicant is therefore seeking the removal of condition 5 to enable the proposed residential

accommodation to be sold on the open market. To demonstrate the above the applicant has submitted a confidential financial viability report.

4. Relevant History

- 4.1 P0958.09 - The construction of a one-way east-bound road incorporating a footpath on its northern edge between the former Station Approach Road and Ferry Lane (with provision for two bus stops and two bus stop stands), alterations to these existing roads (including the construction of a lay-by on the western side of Ferry Lane), supporting embankments and associated lighting (4x8m columns) to create a public transport interchange – Approved in October 2009
- 4.2 U0018.09 - The construction of a part two and part five storey building comprising a public library, lifelong learning centre and community facilities including space for a children's playgroup (class D1), a W.C facility for bus drivers, retail shop (class A1), cafe (class A3) and 16 residential flats (class C3), together with a new public open space, landscaping and cycle parking – Approved in July 2010
- 4.3 P1574.10 - Amendments to the part implemented Public transport interchange, including the widening of the former station approach road and construction of a new boundary wall and barrier to the existing Phoenix public house car park, together with alterations to the alignment of the approved interchange road and junction and lay-by arrangements on Ferry Lane – Approved in December 2010

5. Consultations/Representations

- 5.1 The application was advertised and notification letters sent to 324 neighbouring properties. One letter of representation has been received raising objection to the removal of the condition however no reason has been given.

6. Relevant Policies

6.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply
CP2 – Sustainable Communities

6.2 LDF Development Control Policies Development Plan Document

DC6 – Affordable housing

6.3 The London Plan

3A.9 – Affordable housing

6.4 Government Guidance

7. Staff Comments

- 7.1 The principle issue arising from this application is whether the proposed removal of planning condition 5, relating to affordable housing, of planning permission U0018.09 is acceptable. The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. Planning Policy Statement 3 (PPS 3) sets out the Government's planning policy in respect of housing. PPS 3 advises that local authorities should set a target for the amount of affordable housing to be provided within their area. Affordable housing is housing designed to meet the needs of households whose incomes are not sufficient to allow them access to decent and appropriate housing. In line with the above advice and the policies of the London Plan, the Council's LDF Policy DC6 advises that the Council will aim to achieve 50% of all new homes built in the borough as affordable.
- 7.2 At the time the planning application for the new library and life long learning centre building was submitted the applicant proposed that the residential element of the building would comprise of shared ownership flats, a form of intermediate 'affordable' housing to be delivered as a partnership with a registered social landlord. In approving the application the LTGDC concluded that the proposal would assist the Council in achieving the above borough wide target whilst providing opportunities for local people to access affordable home ownership. The proposal was therefore judged to meet the provisions of Policy DC6 of the LDF. In order to ensure that the affordable housing units were delivered in a manner acceptable to the planning authority condition 5 was imposed.
- 7.3 Following the grant of planning permission a marketing exercise was undertaken by the applicant to secure a partner for the affordable housing units. Tender information was issued to each of the Council's preferred partners with bids being received from three registered social landlords. Following negotiations two of the registered social landlords subsequently withdrew their offers. Invitations were then extended to a further four registered social landlords however none of these invitations resulted in offers being submitted. The applicant is presently holding one live affordable housing offer from a registered social landlord.
- 7.4 Members may recall that the original planning application was accompanied by a confidential financial viability report. In order for the proposed development to be financially viable the applicant's viability report sets out a figure which must be achieved for the residential accommodation within the scheme. The remaining affordable housing offer would only provide 55% of the value required. The proposed new library and life long learning centre project is being jointly promoted by the LTGDC and the Council. In view of the considerable amounts of public funding going into the project, and the pressure for this to be utilised to deliver greatest benefit, the merits of disposing of the affordable housing units for 55% of the value originally

required is highly questionable. The applicant has advised therefore that the only way in which the proposed development would be viable and could proceed is through allowing the residential units to be sold as open market accommodation.

7.5 In reaching a conclusion as to whether the removal of condition 5 is acceptable and allowing the residential accommodation to be sold on the open market Members will wish to give consideration to the following. Firstly as explained above the inclusion of affordable housing units within the scheme would result in the development being unviable and the proposal would not proceed. This has been demonstrated through the submission of the viability report. Members will also wish to give consideration to the wider benefits arising from the development. The proposed development would deliver social infrastructure that would serve the wider Rainham community; namely a library and learning centre together with a new civic space. Members may recall that the proposed development is also linked with the provision of the previously approved public transport interchange and includes facilities for both bus users and drivers.

7.6 The construction of the proposed library and life long learning centre is judged to be of significant importance to the creation of a number of community benefits. The proposed development is also considered to be essential to the successful delivery of the Rainham Transport Interchange and integral to Council's Rainham Compass regeneration programme. Staff are satisfied that the applicant's viability report demonstrates the construction of the proposed development would not be financially viable with the inclusion of affordable housing units. Were additional time taken to pursue a further affordable housing offer then the whole scheme could be put at risk thereby jeopardising the delivery of this important regeneration project. In view of this and the wider community benefits which would arise from the construction of the proposed development staff are of the view that sufficient circumstances exist to justify an exception in this case to the strict application of Policy DC6 of the LDF. Staff are of the view that the provision of no affordable housing units within the development is acceptable and that this would not have an unduly adverse effect on the supply and range of housing choice within Rainham Village. In the event that the applicant can secure a viable offer from a registered social landlord in the future, then the scheme could progress with affordable housing.

8. Conclusion

8.1 This application relates to the removal of planning condition 5 attached to planning permission reference U0018.09. This planning permission relates the construction of a mixed use building with public open space on land to the north of Rainham Station. The proposed building is to include a new public library, children's nursery, retail shop, café together with residential flats to the upper floors. Planning condition 5 requires that shared ownership affordable housing units are provided within the development in partnership with a registered social landlord. The applicant has advised that they are presently holding only one live offer from a registered social

landlord however this offer would only provide 55% of the value originally required even with grant from the Homes and Communities Agency and as such the development would not be viable and unable to proceed. It is for this reason that the applicant is seeking permission to remove condition 5 in order to be able to sell the proposed residential units on an unrestricted open market basis which would make the scheme viable. Staff accept that were the applicant obliged to deliver the development in accordance with condition 5 this would compromise the deliverability of the scheme and a number of wider community benefits. Staff are of the view that the removal of planning condition 5 and the construction of the development without affordable housing units is acceptable having regard to the wider community benefits arising from the development and the financial viability report submitted by the applicant. Staff recommend therefore that the application is approved subject to the conditions imposed on the original planning permission minus condition 5.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

The removal of planning condition 5 of U0018.09 would result in no affordable housing units being provided within the forthcoming library and lifelong learning centre building. The lack of affordable housing is considered to be acceptable having regard to the wider community benefits which would arise from the library building proposal.

BACKGROUND PAPERS

Application form, plans and supporting statements received on 1st April 2011.

PLANNING COMMITTEE MEETING: 21 April 2010

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
 REPORT OF THE DIRECTOR OF PLANNING**

UDC CASE NUMBER:	LTGDC-09-110-REG3	DATE MADE VALID:	21/12/2009
APPLICATION NUMBER:	U0018.09/LBHG	TARGET DATE:	26/04/2010

APPLICANT:	The London Thames Gateway Development Corporation and the London Borough of Havering
AGENT:	Graham Harrington Planning Advice
PROPOSAL:	The construction of a part-2 and part-5 storey building comprising a public library, lifelong learning centre and community facilities including space for a children`s playgroup (D1), a W.C. facility for bus drivers, retail (A1), cafe (A3) and 16 residential flats (C3), together with a new public open space, landscaping and cycle parking
LOCATION:	Land to north of Rainham Station bounded by Ferry Lane, Wennington Road and former Station Approach Road Rainham

1. SUMMARY

1.1 The site is located on land owned by the Development Corporation and seeks planning permission for a library, 'Lifelong Learning Centre', crèche, retail provision including local needs sized shop and café and public open space. The scheme also includes 16 residential units of intermediate tenure arranged in over four storeys above ground floor level (thus having a total height of five storeys). The scheme incorporates a future bus interchange facility that was granted consent by the London Borough of Havering in October of 2009.

1.2 The application is considered to be in accordance with the adopted policy context for the area, most specifically Site Specific Allocation (SSA) 15, which seeks a new public square reinforced by a landmark building incorporating community, retail and leisure uses at ground floor level and residential above. SSA15 also seeks a high quality public realm and a new public transport interchange which this scheme also delivers.

1.3 The site is within the Rainham Village Conservation Area and has been design in such a way as to be sympathetic to the styles and material exhibited in the Village without necessarily replicating older styles.

- 1.4 The scheme has raised a substantial number of local objections related primarily to the height of the building, overdevelopment of the site and the impact upon the conservation area. Other areas of local objection relate to the incorporation of flatted residential units, potential traffic and parking issues, the design of the scheme and the pressure on local services. Havering's Regulatory Services Committee has however raised no objection to the scheme.
- 1.5 The application is before Members recommended for approval subject to the conditions listed in Section 11 of this report and referral to the Health and Safety Executive (due to the presence of a Major Hazard Gas Pipeline in the area).

2. SITE AND PROPOSAL

Site Description

- 2.1 The application site is a 0.19 hectare parcel of land directly to the north of Rainham Station. The land is an island site, being bordered by Ferry Lane to the east, Rainham Broadway to the north, a private no through road to the west and the Rainham Station car park to the south.
- 2.2 The site is vacant and is characterised by a shallow depression in the centre and a grassed embankment along the southern boundary. Historically, a row of cottages occupied the northern boundary of the site, however these were demolished during the 1960s. The vegetation on site is mainly low level grasses, shrubs and 10 mature trees. One horse chestnut tree in the northern corner of the site is protected by a Tree Preservation Order.
- 2.3 Surrounding the site is a mixture of uses but, most significantly, the site is located within the Rainham Village Conservation Area. Significant buildings within the conservation area include the Grade I listed Church of St Helen and St Giles in the heart of the Village and the Grade II listed Rainham Hall with its lodge and stable blocks, gardens, walls, piers and railings also being Grade II listed. Five other buildings within the conservation area are Grade II listed, however the closest to the site are the listed ancillary facilities to Rainham Hall, located to the north of the site.
- 2.4 As well as being a conservation area, Rainham Village is also a district centre. Rainham Broadway links the site to the heart of Rainham Village to the north-west and eventually links to a large Tesco 250 metres to the north. The closest building to the site on Rainham Broadway is a pub and car park 30 metres away. Thirty metres to the south east is the nearest residential development, being a modern five storey flatted development adjacent to the railway line. To the south beyond the railway lines is the Ferry Lane industrial estate.
- 2.5 Rainham Station provides a direct link into central London (Fenchurch Street) and bus services operate from the centre of Rainham Village. The site has road access to the A13 via the Bridge Road roundabout to the north-west then following Ferry Lane south or via Wennington Road east.

Proposal

2.6 The application has been lodged on behalf of the Development Corporation and the London Borough of Havering for the construction of a part two storey, part five storey building comprising a public library, lifelong learning centre and community facilities including space for a children's playgroup (Class D1), a W.C facility for bus drivers, retail shop (Class A1), cafe (Class A3) and 16 residential flats, together with a new public open space, landscaping and cycle parking.

2.7 The key elements of the proposal are as follows:

- A new two-storey public library to replace the existing Rainham Library which is currently located on The Broadway;
- The inclusion of a Lifelong Learning Centre on the ground floor of the library space;
- Children's play group on the first floor of the building (approximately 87m²), with an external play area (36m²);
- A café on the ground floor of the building (101m²);
- A small retail shop on the ground floor of the building (61m²);
- A WC on the ground floor for use by bus drivers associated with the Rainham Public Transport Interchange (see below);
- 16 residential units (comprising 12 no. 2 bedroom and 4 no. 1 bedroom flats) and;
- A new public open space of approximately 830m².

2.8 The proposed building is sited adjacent to the eastern site boundary and follows the line of Ferry Lane as it curves westwards to join the Broadway. The building has an overall maximum length of 64 metres by a maximum width of 21 metres. The building's two storey element is located to the northern end of the site and would contain the proposed public library, Lifelong Learning Centre and children's playgroup. The two storey element has a maximum height of 10.2 metres to the roof ridgeline. The five storey element is located at the southern end of the site and contains a retail shop and café at ground floor with four storeys of residential units above and has a maximum height of 17.8 metres overall.

2.9 The proposed materials palette includes red-brown coloured facing brickwork laid in a Flemish bond, while the roof of the building is finished with a succession of small pitches indicated as standing seam copper. The 'copper' material is in fact bronze that will go a dark chocolate brown with oxidisation but would not then go brighter green as seen with verdigris in copper. The building also has metal downpipes and hoppers, while the window openings are aluminium clad timber frames in an anodized gold finish.

2.10 The library entrance sits beneath a dark painted steel canopy which also forms the railing of the playgroup's terrace. The whole canopy is detailed as one steel component. The columns, structure, soffit and the balustrade one and the balustrade is perforated with laser cut holes to form the library's name. The façade of the building at this point is formed of glazed brick linking onto a plinth around the base of the library. The plinth itself expands to frame the ground floor windows to the Broadway. The glazed bricks would be of a dark green colour with subtle variations that are reminiscent of the glazed bricks found in tile/brick elements of traditional

shop fronts or pubs.

- 2.11 This same glazed brick is used again around the shop fronts of the café and retail unit and are covered to the south by a steel colonnade of similar detailing to the library entrance. However, at this point the balustrade above is the building's brick that wraps over above the steelwork that creates the colonnade, which is also the bus passenger waiting area. This type of brick is used at residential entrances, this time with a small plain canopy above, again detailed in dark painted steel but without columns.
- 2.12 Laser cut metal screens are also used elsewhere around the building, such as part of the window construction as a security cover, elsewhere providing articulation to the entrance canopies and balconies.
- 2.13 The site has the benefit of a planning permission granted by the London Borough of Havering in October 2009 for the formation of a new roadway linking the private road to the west with Ferry Lane to the east. The new roadway will form a new transport interchange with Rainham Station to enable bus services to be relocated from their current terminus in the heart of the Village. The application before Members is interrelated with this transport interchange and has essentially been designed as one project. The timing for highway works spend meant that the interchange application needed to be submitted and approved earlier than permitted by the overall project timetable.

3. MAIN ISSUES

- Principle of the development
- Design
- Scale and massing
- Impact Upon the Setting of the Conservation Area
- Landscape
- Housing
- Traffic and Parking
- Sustainability and energy
- Noise and Vibration

4. RELEVANT SITE HISTORY

- P0426.96 - Residential development to form 22 no. one and two bedroom flats - refused and allowed on appeal
- P1464.02 - Care Home (Class C2 use) – refused.
- P0565.05 - Residential development to form 22 flats (renewal of planning permission reference P0426.96) – refused.
- P0958.09 - The construction of a one-way east-bound road incorporating a footpath on its northern edge between the former Station Approach Road and Ferry Lane (with provision for two bus stops and two bus stop stands), alterations to these existing roads (including the construction of a lay-by on the western side

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of Ferry Lane), supporting embankments and associated lighting (4x8m columns) to create a public transport interchange - Approved

5. CONSULTATIONS/NOTIFICATIONS

London Borough of Havering

5.1 The application was considered by Havering's Regulatory Services Committee on the 11th of March who resolved to raise no objections to the proposal, subject to the following conditions which are all covered in the list of recommended conditions in section 11 of this report:

- Time limit for commencement
- Details of materials
- Details of hard and soft landscaping
- Protection of preserved trees during construction
- Construction methodology
- Hours of construction
- Details of wheel washing
- Land contamination
- Scheme of archaeological investigation
- Restriction on the use and hours of the non residential elements
- Details of refuse storage
- Details of cycle storage
- Details of external lighting
- Hours of opening for the commercial uses
- Need to submit application for Secure by Design award scheme
- Code for Sustainable Homes Level 3 and BREEAM 'very good' accreditations
- Details of extraction/ventilation system to the Cafe
- Travel plans

English Heritage

5.2 English Heritage has considered the application and does not wish to offer any comments. The recommendation is that the application be determined in accordance with national and local policy guidance and on the basis of any other specialist conservation advice. The consultation response goes on to stress that English Heritage are not expressing any views on the merits of the proposal.

5.3 By way of a separate consultation response from English Heritage's Greater London Archaeology Advisory Service (GLAAS), the site has been identified to be within an archaeological priority area and is likely to contain remains from the late Iron Age and early Roman periods as well as evidence of the medieval settlement that was present on the site. Therefore, an archaeological mitigation condition has been recommended to be attached to any permission for the proposal.

Environment Agency

5.4 The Environment Agency has objected to the scheme on the grounds that insufficient evidence had been provided to demonstrate that a flood risk sequential test had been provided. At present, more information is required on the flooding characteristics of land south of the railway line and the local sports ground. The EA also requires more information on the community benefits of the scheme to ascertain whether the scheme meets the exception test. Until the objection is removed, the EA is unable to provide any information on conditions they would seek to be imposed on any permission.

Natural England

5.5 Natural England has raised concerns relating to the ecological impact of the development. Specifically, the Ecological Report in support of the development does not address the potential for the site to support reptiles and bats, and the mitigation measures are not site specific. There is also a concern that there is no information regarding ecological enhancement measures. It is considered that these concerns can be overcome by appropriately-worded pre-commencement conditions.

Transport for London

5.6 TfL has confirmed that the proposal is not situated on or in proximity to the Transport for London Road Network. TfL supports the car free development and recommends that the developer enter into a Car Free Agreement by way of a Section 106 agreement to prevent future residents obtaining local parking permits. Officers consider that this type of agreement can be secured by condition.

5.7 The proposed provision of disabled parking bays and cycle parking is considered adequate.

5.8 TfL has asked that the finalised Travel Plan be submitted to the Local Planning Authority for final approval and that this Travel Plan be assessed and the pass score obtained by the 'ATTRIBUTE' assessment. This will be secured by condition.

5.9 A Delivery and Servicing Plan has been requested by way of a planning condition.

5.10 The movement of construction vehicles should also be carefully planned so as to avoid am and pm peak traffic movements.

The National Trust

5.11 The Trust confirms that it supports the application and "...compliment(s) the scheme on the very strong level of architectural detailing." The Trust considers that the building has a strong civic quality and supports the regeneration of the site in line with the Core Strategy. The façade of the taller residential element is also supported, however a form of balcony screening to The Broadway elevation has been requested "...to conceal the understandable desire to store items outside the dwelling." The approach to the open space is also supported.

Campaign to Protect Rural England

- 5.12 CPRE does not support the incorporation of flats into the development. They consider that better alternative sites exist around and within the Village, that the quality of life of residents would be compromised within what is considered to be a busy travel hub, that the parking and access arrangements are unacceptable, and that the development should be restricted to three storeys.
- 5.13 It is not clear from this consultation response in what capacity the proposal impacts upon the nearby rural landscape.

The Health and Safety Executive (PADHI+)

- 5.14 HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case. This is due to the presence of major hazard gas pipelines in the vicinity of the site. However, following investigations by the applicant's risk consultants and direct discussions with the HSE, it is apparent that the records held by the HSE contain information on infrastructure that existed before the construction of the Channel Tunnel Rail Link and do not accurately reflect the strengthening to the pipelines that occurred as part of this project. Although the HSE acknowledges this situation, a formal response to this effect has not been received in writing. Therefore, should Members resolve to grant consent for this scheme, the application will be referred to the HSE in accordance with the Corporation's statutory duty as local planning authority.

Metropolitan Police

- 5.15 Two conditions have been recommended by the police relating to secured by design principles being incorporated into the scheme and details of a CCTV scheme. An informative has also been recommended to advise the applicant to contact the Borough's Crime Prevention Officer in discharging the recommended conditions.

London Fire Brigade and the London Fire and Emergency Planning Authority

- 5.16 The London Fire Brigade has advised that no additions or alterations to existing fire hydrants are required for this development.
- 5.17 The London Fire and Emergency Planning Authority has confirmed that it is satisfied with the proposal.

Thames Water

- 5.18 With regard to waste, Thames Water has advised on the need for appropriately maintained fat traps on all catering establishments.
- 5.19 Thames Water also advises that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer.

Network Rail

- 5.20 Network Rail confirms that it has no comments to make.

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6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 11/01/2010

6.2 Press Notice Expiry: 01/02/2010

6.3 Neighbour Notification: Issued 22/12/2010.

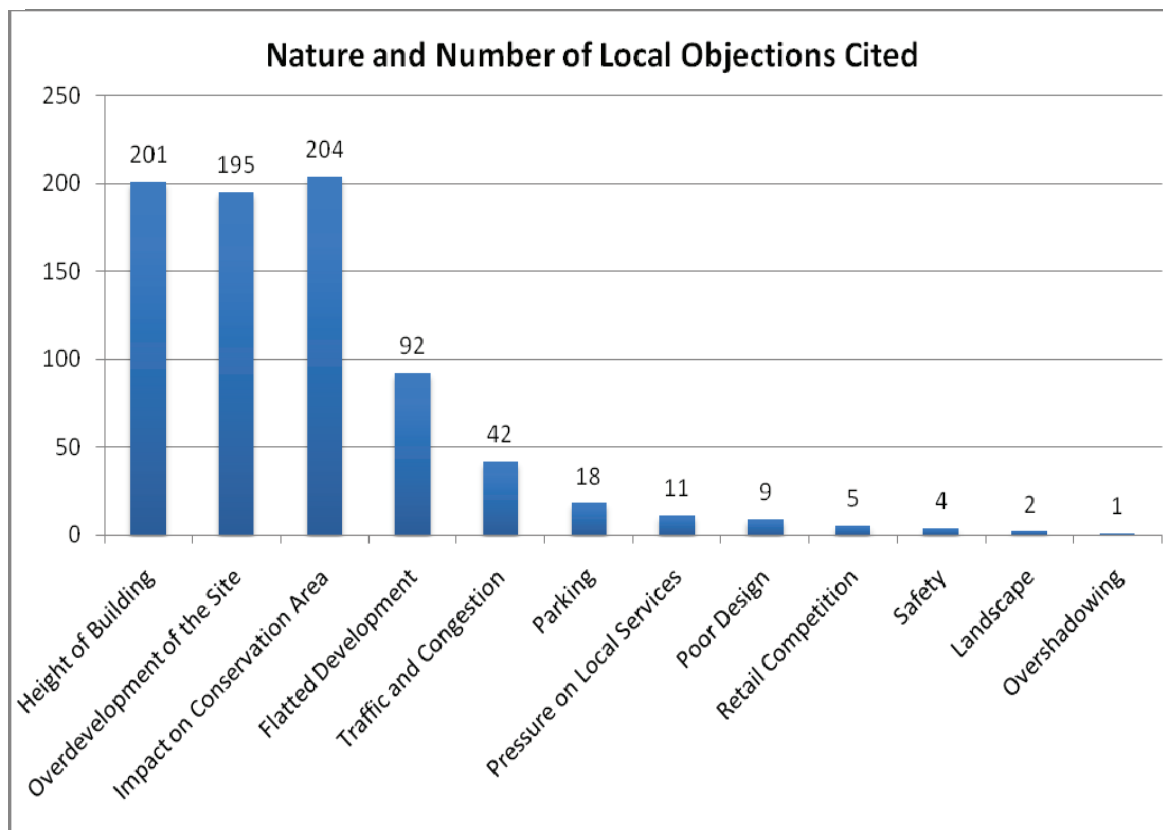
7. REPRESENTATIONS

7.1 In total, 87 local residents were notified in writing of the application which resulted in 242 objections being received. Of these 242 objections, 23 were individual responses to the consultation. The remaining 219 were based on an objection letter template attached to an objection leaflet provided to local residents by Councillor Jeffery Tucker urging residents to object to the proposal. The template letter focused on the height of the building and considered that the proposal would be an overdevelopment of the site. It considered that the library should be a standalone structure and that the modernisation of the existing library in its current location should be re-examined. Space was then allowed for individual comments.

7.2 The case officer also met on site with Havering Councillor Mark Stewart on the 12th of January 2010. During this meeting, Cllr Stewart voiced his concerns that:

- The site itself is generally too small to accommodate the scale of development proposed
- Transport and parking present an issue, particularly if future residents of the scheme own their own vehicles and have nowhere to park. The proposed library, crèche and retail functions of the scheme would only exacerbate this situation.
- The viewlines from the station into Rainham Village would be lost. The preference would be for a large open space.
- The flats above the library may lead to social problems
- The design of the building too closely resembles that of the existing flatted development located to the east of the station. This design is not in keeping with the rest of the Village.
- Overall, there should not be residential above within the scheme.

7.3 The nature of individual objections and the number of times the specific objection occurred is summarised in the graph below.



7.4 In addition to these local objections, the manager of the existing crèche facility has also raised concerns regarding the adequacy of the proposed children’s playgroup. Her concerns are that the playgroup does not cater for two year olds as well as the three to five year old range, that the two toilets and two basins within the playgroup area do not meet the minimum requirements of one toilet and basin for every ten children, and that there is a risk to children falling from the first floor level open area even with adult supervision.

7.5 The responses to these individual comments are discussed below.

Individual Comment	Response to Comment
The height of the building is excessive	The five storey maximum height of the proposal is not considered to adversely impact upon the Village or the surrounding area and responds adequately to the site context. This is discussed in greater detail in section 9 of this report under the heading ‘Scale and Massing’.
The proposal will be an overdevelopment of the site.	The proposal does not maximise the development potential of the site, but rather has allowed for a large area of public open space. The scheme is also within the density range specified by the Site Specific Allocation for the area.

<p>The proposal will have a negative impact on the conservation area.</p>	<p>The Rainham Village Conservation Area is a central consideration in the layout and design of the proposal. This has been demonstrated in the use of materials, specific design features and the allowance for the new route from Rainham Station to the heart of the Village. English Heritage has raised no objection to the scheme and the National Trust supports the proposal. This is discussed in greater detail in section 9 of this report under the heading 'Impact Upon the Conservation Area'.</p>
<p>Rainham is not an appropriate location for flatted development.</p>	<p>While the scheme does not propose any family sized accommodation, the location of the development within a future transport interchange and within a district centre supports this type of housing.</p>
<p>The scheme will increase traffic and congestion within the Village.</p>	<p>An additional 16 residential units, the Library and the associated facilities are not considered to be high traffic generators. This is discussed in greater detail in section 9 of this report under the heading 'Traffic and Parking'</p>
<p>The scheme does not provide any car parking, therefore users of the library and the future residents will create parking problems</p>	<p>The car free nature of the development is supported in local and strategic policy and has the support of both Transport for London and the Borough's Highways Officers.</p>
<p>The scheme will place pressure on local services.</p>	<p>The scheme delivers an improved library and children's playgroup facility along with an adult learning facility. The 16 additional residential units will not create a discernable impact on other local services such as schools or medical facilities.</p>
<p>The scheme is a poor design.</p>	<p>It is considered that the design is sympathetic to the conservation area and appropriate for the location in general. The design of the scheme is discussed in section 9 of this report under the heading 'Design'.</p>
<p>The retail and café elements of the scheme will complete with existing businesses in the Village.</p>	<p>The fact that a development results in competition between businesses is not a material planning consideration. In any event, the amount of retail competition generated by this scheme itself will be negligible - particularly in comparison to the large Tesco located to the north of the Village.</p>
<p>The proposal will present safety issues being adjacent to a future transport interchange.</p>	<p>Developments adjacent to transport facilities are not uncommon. Appropriate signage and tactile division between pedestrian and road surfaces are included</p>

	within the scheme.
The landscaping is of a poor quality.	The landscaping aims to present a naturalised quality similar to that of the church yard and gardens of Rainham Hall. This is discussed in greater detail in section 9 of this report under the heading 'Landscape'
The height of the development will overshadow adjacent areas.	The island nature of the site means that the building does not overshadow any residential dwellings or other sensitive receptors. Further, the shape of the five storey element means that any overshadowing of public realm will be transitional as the sun tracks across the sky, rather than permanent shading as with horizontal block forms of development.

8. RELEVANT PLANNING POLICY

8.1 Government Policy Guidance and Statements

PPS1 Delivering Sustainable Development
 PPS3 Housing
 PPS4 Planning for Sustainable Economic Growth
 PPS5 Planning for the Historic Environment
 PPS9 Biodiversity and Geological Conservation
 PPG13 Transport
 PPG17 Planning for open space, sport and recreation
 PPS22 Renewable Energy
 PPG24 Planning and Noise
 PPS25 Development and Flood Risk

8.2 The London Plan consolidated with alterations since 2004 (2008)

3A.3 Maximising the potential of sites
 3A.5 Housing choice
 3A.6 Quality of new housing provision
 3A.9 Affordable housing
 3C.1 Integrating transport and development
 3C.2 Matching development to transport capacity
 3C.20 Improving conditions for buses
 3C.21 Improving conditions for walking
 3C.22 Improving conditions for cycling
 3C.23 Parking strategy
 3C.22 Improving conditions for cycling
 3C.24 Parking in town centres
 3D.1 Supporting town centres
 3D.13 Children and young people's play and informal recreation strategies
 3D.14 Biodiversity and nature conservation

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3D.15 Trees and woodland
4A.1 Tackling climate change
4A.2 Mitigating climate change
4A.3 Sustainable design and construction
4A.4 Energy Assessment
4A.7 Renewable energy
4A.11 Living roofs and walls
4A.12 Flooding
4A.13 Flood risk management
4A.14 Sustainable drainage
4B.1 Design principles for a compact city
4B.3 Enhancing the quality of the public realm
4B.6 Safety, security and fire protection
4B.5 Creating an inclusive environment
4B.8 Respect local context and communities
4B.9 Tall buildings
4B.10 Large scale buildings design and impact
4B.12 Heritage conservation
4B.15 Archaeology

8.3 London Borough of Havering LDF Core Strategy DPD

CP1 Housing Supply
CP2 Sustainable Communities
CP4 Town Centres
CP5 Culture
CP8 Community Facilities
CP9 Reducing the need to travel
CP15 Environmental Management
CP17 Design
CP18 Heritage

8.4 London Borough of Havering LDF Site Specific Allocations DPD

SSA15 – Rainham Station Transport Interchange and Civic Square

8.5 London Borough of Havering LDF Development Control Policies DPD

DC2 Housing mix and density
DC3 Housing design and layout
DC6 Affordable housing
DC7 Lifetime homes and mobility housing
DC15 Locating retail and service development
DC19 Locating cultural facilities
DC20 Access to recreation and leisure including open space
DC21 Major developments and open space
DC25 Public art
DC26 Location of community facilities
DC32 The road network
DC33 Car parking
DC34 Walking
DC35 Cycling

DC36 Servicing
DC40 Waste recycling
DC48 Flood risk
DC49 Sustainable design and construction
DC50 Renewable energy
DC51 Water supply, drainage and quality
DC52 Air quality
DC53 Contaminated land
DC54 Hazardous substances
DC55 Noise
DC58 Biodiversity and geodiversity
DC60 Trees
DC61 Urban design
DC62 Access
DC63 Delivering safer places
DC66 Tall buildings and structures
DC67 Buildings of heritage interest
DC68 Conservation Areas
DC70 Archaeology
DC72 Planning Obligations

9. ASSESSMENT OF MAIN ISSUES

Principle of Development

- 9.1 When considering whether this development is acceptable in principle, the most relevant policy to take into account is Havering's Site Specific Allocation (SSA) 15 – Rainham Station Transport Interchange and Civic Square. The objective of SSA15 is to increase the use of public transport and to improve community facilities and public realm. SSA15 seeks to achieve this by setting out specific requirements by which development will be delivered. These include the delivery of a new civic square reinforced by a landmark mixed use building of acknowledged design quality, incorporating community, retail and leisure uses at ground floor level with residential above. The residential component should achieve a density range of between 30 to 150 dwellings per hectare while the parking standards are set at 0 to 1.5 spaces per dwelling. Open space is also required to be of a high standard. SSA15 makes a particular point that important viewlines into and out of Rainham Village must be safeguarded.
- 9.2 The development proposal reflects the requirements of SSA15 and is considered to be acceptable in principle. The proposal delivers a new public space between the Rainham Village Conservation Area and Rainham Station. This open space capitalises on the natural pedestrian desire line between Rainham Station and the facilities within the Village. The position and layout of the proposal building is such that this open space is enclosed to the north east while also making the ground floor facilities easily accessible to passers by.
- 9.3 The mix of uses within the building itself also reflects the requirements of SSA15. At ground floor level, the proposal delivers a public library of 1,229m², which is an increase of 639m² over the existing combined library and crèche facility within the Village. Also at ground floor level, a 'Public Advice and Service Centre' is proposed to provide information on local services, while a 'Lifelong Learning Centre' operated

by Havering College intends to provide local learning opportunities. A café of 101m² and a retail shop of 61m² are located at the station end of the building.

9.4 At first floor level, the scheme provides rooms for a community meeting space as well as a children's playgroup of 87m² with its own outdoor space of 36m². The decision to place the playgroup area at first floor level rather than at ground floor level is based on the following reasons:

- It provides a safe environment for children and does not require the blinds and curtains to be drawn
- Prevents the physical and visual intrusion into the public square of an enclosed outdoor space required for the playgroup
- Enables active frontages to the public realm

9.5 The location of the children's playgroup at first floor level is considered reasonable by officers, particularly as step free access is also provided by way of a lift. Officers agree that the location provides a safer environment than at a ground floor location, particularly as members of the public would need a specific reason to go to the first floor, rather than the drop-in type community uses located at ground floor level.

9.6 Overall, the non-residential element of the scheme over the ground and first floors of the development represent a significant community benefit to the local population. Moreover, the delivery of these facilities is directly in line with the requirements of SSA15.

9.7 Above the community element and positioned towards the railway station end of the development are 16 residential units arranged over four storeys, giving the proposal a total height of five storeys or 17.5 metres above ground level. These residential units are acceptable in terms of SSA15 both in terms of their location above the community uses and being within the density range of between 30-150 dwellings per hectare.

9.8 SSA15 also seeks upgraded interchange facilities between Rainham Station and local bus services. It is considered that this element of SSA15 has been satisfied with the grant of planning permission by Havering for a one-way east bound road between the former Station Approach Road (private no through road) and Ferry Lane. This road essentially runs along the southern boundary of the site and incorporates two bus stops and two bus stands, associated earth embankment works, lighting, street furniture and pedestrian access improvements. Various elements of the current scheme relate to this interchange and are discussed in greater detail later in this report.

9.9 The proposal closely follows the requirements of SSA15 and is considered to be wholly acceptable in principle. The principle of this development is consistent with the strategic policy context, particularly in relation to locating such developments within centres and near public transport connections. SSA15 is in line with the London Plan, being part of Havering's adopted LDF.

Design

9.1 PPS1 seeks high quality and inclusive design beyond the aesthetic considerations of

the particular development. Specifically, good design should take into consideration the connections between people and places such as jobs and key services, be integrated into the existing natural and built form, and ensure that the surrounding area is and remains successful, safe and inclusive. Development that is out of context or does not improve the character or quality of an area should not be accepted.

- 9.10 The London Plan also places emphasis on good quality design in development, in particular policy 4B.1 which gives weight to high quality inclusive design and enhancement of public realm and policy 4B.3 which also seeks to enhance the quality of public realm.
- 9.11 The design of the scheme has been led by the need to be sensitive to the Rainham Village Conservation Area and to achieve the requirements for the civic square as stipulated in SSA15.
- 9.12 Due to the shape of the site and the need to provide the large area of open space, the building has not taken a regular form. Each façade of the building is intended to address the space to which it faces. The façade to the open space is at a concave angle so as to maximise the area to the front of the library entrance and café, frame the new civic space and provide as open a viewline from the station to the village as possible.
- 9.13 The façade facing the Village is purposely the smallest of the facades in order to present the smallest built form to the conservation area as possible. This façade is also important in that it provides an important physical marker of the new 'Y' junction where busses will be routed into the approved transport interchange.
- 9.14 The tallest and largest façade faces to the south towards Rainham Station and the Marshes beyond. Although this façade will have a total height of 17.5 metres (over five storeys) this will only be perceived from the south which is the least sensitive direction that could be affected. This element also contains the residential units which will benefit from the uninterrupted sunlight and daylight from the south while also enjoying long distance views over the Marshes and towards the Thames.
- 9.15 The roof form of the building is made up of a series of pitched roofs with east-west orientated ridge lines. The articulation of the roof lines is intended to respond to the type of roofs commonly found in Essex villages. Each roof plane is angled 30 degrees from horizontal and also has the functional benefit of providing the maximum amount of solar gain for the photovoltaic cells that are affixed to the south facing planes. The north facing roof planes are to be fitted with roof lights that will provide natural lighting and ventilation for the community facilities below. The edge treatment is an angled seam bronze construction.
- 9.16 The materials used in the construction of the building have been chosen to best replicate the types of materials used in the conservation area. The principal material used in the construction of the building is a variation of a red-brown brick type similar to the local materials used in the Village. The variation of colour in the brick gives the overall finish of the building a depth and contrast more commonly associated with older buildings. This quality is further enhanced by the 'Flemish bond' style of brick laying that is incorporated into the design and which is commonly seen in Rainham Village. Also used in the construction is a glazed dark green brick which is used to

articulate the building entrances, windows and the shop fronts, and also extends around the base of the building to act as a plinth on which the structure is placed. This type of dark green glazed brick is similar to that used in traditional East London pubs.

9.17 Further details of the building are intended to be simple and functional. Window and balconies are inset with timber and aluminium finishes, as are the balustrades and railings used throughout. The main entrance to the library is clearly articulated by the steel frame canopy that also acts as the outdoor play area for the children's playgroup above. This canopy will be detailed with the library's signage which is made of a laser cut steel screen.

9.18 The design approach to the scheme is a simple but well considered response to the site. The use of the various angles of the site and the different context that each side of the site faces has been utilised to best affect. The layout and site coverage allows for this civic building to mark an important junction of the Village while also providing for linkages between the railway station and the heart of the Village itself.

Scale and Massing

9.19 The scale and massing of the proposed development has been a particular cause for concern among local objectors to the scheme. Most objections generally are in principle objections to any structure of more than two to three storeys and express the fear that a building of more than this height will relate poorly to the conservation area and the structures within such as the listed church clock tower, overshadow the public realm and present a poor entrance to the Village. When considering the policy context for building heights for the site, SSA15 does not specify a maximum height but rather states a density range of between 30 to 150 dwellings per hectare and seeks a landmark building of acknowledged design quality.

9.20 The Development Control Policies DPD within Havering's LDF provides further policy guidance on urban design through policy DC61. This development control policy states that schemes will only be approved where they maintain, enhance or improve the character and appearance of the local area. More specifically, among other considerations, policy DC61 states that developments must respond to distinctive local building forms and patterns of development and respect the massing, scale and height of the surrounding physical context. Therefore, in establishing whether the scale and massing is appropriate for the site, the principal consideration is the way in which the proposal will sit within the surrounding context.

9.21 Of the surrounding contextual considerations, the Rainham Village Conservation Area is the most sensitive. The impact of the development upon the conservation area is discussed in greater detail later in this report, however in terms of the massing of the scheme, the proposal has been designed in such a way as to present the smallest elevation to Rainham Broadway. This elevation is the narrowest of the elevations and is two storeys in height.

9.22 The highest element is the five storey residential component that sits on the southern end of the built structure. This element is the most identifiable section of the building particularly when viewed from Rainham Station or further to the south. However, in urban design terms, the location of this taller element is considered to

be well placed being as it is the furthest away from the conservation area and faces the least sensitive elements of the surrounding area, being the railway, industrial areas and marshes to the south.

- 9.23 Another important contextual consideration is the five storey flatted development to the south east of the site on the opposite side of Ferry Lane and adjacent to the railway line. At present, this structure is clearly visible from the centre of the conservation area and is not considered to exhibit a design that is sympathetic to the setting of the conservation area. Although the height of the proposed structure is slightly higher than that of this existing building, the proposed building plays an important role in screening the existing building from the heart of the conservation area.
- 9.24 In coming to the current design iteration, a three storey option was considered that would spread the units across the entire length of the library building. This option was discounted as it would place the highest part of the building at the closest point to the conservation area and would require a relatively high number of cores serving a low number of units. The three storey option also presented less opportunity for the sustainable design features delivered in the current scheme.
- 9.25 Although there has been significant concern regarding the height of the development, officers consider that, on balance, the scale and massing of the proposal presents a positive contribution to the site and surrounding area.

Impact Upon the Conservation Area

- 9.26 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of conservation areas. This is therefore a material consideration in the assessment of development proposals which affect its setting, or views into or out of the area.
- 9.27 PPS5 was published on the 23rd of March 2010 and deals with planning and deals with planning and the historic environment, and supersedes PPGs 15 and 16. Policy HE10 of PPS5 deals with the principles guiding the consideration of applications for development affecting the setting of a heritage asset. The policy states that planning authorities should treat favourably applications that preserve those elements of the setting that contribute to the significance of a heritage asset, and identify changes in the setting to enhance that significance.
- 9.28 At a local level, Havering's LDF policy DC68 states that planning permission within a conservation area will only be granted where it does not involve the demolition of a building that makes a positive contribution to the area, preserves and enhances the character or appearance of the conservation area, is well designed and does not involve the loss of trees that make a positive contribution to the conservation area. In line with the requirement within SSA15, the applicant has provided a Heritage Statement to accompany the application.
- 9.29 The Heritage Statement sets out the existing character and appearance of the conservation area through the first hand analysis and by referencing the original 1968 conservation area designation and the 2007 *Character Appraisal and Management Proposal* document undertaken by the Borough. This highlights that it

is a small, coherent and very high quality conservation area, although the land surrounding is largely 20th Century suburban and industrial that is not of the same high quality standard. The focal point of the Village is the Grade I listed Church of St. Helen and St. Giles dating back to 1170 and the War Memorial. Key views relevant to the proposal are therefore from the heart of the Village along Rainham Broadway to towards Rainham Station. This key view as well as views of and around the site are poor at present. Particularly poor features of the conservation area that currently exist are Rainham Station, the existing 1970s era library and council offices, not to mention the application site itself in its current condition. Furthermore, the setting of the conservation area has been eroded by the High Speed 1 railway and the pedestrian bridges that cross it, the high voltage transmission lines further to the south and the modern five storey development adjacent to the railway. Therefore, the application site and the area that surrounds it are considered to be the poorest elements of the conservation area, while the library which the proposal is intended to replace is detrimental to the character and appearance of the area.

9.30 It is the opinion of officers that the proposal will enhance the character and appearance of the conservation area, rather than detracting from it in any way. Firstly, in terms of the site layout, the building is positioned on the former site of a row of 19th Century cottages. Therefore a historic precedent has been set and is followed. This layout offers a route through the site to the station that brings the open space up to a standard that is comparable to other open spaces and gardens within the Village, such as the church yard and the gardens behind Rainham Hall.

9.31 The design of the building itself is sensitive to the conservation area in that it steps down to two storeys to reflect the existing building heights at this end of Rainham Broadway and presents the smallest elevation to the important view from the heart of the Village. Furthermore, the impacts of the taller element on the important views from the centre of the Village are reduced by perspective (being further away) and the topography of the site. The building has the added benefit of screening the conservation area from the poor outlook of the railway lines, transmission lines, Rainham Station and the built developments that are not considered to be in keeping with the conservation area.

9.32 Other elements of the scheme relevant to the conservation area include the pitch of the roofs, which generally reflect the type of roof pitch seen in buildings along Rainham Broadway, and the use of a brown-red brick, which is the predominant type of brick seen in the Village. The proposal is not deemed to have a detrimental impact on the setting of nearby listed structures, including the garden wall of Rainham Hall opposite the site, Rainham Lodge or Rainham Hall (all Grade II) further into the conservation area.

9.33 It should also be noted that the site has a high potential for archaeological remains dating from the late Iron Age to the present. It is considered that a suitably worded condition as recommended by English Heritage Architectural Advice Service should be placed on any permission.

9.34 It is acknowledged that the proposal is a modern design which does not seek to replicate older buildings or styles seen in Rainham Village. Rather, the layout, design and use of materials are all sympathetic to the conservation area and ultimately it is considered by officers that this approach is beneficial to the character and appearance of Rainham Village. As stated earlier in the consultation section of this

report, English Heritage do not wish to comment on the application (which may be interpreted as tacit approval) and has the full support of the National Trust.

Landscape

- 9.35 Policy SSA15 requires that any development proposal on this site must deliver a high quality public realm using quality hard and/or soft landscaping and street furniture as appropriate. In addition to this policy context, the Borough has been working with East Architects to deliver a public realm masterplan that will support and enhance the conservation area. The scheme has considered these requirements and proposes an area of open space that aims to tie in with the historic context of the Rainham Village public realm. The scheme has considered the preferred materials suggested by the masterplan and being the first area of public realm works in the Village, will be an important precedent for these future works. Therefore, the quality of the public space presented by this scheme needs to set a high benchmark for the rest of the Village.
- 9.36 The landscape design takes advantage of the existing bowled topography of the site in bringing forward the scheme's sustainable urban drainage while also providing a more natural approach to the soft landscaping. The approach to the soft landscaping across the green space is to provide a combination of grass types that invite usage of the open space, while grass bunds around the southern edge of the space provide a visual and physical break between the space and the interchange. All grasses are to be of a natural type found locally around the River Ingrebourne.
- 9.37 The soft landscaping proposals have paid particular attention to the large Horse Chestnut tree closest to the Village. This tree is the subject of a Tree Preservation Order (TPO) dating back to 1969 and despite the age of the TPO, the tree is still considered to be a valuable feature of the site, having a height of 14 metres and a canopy spread of 10 metres. Three additional trees are to be placed in the same area as the TPO tree, which further enhances the ecological value of the scheme while also supporting the naturalised approach to this new open space.
- 9.38 In terms of the hard landscaping proposals, the space provides a diagonal route through the site that provides a direct pathway from the station and interchange through to the Village. Between the entrance to the Library and the interchange is also a large open paved space. These features reflect the materials of Havering's masterplan proposals by introducing clay pavers for the pedestrian areas around the interchange and the Library entrance space, York Stone flags along footways surrounding the building, and smaller York Stone sets are for diagonal route through the site along with parking and loading bays. The edges between the pedestrian footways and trafficked area are made up of granite curbing, while the trafficked area of the interchange is made up of black mastic asphalt.
- 9.39 New street furniture includes timber benches within the green space and bus stops while the benches facing towards the Village are specially sculptured. External lighting is to be provided by way of four carriageway lighting columns and two pedestrian crossing lights. Cycle parking and litter bins are also intended to be provided around the public spaces.
- 9.40 Overall, the landscaping proposals provide a safe and attractive natural public space that is in keeping with the historic context of the Village and aligned with the

open space objectives of SSA15.

Housing

- 9.41 The proposal includes 16 residential units located within the first to fifth stories of the tower element. These units are all intended as intermediate housing and to be managed by Swan Housing. In a letter attached to the planning statement supporting the application, Swan Housing has stated that they are willing to restrict eligibility for these units to residents of the London Borough of Havering or for people with connections to the Borough for a three month period.
- 9.42 Havering's policy on affordable housing is in line with the London Plan, being that the minimum proportion within new developments shall be 50% split 70/30 in favour of social rented accommodation to intermediate. In this respect, while the scheme fulfils the proportion requirement, being 100% affordable, the tenure split falls short of policy requirement as all units are for intermediate rent. In this respect, the applicant has contended that for the scheme to deliver social rented housing in the tenure split required by policy, the development would not have the financial viability to proceed. This statement has been supported by an open book financial appraisal. The applicant has also made reference to the Borough's Housing Need Update of 2006 which states that there is a large gap between the cost of entry level private renting and entry level home ownership and that there are a significant number of households within the Borough that seek access to home ownership but cannot due to this gap in cost. The Borough's position is that they support 100% intermediate housing in this instance as the scheme will assist in achieving the Borough's affordable housing targets while allowing opportunities for affordable home ownership. Given the statements from Swan Housing on local eligibility for the units (which shall be secured by condition) and the Borough support of the tenure split, it is considered by officers that the residential tenure for the scheme is acceptable.
- 9.43 The residential mix is 12 two bed units and 4 one bed units. The unit sizes are 50m² for each of the one bed units, 60m² for four of the two bed units (designated as three person units) and 70m² for the remaining two bed units (four person). There are four units per floor and all but two have dual aspect. The two units that do not have dual aspect are a one bed facing east and a two bed three person unit facing west.
- 9.44 All units have their own private balcony space that ranges in size from six square metres for the one bedroom units and ranging between five and 13 square metres for the remaining two bedroom units. As private communal open space is not provided, the scheme fall short of the Borough requirement of 40m² of amenity space per one bed unit and 50m² per two bed unit. However, given the amount of public open space delivered by the scheme, the town centre location of the site and the fact that the units are not considered to be family housing, the private balcony space is considered to be sufficient.
- 9.45 Other features of the units include corner locations of living space to maximise natural lighting and ventilation, floor to ceiling height of 2.4 metres, en-suite shower rooms for each two bed two person unit and Lifetime Homes accessibility for all 16 units.

Traffic and Parking

- 9.46 It is accepted within the Government guidance within PPS1 relating to sustainability, PPS3 regarding housing and PPG13 regarding transport that more intensive development should be guided towards area with good public transport facilities and located in areas such as town centres where services are readily available by walking or cycling. The approach to parking in all three of these guidance documents is that parking requirements in local policies should be expressed as maximum amounts.
- 9.47 Policy SSA15 follows this national guidance and designates that a maximum range of 0 to 1.5 spaces per dwelling. Also at a local level, Havering's Development Control Policy DC33 seeks to control the parking provision in new developments by not exceeding the maxima set out for each land use.
- 9.48 The scheme proposes no dedicated parking for any of the uses and as such is considered to be a 'car free development', however three disabled bays and a loading bay will be provided within a lay-by on Ferry Lane. Cycle parking is proposed to be provided by five stands (10 spaces) on the bus interchange area, 6 stands (12 spaces) outside the library entrance. Internal cycle parking bays for residents are to be located in a dedicated enclosed storage space accessible from Ferry Lane, with the specific number of spaces to be secured by condition.
- 9.49 The justification for car free development is supported both in planning policy and through the submission of the Transport Assessment. In policy terms, the site is located next to Rainham Station and 150 metres from the existing bus stands adjacent to the war memorial and is therefore considered to have good access to public transport. This will be further enhanced with the delivery of the bus interchange that was the subject of a separate application approved by the London Borough of Havering in September of 2009. The site's location within this district centre also supports car free development as residents can access the local facilities easily by walking and visitors to the library and community facilities can utilise either the station car park, the large car park next to Tesco located 250 metres (three minute walk) to the north or drop off users in the lay by to be provided.
- 9.50 The applicant's Transport Assessment has further demonstrated that the site is appropriate for car free development. The traffic impact assessment considered the junctions of Ferry Lane/Wennington Road/Broadway, Broadway/Bridge Road/Upminster Road South and the Bridge Road/Lamson Road/VikingWay roundabout. Traffic conditions on the local highway network were assessed for the baseline year, year of opening and five years after the date of registration of the planning application, in accordance with DfT guidelines for Transport Assessments. Trip generations for each of the proposed uses was considered using the TRAVL database. These assessments have concluded that each of the junctions have sufficient capacity at current and future traffic levels and that the increase in vehicle movement in the area attributed to the development would be insignificant. The TA also outlines the framework of both a workplace and residential travel plan that will be secured by condition.
- 9.51 Given the policy and site specific evidence in support of car free development at this location, it is accepted that no car parking spaces should be required. This is subject to a condition preventing eligibility of future residents of the scheme for car

parking permits. Parking restrictions exist on Broadway, Wennington Road and Anglesey Drive. The periods of these restrictions vary along the lengths of these roads and are either: 8am-6:30pm Mon-Sat or 8:30am-6:30pm Mon-Sat or 8:30am-9:30am Mon-Fri. Sections of Broadway have an 'At any time' restriction. These restrictions allow some scope for staff and visitors to park on these streets, but it would be very difficult for residents to make use of this provision.

- 9.52 Servicing of the proposal is intended from a demarcated loading bay within the proposed lay by on Ferry Lane. Refuse vehicles already travel down Ferry Lane to collect from the nearby flats and would be able to pick up from the development at the same time. Two separate refuse and recycling storage areas are proposed within the building adjacent to Ferry Lane. One area would be dedicated to the residential flats with the other serving the library, café and retail shop. A servicing plan is to be secured by condition along with further details of the refuse bay.
- 9.53 The site is generally suitable for car free development given its location close to public transport facilities and within the district centre. This factor, supported by the transport related conditions outlined in this report, make the proposal acceptable in transport terms.

Sustainability and Ecology

- 9.54 The scheme proposes to adopt a number of sustainable construction techniques which would ensure that it meets the required planning standards for a major development. The construction materials of the building would be sourced locally as far as possible and the choice of materials guided by the BRE Green Guide with the aim of selecting those with reduced environmental impacts. The building would incorporate features designed to maximise CO₂ savings, as well as delivering cost savings to future residents of the development. The proposals include highly efficient fabric specifications to minimise space heating requirements and would maximise the use of natural daylight to minimise electricity consumption for lighting. 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. A communal solar hot water system for the proposed residential flats would assist to reduce gas consumption. The applicant has also indicated a commitment to achieving a BREEAM 'Excellent' rating for the library and Code for Sustainable Homes 'Level 4' for the residential element which could be secured via planning condition. The design of the building has been influenced by the requirements of LTGDC's 'Sustainable Development Guide for LTGDC projects' and the requirements of planning policy.
- 9.55 The Ecological Appraisal Report submitted in support of this application concludes that the site has the potential to support protected species, namely breeding birds, and that this will be facilitated by clearance of relevant vegetation (including trees) at appropriate times of the year (outside of March to August). The Report also identifies the possibility of UK Biodiversity Action Plan species being present on site, including hedgehogs and house sparrow and that the proposed mitigation is for hibernacula on site (log pile/bonfire) to be dismantled by hand and removed from the site. The applicant has also indicated that they would be prepared to accept conditions to secure the mitigation measures identified in the submitted report.

9.56 The application site currently accommodates ten trees of varying species, one of which is protected by a Tree Preservation Order. The applicant's tree survey submitted in support of this application advises that it is the intention to retain the tree covered by the TPO. The document also outlines why the loss of nine trees on the site is necessary, making clear that a number of these are dead or in poor health. The planning permission for the transport interchange permitted the loss of three of these trees. Although the loss of the remaining six existing trees would reduce the habitat value of the site, this proposal include a number of opportunities to enhance biodiversity with the new public space incorporating areas of soft landscaping and tree planting, as discussed earlier in this report. Therefore, the overall benefits of the proposals would outweigh this loss and will ensure some useful habitat is provided in the future.

Noise and Vibration

9.57 Being close to the existing regional and international railway lines and directly adjacent to a future bus interchange, the site has the potential to be affect by noise and vibration from these external sources.

9.58 PPG24 is the Government guidance on planning and noise and is useful in the consideration of residential development near transport related noise sources. PPG24 allocates noise levels into Noise Exposure Categories (NEC) from A to D depending on the type of noise and the time of day or night. Category A means that noise is at a level where exposure would not factor into the consideration of the development, whereas Category D would mean that planning permission would normally be refused.

9.59 Also relevant to the application are BS8233:1999 'Sound Insulation and Noise Reduction for Buildings' and BS6472:2008 'Guide to Human Exposure to Vibration in Buildings'. BS8233 provides good and reasonable 'sleeping/resting' conditions within residential developments. For bedrooms the levels are 30dB good, 35db reasonable and for living rooms the levels are 30dB good and 40dB reasonable. BS8233 also provides levels for library and class/meeting space, being for library 40dB good and 50dB reasonable and for class/meeting space 35dB good and 4dB reasonable.

9.60 In terms of vibration, BS6472 sets out the criteria for 'feelable' vibration measured as Vibration Dose Value (VDV) and provides a means to gauge to likelihood of adverse comment arising from vibration. BS6472 also makes reference to groundborne noise radiated through buildings and structure as an audible 'rumble'.

9.61 At a local level, Havering's LDF development control policy DC55 states that planning permission will not be granted if a proposal would result in exposure to noise or vibrations above acceptable levels.

9.62 The applicant has provided a Noise and Vibration Assessment which demonstrates that the external noise environment would fall under NEC B where noise should be considered as part of the assessment of the application and conditions imposed to secure appropriate mitigation. The Assessment considered that a satisfactory internal noise environment for the proposed housing can be provided with appropriate double glazing. The Assessment acknowledges that the north and eastern elevations of the library would exceed the recommended upper noise levels for this use, but that mitigation would require mechanical ventilation.

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However, mechanical ventilation runs contrary to the environmental sustainability standards that are being sought for the building. On balance, it is considered that these sustainability considerations outweigh the noise implications and therefore mechanical ventilation has not been pursued with the applicant.

9.63 In terms of vibration, the Assessment indicates that both perceptible (feelable) vibration and groundborne noise (radiated structural 'rumble') from trains would be adequately controlled through the building being constructed from a heavy concrete frame.

10. CONCLUSION

10.1 The application before Members will deliver an important community facility for Rainham as well as delivering 16 residential units on intermediate tenure that will assist in providing residents of Havering with access to affordable home ownership. The scheme has paid particular attention to the Rainham Village Conservation Area in terms of its design, materials, scale and layout. It is acknowledged that the scheme has generated a significant amount of local objections to the proposals, however it is the view of officers that in light of the prevailing policy context, the general support from statutory consultees and our own professional opinion that there is no planning reason in which to refuse the application. The application is recommended for approval, subject to referral to the Health and Safety Executive to allow 21 days to consider whether to request that the Secretary of State 'call-in' the application (Members will recall that the HSE has already indicated that the scheme is not affected by major hazard gas pipelines, but has not done so in writing).

11. CONDITIONS AND REASONS

1. The development to which this permission relates shall be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable time period and in accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be completed in accordance with the approved plan numbers:

MLA/249/P/001 Site Layout as Proposed
MLA/249/P/100 Ground Floor
MLA/249/P/101 First Floor
MLA/249/P/102 Second Floor
MLA/249/P/103 Third and Fourth Floor
MLA/249/P/105 Roof Plan
MLA/249/P/200 Building Sections AA BB
MLA/249/P/201 Building Sections CC DD
MLA/249/P/300 Elevation 1
MLA/249/P/301 Elevation 2
MLA/249/P/302 Elevation 3 & 5
MLA/249/P/303 Elevation 4
MLA/249/P/304 Elevation 6
RL 01.01 Public Realm Proposals

RL 01.02 Public Realm Proposed Sections
PL 02.02 Public Realm Proposed Sections

Reasons: To ensure that the proposal is carried out in accordance with the plans hereby approved.

3. Prior to the commencement of the development hereby permitted, full details of external materials shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include a sample panel that is cross referenced to detailed elevation drawings.

Reason: To ensure the materials used in the construction of the development are of a high standard and are appropriate for the Rainham Village Conservation Area, in accordance with policies SSA15, DC61 and DC68 of the London Borough of Havering Local Development Framework 2008.

4. Within three months of the commencement of the development hereby permitted, full details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure a high standard of public space, in accordance with SSA15, DC21, DC59, DC60 and DC68 of the London Borough of Havering Local Development Framework 2008.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
 - a. affordable housing provision to be made which shall be intermediate tenure;
 - b. the timing of the construction of the affordable housing;
 - c. the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - e. the arrangements for individual tenants or occupiers staircasing the share of equity held in a unit to 100%;
 - f. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to provide an acceptable amount of affordable housing on site, in accordance with policy DC6 the London Borough of Havering Local Development Framework 2008 and policy 3A.9, 3A.10 and 3A.11 of the London Plan 2008.

6. Within three months of the commencement of the development hereby permitted, full details of the playgroup facility hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that the facilities provide adequate and safe facilities for the age groups intended for the space. The details shall be implemented in full thereafter.

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Reason: In order to ensure that an adequate playgroup facility is delivered, in accordance with policies CP8, DC26 and DC27 of the London Borough of Havering Local Development Framework 2008.

7. Prior to the commencement of the development hereby permitted, full details of the refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure that refuse storage facilities meet minimum standards in terms of amount and accessibility, in accordance with policy DC40 of the London Borough of Havering Local Development Framework 2008.

8. Prior to the commencement of the development hereby permitted, full details of the cycle storage provision shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure that adequate provision of cycle storage is delivered on site, in accordance with policy DC35 of the London Borough of Havering Local Development Framework 2008.

9. Within six months of the commencement of the development hereby permitted, full details of the external lighting scheme, including lux level contours, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: In order that the external lighting environment is maintained at an adequate level, in accordance with policy DC56 of the London Borough of Havering Local Development Framework 2008.

10. Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended), the A1, A3 and D1 uses as indicated on the approved plans shall remain as such units unless and until an application to change the use of the units is permitted by the Local Planning Authority.

Reason: To ensure that the uses as approved are retained on site, in accordance with policies DC15, DC26, DC27 and DC30 of the London Borough of Havering Local Development Framework 2008.

11. Prior to the commencement of the development hereby permitted, full details of the extraction and ventilation system that is to be contained within the building as described in the approved plans to the A1 and A3 units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that odours and odorous material will be removed and dispersed above eaves height of the residential units hereby approved and that the transmission of noise and vibration does will not adversely impact upon the occupiers of the residential units. The approved details shall be implemented in full thereafter.

Reason: In order to protect the amenity of future residential occupiers and in accordance with policies DC23 and DC55 of the London Borough of Havering Local Development Framework 2008.

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12. The A1 and A3 units hereby approved shall not be used other than between the following hours:

- a) Monday to Saturday: 0600 – 2200
- b) Sunday: 0800 – 1800

Reason: In the interests of residential amenity and in accordance policy DC55 of the London Borough of Havering Local Development Framework 2008.

13. No future resident of the development shall be eligible for permits for their own vehicle/s for any existing, revised or new permit controlled parking scheme, or Controlled Parking Zone, in the vicinity of the development.

Reason: To ensure that shortfalls in off-street parking facilities are not made up for by on street parking to the detriment of sustainable forms of travel alternatives such as walking and cycling, in accordance with policies DC3, DC32, DC33, DC34, DC35 and DC61 of the London Borough of Havering Local Development Framework.

14. Prior to the first occupation of the Library/Learning Centre hereby permitted, a Workplace Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to promote sustainable forms of transport over private vehicle useage in accordance with policies DC34 and DC 35 of the London Borough of Havering Local Development Framework 2008.

15. Prior to the first occupation of the residential units hereby permitted, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to promote sustainable forms of transport over private vehicle useage in accordance with policies DC34 and DC 35 of the London Borough of Havering Local Development Framework 2008.

16. Prior to the first occupation of the development hereby permitted, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site can is adequately serviced in the interests of the highway network and surrounding occupier, in accordance with London Plan policy 3C.17 and the London Borough of Havering LDF policy DC36.

17. No development works shall take place, including any works of site remediation, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials, including delivery times
- c) storage of plant and materials used in constructing the development

- d) wheel washing facilities
- e) measures to control the emission of dust and dirt during construction
- f) a scheme for recycling/disposing of waste resulting from construction works
- g) construction hours of work
- h) measures to protect the TPO tree during construction.

Reason: To ensure that the construction of the development does not cause undue disturbance to neighbouring occupiers or harm to the natural environment in accordance with DC32 of the London Borough of Havering Local Development Framework 2008.

18. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16 and policies DC68 and DC70 of the London Borough of Havering Local Development Framework 2008.

19. Prior to the commencement of the development hereby permitted, the developer shall submit for the written approval of the Local Planning Authority;

- a) A Phase III (Risk Management Strategy) Report to address the identified significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A – Remediation Statement which will be fully implemented before the development hereby approved is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situation where, during site works, 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 in accordance with the agreed remediation scheme referred to in Part A

- b) 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 assessment, and remediation proposals if necessary, shall be submitted to the LPA; and
- c) If during development works site contaminants are found in areas previously

assessed as not posing a significant risk, then further assessment of the significance of potential pollutant linkages shall be completed and if required, remediation shall be carried out in linwith the agreed contamination proposals.

Reason: To protect these engaged in construction and occupation of the development from potention contamination, in accordance with policy DC53 of the London Borough of Havering Local Development Framework.

20. The developer shall submit the following information relating to the agreed Sustainability Statement (25 November 2009):
- a) Prior to the commencement of the residential units hereby permitted, a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 4' rating shall be submitted to the Local Planning Authority.
 - b) Prior to the first occupation of the residential units hereby permitted, the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure the minimum rating has been achieved.
 - c) Prior to the first occupation of the non-residential uses hereby permitted, the final Building Research Establishment (BRE) certificate confirming that the development has achieved the minimum BREEAM rating of 'Excellent'.

The development shall be carried out in accordance with the agreed Sustainability Statement (25 November 2009) and a BREEAM Post Construction Assessment shall be carried out on 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 London Borough of Havering Local Development Framework and policy 4A.7 of the London Plan.

21. The renewable energy system described in the agreed Sustainability Statement (25 November 2009) and shown on the approved plans shall be installed in accordance with the agreed details and operation to the satisfaction of the Local Planning Authority prior to the occupation of the development and shall be maintained in perpetuity thereafter.

Reason: In the interests of energy efficiency and sustainability in accordance with DC50 of the London Borough of Havering Local Development Framework and policies 4A.7, 4A.8 and 4A.9 of the London Plan.

22. Within six months of the commencement of the development hereby permitted, a full and detailed account of how the principles and practices of the Secured by Design Award scheme are to be incorporated into the development, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in strict accordance with the approved detailed account and thereafter permanently maintained.

Reason: In the interest of residential amenity and creating safer, sustainable communities in accordance with policies CP17 and DC63 of the Local Borough of

Havering Local Development Framework 2008 and policy 4B.6 of the London Plan.

12. INFORMATIVES

1. The developer is hereby notified that the grant of planning approval does not constitute approval for changes to the public highway. The Highway Authority will only give approval once suitable details of the changes to the public highway have been submitted, considered and agreed.
2. In aiming to satisfy conditions 22 and 23, the applicant should seek the advice of the Havering Police Borough Crime Prevention Advisor through the London Borough of Havering Development and Building Control Services.
3. It is envisaged by the local planning authority that the residential units on site shall be "Intermediate Affordable Housing", as defined under Annex B: Definitions of PPS3 Housing or any future guidance that replaces it and that there shall be no restriction on individual tenants or occupiers staircasing the share of equity held in a unit to 100%. The provisions of any restriction of the tenure of the affordable units shall cease to apply to a mortgagee in possession of any residential unit, nor to an individual owner of a residential unit who has staircased the equity in the residential unit to 100%. In addition, The residential units on site shall only be made available for occupation to residents of the London Borough of Havering and/or persons having a direct link with the Borough, either being currently in work in the Borough, or through having lived in the Borough for a period of at least [one] year in the last five. This occupancy criteria shall apply each time a residential unit becomes available for sale or rent for a minimum period of three months from the date that a residential unit is first made available for sale/rent, providing that initially the expiration of this period may commence no earlier than two months before the anticipated practical completion of time in which the residential units.

CASE OFFICER: Stephen Allen

- Appendix 1:** Site Location Plan
- Appendix 2:** Proposed Site Layout and Floor Plans
- Appendix 3:** Proposed Elevations and Sections
- Appendix 4:** Landscape Proposals
- Appendix 5:** Visual Representations

**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 October 2011

Subject Heading:

**P1351.11 – Dame Tipping School,
North Road, Havering-Atte-Bower**

**Erection of a 3m high green mesh
fence to provide secure play area on
field to the rear of school including a
hard surfaced play area (application
received 17/06/2011).**

Report Author and contact details:

**Helen Oakerbee, 01708 432 800
helen.oakerbee@havering.gov.uk**

Policy context:

Local development Framework

Financial summary:

None

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

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 type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This proposal is put forward before the committee due to the application site being in Council ownership. This report concerns an application for full planning

permission for the erection of 3m high mesh green fencing to create an enclosed play area, part of which would be hard surfaced to cover an area of 275 square metres.

Staff consider that the proposal would accord with relevant policies contained in the LDF Core Strategy and the Development Control Policies Document Plan. Approval is therefore recommended, subject to planning conditions.

RECOMMENDATIONS

Subject to the expiration of the consultation period on 7th October 2011 and the consultation responses raising no new material consideration than those already considered by Committee it is recommended that the Committee delegate to the Head of Development and Building Control authority to grant planning permission, subject to the following conditions, provided that: no new material consideration are raised before the expiration of the consultation period than those already considered by Committee and if there are the matter be remitted back to Regulatory Services Committee for its further consideration and resolution:

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 Core Strategy and Development Control Submission Development Plan Document Policy DC61.

3. Details of materials: Before any of the development hereby permitted is commenced, details of all fencing, including the colour, and hard-standing shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason:-

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

4. Floodlighting: No lighting to the tennis court shall be installed without the prior written consent from the Local Planning Authority.

Reason:-

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

5. Ancillary use: The secure play area hereby permitted shall be used ancillary to Dame Tipping Primary School only.

Reason:-

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

6. Hours of use: The secure play area shall not be used for the purposes hereby permitted other than between the hours of 08:30 and 17:00 on Mondays to Fridays and not at all on Saturdays, Sundays and Bank or Public holidays without the prior consent in writing of the Local Planning Authority.

Reason:-

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

INFORMATIVES

INFORMATIVE:

1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC45, DC61, DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document.

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

REPORT DETAIL

1. Site Description

- 1.1 The site lies to the west of North Road and presently comprises an open field which lies behind Dame Tipping primary school, which is locally listed. The site has vehicular access via North Road and is accessible by footpath from the north, west and south.
- 1.2 The site is located within the designated Metropolitan Green Belt, Havering Ridge Special Character Area and the front of the site, including all school buildings, but not the playing fields are also within the Havering-Atte-Bower Conservation Area.

2. Description of proposal

- 2.1 Permission is sought for 3m high mesh green fencing to create an enclosed play area. This measures a minimum of 33m wide (southern edge) and 45m deep (eastern edge) and a maximum of 52m wide (northern edge) and 54m deep (western edge). The play area itself would measure 11m wide and 25m deep (total area of 275 square metres), this would be formed from green coloured tarmac and is positioned to the south of the enclosed area adjacent to the entrance gates, which measure 4m wide. It would be situated to the rear of the existing car park, behind North Road and the school buildings.

3. Relevant History

- 3.1 P0647.11 – Erection of a mesh fence, gates and associated works to create new play area – withdrawn.

P0950.11 - Erection of 3m high green mesh fence to provide secure play area on field at rear of school – withdrawn.

4. Consultations/Representations

- 4.1 Neighbour notification letters were sent to 17 properties. At the time of writing this report, the 21 days for neighbour notification has not expired and no representations had been received. At the time of the committee date, the consultation period will have expired; any representations received will be reported verbally to Members. The site notice is dated 16th September and will expire the 7th October, and press publicity will expire on the 7th October, both of which are after the committee date. Staff therefore request that authorisation be given for the Head of Development and Building Control to grant planning permission subject to the conditions set out at the end of this report, provided that no representations are received. In the

event that representations are received, the Head of Development and Building Control, after considering the representation, be authorised to grant planning permission provided such representations do not raise any new material considerations which have not been considered within this report. In the event that new material considerations are so raised, the application shall be referred back to the Regulatory Services Committee for determination.

5. Relevant Policies

- 5.1 Planning Policy Guidance Note 2 (Green Belts), PPS5 (Planning for the Historic Environment) and Policies DC45 (Appropriate Development in the Green Belt), DC61 (Urban Design) and DC69 (Other areas of Special Townscape or Landscape Character) of the LDF Core Strategy and Development Control Policies DPD are considered relevant.

6. Staff Comments

- 6.1 This proposal is put forward before the committee as the site comprises land owned by the Council. The planning issues to be considered by Members in this case are the principle of development, impact within the Green belt and Historic Environment, streetscene and residential amenity.

6.2 Principle of Development

- 6.2.1 The site is wholly located within the Metropolitan Green Belt which is generally restrictive. The overriding objective of the Green Belt is to prevent urban sprawl, safeguard the countryside from encroachment and preserve the setting and character of historic towns. Paragraph 3.2 of PPG2 states that inappropriate development, by definition, is harmful to the character of the Green Belt. This policy provides guidance for appropriate development in the Green Belt, of which fencing and hard surfacing is not amongst them. The provision of fencing and hard surfacing in the Green Belt is therefore inappropriate. Where development is judged to be inappropriate, very special circumstances should be provided which outweigh the in-principle harm together with any other harm to the openness of the Green Belt. Paragraph 3.15 states that the visual amenities of the Green Belt should not be injured by proposals which may be visually detrimental by reason of their siting, materials and design.

6.3 Green Belt Implications

- 6.3.1 The site is located to the rear of the school and surrounding residential dwellings and commercial buildings, which form part of the Havering-Atte-Bower village core. This area, whilst also located within the Metropolitan Green Belt is of a different character than the surrounding fields to the north, west and south which are distinctly rural in nature. The proposed location of the fencing and hard standing is positioned to the southern edge of the field behind the school and directly adjacent to the existing car park which Staff consider to be part of the built up village core.

- 6.3.2 The surrounding ground levels drop away from the site running to the west. The field boundaries are divided by traditional hedge rows, mature and substantial trees. This provides limited views between neighbouring fields, although gaps in the screening do allow for unobstructed views across the open countryside. The position of the fencing would result in a loss of openness to the Green Belt given the existing open field. In terms of harm, at 3m high, the proposals would be lower than a single storey structure and in combination with the open mesh design (details of which are required by condition) is not considered to be materially harmful in this location as the fencing would allow for views into and out of the secure play area. The position of the fencing against the built up village core is also considered to mitigate against the enclosure of the open field.
- 6.3.3 The majority of the play area would remain grassed with the proposed hard-standing confined to the south east corner, nearest the school buildings and car park. Details of this hard-standing are sought via condition to ensure it is of an appropriate quality, however, it has been confirmed by the applicant that it would be finished in green as to minimise its visual impact. The proposals would not result in a loss of openness and do not involve the loss of any trees or boundary landscaping and the play area is not proposed to be flood lit and this will be secured by condition.
- 6.3.4 With regard to very special circumstances, the existing school does not benefit from a secure, enclosed play area. The existing car park to the rear of the school doubles up as a hard surfaced play ground with open fields behind. These areas are not subdivided and are effectively a shared surface. The car park and rear of the school is also a public right of way, which leaves the school vulnerable. Understandably the school has concerns over the existing safety and protection of those at the school in an undefined, unenclosed play area. The fencing would enclose an area, gated to provide secure access controlled by school staff so that children could play outside in a secure environment. Staff consider this, with the open design of the fencing, sufficient very special circumstances in this instance to outweigh the in-principle harm to the Green Belt. Members are invited to apply their judgement to this aspect of the proposal.

6.4 Impact on Amenity

- 6.4.2 The public rights of way lie to the outside edge of the site, away from the proposed enclosure, and these would remain unaffected by the development.
- 6.4.3 The proposed fencing and hard standing is located approximately 16m rearward from the rear gardens of the nearby properties fronting onto North Road. Staff acknowledge that children outside would create an element of noise, however, the rear of the site is currently used for playing and residents living next to a school would expect a certain level of noise in any instance. Staff consider the separation distance and the dividing mature boundary screening which would act as a noise buffer in any instance,

acceptable as to not result in a harmful loss of residential amenity. Staff further consider that a condition be attached restricting the use of the play area to be ancillary to the school, rather than open for general use.

6.5 Conservation Area Implications

6.5.1 The site lies adjacent to the Havering-Atte-Bower Conservation Area. LDF Policy DC68 states that planning permission will only be granted where a development preserves or enhances the appearance of a Conservation Area. Government policy contained within PPS 5 advises that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. A development of this nature is not considered to materially impact the character of the Conservation Area as it would not be visible from North Road.

6.5.2 The school dates from 1891 and is locally listed. From North Road, the single storey attractive Victorian buildings are visible which form part of the streetscene. To the rear of the school, this character changes and is typified by later extensions and pre-fabricated buildings which provide additional accommodation. This view of the school is also dominated by the hard standing to the south which provides parking and an informal play area for students. This rear portion of the site is therefore not considered to contribute positively to the locally listed nature of the building. Staff therefore consider that the fencing and hard standing would not detract from the setting of the school.

6.6 Highway/Parking

6.6.1 The site lies adjacent to the school's existing parking area. The fencing would enclose an area of playing field and would have no implications on either the highway access or existing parking situation.

6.8 Conclusions

6.8.1 The site is sufficiently screened by mature trees and its physical distance from surrounding properties as to not result in adverse harm to either the open character of the Green Belt or the Havering-Atte-Bower Conservation Area. In view of the above factors, staff consider that the proposal accords with the provisions of LDF Policy DC45, DC61 and DC68 and PPG2 and may be granted permission subject to conditions.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: None

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to Equalities and Diversity. The existing school is without a secure, enclosed play area, where the play area is currently share with parked cars. The proposals would introduce a level of security for the school which would be controlled by Staff, whilst not affecting the public right of way which runs across the site.

BACKGROUND PAPERS

Application forms, site plan, received 12th August 2011

**REGULATORY
SERVICES
COMMITTEE**

REPORT

4 October 2011

**SUBJECT: STOPPING UP OF HIGHWAY AT LAND ADJACENT TO 49-59
TURPIN AVENUE, ROMFORD**

1. SUMMARY

This report relates to an application for the stopping up of highway received on 18th July 2011, to enable the following proposals pursuant to planning reference P0302.11 to be carried out. The planning permission reference P0302.11 involves the demolition of and existing 7 garages and the erection of 5 houses with associated parking.

The developers have applied to the Council under S.247 of the Town and Country Planning Act 1990 (as amended) (“the Act”) to stop up areas hatched black on the plan (Reference: 8430-90-1021) annexed to this report so that the development can be carried out. The Council’s highway officers have considered the application and consider that the stopping up is required to enable the planning permission granted under planning reference P0302.11 to be carried out.

2. RECOMMENDATIONS

Subject to the developer paying the Council’s reasonable charges in respect of the making, advertising, confirmation of the stopping up order pursuant to Regulation 5 of The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 that:-

1. The Council makes a Stopping Up Order under the provisions of s.247 Town and Country Planning Act (as amended) in respect of the area of adopted highway hatched black on the attached plan as the land is required to enable development for which the Council has granted planning permission granted under planning reference P0302.11 to be carried out.

2. In the event that no relevant objections are made to the proposal or that any relevant objections that are made are withdrawn then the Order be confirmed without further reference to the Committee.
3. In the event that relevant objections are made by other than a Statutory Undertaker or Transport Undertaker and not withdrawn that the application be referred to the Mayor for London to determine whether or not the Council can proceed to confirm the order.
4. In the event that relevant objections are raised by a Statutory Undertaker or Transport Undertaker and are not withdrawn the matter may be referred to the Secretary of State for their determination.

3. REPORT DETAILS

- 3.1 On 7th April 2011 the Council resolved to grant planning permission (under planning reference P0302.11) for a development comprising the demolition of and existing 7 garages and the erection of 5 houses with associated parking.
- 3.2 The stopping up is necessary in order that the development can be implemented and it involves the stopping up of the existing lay-by and realignment of the footpath which will enable the development to be carried out.
- 3.3 The proposed scheme involves building on land which includes areas of adopted highway (including carriageway and footway). In order for this to happen, the area of the highway hatched black on the attached plan needs to be formally stopped up in accordance with the procedure set out in the Town and Country Planning Act 1990 (as amended). The stopping up order will not become effective however unless and until it is confirmed.
- 3.4 Section 247 (2A) of the Town and Country Planning Act 1990 allows a London borough to make an order authorising the stopping up of any highway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission.
- 3.5 The Council makes the necessary Order, advertises it, posts Notices on site and sends copies to the statutory undertakers. There is then a 28 day period for objections to be lodged. If there are no objections or any objections that have been made are withdrawn the Council can confirm the Order, thereby bringing it into legal effect. If objections are made and not withdrawn then the Council must notify the Mayor of London of the objections and the Mayor may determine that a local inquiry should be held. However under Section 252(5A) of the 1990 Act the Mayor of London may decide that an inquiry is not necessary if the objection/s are not made by a local authority, statutory undertaker or transport undertaker and may remit the matter to the Council for confirmation of the order. If however a

Statutory Undertaker of Transport Undertaker makes a relevant objection which is not withdrawn then the matter may be referred to the Secretary of State for determination.

4 Financial Implications and Risks:

- 4.1 The costs of the making, advertising and confirmation, should the order be confirmed will be borne by the developer pursuant to The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000.

5 Legal Implications and Risks:

- 5.1 Legal Services will be required to draft the Stopping Up Order and notices.

6 Human Resources Implications and Risks:

- 6.1 None directly attributable to the proposals.

7 Equalities and Social Inclusion Implications:

- 7.1 None directly attributable to the proposal.

8 Conclusion

- 8.1 The proposed stopping up relates to an area of highway the stopping up of which is necessary to facilitate the development of 5 dwellings pursuant to planning permission reference P0302.11. It is therefore recommended that the necessary Order is made and confirmed.

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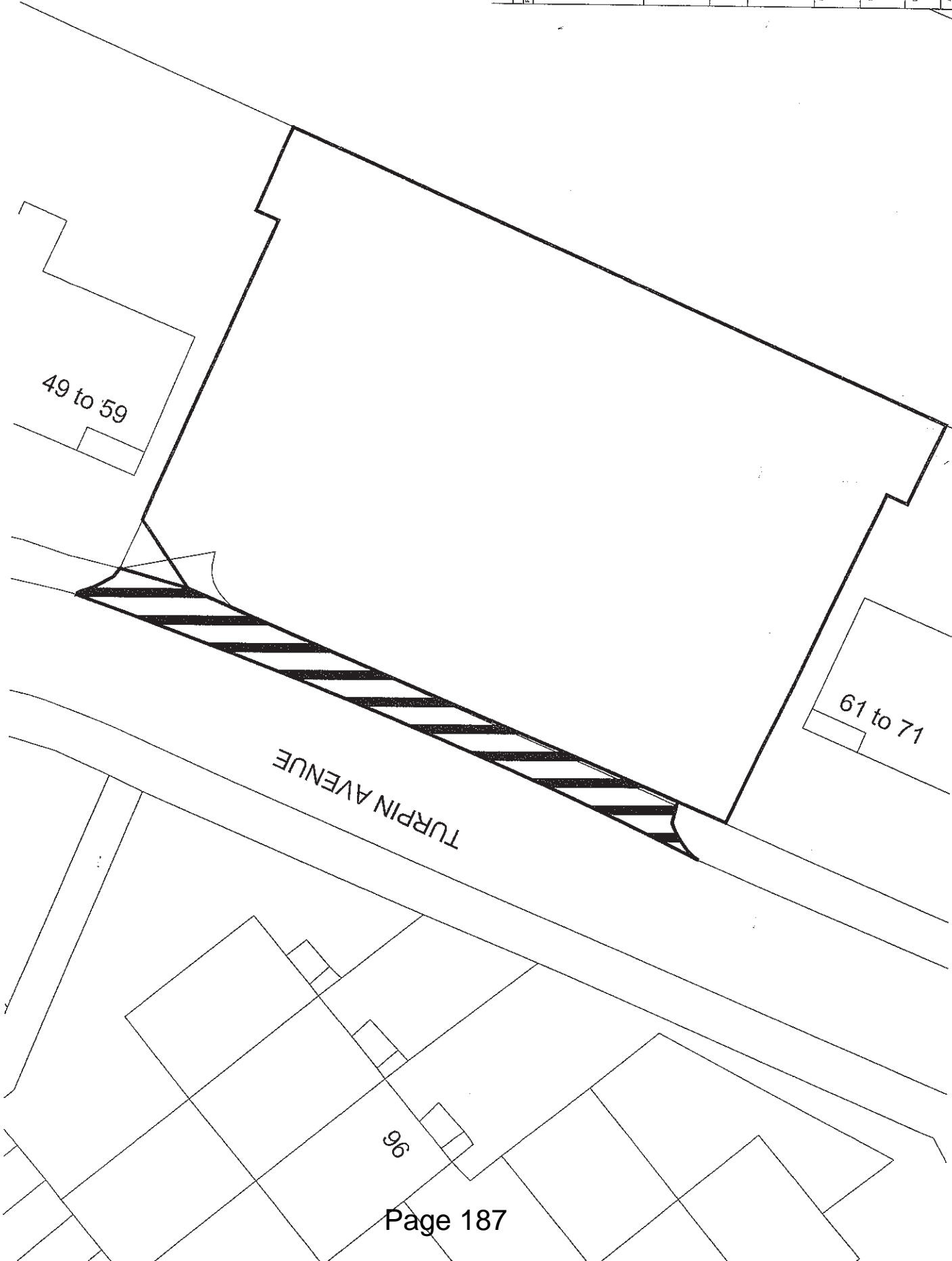
CHERYL COPPELL
Chief Executive

Background Papers List

1. Report of Regulatory Services Committee which granted planning permission under planning reference P0302.11.
2. Plan (Reference 8430-90-1021) showing the area to be stopped up

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Project Details Turpin Avenue Havering (Package 2)			
Client Hill Partnerships Ltd			
Drawing Section 247 Stopping Up Plan New Footpath Sheet 3			
Date June 2011			
Scale	1/200 @A3	Drawn By D. M. G.	Checked By L. M.
Drawing No.	84-30-90-1022	FOR COMMENT ONLY	
All dimensions must be size checked			

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**REGULATORY
SERVICES
COMMITTEE**

4 October 2011

Subject Heading:

Land between Viking Way and Upminster Road South, Rainham (P1070.11)

Deed of variation to alter the obligations in a section 52 Agreement (planning agreement) under the Town and Country Planning Act 1971 relating to the provision of public car parking spaces in a separate car park for use by the general public and substituting a planning obligation under Section 106 of the Town and Country Planning Act 1990 to require alternative parking reserved for use by the general public.

CMT Lead:

Ian Burns

Report Author and contact details:

Vincent Healy (01708 43 2467)

Policy context:

Section 106A Town and Country Planning Act and Local Development Framework

Financial summary:

None

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

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

SUMMARY

The Council and the owners of the Tesco Store at Rainham agree to vary the terms of the section 52 agreement made pursuant to planning reference P0060.88. The original planning agreement was entered into prior to the granting of planning permission for the original Tesco Rainham store. That agreement, amongst other things, required the Applicant to provide 52 car parking spaces for use by the general public and to maintain access and exit to and from the car park to facilitate public use. As part of the construction of the new road (Planning Reference P1070.11) linking Viking Way and Upminster Road South highways works to enable the introduction of a one-way system through Rainham Village the existing car park used by the public is being realigned and constructed. Therefore a deed of variation is required under Section 106A of the Town and Country Planning Act 1990 (as amended) to amend the original planning agreement to require the Applicant by planning obligation under Section 106 of the Town and Country Planning Act 1990 to reserve 32 car parking spaces, to be provided pursuant to planning permission (P1070.11) for general public use and maintain appropriate access and egress in substitution for the existing public car park.

Staff are of the view that a Deed of Variation and obligation under Section 106 are acceptable, and it is recommended that the Assistant Chief Executive of Legal and Democratic Services be given authority to enter into the necessary agreement.

RECOMMENDATIONS

That the Assistant Chief Executive of Legal and Democratic Services be authorised to:

1. Enter into a Deed of Variation pursuant to section 106A of the Town and Country Planning Act 1990 ("the 1990 Act") to amend the obligations of a section 52 Agreement entered into by the Applicant (Tesco Stores Limited) and the Council on 11th January 1989, deleting clause 3(c) of the said Section 52 Agreement and substituting an obligation under Section 106 of the 1990 Act requiring the Applicant to reserve the car park to be constructed pursuant to planning permission reference P1070.11 (Drawing Reference JC9059A0/VW/PH/001, attached) comprising 32 car parking

spaces for general public use and to maintain appropriate access and exit for the public to facilitate public use of the car park; and

2. Save for consequential amendments to the Section 52 Agreement dated 11th January 1989 all other covenants and recitals of that agreement remain unchanged.

REPORT DETAIL

On 25 August 2011, the Council's Regulatory Services Committee granted planning permission under planning reference P1070.11 for the construction of a new road linking Viking Way and Upminster Road South to enable the introduction of a one-way system through Rainham Village in association with alteration to access arrangements to the Tesco store together with reconfiguring the store car park and providing separately 32 car parking spaces for the public. The proposed car park parking will be separate from the Tesco customer car park and will have its own access and exit.

The original planning permission for the Tesco Rainham store was granted under planning reference P0600.88. That planning permission was subject to a Section 52 Agreement (forerunner to a Section 106 agreement) dated 11th January 1989 which amongst other things required the Applicant (Tesco Stores Limited) under clause 3(c) of the agreement from the date of transfer of the Property to the Applicant:-

"if the intended arrangement having been brought into operation proves, in the Applicant's opinion, not to be workable and the Applicant, in its discretion, decides to discriminate in favour of the Applicant's customers (by whatever means, direct or indirect) then the Applicant shall not implement any such discrimination unless it shall have first reserved and designated not less than 52 car parking spaces within the car park, but divided and separated from the remainder of the car park, for use by the general public as aforesaid without any discrimination and provide an appropriate access and exit for this public car park area for the general public as aforesaid without any discrimination all such matters having been first approved by the Council....."

In essence clause 3(c) of the original agreement requires the Applicant to reserve 52 car parking spaces for general public use in a separate car park, from the customer car park, with appropriate access and egress should the applicant implement any discrimination in favour of customer use and against general use of the "customer" car park, (such discrimination being entirely at the Applicant's discretion).

The current planning obligation in clause 3(c) of the Section 52 Agreement requires 52 car parking spaces to be reserved for use by the general public. Currently the existing car park which has 54 spaces is underused and staff are of the view that a reduction in the number of spaces will not be harmful. Further as a result of highway works being taken forward separately from the approved scheme to construct the new link road (planning reference P1070.11) 14 additional parking

bays are to be provided along Upminster Road South which will mitigate against the loss of parking.

CONCLUSION

The existing planning obligation under the previous planning act requires variation under Section 106A of the 1990 Act to delete clause 3 (c) and a further planning obligation under Section 106 of the 1990 Act is required in order to ensure that 32 car parking spaces are reserved for general public use in a separate public car park with appropriate separate access and egress points to be constructed pursuant to the planning consent granted under planning reference P1070.11 (to construct amongst other things a new road linking Viking Way and Upminster Road South).

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal Resources will be required for the drafting of the Deed of Variation and the new section 106 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

Regulatory Services Committee Agenda dated 25th August 2011
Regulatory Services Committee Agenda dated 16th December 2010
Section 52 Agreement with Tesco Stores Limited dated 11th January 1989



- Traces of land affected by bus stop realignment
- Carriageway
- Council Car Park (Not to be dedicated as public highway).
- Footway/footpaths
- Highway grassed area

U	Rev.	Date	Purpose of revision	AS	TD	AC
				Drawn	Checked	Approved

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Client
 London Borough of Havering

Project
 Viking Way & Uppminster Road South
 Reller Road

Drawing title
 Land to be Dedicated as
 Public Highway

Drawing status
 DRAFT SKETCH ONLY

Scale
 1:1000

Sheet No.
 JC9059A0

Drawing number
 JC9059A0/VW/PH/001

Rev
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